



Department  
for Transport

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By email to [REDACTED]

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Your Ref: JCB1/307324.10

Our Ref: NATTRAN/L/LAO/200

Date: 26 February 2020

Dear Mr Bower

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

**SECRETARY OF STATE'S DECISION – ORDER TO BE CONFIRMED WITH  
MODIFICATIONS**

1. I refer to your application, submitted on behalf of the London Borough of Sutton Council ("the Council"), for confirmation of the above-named Compulsory Purchase Order ("the Order"). The Secretary of State for Transport ("the Secretary of State") has decided to confirm the Order, as modified by him, and this letter constitutes his decision to that effect.

2. The confirmed Order will authorise the Council to purchase compulsorily the land for the purposes of improving the highway at Beddington Lane / Beddington Village, including the provision of a new continuous north-south cycle track and footway.

**CONSIDERATIONS FOR DECISION**

3. As the Order received objections, it was decided that a Public Inquiry should be held for the purposes of hearing those objections. Such Inquiry was held on 19 November 2019 at Croygas Sports Club, Wallington, Surrey, before Inspector A J Mageean BA (Hons) BPI PhD MRTPI, an independent Inspector appointed by the Secretary of State. The Inspector considered all representations and objections about the Order and subsequently submitted a report to the Secretary of State, a copy of which is enclosed with this letter.

4. The Secretary of State has given careful consideration to the Inspector's report and also to a number of relevant issues, as set out in *Guidance on Compulsory purchase process and The Criche Down Rules* and *The Highways Act 1980*, in reaching his decision on the Order. Namely that:

- i) there should be a compelling case in the public interest to acquire all the land and that this should sufficiently justify interfering with the human rights of those with an interest in the land affected;
- ii) the acquiring authority should have a clear idea of how it intends to use the land that it wishes to acquire;
- iii) sufficient resources should be available to complete the compulsory acquisition within the statutory period following the confirmation of the Order, and to implement the scheme; and
- iv) there should be a reasonable prospect of the scheme going ahead and implementation should be unlikely to be blocked by any impediment.

## CONCLUSION

5. The Secretary of State has considered carefully the objections to, and representations about, the Order. He has also given thorough consideration to the provision of Article 1 of The First Protocol to the European Convention on Human Rights. In this respect the Secretary of State agrees with the Inspector's conclusion at paragraphs 71 and 72 of her report and considers that the benefits of the Compulsory Purchase Order sufficiently justify the interference with the human rights.

6. The Secretary of State is satisfied that the scheme is covered by the provisions of Schedule 2, Part 9 of the Town and Country Planning Act (General Permitted Development) (England) Order 2015, with appropriate planning consents in place for accommodation works. He is also satisfied that the Order has been made in accordance with the relevant sections of the legislation, namely sections 239, 240 and 260 of the Highways Act 1980.

7. Furthermore, he has been provided with clear descriptions of why the Order land is required and how it will be used. No land and rights beyond those necessary to implement the scheme have been included. The Council has confirmed that funding is available for the delivery of the scheme and the Secretary of State is satisfied that there are no anticipated impediments to the scheme going ahead.

8. Having considered all aspects of the scheme, the Secretary of State is satisfied that there are no compelling reasons which would justify not confirming the Order. The Secretary of State agrees with the Inspector's recommendations and has decided to confirm, as modified by him, 'The London Borough of Sutton (Land at Beddington Lane) Compulsory Purchase Order 2019'.

9. In confirming the Order, the Secretary of State has relied on the information that the Council and others have provided, as contained in the Order and any related plans, diagrams, statements or correspondence, as being factually correct. Confirmation is given on this basis.

### MODIFICATIONS

10. The Secretary of State will make the following modifications to the Compulsory Purchase Order as agreed with the Council prior to the Inquiry (and as referenced at paragraphs 48 and 49 of the Inspector's report). He does not consider that any of the modifications would materially alter anyone's understanding of the Order and is satisfied the modifications do not result in the acquisition of any additional land.

- (i) Remove section "246" as listed in Article 1 of the Order document.
- (ii) Add the words '**other than lessees**' after the titles "*tenants or reputed tenants*" in Table 1.
- (iii) Remove the words "*or thereabouts*" from all the plot descriptions.
- (iv) Revise descriptions to read '**Brookmead Industrial Estate**' instead of "*Brookfield Industrial Estate*" for Plots 001 to 014.
- (v) Revise descriptions to read '**Ashworth Industrial Estate**' instead of "*Industrial Estate*" for Plots 030 to 038.
- (vi) Remove the words "*excluding interests owned by the acquiring authority*" from the descriptions of Plots 007, 008, 043, 047, 048, 052 and 057.
- (vii) Add the locations of **Ashworth Industrial Estate** and **Beddington Trading Park** to the map (Sheet 3 of 5).

### AVAILABILITY OF DOCUMENTS

11. A copy of this letter, together with a copy of the Inspector's report, has been sent to remaining objectors, interested parties who appeared at the Inquiry, other potential interested parties and relevant Members of Parliament. Additional copies are available upon request to this office.

12. Please arrange for a copy of the Inspector's report and of this letter, to be made available for inspection at the offices of the Council and at all other places used to deposit the Order 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 her report. