

**LONDON BOROUGH OF BRENT**

**EXECUTIVE - 7 JANUARY 2004**

FROM THE DIRECTOR OF ENVIRONMENT

**REPORT TITLE : STADIUM ACCESS CORRIDOR PROJECT**

Above  Below   
Confidential Line  
Except for Appendix I

FOR INFORMATION / ACTION

NAME OF WARD  
Tokyngton, Stonebridge

FP REF: ES-03/04-192

**1. SUMMARY**

- 1.1 This report summarises the progress made to date in relation to Section 1 of the Stadium Access Corridor (SAC) project and the associated application for planning permission and promotion of a Compulsory Purchase Order (CPO). The report seeks authorisation for the Council to exercise its statutory powers under the Highways Act 1980 for the compulsory purchase of lands to allow the SAC to proceed.

**2. RECOMMENDATIONS**

- 2.1 That the Executive notes the progress made on the development of the Stadium Access Corridor project.
- 2.2 That the Executive approves the making of a Compulsory Purchase Order under Sections 239, 240, 246, 250 and 260 of the Highways Act 1980 for the purposes of:
- (a) the construction of new highway and the improvement of the highway known as Great Central Way from its junction with Hannah Close, then east along Great Central Way to its junction with South Way and Fourth Way.
  - (b) the improvement of the junction of Fourth Way and South Way with Great Central Way.
  - (c) the provision of new means of access to premises;

- (d) the use by the Council of land in connection with the construction and improvement of the highways as aforesaid;
- (e) the improvement of frontages to the above-mentioned highways or of the land adjoining or adjacent thereto; and
- (f) mitigating the adverse effect which the existence or use of the highways proposed to be constructed or improved as mentioned above will have on the surroundings thereof;

to acquire any or all of the land (or rights over that land) described in the draft of the Order Schedule attached to this report at Appendix II to this report and which is also delineated on the drawing attached at Appendix II.

2.3 That the Executive authorise the submission by the Director of Environment of the Compulsory Purchase Order, once made, to the Secretary of State for Transport for confirmation.

2.4 That the Executive authorise, within the defined boundary of the Compulsory Purchase Order, the Director of Environment to:

- (a) acquire land and/or new rights compulsorily;
- (b) acquire land and/or new rights by agreement either in advance of the confirmation of compulsory purchase powers, if so advised, or following the confirmation of compulsory powers by the Secretary of State;
- (c) enter into agreements and make undertakings on behalf of the Council with the holders of interests in the land subject to the CPO or parties otherwise affected by the proposed scheme setting out the terms for the withdrawal of their objections to the confirmation of the CPO and including the offering back of Order Lands not required by the Council after the completion of the SAC Scheme or the acquisition of rights over the Order Lands in place of freehold acquisition, where such agreements are appropriate;
- (d) make one or more general vesting declarations or serve Notices to Treat and Notices of Entry (as appropriate) pursuant to the Compulsory Purchase (Vesting Declarations) Act 1981 and the Compulsory Purchase Act 1965 respectively should the Compulsory Purchase Order be confirmed by the Secretary of State;
- (e) Serve all requisite notices on the holders of the Order Lands relating to the making and confirmation of the Compulsory Purchase Order;

- (f) Remove from the Compulsory Purchase Order any plot (or interest therein) no longer required to be acquired compulsorily for the scheme to proceed and to amend the interests scheduled in the Compulsory Purchase Order if so advised and to alter the nature of the proposed acquisition from an acquisition of existing property interests to an acquisition of new rights;
- 2.5 That the Executive authorise the Director of Environment to Instruct Counsel and experts to represent the Council and provide evidence at any inquiry into the confirmation of the Compulsory Purchase Order.
- 2.6 That the Executive notes the confidential information in Appendix I of this report and authorises the Director of Environment to seek advice from the Council's appointed consultants in relation to any notice received in respect of the matters contained in the said Appendix I and if so advised by such consultants to serve all relevant notices.
- 2.7 That the Executive authorises the Director of Environment is, if so advised, to seek to acquire for the Council by agreement any interest in land wholly or partly within the limits of the intended Compulsory Purchase Order boundary for the Stadium Access Corridor Section 1 for which a blight notice has been validly served.
- 2.8 That the Executive authorise the Director of Environment to consider, where appropriate or if an approach is made by the owners of relevant lands affected by the proposed highway but not subject to the Compulsory Purchase Order (including those falling within the intended route of Sections 2 and 3 of the Stadium Access Corridor) whether the Council should exercise its powers under Section 246 of the Highways Act 1980 to acquire by agreement any land to mitigate the adverse effect which the existence or use of the Stadium Access Corridor will have on the surroundings of the highway, or the enjoyment of which is likely to be seriously affected by the construction or use of the Stadium Access Corridor, subject to officers reporting on the background and terms of such acquisition to members prior to the acquisition taking place.

