



Report to the Secretary of State for Transport

by A J Mageean BA (Hons) BPI PhD MRTPI

an Inspector appointed by the Secretary of State for Transport

Date: 10 December 2019

HIGHWAYS ACT 1980

and

ACQUISITION OF LAND ACT 1981

**THE LONDON BOROUGH OF SUTTON (LAND AT BEDDINGTON LANE)
COMPULSORY PURCHASE ORDER 2019**

Inquiry held on 19 November 2019

File Ref: DPI/P5870/19/18

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CASE DETAILS

The London Borough of Sutton (Land at Beddington Lane) Compulsory Purchase Order 2019 (CPO) made under sections 239, 240, 246 260 of the Highways Act 1980.

The CPO has been made for the purposes of:-

- a) A new continuous north-south cycle track and footway connecting to wider cycle networks;
- b) Changes to Beddington Lane/Marlowe Way junction to improve traffic flows and bus reliability;
- c) Public realm improvements in Beddington Village, including new pedestrian/cycle crossings;
- d) The introduction of a 7.5 tonne vehicle weight limit throughout the Beddington Village area;
- e) Improvements to the public transport infrastructure and the connections to it in the Beddington industrial area, including: the public realm surrounding Beddington Lane Tramlink Stop, upgrades to bus stops throughout the project area, upgrades to an existing cycle track connecting Beddington Lane to the Therapia Lane Tramlink Stop.

The Draft Order was published on 21 May 2019, and there were three statutory objections outstanding at the commencement of the Inquiry.

Summary of Recommendation: That the Order be confirmed with modifications

PREAMBLE

1. I was appointed by the Secretary of State for Transport to conduct the Inquiry in accordance with paragraph 7 of Schedule 1 of the Highways Act 1980 and Section 13(2) of the Acquisition of Land Act 1981.
2. The Local Inquiry was held at the Croygas Sports Centre, 48 Mollison Drive, Wallington Surrey on 19 November 2019 for the purpose of hearing objections to the proposed CPO. At the opening of the Inquiry the applicant confirmed compliance with all statutory formalities for the publication of the CPO and the notification of the Inquiry. I carried out an unaccompanied site visit of the CPO Land and the surrounding area on 18 November 2019. The Inquiry was closed in writing on 28 November 2019.
3. The proposed Scheme would result in the construction of a continuous cycleway and footway between Beddington Lane Tramlink Stop and the Derry Road junction, as well as associated improvements to public transport, pedestrian infrastructure and the public realm of Beddington Village.

4. The purpose of the proposed CPO is to enable the London Borough of Sutton (LBS) to acquire the rights and titles to land in order to construct the scheme. It encompasses land owned by 22 separate landowners.

Responses

5. At the opening of the Inquiry there were three outstanding objections, one from Michael Ferncombe, one from ASDA Stores Ltd and one from Killoughery Properties Ltd. During the course of the inquiry I was informed that the objections from Michael Ferncombe and ASDA Stores Ltd had been withdrawn. The remaining objector, Killoughery Properties Ltd (KP), did not attend the Inquiry.
6. In addition, I have been made aware that an objection from Travis Perkins Ltd (TP) was received outside the statutory period. Whilst not represented at the Inquiry, consideration was given to this objection, the results of which I refer to below.

Scope of this report

7. This report contains a brief description of the site and its surroundings, the gist of the evidence presented and my conclusions and recommendations. Lists of inquiry appearances and documents are attached as appendices.

DESCRIPTION OF THE ORDER LAND AND ITS SURROUNDINGS

8. The Order Land comprises about 7,039 sqm of land along the Beddington Lane corridor. It currently comprises scrubland, grass verges, including directional signs and fencing, hardstanding areas, service access roads and side road entrances.
9. The surrounding area is made up of widely differing land uses, including the commercial and industrial uses associated with the Strategic Industrial Location (SIL), Metropolitan Open Land (MOL), landfill and sewage treatment, public open spaces and residential areas. The wider area includes the Beddington Village Conservation Area and high quality green spaces such as Beddington Park. This area borders the neighbouring Boroughs of Merton and Croydon.

