

**Local Authority Orders**

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For the attention of Mr D Hemming

Your ref: 1903189/DMH

Our ref: DN5011/55/7/5 & DN5011/60/1/6

Date: 29 August 2008

Sir

HIGHWAYS ACT 1980

ACQUISITION OF LAND ACT 1981

THE TRANSPORT FOR LONDON (A406 – BOUNDS GREEN ROAD TO GREEN LANES SAFETY AND ENVIRONMENTAL IMPROVEMENTS) (SIDE ROADS) ORDER 2007 ("the SRO")

THE TRANSPORT FOR LONDON (A406 – BOUNDS GREEN ROAD TO GREEN LANES SAFETY AND ENVIRONMENTAL IMPROVEMENTS) COMPULSORY PURCHASE ORDER 2007 ("the CPO")

1. I am directed by the Secretary of State for Transport ("the Secretary of State") to refer to the concurrent Public Local Inquiries held at Trinity-at-Bowes Methodist Church, Palmerston Road, London N22 8RA between 11-13 March 2008 before Mr A L Roberts CB CBE AFC FRAES, an Inspector appointed by the Secretary of State to hear objections to and representations about the above named Orders submitted by Wragge & Co on behalf of Transport for London ("TfL").

2. The SRO and CPO if confirmed by the Secretary of State would, respectively, authorise TfL to:-

- (i) improve lengths of highway; stop up highways, construct new highways (and for transfer of certain of new highways to highway authorities specified in the Order), stop up private means of access to premises and provide new means of access in connection with the A406 North Circular Road which TfL propose to improve from a point 138 metres south west of its junction with the A109/Station Road/Bounds Green Road in the London Borough of Haringey to a point 13 metres east of its junction with Connaught Gardens in the London Borough of Enfield; and
- (ii) compulsorily acquire land for the improvement of the road referred to at (i) above; the construction of new highways, the improvement of existing highways and the provision of new means of access to premises in pursuance of the SRO mentioned at (i) above, use by the said TfL in connection with the above works; to mitigate the adverse effects which the existence or use of the highways proposed to be

improved will have on their surroundings; and for the giving as exchange land for land which is to be compulsorily acquired which is public open space.

## THE INSPECTOR'S REPORT

3. At the opening of the Inquiries three objections (two statutory and one non-statutory) to the CPO were outstanding, one of which was subsequently withdrawn. There were no outstanding objections to the SRO. Two objectors appeared at the Inquiries. The Inspector has considered all the objections to and representations about the Orders both as made in writing and presented orally at the Inquiries and has submitted his report to the Secretary of State. Two copies of that report are enclosed with this letter. References in this letter to the Inspector's report are indicated by the abbreviation "IR" followed by the paragraph number in the report.

4. The Inspector's report summarises the case for TfL at IR 3.1 – IR 3.18.6. The case for the Supporters of TfL's scheme is summarised at IR 4.1 – IR 4.6. The case for the objectors, and of TfL's respective responses to those objections, is summarised at IR 5.1 – IR 5.3.10. The Inspector's conclusions are detailed IR 6.1 – IR 6.100 whilst his recommendations are given at IR 7.1.

## OBJECTIONS TO THE PROPOSALS

5. The main grounds of objection to TfL's proposals were:-

- The widening of the A406 in order to provide for a cycleway and a lane for traffic turning right into Wilmer Way is unnecessary.
- The consequent loss of trees and verges would result in an unjustified loss of visual amenity and privacy.
- Noise and pollution would be greater than suggested by TfL.
- Congestion on the Wilmer Way approach to the A406 would be increased.
- Without hard shoulders being provided, unnecessary congestion would occur on the A406.
- Large lorries should not be allowed on the A406.
- The demolition of residential properties would be inappropriate and unnecessary.
- Pedestrians crossing the A406 would be more vulnerable and community severance would be increased.
- Better alternative design schemes have not been fully explored and should be investigated by independent consultants.

## SUPPORT FOR THE PROPOSALS

6. The Governors of Bowes Primary School strongly support TfL's scheme as it includes beneficial features important to the school, namely its coach bays, pedestrian crossings and also in that it proposes that the junction of Stanley Road with the A406 is

closed and the little used and unsightly footbridge which presently overlooks the school would be removed.

## THE INSPECTOR'S CONCLUSIONS AND RECOMMENDATIONS

7. A copy of the Inspector's conclusions and recommendations can be found at Annex B to this letter.

8. In light of his conclusions the Inspector has recommended at IR 7.1 that the CPO be confirmed subject to modifications as indicated at IR 6.95 and at IR 7.2 that the SRO be confirmed as made.

## MODIFICATIONS

9. Rather than substitute pages of the Schedule to the CPO and its plan 5, the Secretary of State is to otherwise effect those same modifications which are to be made to the CPO, to reflect that TfL have concluded that it would not be necessary to acquire the whole of the Ritz Parade, with only a small section of the frontage of the Ritz Parade now proposed to be compulsorily acquired, by modifying directly the sealed CPO and its plan 5. The details of these modifications can be found at Annex A to this letter.