### 3. FINANCIAL IMPLICATIONS

- 3.1 The estimated total costs for the entire SAC have risen from £18m to £25m. The secured funding under the Wembley Park SRB scheme is £13.7m. Although final approval of the Wembley Park Board and GOL are still required for the use of the grant funding. Expenditure on the scheme to date is £358k so £13.4m remains available. This position is summarised in the table below:

	<b>Original Budget</b>	<b>Expenditure to Date</b>	<b>Funds Available</b>
Council Contribution	151,771	151,771	0
3-1 SRB 2 Grant	199,316	199,316	0
LDA Single Programme	2,070,000	7,024	2,062,976
SRB 6 Grant	9,300,000	0	9,300,000
Stadium S106	2,000,000	0	2,000,000
	<b>13,721,087</b>	<b>358,111</b>	<b>13,362,976</b>

The Wembley Park SRB Programme ended in March 2003. The unused 3.1 SRB Grant is now available as an LDA Single Programme grant.

- 3.2 For the full SAC scheme there is therefore currently a £11.6 funding gap. It is unlikely at this stage that external funding will be identified and the full burden for the shortfall will lie with the Council through its Capital Programme. No provision has been made within the programme to meet these costs and it is not clear at this stage whether the Council could afford the revenue costs associated with borrowing the money under the new Prudential Regime. Using the same basis of costing applied to the 2004/2005 capital bidding process, the full year revenue costs of bridging this gap could be in the region of £1.35m per annum.
- 3.3 The SAC has been split into three manageable sections. This report relates purely to Section 1 which can be justified in its own right and could be undertaken without committing the Council to progress Sections 2 and 3. However, Members should note the existing planning agreement secured from Wembley National Stadium Limited requires the Council to procure the construction of the SAC and to use its reasonable endeavours to progress the construction of the SAC by no later than 2012. The Council is, by taking a staged approach to the SAC, seeking to comply with its objectives under the planning agreement, whilst recognising the cost limitations placed upon it.
- 3.4 The estimated cost of construction at Section 1 of the SAC is currently . This includes a budget for the estimated land acquisition costs for the

CPO's set out in this report. The estimated costs to repair the remaining sections 2 and 3 of the SAC currently stand at £0.460m. If costs stay fixed at this price then £5.4m of funding remains available for and upgrade of Sections 2 and 3.

- 3.5 Consideration should be given to the latest position on the Estate Access Corridor. A revised budget forecast at the beginning of December has identified a minimum £1.073m shortfall in funding because of construction costs which have again increased. This funding gap will need to be closed.
- 3.6 In addition officers are currently trying to assess the condition of the main bridge over the railway line, the ownership of which passed to the Council during the construction period. At this stage the full implications are unknown although a verbal update may be available at the meeting of the Executive. Depending on the condition of the bridge extra works will be required, this could range from between £800k to £2.1m. Again, funding for this will need to be found if the Council is liable for these costs. Officers are unsure at this stage whether the rail authority or the Council is responsible.
- 3.7 Taking these two factors together, between £1m and £3m of funding will need to be found. Again, it is unlikely that this funding would come from additional external resources so the Council will need to manage this position from within the Grant and S106 resources available for the SAC or to use additional borrowing.
- 3.8 The LDA have at this point indicated that they would be unwilling to provide any further funding into the EAC. The SRB6 grant could not be used. The Stadium S106 money could be used as the EAC bridge is common to both the EAC and the SAC however this would be subject to negotiation with WNSL . If the Council borrowed this money then it would cost between £116k and £348k per annum.
- 3.9 Whichever method of funding is eventually used it will not impact directly on the funding of Section 1 of the SAC as currently a £6.085m funding surplus exists so it could be funded entirely by SRB 6 grant. But, if the Council does fund the shortfall on the EAC through any of the sources above it would be restricting its ability to provide funding for Sections 2 and 3 of the SAC.

#### **4. STAFFING IMPLICATIONS**

- 4.1 The project owner for the transportation and highways proposals within the Wembley Park SRB Transportation Programme is the Council's Transportation Services Unit. The Director of Transportation is himself overseeing the project and liaising with the Council's appointed agents.
- 4.2 The work proposed is in accordance with the highways and transportation study prepared in 1997 by Scott Wilson Kirkpatrick (SWK) under the project management of JMP Consultants Limited, in

consultation with the Transportation Services Unit. These companies have been working on the SRB infrastructure scheme since 1997 and will continue to progress the Scheme on the Council's behalf.

- 4.3 The CPO will be progressed by the existing team of the Council's officers instructed for both the EAC and SAC in relation to the land acquisition and engineering processes. Further assistance will be required at the appropriate time from various elements of the Council's departments, principally Planning Services.