THE CASE FOR THE LONDON BOROUGH OF SUTTON

The material points were:

Background

10. The Council has long recognised the following key issues with Beddington Lane: traffic congestion and high levels of industrial traffic; poor opportunities for the use of sustainable transport with bus reliability affected by congestion; poor east to west permeability through the Beddington industrial area; poor walking and cycling conditions, and areas of public realm in need of improvement.¹ These issues are considered to be preventing the area from reaching its full potential as an industrial location, and attracting new investment. Specifically, increasing traffic volumes and significant congestion related delays are felt to threaten the

¹ CD 4.3 Section 2.1

economic prosperity of the area. Some businesses have moved out of the area and others threaten to do so.

11. The area is dominated by vehicular traffic and provision for walking and cycling is mostly poor, with variable quality of existing infrastructure and narrow carriageway widths.² It is not suitable for safe pedestrian/cycle movement. Some employers have abandoned the Cycle to Work Scheme for safety reasons.³ Further, where good quality footpaths exist, they are rarely linked up with the wider local and regional pedestrian and cycle network. For example, the facilities at the Ampere Way/Coomber Way roundabout end abruptly.
12. Beddington is the largest area of employment in Sutton. It is considered to have a high level of opportunity for intensification of employment and industry, as well as significant leisure potential. Improvements to the public realm and accessibility would support this potential, helping to attract further new investment. LBS has been progressing an ambitious programme addressing environmental, social and economic renewal under the 'Beddington Programme' since 2012.⁴ This has included a range of improvement projects in the surrounding area, including those focused on improving access to Beddington Park and Beddington Farmlands, and the enhancement of Beddington Village.
13. As part of the Programme the Beddington North Transport for London (TfL) Major Scheme aims to: reduce vehicle dominance and the impact of high traffic volumes on the local community; improve facilities for pedestrians and cyclists; reduce the level of road collisions and improve road safety, and respond to the concerns of local businesses about congestion at the junction of Beddington Lane and Marlowe Way.
14. The preferred scheme includes a continuous north-south cycle lane and footway; Beddington Village improvements; improvements to the Beddington Lane/Marlowe Way junction; improvements to existing public transport infrastructure, and a vehicle weight limit through Beddington Village. Other options were considered including 'do nothing', and excluding either the continuous cycle/footway, Beddington Village improvements or the ASDA junction improvements. However, it was concluded that the combined effect of the different project elements would be greater than the sum of the impacts of each part if introduced in isolation.⁵
15. Some parts of the Scheme have already been completed, including sections of the cycleway/footpath, and additional crossing points.

Benefits of the scheme

16. The scheme would provide enhanced facilities for pedestrian and cycle connectivity and improve the public realm overall. The key benefits would be felt in terms of improved ambience for pedestrian, cycle and public transport trips, coupled with reductions in journey times, health benefits and a reduction in the number of collisions.