## THE DECISION OF THE SECRETARY OF STATE

10. The Secretary of State has considered carefully all the objections to, and representation about, the Orders. She has considered the Inspector's report and accepts his conclusions and recommendations as referred to in paragraph 8 above.

11. The Secretary of State has carefully considered whether the purposes for which the CPO is required sufficiently justify interfering with the human rights of the objectors, owners and lessees and she is satisfied that they do. In particular, she has considered the provisions of Article 1 of The First Protocol to the European Convention on Human Rights. In this respect, the Secretary of State is satisfied that in confirming the CPO a fair balance has been struck between the public interest and interests of the objectors, owners and lessees.

12. The Secretary of State does not consider that the objections, singly or together, constitute grounds for not proceeding with the proposals, and accepts that the modifications mentioned in paragraph 9 above are necessary and that they should be made. For these reasons she has decided to confirm -

- (i) The Transport for London (A406 – Bounds Green Road to Green Lanes Safety and Environmental Improvements) (Side Roads) Order 2007 as made; and
- (ii) The Transport for London (A406 – Bounds Green Road to Green Lanes Safety and Environmental Improvements) Compulsory Purchase Order 2007, as modified by her,

and this letter constitutes her decision to that effect.

## COMPENSATION

13. Details of compensation arising as a consequence of confirmation of a compulsory purchase order are for negotiation with the acquiring authority and not the Secretary of State. Accordingly, owners and occupiers of land included in the CPO will need to be approached by the TfL about the amount of compensation payable to them in respect of their interests in the land required for the proposals. If the amount cannot be agreed the matter may be referred for determination by the Lands Tribunal under the Lands Tribunal Act 1949 and the Land Compensation Act 1961.

## AVAILABILITY OF DOCUMENTS

14. A copy of this letter, together with a copy of the Inspector's report has been sent to outstanding objectors, their representatives, supporters and those who made representations. Copies will be made available on request to any other persons directly concerned. Please arrange for a copy of the Inspector's report and of this letter to be made available for inspection at the offices of TfL and at all other places used to deposit the Orders for public inspection at making stage. Any person entitled to a copy of the Inspector's report may apply to the Secretary of State for Transport, at this address within 6 weeks of the receipt of this letter, to inspect any document, photograph or plan submitted by the Inspector with the Inspector's report. Those documents, photographs or plans, are retained at this office, and will be made available at a local place of inspection.

## RIGHT OF CHALLENGE

15. Notice is to be published of confirmation of the Orders. Any person who wishes to question the validity of the confirmed Orders, or any particular provision contained therein, on the grounds that the Secretary of State has exceeded her powers or has not complied with the relevant statutory requirements in confirming the Orders may, under the provisions of Schedule 2 to the Highways Act 1980 and section 23 of the Acquisition of Land Act 1981, do so by application to the High Court. Such application must be made within six weeks of publication of the notice that the Orders have been confirmed. The High Court cannot entertain an application under the said Schedule 2 or section 23 before publication of the notice that the Secretary of State has confirmed the Orders.

I am Sir  
Your obedient Servant

JULIE HUME  
Authorised by the Secretary of State  
to sign in that behalf

**MODIFICATIONS**

**THE TRANSPORT FOR LONDON (A406 – BOUNDS GREEN ROAD TO GREEN LANES SAFETY AND ENVIRONMENTAL IMPROVEMENTS) COMPULSORY PURCHASE ORDER 2007**

Plot 35ab (128 square metres) is reduced in area and subdivided into Plots 35ab and 35aj with respective measurements of 46.5 square metres and 8.6 square metres, the additional wording of “for use as temporary working space” is added to the plot description of Plot 35aj and the Order map is modified accordingly.

Plot 35ac (119 square metres) is reduced in area and subdivided into Plots 35ac and 35ak with respective measurements of 43.5 square metres and 6.0 square metres, the additional wording of “for use as temporary working space” is added to the plot description of Plot 35ak and the Order map is modified accordingly.

Plot 35ad (115 square metres) is reduced and subdivided into Plots 35ad and 35al with respective measurements of 44.1 square metres and 3.5 square metres, the additional wording of “for use as temporary working space” is added to the plot description of Plot 35al and the Order map is modified accordingly.

Plot 35ae (118 square metres) is reduced and subdivided into Plots 35ae and 35am with respective measurements of 52.1 square metres and 1.8 square metres, the additional wording of “for use as temporary working space” is added to the plot description of Plot 35am and the Order map is modified accordingly.

Schedule 1 Table 2 references in column (4) to plot Nos 35ab, 35ac, 35ad, and 35ae, are amended to read 35ab/aj, 35ac/ak, 35ad/al, and 35ae/am.