## **5. ENVIRONMENTAL IMPLICATIONS**

- 5.1 An environmental report has been prepared by the Council's external consultants. A copy is appended to this report. The report concludes that there will be no significant environmental impacts resulting from the SAC scheme.
- 5.2 The SAC objectives include the reduction of traffic congestion on stadium event days, enabling greater access to the Wembley Park Estate, the creation of a more attractive processional route to the stadium and the regeneration of the wider area. These should lead to improvements in the local environment.
- 5.3 In addition, new road construction methods promote opportunities for greater materials reuse and recycling (e.g. road shavings, crushed glass, sub-base etc) thereby reducing the impact on natural resource use for the scheme. Such options will be fully considered within the procurement process.
- 5.4 The Council when appointing a contractor for the development will seek to ensure that best practice is used thereby reducing impacts of dust, noise, grit and emissions during the construction process.
- 5.5 The environmental report did identify the possibility that there is some historic contamination of the land subject to the SAC proposals. Whilst this was not considered to be a significant environmental impact to require environmental impact assessment, given the limited nature of the works. The Council will seek to carry out appropriate studies and take the recommended remedial action before and during the construction process.

### Diversity Implications

- 5.6 The new road will be constructed to ensure pedestrians have access between footways by using dropped curbs and tactile paving at crossing points. In other respects this report has been subject to screening and officers believe there are no diversity implications.

## **6. LEGAL IMPLICATIONS**

- 6.1 Members will note that the Council is obliged under the terms of the S106 Planning Obligation with Wembley National Stadium Limited to procure the construction of the SAC and to use reasonable endeavours to complete the SAC within 10 years of the date of signing that agreement (23 August 2002).
- 6.2 The Council will need to comply with the procedure for making and confirming compulsory purchase orders set out in the Acquisition of Land Act 1981, if the Council decides to acquire the land under its compulsory purchase powers.
- 6.3 The effect of the procedure is that, once the CPO is made, it must be notified to relevant persons and publicised, following which it will be submitted to the Secretary of State for Transport for confirmation. Any person may object to a CPO and, if an objection is made and not withdrawn, a public local inquiry will be held if the objection is by a party holding a legal interest in a part of the land to be acquired. Any public Inquiry will be conducted by an Inspector appointed by the Secretary of State who will hear evidence from any persons objecting to the CPO and from the Council. The Inspector would then submit a report on the Public Inquiry and his/her recommendations to the Secretary of State who would then decide whether or not to confirm the CPO. Before confirming the CPO the Secretary of State would have to be satisfied that there are no planning or financial obstacles to the implementation of the scheme and there is a compelling case for the CPO in the public interest.
- 6.4 Thus a CPO cannot be acted upon until sufficient notice has been given to the owner of the land and it has been confirmed by the Secretary of State. Therefore the Council will not actually be in a position to acquire the requisite land until the compulsory purchase order has been confirmed by the Secretary of State.
- 6.5 Members must bear the implication of the Human Rights Act 1998 in mind when making their decision. The Act came into force on 2 October 2000. The Act effectively incorporates the European Convention on Human Rights into UK law and requires all public authorities to have regard to Convention Rights. In making their decisions Members therefore need to have regard to the Convention. The rights which are of most relevance to local authorities in dealing with Compulsory acquisition are summarised below.

**Article 8** - The right to respect for private and family life, the home and correspondence

**Article 1 of Protocol 1** - The right for every person to be entitled to the peaceful enjoyment of their possessions

- 6.6 The right that is of particular significance to Members' decision in this matter is that contained in Article 1 of Protocol 1 (peaceful enjoyment of possessions). Article 1 of Protocol 1 provides that no-one shall be deprived of their possessions except in the public interest and subject to the conditions provided for by law, although it is qualified to the effect that it should not in any way impair the right of a state to enforce such laws as it deems necessary to control the uses of property in accordance with the general interest.
- 6.7 In determining the level of permissible interference with enjoyment, the courts have held that any interference must achieve a fair balance between the general interests of the community and the protection of the rights of individuals. There must be reasonable proportionality between the means employed and the aim pursued. The availability of an effective remedy and compensation to affected persons is relevant in assessing whether a fair balance has been struck. In reaching their decision, Members need to consider the extent to which the decision may impact upon the Human Rights of affected occupiers and to balance these against the overall benefits to the community which the overall SAC scheme would bring. Members will wish to be satisfied that interference with the right under Article 1 of Protocol 1 is justified in all the circumstances and that a fair balance would be struck in the present case between the protection of the rights of individuals and the public interest.
- 6.8 It is relevant to the consideration of this issue that, should the Scheme proceed, affected occupiers will be entitled to receive compensation and, in most cases, reimbursement of certain professional fees incurred in the negotiation of compensation, and take into account the benefits to the local community the Scheme will bring.
- 6.9 Members need to ensure that the Council has sufficient funds to undertake the Scheme before making a CPO. This is because although the Council will not be obliged to act on a confirmed CPO, certain financial consequences will result from abandonment. The consequences of abandoning a confirmed CPO depends on (a) whether a notice to treat or entry has been served on the owner of the land or not and (b) whether the Council has entered the land following the service of the notice or made a General Vesting Declaration in respect of the land.
- 6.10 An owner may serve a Blight notice (this can only be validly served if the annual value of the property does not exceed £24,600 as all the affected premises are businesses rather than residential properties) on the Council if, notwithstanding reasonable endeavours having been used, he is unable to sell the property except at a substantially lower price than he might reasonably have been expected to obtain.