² CD 4.4 paragraph 7.35

³ CD 4.3 Section 2.4

⁴ SOE Williams paragraph 4.7

⁵ CD 4.3 Section 3.1

17. As around a third of the Beddington SIL workforce live within reasonable walking and cycling distance, there is an opportunity to reduce car dependency.⁶ Survey work undertaken in 2015 demonstrated that pedestrian movement was more significant in the southern, Beddington Village section of the Scheme than the area north of ASDA. The on-street travel survey indicated the potential for both walking and cycling to increase.⁷ The improvement of facilities in terms of the continuous two-way segregated track of around 5m width would facilitate such an increase. As a result, there would be health benefits and reduced sick leave for local people.
18. The significant benefits of the cycle path/footway element of the Scheme would not be felt in full if the Scheme progressed in part. Indeed, a piecemeal approach could in itself compromise road passenger safety and, if the CPO was not confirmed, those parts of the Scheme which have already been completed may need to be reversed.
19. Improvements to bus stops, including six new bus stop shelters along the route, and the upgrading of lighting, would improve the sense of safety and security at bus stops, particularly after dark.
20. The modelling of the proposed conversion of the junction of Beddington Lane and Marlowe Way from traffic controlled to a mini-roundabout has been shown to reduce congestion and increase bus reliability, resulting in journey time benefits for buses and traffic in general.⁸ The scheme would also introduce a 7.5 tonne weight limit for vehicles, resulting in an estimated 429 vehicles per day being removed.⁹ Whilst this will have clear benefits for the local environment, the disbenefit of removing this traffic from entering via the A232 is estimated as an additional distance of 2.2km on journeys.
21. There would also be ambient benefits for the residents of and visitors to Beddington Village Conservation Area through both the public realm improvements and the removal of HGVs.
22. There were 15 collisions recorded within the study area over a 36 month period ending April 2016, with 7 of these in Beddington Village. A contributory factor in 5 of these was a failure to look properly¹⁰. Measures to improve driver awareness through reducing traffic speeds and introducing new crossings would help to reduce collisions.

Consultation

23. The scheme was the subject of a stakeholder engagement workshop in July 2017, which included representatives of local business interests, cycling groups and community groups. The scheme was also the subject of drop in events at ASDA Wallington on 27 June and 15 July 2017. On-line consultation also took place between 26 June and 16 July 2017, eliciting a range of responses. There was strong support in principle for the proposals from residents and representatives of the business improvement district.¹¹

⁶ SOE Williams 4.7.1

⁷ CD 4.3 Section 3.3

⁸ CD 4.1

⁹ CD 4.3 Section 3.3

¹⁰ CD 4.3 Section 3.3

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24. LBS has sought to acquire land by agreement where possible in advance of the use of CPO powers. To this end a property consultant was appointed to support the engagement with landowners. As a result, in many cases heads of terms have been agreed and solicitors instructed. These discussions have continued in parallel with the making of the Order. Compulsory purchase powers are only used where alternative means of securing the interests comprised within the Order land are either not available or cannot be achieved within the timetable identified for the delivery of the Scheme. Detailed evidence of all discussions and negotiations with all parties who have an interest required by the Scheme is provided.¹²
25. Negotiations with the parties who have objected to the Order have continued, attempting to overcome property and land issues, in order to enter into agreements which will enable these parties to withdraw their objections. This is in accordance with the Guidance requiring authorities to use compulsory purchase powers where it is expedient to do so but only where there is a compelling case in the public interest. In addition, it is necessary to demonstrate that reasonable steps have been taken to acquire all land and rights included in the Order by agreement as compulsory purchase is intended as a last resort.¹³ In this case meaningful attempts at negotiation have been pursued and the CPO powers are required as a last resort in relation to a small number of remaining objectors in order to ensure the timely delivery of land.
26. KP (the freeholders of plots 005-007) were written to by the Council in June 2017, with subsequent letters from the Council's property agent on 25 June 2018 and 23 October 2018. After several other attempts, first contact was made in May 2019, though there was no response to requests for a site meeting. Following receipt of an objection letter in June 2019, there has been no further response to requests for comments on heads of terms, notwithstanding the four further attempts to contact this landowner.¹⁴
27. In the case of TP (lessee of plots 030 and 031), introductory correspondence from the Council's land agent was sent in June 2018 and initial heads of terms were issued in October 2018. A site meeting, including marking out to demonstrate the finalised design approach, took place on 21 October 2019.

Planning and policy

28. The Mayor's London Plan identifies Beddington as a SIL, thereby recognising its importance for both London and nationally. It supports a diverse range of businesses located on trade parks, industrial parks, depots, distribution centres and factories with a mix of local, national and international businesses. Policy 2.17 of the London Plan sets out that SILs should be promoted and managed as London's main reservoirs of industrial and related capacity. The supporting text to this policy sets out that these areas should be managed through coordinated investment, regeneration initiatives, transport and environmental improvements.

