

THE LONDON BOROUGH OF WALTHAM FOREST

(FOREST ROAD ACCESS IMPROVEMENT)

COMPULSORY PURCHASE ORDER 2007

ACQUIRING AUTHORITY'S

STATEMENT OF REASONS

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STATEMENT OF REASONS

1 INTRODUCTION

- 1.1 The London Borough of Waltham Forest ("the Council") has made the above Order ("the Order") and is about to submit it to the Secretary of State for Transport for confirmation. The making of a Compulsory Purchase Order was approved by the Council's Cabinet on 21 November 2006 and the Order itself was made on 18 January 2007.
- 1.2 Under the Highways Act 1980 ("the 1980 Act") the Council being a local highway authority may, inter alia, acquire land and rights required for the construction of a highway, which is to be maintainable as a highway at the public expense. That power extends to the compulsory acquisition of land required to mitigate the adverse effect of the highway (in this case replacement car parking) and to land needed in connection with the construction or improvement of the highway.
- 1.3 In addition, the Council has power under Section 124 of the Highways Act 1980 to make an order to stop-up a private access on to a highway. That power is not the subject of this Order but is relevant in understanding the need for it.
- 1.4 The Council is seeking authorisation under the 1980 Act to assemble in its ownership various interests in land for the purpose of constructing a new road. This is described in section 2.

2 THE NEW ROAD

- 2.1 The new road would start from approximately 162 metres west of the junction of Forest Road (A503), Blackhorse Road (A1006) and Blackhorse Lane (B179) ("the Royal Standard Junction") and continue in a northerly direction to the northern boundary of the commuter car park owned by London Underground Limited on the north side of Forest Road. This section would be an 8 metre wide carriageway approximately 72 metres in length, flanked by two 2 metre wide footways and would have street lighting and highway drainage. It would then sweep round in an easterly direction to front the Forest Works industrial units which are situated to the north of Forest Road (A503) and to the north-west of the Royal Standard Junction.

- 2.2 This easterly section would be an 8 metre wide carriageway approximately 123 metres in length, with one 2 metre wide footway to the north, which would have a continuous dropped kerb that affords vehicular access to the forecourts of the commercial units. Part of this section would have street lighting and highway drainage. To the south of this section, 12 longitudinal car parking spaces would be provided adjacent to the northern boundary of the commuter car park. At the eastern end of this section of road a turning area would be provided to accommodate the turning of a large rigid vehicle such as a refuse freighter or fire tender at the terminal point of the road. The bend taking the road to the front of the commercial units would be wider than the bend on the existing access road at the western end of the units. The new bend would allow two 15.5 metre long articulated vehicles to pass without having to encroach over the centre line.
- 2.3 The existing accesses to the Forest Works and to the commuter car park would be closed by agreement or through an order promoted by the Council under Section 124 of the Highways Act 1980.
- 2.4 The area of land at the eastern end of the Order lands beyond the proposed turning head is not required for the road itself but would be laid out to provide replacement car parking spaces for those lost by construction of the new road. The Council would also provide a permissive path through this parking area which would secure a safe pedestrian-only access from a point close to the Royal Standard junction and Blackhorse Road Station, but separated from the carriageway.

3 **THE ORDER LANDS**

- 3.1 The Order Lands comprise a total of 6,458 square metres within the London Borough of Waltham Forest to the north west of Blackhorse Lane Underground Railway Station bounded by Forest Road to the south, Wickford Way to the west, the Standard public house to the east and the Forest Works industrial units to the north.
- 3.2 The Order lands are currently used as part of the commuter car park owned by London Underground Limited, a private access road which serves the Forest Works units and a number of hardstanding areas adjacent to the private access road and in the same ownership which are used for parking.
- 3.3 New rights would be acquired over 2,128 square metres of the Order lands described above being part of the LUL car park, the forecourt areas of the four industrial units comprised in Forest Works and an additional area of hardstanding associated with unit 4 of Forest Works. These would be for all purposes associated with the construction of the new road, including demolition, the storage of materials, removing and erecting boundary structures and

accommodation works for the new road. It is anticipated that no permanent rights would be required over those plots identified for rights (the areas shaded blue on the CPO map) and they would be released to their owners as soon as possible following completion of construction of the new road.