- 6.11 Where notice to treat and entry have been served, and then not acted upon, the Council is under an obligation to inform the owner of the withdrawal of the notices or expiry as the case may be (as notice to treat have a life span of three years from date of service) and will be liable to pay compensation to the owner for all losses and expenses occasioned to him by the giving of the notice and its ceasing to have effect. The amount of compensation shall in default of agreement be assessed by the Land's Tribunal. Interest is payable on the Compensation.
- 6.12 It is too late for the Council to abandon the CPO where the Council has entered on the land following notices to treat and entry. The Council is obliged to pay compensation to the owner in this situation. The level of compensation payable is determined in accordance with Section 5 Land Compensation Act 1961. This basically provides that the Council must pay the market value for the property or if special property the cost of equivalent reinstatement elsewhere. In addition to this the Claimant is entitled to compensation for disturbance and if applicable severance and injurious affection. This also applies where the Council has acquired the land following a General Vesting Declaration.
- 6.13 Failure to use reasonable endeavours to construct the SAC could be argued to be a breach of the Wembley Stadium S106 agreement and could result in WNSL applying for an injunction to force the Council to proceed with construction of the SAC. However, this is unlikely to be successful if the Council's reason was due to insuperable funding difficulties.
- 6.14 WNSL could also seek to sue the Council for damages if it could show that it had suffered losses as a direct result of the failure to construct the SAC. This could possibly be linked to Condition 3 of the planning consent for the stadium which restricts the number of major events using the upper tier capacity to no more than 22 per year (save for certain exceptions) until such time as the SAC is completed. The s106 sets out a proposed 10 year timeframe for completion of the SAC works.
- 6.15 Members should note that Planning Committee will decide the planning application on its own merits.

## **7. DETAIL**

- 7.1 The Stadium Access Corridor (SAC) project is a key element of the highway improvements intended to be implemented to improve accessibility to the Wembley Park Estate, especially during major events at the new English National Stadium. The implementation of the project is one of the principal aims of the transportation and infrastructure elements of the Wembley Park SRB project.

- 7.2 The proposals for the SAC were first published in 1996 as part of the Foster and Partners Masterplan adopted by the Council in April 1996 as supplementary planning guidance. The SAC together with the EAC, (which has already been the subject of a CPO inquiry and the CPO for which was confirmed by the Secretary of State in November 1999), were proposed by the Council's appointed highways' engineers, Scott Wilson Kirkpatrick (SWK), in their highways and transportation reports provided during 1997. The policy subsequently adopted by the Council was creating both the EAC and SAC, with the EAC being promoted first.
- 7.3 Development on the Wembley Park Estate over the last twenty years can be characterised as having been carried out on a piecemeal basis by occupiers on the Estate within the limitations of its infrastructure. Whilst public transport is reasonable at points on the periphery of the estate, there are inadequate linkages between facilities and accessibility is poor. The road system is confusing in its layout. It became overloaded on Stadium Event Days when the roads, particularly at the southern and eastern parts of the estate, were severely congested.
- 7.4 The aim of the SAC and EAC projects are to provide modern accessible distributor roads within the Estate linked directly with the A406 North Circular. The intention is that the improved roads system will stimulate and encourage investment within the Wembley Park SRB area.
- 7.5 The key feature to the SAC's design is the intention of the Council to provide the optimum highway design solution to ensure that the Estate can operate on Stadium Event Days, whilst reducing the impact on existing occupiers of the estate. For this reason, a tidal flow system has been proposed, as is described further below.
- 7.6 However, the SAC is not simply an improved distributor road for the Estate. Whilst the Council is mindful of impacts on existing occupiers, the design seeks to provide an appropriate approach to the new National Stadium. Areas of highway landscaping (which will also be used for retaining structures and accommodation works as required) and wide footways/cycleways are provided. This is to match the Council's aspirations for the approach to the Stadium, as proposed in the emerging UDP and the revised September 2003 Wembley Development Framework (adopted in September 2003 as supplementary planning guidance).