¹¹ CD 2.13 Section 1.0

¹² SOE Mole paragraph 5.5

¹³ This Guidance is referred to in CD 3.5 as "Guidance on Compulsory Purchase process and The Crichel Down Rules – February 2018", though this has now been superseded by "Guidance on Compulsory Purchase process and The Crichel Down Rules – July 2019". The Circular listed at CD3.4 has now been withdrawn.

¹⁴ SOE Mole 6.6.3-6.6.5

29. Policy E5 of the emerging London Plan also recognises Beddington as one of London's SILs, and generally re-iterates these provisions. Additionally, it includes the requirement to develop local policies to protect and intensify the functions of SILs, and enhance their attractiveness and competitiveness.
30. The London Borough of Sutton Local Plan (Local Plan), adopted in February 2018, recognises that the Beddington Lane SIL is the largest in the Borough and will be the focus of employment growth up to 2031. Beddington Lane is located within the Wandle Valley, with Policy 5 setting out the commitment to improving access to and from the SIL, including the condition of and environment around Beddington Lane.
31. Policy 15, 'Industrial Use', requires that within the SIL development will be expected to contribute to environmental and transport improvements, either through on-site works or through planning obligations, where necessary.
32. Policy 35 refers to Transport Proposals which the Council will support and implement in order to improve and expand the Boroughs transport infrastructure. Specifically, the scheme to realign and reconstruct Beddington Lane and associated highway/environmental improvements, including pedestrian and cycle improvements, is referred to.
33. The Beddington Lane Road Improvement Scheme is allocated as one of the Local Plan's Transport Schemes (S100), identifying the importance of improving the safety and circulation of vehicular movements; improving access to Beddington Lane Tram Stop; improving bus stopping facilities; providing a safe and attractive environment including pedestrian crossing and cycle routes, and not attracting extraneous traffic in order to protect the Beddington Village Conservation Area.
34. It is clear that the policies of the London Plan, the emerging London Plan and the Local Plan give strong support to the Scheme.
35. The majority of the Scheme benefits from permitted development rights under the Town and Country Planning (General Permitted Development)(England) Order 2015 (as amended). Some small elements of the Scheme require planning permission. These relate to the removal and replacement of existing fencing, the relocation of signage, and the relocation of advertisement hoardings. All of these have been submitted and validated, with decisions due by early January 2020. Given their modest form I agree that these applications are unlikely to be contentious. Furthermore, even if some or all of them were refused planning permission, their minor nature means that they are unnecessary for the scheme to proceed.
36. Much of the land to the west of Beddington Lane is MOL, and a Site of Special Importance for Nature Conservation (SINC). However, as the CPO land includes grass verges and edges of footpaths away from sensitive areas, the potential impacts on the MOL and SINC designation are minimal.

Funding

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37. Following a bid to TfL £1.86m has been secured which is being matched by 1.7m from LBS, securing a total of £3.56m. On this basis the Scheme is fully funded. LBS has already undertaken some public realm and highway improvement works as part of the Scheme, to the value of £1.5m. LBS is committed to completing the Scheme by March 2020, subject to securing the interests in the land. I understand that the TfL funding may be at risk if the Scheme is not completed by August 2020.¹⁵
38. On this basis, if the CPO is confirmed, there should be no impediment to the delivery of the scheme.