4 THE AUTHORITY'S PURPOSE IN SEEKING TO ACQUIRE THE ORDER LANDS

4.1 The Order lands are required for the provision of the new road which would form a new combined access for the commuter car park and the Forest Works industrial units. The new junction onto Forest Road would be located at the western end of the commuter car park in a position which is significantly further from the Royal Standard junction. Additional land at the eastern end of the Order lands is required for the provision of parking spaces by way of mitigation of those lost by the construction of the new road. A separate order pursuant to Section 124 of the Highways Act 1980 for the closure of the existing accesses will be promoted with the CPO. These improvements would yield material road safety benefits.

4.2 The new road is also consistent with the aims of the wider strategy for the Blackhorse Lane area, in particular, to manage traffic and encourage sustainable transport, and to develop a new neighbourhood centre around the station.

Highway Safety.

4.3 Baseline data indicates that the section of Forest Road between the Royal Standard junction and Wickford Way experiences a high number of personal injury accidents.

4.4 The 339-space commuter car park is located immediately to the north of this stretch of Forest Road, and to the north of this, the Forest Works units. The Forest Works units provide on-site employment for some 200 people as well accommodating visitors, and the site is regularly accessed by long articulated vehicles. The current arrangement generates a significant number of uncontrolled traffic movements through two closely spaced private accesses in close proximity to the Royal Standard Junction. These movements are a major contributory factor to the poor accident record of this stretch of Forest Road.

4.5 Due in part to the location of the Blackhorse Road underground station, a significant number of pedestrians cross this section of Forest Road. This, coupled with the existing uncontrolled accesses, contributes to the unsatisfactory situation on Forest Road between Wickford Way and the Royal Standard junction.

4.6 The new road, with the closure of the existing accesses, is required to address the poor accident record on this stretch of Forest Road (west) between Wickford Way and the Royal Standard Junction. Reducing the number of uncontrolled access points onto Forest Road

that are in close proximity to the Royal Standard Junction would have a positive impact in reducing accidents and improving overall safety for users of the highway

Blackhorse Lane - Wider Strategy

- 4.7 The Council has identified the Blackhorse Lane area as a key site for development in their "Regeneration and Investment Strategy". Further, it has been included within the London-Stansted-Cambridge-Peterborough Growth Corridor under Central Government's Growth Areas Initiative.
- 4.8 Following stakeholder and public consultation the Council has adopted an "Interim Planning Policy Framework" ("IPPF") to meet these objectives and combine housing and employment growth coupled with infrastructure improvements. In the overall scheme, the IPPF identifies capacity for up to 2000 new homes and 1000 new jobs in the Blackhorse Lane area over the next 10 years.
- 4.9 The Council is concerned that the impact of implementation of the developments anticipated by the IPPF would have a significant effect on the Royal Standard junction. The new access road with its relocated junction would deliver significant road safety benefits both in the short term and also in the context of a further series of works which would be required if the wider Blackhorse Lane scheme is implemented.
- 4.10 The objective of these further works is to remove some of the traffic movements at the Royal Standard junction which would achieve a further improvement to the safety and amenity of the junction. Pedestrian crossing facilities would be improved, together with traffic orders to control movement of traffic approaching and navigating the junction. Banned traffic movements would be diverted onto a new road which would serve the proposed new development and the existing industrial development to the north. These improvements would enable the wider development to come forward without any overall increase of capacity in the traffic corridor.
- 4.11 The proposed new access road therefore would not only deliver the required improvements to road safety in the immediate future but would also be consistent with, and would indeed assist, the objectives of the wider Blackhorse Lane strategy, as set out in the IPPF, if those proposals are implemented.

5 FUNDING AND IMPLEMENTATION

- 5.1 Funding for this road project has been secured through allocation under the Borough Spending Plan and Growth Area Funding. This funding is available now and will be committed by March 2008 to enable prompt implementation of the scheme.