- 7.7 The SAC is intended to eventually extend from Drury Way to the stadium entrance. However at this time funding for the full scheme is not available. The Executive therefore approved on 13 October 2003 a staged approach to the SAC. The proposed Compulsory Purchase Order officers now seek powers to make is for the section of the SAC between the junction of Hannah Close with Great Central Way and the junction of Fourth Way and South Way with Great Central Way. This has become known as SAC Section 1.
- 7.8 Planning permission for the whole of the SAC was issued by the Council as local planning authority in February 2001. The recommendation of officers to grant planning permission was approved unanimously.
- 7.9 Because it is now proposed that only Section 1 of the SAC will be initiated at this time, a fresh planning permission is being sought. It is expected that this will be reported to Planning Committee in February 2004. The new planning permission is sought because of minor changes to the SAC scheme at the Great Central Way/Fourth Way Junction although almost all of the works proposed are identical to the scheme already benefiting from planning permission. The design change does not prejudice the carrying out of the full SAC scheme. It is not anticipated that the scheme for Section 1 will face any planning difficulties.
- 7.10 The route of Section 1 of the SAC is primarily along the existing Great Central Way. Riverside House and its associated outbuildings at the corner of Fourth Way and Great Central Way are expected to be totally demolished to allow the scheme to progress. Attached at Appendix II is the proposed CPO, including the schedule of interests to be acquired. Also attached at Appendix II is the CPO map. This indicates the land which the Council proposes to acquire a freehold interest in. Where the Council already owns the relevant land, that land is still included in the Order to ensure the Council is able to acquire or override any interests of third parties that may remain.

#### Design of the Highway

- 7.11 The SAC is designed to be a three-lane tidal flow highway (meaning that the middle lane can be used for either east- or west-bound traffic depending on circumstances). The full SAC scheme would run from the junction of Drury Way and Great Central Way to opposite the existing access to Wembley Stadium. To the east of Hannah Close, the three lane facility will be provided to the Drury Way roundabout as part of the EAC Scheme. This is currently under construction.
- 7.12 The SAC will consist of a 10.5 metre wide carriageway with foot and cycleways on either side thereof. Areas of working space, which will be

used for accommodation works regrading, retaining structures and landscaping (where this can be accommodated), are also provided outside of the back edge of footway. The width of the footway and landscaping is intended to provide the appropriate route to the new National Stadium more fitting than the current unwelcoming route along Great Central Way and South Way, and meeting the Council's aspirations to provide a world-class setting for the new National Stadium. The design is justified in planning terms to ensure that the infrastructure is of a quality in terms of design specification in keeping with a world-class venue and setting.

- 7.13 The Council's deposit draft Unitary Development Plan (UDP) at policy WEM15 refers to the SAC as a "gateway" to the Stadium. A design holding merely to the minimum required standards for highway design would therefore not be appropriate for the SAC. The UDP and supplementary planning guidance is discussed further later in this report.

#### Details of the Operation of the Tidal Flow System

- 7.14 The design of the SAC includes a central lane. During the days when no event occurs at the stadium, the central lane may be used as a refuge for right turning vehicles, although such manoeuvres will be limited in number due to the limited number of accesses along the SAC Section 1.
- 7.15 Prior to the start of events at the Stadium there will be increased westbound vehicular flow. Similarly, at the end of events there will be an increased east bound flow away from the Stadium. At the start of events the Council's staff and their contractors will manually position traffic cones along the carriageway. These cones will be located on the dividing line between the northern (eastbound) lane and the centre lane so providing one eastbound lane and two westbound lanes. Gaps will be provided in the cones to allow for turns into the premises fronting the SAC where possible. Traffic will be encouraged to use both westbound lanes by the use of suitable traffic signs mounted over the adjacent footways. If funding can be provided these will be in the form of variable message signs. In due course (with funding permitting) overhead gantries may be used. At the end of an event, cones will be located on the dividing line between the southern (westbound) lane and the centre lane so providing one westbound lane and two eastbound lanes. Again gaps will be provided to enable access to be maintained to the adjoining premises where possible. Traffic will be encouraged to use both eastbound lanes by the use of suitable traffic signs mounted over the adjacent footways. Cones and traffic signs will be positioned at the junction of South Way, Fourth Way and Great Central Way to indicate that two vehicles, including coaches, may turn from Fourth Way to Great Central Way side by side.

### Traffic Operations within the Completed Network

- 7.16 Indicative plans showing how it is intended traffic flows will operate on Stadium Event Days are provided at Appendix VI. The existing one-way gyratory system will be maintained. Temporary traffic management arrangements will be used on stadium event days to effect the tidal flow operation of the SAC as described above.
- 7.17 The advantage of the SAC Section 1 for traffic management in the Estate is that two way flow along Great Central Way will be maintained at all times, unlike the previous situation when traffic flows along Great Central way to the gyratory system was limited to inbound only before stadium events and outbound only after stadium events.