Design

39. The detailed design of the scheme is complete. The cycleway/footway has been designed to meet the requirements of the London Cycle Design Standards 2 (LCDS 2) in terms of the Cycling Level of Service (CLoS), which is a measure and tool to guide the design of cycleways. The main considerations on Beddington Lane have been the general traffic volumes, the 85th percentile speed and the HGV volumes. Through consideration of these factors the design has progressed on the basis of a 5m wide cycle/footway, segregated from motor traffic. This comprises a 4.5m route width with a 0.5m buffer strip as safety clearance from the edge of the carriageway. Machine laid asphalt has been chosen for this surface, in line with the CLoS guidance.
40. A 20mph speed limit has already been implemented in Beddington Village as part of an early intervention to start reducing speeds along Beddington Lane. This is also in line with LCDS 2 requirements as, owing to space restrictions, cyclists could not be segregated away from traffic. As cyclists will be using this section of the highway the reduction of traffic speeds and removal of HGVs from this section will help address safety matters.
41. A central median and edge of carriageway imprint inlay material will be introduced within the Beddington Village Conservation Area. This change in carriageway character will contribute to the effectiveness of the 20mph speed limit by slowing and calming traffic. This is part of the TfL concept of 'Healthy Streets', aiming to help make London's communities healthier and more attractive places to live, work and do business. Footway materials for the Village area have already been replaced, along with new benches and heritage interpretation signs, selected to be in keeping with and reinforce the character of the area.
42. All junction and access points onto Beddington Lane have been designed in accordance with LCDS 2, and in order to provide safe and expedient movement in line with the Traffic Management Act 2007. This will include raised/hump areas with ramps across selected side roads and property entrances, in order to maintain cyclist priority where the cycleway crosses the highway.
43. The existing signalised T-junction at the Beddington Lane/Marlowe Way junction will be replaced with a mini-roundabout. This will allow the provision of a parallel zebra crossing to enable controlled pedestrian and cyclist crossing facilities across Marlowe Way. This junction has been through industry standard sensitivity

¹⁵ Addendum SOE, Williams 1.4

testing using the VISSIM microsimulation to ensure that its performance is an improvement on the existing junction.¹⁶ This work has demonstrated conclusively that the impacts on traffic flows are likely to be positive, or as a minimum stay the same as existing.¹⁷

44. Five new controlled crossing facilities replace two existing crossings, and have already been implemented. They are positioned on Beddington Lane so as to improve and support safe pedestrian and cycle movement.¹⁸ They include toucan crossings to the north of Greenland Way and at Beddington Farmlands. These are signal controlled and positioned to connect the sections of cycleway on opposite sides of the road in the northern part of the area. The two parallel zebra crossings in the Village area enable cyclists to cross the road safely by giving the same level of priority to cyclists as a zebra crossing gives to a pedestrian. There is also a further zebra crossing point for pedestrians in the Village area.¹⁹
45. The land required from the remaining statutory objector, KP, and the non-statutory objector, TP, is to allow the construction of part of the segregated cycle/footway in line with the LCDS design standards. The KP area will also include a bus stop and shelter, sited within the pedestrian area and away from the cycle route in order to improve safety. Without the CPO land it would not be possible to accommodate the bus shelter away from the cycleway.

Human Rights and Equalities Act

46. The interference with the rights of those whose land will be part of the Order is limited and does not include any residential properties. Nonetheless, the Human Rights Act 1998 must be considered by authorities promoting the use of compulsory purchase. LBS carried out an assessment of the interference with individuals' rights. In resolving to make the order it considered that:
 - i. With regard to Article 8, and the right to respect for private and family life, there is a legal basis for making the CPO under section 239 of the 1990 Act, and the CPO pursues a legitimate aim to improve the highway. In balancing the rights of the individuals who are affected against the benefit to the community of proceeding with it, the making of the CPO is justified in the interests of the wider community benefits, which accord with adopted planning policy.
 - ii. With regard to article 1 of Protocol 1, and the protection of property, the interference with the individual's property is justified by the advantages accruing to the public by proceeding with the CPO, particularly taking into account the fact that there is a legal right to compensation for the property acquired under the CPO.
47. LBS has also complied with the Equalities Act 2010 by carrying out an equality impact analysis as part of an Integrated Impact Assessment process.²⁰ This identifies both the negative and positive impacts of the proposals and considers

¹⁶ CD 4.1

¹⁷ Acquiring Authority's response to Objection from ASDA, paragraph 3.24.1

¹⁸ Plan T20137/PO2

¹⁹ Plan T20137/LZ/001

²⁰ CD 2.12

that, overall, the positive impacts outweigh the negative. In addition, it identifies how any negative impacts might be mitigated, and any positive impacts ensured through the delivery of the project. The conclusion was that no major change was required. The assessment did not identify any potential for discrimination or adverse impact and all opportunities to advance equality have been taken.