- 5.2 The Council is and will remain committed to seeking to acquire all interests by negotiation. However, there is uncertainty as to whether all necessary private treaties can be concluded in the near future, and therefore the Council considers that CPO powers are essential to achieve the objective. It is important to commence the procedure for compulsory purchase of the Order lands to ensure that the timescale imposed by the grant funding arrangements is complied with.

6 **IMPACT AND MITIGATION**

- 6.1 The acquisition of the area of the commuter car park would result in the loss of some 53 car parking spaces on that area. It is not part of the Council's proposals to seek to replace these spaces and the matter would be dealt with as a subject for statutory compensation only. Surveys of use of this car park indicate over half the spaces are used by people living outside the Borough of Waltham Forest and over 40% of the spaces by people coming in from outside the Greater London area. National planning and transport policy aims to reduce off street parking in this type of location in order to discourage journeys by private cars in and around town centres. This is reflected in the Transport policies of the Waltham Forest UDP (notably TSP17) and in the IPPF. The Mayor of London's transport strategy also indicates that car-parking for commuters needs to be limited in order to encourage people onto the more sustainable forms of public transport.
- 6.2 The loss of these spaces would therefore be acceptable, indeed desirable, in Planning and Transport policy terms.
- 6.3 The existing private access road to the Forest Works units would be lost but would be replaced by a new publicly maintained highway which is constructed to adoptable standards with no loss in terms of convenience.
- 6.4 Replacement of parking spaces leased by the tenants of the Forest Works units would be secured partly through the provision of parallel parking on the southern boundary of the new road immediately to the south of the Forest Works units and partly on the area of land at the eastern end of the Order lands, beyond the terminal turning head. This area of land, which is not required for the highway itself, would provide a total of approximately 45 replacement parking spaces. The details and new location of parking spaces will be the subject of consideration through the planning process and negotiations with the land owner and tenants of the Forest Works units.
- 6.5 The parallel parking area at the edge of the new road would comprise approximately 12 replacement spaces and would be the subject of a Controlled Parking Zone which would limit parking for the use of tenants of the Forest Road units.

7 PLANNING CONSIDERATIONS

7.1 The Council has recently submitted a planning application for detailed consent (reference 2006/1503), for the new road which is the subject of this Order. It has undertaken a consultation exercise with relevant owners and other stakeholders and, subject to final determination, is satisfied that the proposals accord with the IPPF for Blackhorse Lane and the national and more local policies referred to in section 6 of this statement. It is important to read the IPPF, as well as any policy framework coming forward as complementary to the Waltham Forest Unitary Development Plan (March 2006), while transitional arrangements exist.

7.2 In terms of the wider strategy for Blackhorse Lane the policies of the IPPF are capable of being material considerations for the purpose of determining planning applications, and bringing forward the local development scheme under the Planning and Compulsory Purchase Act 2004

8 ENVIRONMENTAL CONSIDERATIONS

8.1 The Order lands lie in an Archaeological Priority Zone, as identified in the Waltham Forest UDP. It is anticipated that either prior to the grant of planning permission for the works or in response to a planning condition a scheme of archaeological investigations would be undertaken. The Order lands are within the Lea Valley Special Protection Area (SPA)/Ramsar area and also circa one mile from the Epping Forest Special Area of Conservation (SAC). Indirect environmental impacts over the wider IPPF area are being considered as part of the local development framework process.

8.2 Otherwise there are no environmental considerations to consider, except insofar as the proposals would improve safety at the Royal Standard junction and relieve the current burden on existing highways infrastructure as described above.

9 SPECIAL CONSIDERATIONS

9.1 As indicated above, the Order lands lie in an Archaeological Priority Zone, as identified in the Waltham Forest UDP. The Order lands are within the Lea Valley SPA/Ramsar area and also circa one mile from the Epping Forest SAC. Otherwise there are no special considerations affecting the Order lands such as ancient monuments, listed buildings, conservation areas or consecrated lands.