### Justifications and Powers for the Compulsory Purchase Order

- 7.18 The SAC Scheme is based on the work undertaken by SWK approved by members at the Environment Committee on 20th October 1997 and subsequently approved at various SRB and Committee meetings. SWK's work was commissioned to review the existing deficiencies in the road network and to propose solutions to remedy those shortcomings. Since the 1997 Committee there have been a number of refinements of details undertaken but the principle of the scheme remains that based on the aspirations of the Foster Masterplan. A copy of the SWK final report (as well as the Foster Masterplan) is available to members as part of the background papers.
- 7.19 The scheme is also supported by the existing UDP, which calls for a consideration of the widening of Great Central Way and South Way. The emerging UDP and supplementary guidance approved for consultation purposes entitled "Wembley Framework for Development" fully support the SAC.
- 7.20 The Inspector's report onto the draft replacement UDP recommended that no changes be made to policy WEM15, which calls for the SAC to be developed. The Inspector noted:

"the current one way system has disadvantages for both the industrial estate and the operation of the stadium, which are not solely related to traffic levels, but encompass environmental considerations and the setting of the new National Stadium".

The only substantial objection to the draft policy was submitted by Wembley National Stadium Ltd. Wembley National Stadium Ltd submitted that the SAC was not required for the Stadium but simply for the regeneration of the industrial estate. This argument was not accepted by the Inspector.

- 7.21 The Council's Transportation Services Interim Local Implementation Plan (ILIP) July 2001 in Part 12 calls for the provision of infrastructure that will maximise the potential development in the Wembley Stadium area. The SAC is listed as a project within the ILIP. The ILIP states the SAC will create an enhanced setting for the new stadium, reduce the impact on local businesses of stadium events, simplify the road layout in the area and improve access to regeneration sites.
- 7.22 The Mayor of London's draft London plan identifies the need for transport improvements in areas designated for regeneration and development such as the Wembley opportunity areas identified in the draft London plan and also the Mayor's economic development strategy.
- 7.23 The supplementary planning guidance prepared by the Council's planning services "Wembley: a framework for development" describes the SAC as of strategic importance not only for the access it provides for the National Stadium but also for the access offered to the land surrounding the stadium on which the Council is seeking to attract comprehensive redevelopment".
- 7.24 The justifications of Section 1 in traffic management terms are that it will enable the Industrial Estate to be accessed by traffic at all times a Stadium Event is occurring. The extension of the 3 lane highway to the existing gyratory system will mean the old system of temporary traffic management orders allowing traffic to use both lanes of Great Central Way in bound or outbound before and after stadium events will cease. The old system seriously impacted on estate traffic during events and effectively prevented access to the industrial estate from the A406.
- 7.25 The specific powers of compulsory acquisition proposed by your officers (detailed at recommendation 2.2 above) will allow the Council to:
- (a) improve the existing Great Central Way and widen Great Central Way to provide the SAC layout;
  - (b) improve the junction of Fourth Way with Great Central Way to allow for traffic exiting the stadium to safely use two lanes eastbound whilst preparing the one way westbound flow to be maintained;
  - (c) allow where required alteration to accesses to premises fronting the existing Great Central Way
  - (d) allow the Council to acquire land for accommodation works, working space and regrading as well as for landscaping;

- (e) allow for the frontages (that may in due course be returned to private ownership) to be provided with appropriate accommodation works; and
- (f) provide the necessary mitigation measures either as accommodation works or as part of the highway scheme itself, principally by the improvement to the highway boundaries by way of enhanced landscaping.

7.26 It is anticipated that the Council will have to exercise its powers of compulsory purchase to complete the land acquisitions required for the SAC. A number of different interests need to be acquired and without compulsory powers it is unlikely land assembly for the scheme would be completed, certainly before the opening of the New Stadium in 2005. Whilst the exercise of compulsory powers will have an effect on a number of the Estate's occupants, as is detailed elsewhere in this report, the Council is seeking to reduce the effect wherever possible and in almost every case is engaged in dialogue with the affected parties. The need for an improved road system in the Estate has long been recognised by the Council and your officers believe there is a compelling case in the public interest for CPO powers to be sought.

7.27 Notwithstanding the Council's intention to make the CPO, your officers will seek to progress negotiations for the acquisition of land by private treaty. Usually it is possible to acquire at least some Order Lands in advance of the Order being confirmed, and this will typically minimise acquisition costs and provide greater certainty that the scheme will proceed.

#### Planning Requirements

7.28 As mentioned above the whole of the SAC scheme already benefits from planning permission. The Council as Local Planning Authority resolved on 21 November 2000 that the proposal for the full SAC would not have significant environmental effects requiring environmental assessment. On 7 February 2001 members approved the grant of conditional planning permission for the SAC

7.29 However a fresh planning permission for Section 1 is being sought, because of minor changes to the SAC design required to the Fourth Way/ Great Central Way junction to allow Section 1 to function before later stages of the SAC are constructed. An opinion has been sought from the Council as planning authority as to whether environmental assessment is required under the Town & Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999. Environmental assessment was not required by the planning authority for the 2001 planning permission and it is therefore anticipated that EIA will be required for the smaller scheme to be authorised by the

new planning application. It is hoped that the opinion as to whether an environmental assessment is required will be available in early January 2004.