Modifications

48. Prior to the opening of the Inquiry the Council agreed to minor modifications to the Order. These are: the removal of section '246' as listed in Article 1 of the Order document; adding the words 'other than lessees' after the title 'tenants or reputed tenants' in the Table 1 title; remove the words 'or thereabouts' from all the plot descriptions; revise descriptions to read 'Brookmead Industrial Estate' instead of 'Brookfield Industrial Estate' for Plots 001 to 004; revise descriptions to read 'Ashworth Industrial Estate' instead of 'Industrial Estate' for Plots 030 to 038; add labels to CPO map (sheet 3 of 5) 'Ashworth Industrial Estate' and 'Beddington Industrial Estate'; remove the words 'excluding interests owned by the acquiring authority' from the descriptions of Plots 007, 008, 043, 047, 048, 052 and 057.²¹
49. I consider that these modifications would be necessary, in the interests of clarity, should the CPO be confirmed.

THE CASE FOR THE OBJECTORS

Killoughery Properties Ltd

The material points are:-

50. Insufficient information has been provided about the nature of the Scheme and that the Scheme is fully funded;
51. There has been insufficient consultation undertaken with the owners to evaluate the effects of the Scheme, and the potential mitigation of the Scheme, in so far as it affects the owner's property;
52. The CPO does not adequately protect local businesses and jobs, given that it is the owners intention to develop this land in the future and access to Beddington Lane will be required, which will affect the proposed Scheme;
53. The acquiring authority has not taken reasonable steps to acquire the land from owners by agreement;
54. The effect of the Scheme does not accord with the first protocol of Human Rights, given that the accumulative effects on individual land owners are greater than the wider public benefit of the Scheme.

Travis Perkins Ltd

The material points are:-

²¹ Inspectors dossier, document 7d.

55. The area of land belonging to the Company and identified for acquisition in the CPO for the Scheme forms part of the main road frontage to the property. The acquiring authority has not adequately justified the requirement to take this land, nor has it provided sufficient information to the Company for it to assess the impact the acquisition of the subject land will have on its retained property.
56. At present the acquiring authority has yet to demonstrate a compelling case in the public interest to acquire plots 30 and 31.
57. The Company is concerned that both in the carrying out of the works comprising the Scheme and following its implementation, there will be a detrimental impact on the current vehicular access arrangement into, and the commercial operation, carried out at the Property.
58. The Company has confirmed in writing its willingness to engage with the Council, but despite several attempts to progress these discussions it does not have sufficient information to fully assess the impact of the Scheme, particularly as the currently available design plans do not accurately reflect what is proposed to be constructed.

INSPECTOR'S CONCLUSIONS

59. Bearing in mind the submissions that I have reported, I have reached the following conclusions, references being given in square brackets [□] to earlier paragraphs where appropriate.
60. Government guidance on CPOs²² confirms that a compulsory purchase order should only be made where there is a compelling case in the public interest, and the purposes for which the compulsory purchase order is being made sufficiently justify interfering with the Human Rights of those with an interest in the land affected.
61. Factors to be taken into account in determining whether there is a compelling case in the public interest include whether:
 - all the land affected by the CPO is required;
 - the necessary resources to acquire the land and implement the scheme for which the land is required are likely to be available within a reasonable timescale;
 - the scheme is unlikely to be blocked by any impediments to implementation; and,
 - efforts have been made to secure the required land rights and titles by negotiation.
62. I will consider these factors and also directly address the objections of KP and TP.
63. The proposed Scheme is an important part of the strategy to transform and unlock the potential of this area by reducing the dominance of motor vehicles, reducing congestion, increasing the safety of all road users and improving the quality of the local environment ^[13].

²² See footnote 13.