10 **HUMAN RIGHTS CONSIDERATIONS**

10.1 The Convention rights applicable to the making of the Order are Article 8 and Article 1 of the First Protocol. Article 8 states that:

“Everyone has the right to respect for his private and family life, his home and his correspondence”. Interference is justified, however, if it is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well being of the country, for its prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others.”

10.2 Article 1 of the First Protocol states that

“Every natural or legal person is entitled to peaceful enjoyment of his possessions” and “[n]o 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....”

10.3 The Order is required to enable the Council to assemble in its ownership various interests in land to enable it to comply with the objectives set out in section 4 of this statement. Whilst those occupiers and owners listed in the First and Second Schedules to the Order would be deprived of their property, or affected by the creation of new rights, if the Order is confirmed, this would be done in accordance with law - the Order being made under sections 239, 240, 246 and 250 of the Highways Act 1980. It is also being done in the public interest as required by Article 8 and Article 1 of the First Protocol for the reasons explained in paragraph 4 above. The CPO includes land which offers the means to offer substantial mitigation of any interference with private rights, namely the loss of car parking.

10.4 Article 6 of the Protocol 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.”

The proposals have been extensively publicised and affected owners would have the right to make representations to the Inspector and the Secretary of State at the public inquiry, should an inquiry be necessary.

10.5 For those interests that are acquired or affected, there is a statutory compensation code to ensure that parties whose interests are acquired compulsorily receive appropriate redress.

11 **ASSOCIATED ORDERS**

11.1 An order would be required pursuant to Section 124 of the Highways Act 1980 to stop-up the existing accesses to the Forest Works and commuter car park. This Order will be promoted by the Council in conjunction with the compulsory purchase order.

12 **DOCUMENTS**

A list of the documents, maps and plans which relate to the Order is attached to this Statement. These can be inspected in the following location:

Waltham Forest Town Hall

Forest Road

Walthamstow

London E17 4JF

13 **STATUS OF THIS STATEMENT**

13.1 This Statement is not intended to discharge the statutory obligations of the Council to provide a Statement of Case should the Secretary of State hold a public inquiry into the Order.

13.2 Statutory notices have been served on affected owners and will appear in the Waltham Forest Guardian, inviting objections to the Secretary of State for Transport, Local authority Orders Section, Government Office for the North East, Citygate, Gallowgate, Newcastle Upon Tyne, NE1 4WH before 19 February.

14 **CONTACT DETAILS**

Should anyone require further information on this project generally, or on the compulsory purchase proposals specifically, then they may wish to contact:

Ms J Carlson

Regeneration Manager

London Borough of Waltham Forest

Waltham Forest Town Hall

Walthamstow

London E17 4JF

LONDON BOROUGH OF WALTHAM FOREST

18 January 2007

The Compulsory Purchase Order and the Map referred to therein;

A Statement of Reasons for making the Order;

Blackhorse lane Regeneration: Station Hub Project Compulsory Purchase of Land
Report to Cabinet 21st November 2006

London Borough of Waltham Forest Minutes of the Meeting of Cabinet Tuesday 21
November 2006

Copy of the planning application for the scheme and supporting documents;

Waltham Forest Unitary Development Plan (March 2006)

Waltham Forest Local Implementation Plan (Draft 2006)

Waltham Forest Working Together. Community Strategy 2012

Waltham Forest Regeneration and Investment Strategy (October 2004)

Blackhorse Lane – Fulfilling the Potential. Interim Planning Policy Framework –
(September 2006)

Station Hub and Waterfront Planning and Design Brief - final consultation draft

Blackhorse Lane Area Action Plan – Transport and Access Infrastructure Study Final
Report and Appendices May 2005 (JMP)

Waltham Forest Local Development Scheme (2005)

Department for Transport/ODPM Guidance - including RPG9, PPG3 and PPS3, PPG4
and PPG13

London Plan

Mayors Transport Strategy and Waltham Forest's Local Implementation Plan

North London has a sub-regional development framework

A list of further documents which the Council may wish to refer to in evidence will
be supplied in due course.