- 7.30 The SAC is supported by the existing and emerging UDP and emerging supplementary planning guidance, as is described above. The River Brent Green Chain is designated as an area of nature conservation importance by the existing and emerging UDP. However, as is detailed below, the impacts on the River Brent Green Chain are relatively minor (principally the addition of a new footway overbridge across an area consisting of a concrete trough for the existing overbridge).
- 7.31 Officers therefore anticipate that there should be no planning problems blocking the implementation of the SAC and see no obvious reasons why planning permission should not be granted. It is hoped the application for the new permission will be reported to Planning Committee in February 2004. It is expected that planning permission will be in place well before the Order is confirmed. The Secretary of State for Transport has indicated in Circular guidance that he would not expect to confirm a highway CPO unless planning permission is in place. Officers do not envisage that planning permission will not be in place before the Secretary of State is otherwise in a position to confirm the Order, given the previous planning history and the policy support for the scheme.

#### Public Open Space

- 7.32 The widened SAC will use the full width of the existing bridge over the River Brent on Great Central Way. Separate footbridges are therefore to be constructed on either side of the existing bridge. To enable these bridges to be constructed a wider corridor of land in the vicinity of the River Brent crossing is required. This will enable construction work to be implemented from neighbouring land.
- 7.33 Part of the land required has been in the Council's possession for over a decade. The remainder of the land required for the scheme has recently been acquired for the Council from its previous owner British Railways Board (Residuary) Limited, and has been subject of environmental enhancement works as part of the River Brent green chain.
- 7.34 The compulsory acquisition of land or rights over public open spaces may only be permitted following what is called 'special Parliamentary procedure', unless the Secretary of State is able to certify either that exchange land is being provided, or is unnecessary, or that certain other circumstances apply. One of the circumstances is that the land is required for the widening of an existing highway and that the giving of land in exchange for that land is unnecessary in the interests of the public. The Council could seek to include the land required for the footbridges in the Order. However as the only impacts on the open space are the construction of a retaining wall and a minor re-alignment of the path on the highway embankment leading down to the open



space, your officers believe that there is no need for the open space being included in the CPO. The impact of these works and the over-flying of the new bridge over the river should not impact to any significant extent on the amenity of those using the open space.

7.35 Your officers will seek to ensure that the public is inconvenienced as little as possible during the implementation of the SAC when the public wish to use the open space and footpaths.

7.36 The Council's Parks Services are being consulted on the proposed effects on the River Brent open space and are content for the SAC to proceed.

#### Consultations with Affected Parties

7.37 Officers and the Council's representatives have met with most of the parties affected by the proposed land acquisition and the process of negotiation is ongoing.

7.38 For a number of parties, the extent of the land acquisition will be frontage areas or sub-soil under existing highway. However there are a number of parties more significantly affected.

7.39 Sections of the land to be acquired may later be surplus to the Council's needs, once works such as regrading of the frontage land has been carried out. Where it is possible to do so without impacting on the maintenance and safety of the highway, the Council will look to either agree a licence to enter the relevant land to carry out the SAC works, thereby avoiding a purchase of the land, or will offer back surplus land to the previous owner following completion of the works.

7.40 In summary the parties most affected by the Scheme are:

#### 7.41 Christian Salvesen

Christian Salvesen currently occupies the large distribution warehouse north of Great Central Way and West of Hannah Close. The ownership of this property has recently changed and Marks and Spencers and Britannic Assurance PLC now hold leasehold interests in the property. A section of the landscaping fronting the current Great Central Way but within Christian Salvesen's boundary is required for the highway widening and regrading works. Christian Salvesen's site has the benefit of a planning permission for an extension to the southern elevation of the existing warehouse including a re-aligned access road between the extended building and the SAC. The SAC scheme will be designed, so far as is possible, to allow Christian Salvesen to extend their building and maintain access to the rear of their building within available land between the extended building and the SAC. Despite seeking to accommodate the affected party's wishes, the Council will have as its overriding consideration the integrity of the SAC scheme however. The

Council's officers and agents have met with the interested parties and will seek to continue dialogue with them.

#### McArdle Companies and D.B. Autos Limited

These companies occupy premises to the north of Great Central Way and west of the River Brent. Frontage areas are required for the SAC, which will impact on the existing car parking and grassed areas to the front of the premises. The Council's officers and agents have met with the affected parties and will discuss with them options for reconfiguring their sites to mitigate the impacts of the SAC scheme on their retained lands.