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64. The Scheme is supported by various policies within the London Plan, including 2.17 which refers to the need for coordinated transport and environmental improvements in the SILs ^[28]. The Council's Local Plan including Policy 35 relating to transport proposals refers to the Scheme as part of the enhancement of the Boroughs Infrastructure^[32]. The Scheme is also identified as an allocated road improvement scheme ^[33].
65. The Scheme will provide enhanced facilities for pedestrian and cycle connectivity and make improvements to the public realm. The key benefits would be felt in terms of ambience benefits for pedestrian, cycle and public transport trips, coupled with reductions in journey times, health benefits and a reduction in the number of collisions ^[16-22].
66. Funding for the scheme has been secured^[37] and detailed design is complete. The remaining planning approvals should be secured soon ^[35]. The Council consider that, if the CPO is confirmed, then there would be no impediment to the delivery of the scheme^[38] and I agree with that assessment.
67. Whilst no party directly disputes that the titles and rights sought by the CPO are necessary for the implementation of the scheme, both KP and TP consider that there has been insufficient consultation and information about the Scheme, and that it has not been fully justified. However, the Council points to the consultations and publicity events held in 2017, setting out the compelling case in the public interest^[23]. Furthermore, contact with all individual landowners has been made, amounting to reasonable steps being taken to secure the land by agreement. This is evidenced by the negotiations that have been held with both parties, including letters, emails, telephone conversations and site meetings in which details of the final design were discussed ^[26,27].
68. I have been given no amplification of the objections from KP or TP. Nor did either party choose to attend the Inquiry or submit evidence to it. From the evidence that is before me therefore, I can only conclude that the Council have done everything possible to address the concerns of both objectors.
69. In respect of access to KP land LBS have confirmed that, although there may be some disruption during construction, access to this land can be maintained at all times, with the reinstatement of the original access point once completed. In this regard, whilst I understand that this land is MOL on which development is restricted, should the necessary approvals be gained there would be no restrictions associated with access. In respect of TP access concerns, design details have been confirmed along with the commitment to maintain access to this property during construction.
70. TP have suggested that there would be a negative impact on commercial operations, and KP have suggested that local jobs and businesses would not be adequately protected. However, I have been given no evidence to support these conjectures.
71. Finally, looking at the objections of KP relating to the first protocol of Human Rights, the Councils evidence has demonstrated that the effect of the Scheme on individual land owners is justified in relation to the wider public benefit of the Scheme ^[46].

Overall conclusion

72. Taking into account my findings as set out above, I conclude that without the CPO the assembly of land required by other means would not be possible. There is therefore a compelling case in the public interest for the CPO to be confirmed, in order to deliver a range of public benefits. I further conclude that the purposes for which the CPO is being made sufficiently justify interfering with the Human Rights of those with an interest in the land affected.

RECOMMENDATION

73. I recommend that **the London Borough of Sutton (Land at Beddington Lane) Compulsory Purchase Order 2019** be made, subject to the modifications set out in paragraph 48.

AJ Mageean

INSPECTOR

APPENDIX 1 - APPEARANCES

FOR THE APPLICANT

Ms Victoria Hutton of Counsel

Mr Gavin Chinniah BSc(Hons) MSc MRTPI

Mr Simon Mole MRICS

Mr Craig Drennan MA(Hons) MSc MCIHT CTPP

Mr Chris Smith BSc(Hons) MCIHT

Mr Kevin Williams BSc(Hons)

APPENDIX 2 – DOCUMENTS

Inspector's Dossier from National Transport Casework Team	
1	Notice of Public Inquiry
2	The Order
3	Scheme Drawings
4	Council's Statement of Reasons
5	Outstanding Objections <ul style="list-style-type: none"> a) Mr Michael Ferncombe b) Maiselands Limited and Arrington Limited c) ASDA d) Killoughery Properties Limited e) Capital Industrial
6	Council's Statement of Reasons
7	Modifications and additional information <ul style="list-style-type: none"> a) Query letter to Council following assessment b) Council's response to queries c) Further correspondence with Council d) Table of agreed modifications

Core Documents

1 Compulsory Purchase Order and Supporting Documents	
CD1.1	The Order dated 21 May 2019
CD1.2	Order Maps
CD1.3	Statement of Reasons
CD1.4	Press Notices
CD1.5	Specimen Notice of Making Order served on owners
CD1.6	Specimen Site Notice advertising making the Order
CD1.7(a)	Report and resolution to make CPO (Decision) 6 November 2017
CD1.7(b)	Report and resolution to make CPO (Resolution) 6 November 2017
CD1.8	Record of decision taken under delegated authority by a Council Officer relating to revision to Appendix A of report dated 6 November 2017
CD1.9	Scheme Drawing – Cycleway Lane Footway & ASDA Junction
CD1.10	Statement of Case

2. Planning Documents	
CD2.1	London Plan 2016
CD2.2	Mayor's Transport Strategy 2018
CD2.3	National Planning Policy Framework 2019
CD2.4	Site Development Policies 2014
CD2.5	Beddington North Neighbourhood Plan 2015
CD2.6	London Borough of Sutton Local Plan 2016-2031
CD2.7	South London Waste Plan

CD2.8	London Borough of Sutton Sustainable Transport Strategy March 2015
CD2.9	Transport for London's Local Implementation Plan
CD2.10	New London Plan – Consultation Draft
CD2.11	Mayors Transport Strategy
CD2.12	Equalities Impact Statement
CD2.13	Consultation Summary

3. Legislation

National Policy and Guidance

CD3.1	Extract of Highways Act 1980
CD3.2	The Acquisition of Land Act 1981
CD3.3	Compulsory Purchase (Inquiry Procedure) Rules 2007
CD3.4	CLG Circular 01/08 'The Compulsory Purchase (Inquiry Procedure) Rules 2007
CD3.5	Guidance on Compulsory Purchase Process and The Crichel Down Rules for the disposal of surplus land acquired by, or under the threat of, compulsion (February 2018)
CD3.6	Local Authority Circular DfT Guidance 2/97
CD3.7	The Highways (Inquiry Procedure) Rules 1994
CD3.8	Traffic Signs Regulations and General Directions 2016

4. DOCUMENTS RELEVANT TO THE RESPONSE TO OBJECTIONS

CD4.1	VISSIM Modelling Technical Note for Beddington Lane dated 25 August 2017
CD4.1.1	Beddington Lane Journey Time Assessment
CD4.2	Ferncombe/Cappagh Site Layout Plan
CD4.3	Business Case for the North Beddington Major Scheme 2017
CD4.4	Sutton Industrial Land Phase 1 Baseline Study May 2016

INQUIRY DOCUMENTS

EVIDENCE ON BEHALF OF COUNCIL

	Witness Name
1	Mr Gavin Chinniah: Statement of Evidence on Matters relating to Planning Policy
2	Mr Simon Mole: Statement of Evidence on matters relating to Land and Property
4	Mr Christopher Smith: Statement of Evidence on matters relating to the Design of the Major Project
5	Mr Kevin Williams: Statement of Evidence relating to the promotion of the Beddington Lane Major Scheme

OBJECTORS

Landowner/Occupier Objectors		Position
1	Objection by ASDA: Proof of Evidence on Transportation issues from Neil Wisher	Withdrawn
	Mr Craig Drennan: Acquiring Authority's Response to Objector's Evidence of Neil Wisher (ASDA)	
2	Objection by Michael Ferncombe: Statement by Mr Nigel Amos	Withdrawn
	Mr Simon Mole: Response to Evidence of Michael Ferncombe	

Documents handed in during the Inquiry

1. List of appearances on behalf of the Acquiring Authority
2. Objection withdrawal letter on behalf of ASDA Stores Ltd
3. Statement of Compliance with Statutory Formalities
4. Updated Order Plans with Modifications noted
5. Opening Statement on behalf of the London Borough of Sutton
6. Craig Drennan, WSP, CV and Professional Qualifications
7. Beddington Major Scheme Location of Crossings T20137/LZ/001 RevA

Documents received after the Inquiry

1. Closing Submissions on behalf of the London Borough of Sutton
2. Addendum Statement of Evidence of Mr Kevin Williams
3. Addendum Statement of Evidence of Mr Gavin Chinniah