#### P.J. Carey (Contractors) Limited – Riverside House

Riverside House is to the north of Great Central Way and east of Fourth Way. The building itself appears to be vacant. The large yard area is occupied by the Carey companies for the storage of plant and equipment. The SAC requires at least the partial demolition of Riverside House and its adjoining buildings. In the light of Government Guidance and good construction practice, your officers propose the whole of Riverside House and its adjoining buildings are acquired, together with a strip of land sufficient to allow safe demolition of the buildings without compromising the safety of contractors, the users of the highway or the occupiers of the retained land forming the remainder of the yard space. The remainder of the yard will remain with the then owner of the land (unless a statutory procedure known as a material detriment claim is made successfully, requiring the Council to take the whole of the yard also). The current owner has indicated to the Council's agents that it would wish to retain as much land as possible. Indeed, once the relevant demolition works and highway works have been completed, it may be possible to offer back some of the land acquired from the Riverside House plot to be re-amalgamated with the land that will be left unaffected by the Order.

#### Carey Lands to the South of Great Central Way

The Carey group of companies also hold extensive area of land to the south of Great Central Way. For the most part the Council will require strips of land fronting the existing highway to allow the widening of Great Central Way.

On the Western bank of the River Brent the Carey Companies occupy a yard supported by a retaining structure. It is necessary for the Council to have exclusive occupation of part of this yard for a period of time to allow for the construction of the southern footbridge over the River Brent. The advice from the Council's external consultants is that the nature of the required occupation is likely to amount to more than can be authorised by the acquisition of rights over this land. It is therefore anticipated that the relevant plot will be scheduled in the Order as an acquisition of freehold title, as a temporary acquisition power is not

available to the Council under the Highways Act 1980. The Council will seek to reduce disruption to the Carey companies in relation to the land in their ownership and may consider offering the land secured by the Council through the CPO process next to the River Brent on its western bank to the Carey companies on completion of the SAC works if the Council no longer requires that land. This will be subject to any long term access rights the Council may require to reserve over the land.

#### Network Rail Infrastructure Limited

To the south of the existing Great Central Way bridge over the River Brent, and north of the London– High Wycombe railway bridge over the river, lies an area of land in the Ownership of Network Rail Infrastructure Limited. Your officers seek to acquire rights over this land to secure the necessary access for the construction of the southern footbridge over the River Brent. It is hoped that agreement can be reached with Network Rail on the ownership of this area. If the land is acquired by the Council, it would offer to Network Rail appropriate rights of support and access to enable Network Rail to maintain its bridge over the river.

#### Relocations and Advance Purchases

- 7.42 Advance acquisition will take place wherever possible without recourse to CPO powers if this can be secured by way of appropriate terms agreed with the relevant landowners. No relocations of existing businesses are currently anticipated as being required.

#### Changes to Compulsory Purchase Law

- 7.43 The Planning and Compulsory Purchase Bill is currently before Parliament. This proposes in a number of areas changes to existing CPO law. This may mean that compulsory purchase laws and procedures do change through the lifetime of the SAC Scheme. In relation to both possible changes to the existing system, officers will endeavour to keep members informed of proposed and actual changes that affect procedures for the SAC CPO to a material degree.

## **8. CONCLUSIONS**

- 8.1 Your officers believe there is a compelling case in the public interest for compulsory powers to acquire the lands required for the SAC. The SAC scheme as a whole is required to ensure that the new National Stadium has the appropriate highway access from the North Circular Road to the Stadium itself and to provide vehicular access to the Wembley Park Industrial Estate at all times.
- 8.2 The traffic management benefits that will accrue from the confirmation of Section 1 mean that it is appropriate for the Council to proceed with that part of the SAC scheme now. The SAC will be designed to a standard appropriate for a world-class setting to a world-class venue.

Section 1 shall reflect the design principles already being constructed for the section of Great Central Way to the East of Hannah Close and set the standard for construction of future sections.

- 8.3 The innovative design of the SAC provides the best solution for the competing needs of the new approach road having a "gateway" design and existing occupiers of the Estate. It should also allow for regeneration of the Wembley Park Industrial Estate, which is a long-held aspiration of the Council and Central Government.
- 8.4 The scheme is unlikely to proceed without CPO powers being available. The Council has the resources allocated to allow Section 1 to proceed within a reasonable timescale.

## **9. BACKGROUND INFORMATION**

### Details

Wembley Park Master Plan, Foster & Partners 1996

Environment, Regeneration and Property and Resources Committee Reports (30th April 1996)

Policy and Resources Committee 13th January 1997 and 21 October 1997

Environment Committee 13th February 1997 11 March 1997 7th July 1997 29 July 1998 and 7 July 1999

Transportation Sub-Committee Report 22nd July 1997 and 16th September 1997

Wembley Park SRB Public Transport Demand Study:  
Final Report 1997

Wembley Park SRB Highways and Transportation Study:  
Final Report 1997, SWK

Report to Executive by Director of Environment 13 October 2003

Report to Planning Committee 8 February 2001 re application 00/2132

Secretary of State's decision letter 30.11.99 and Inspectors Report following Wembley EAC CPO inquiry

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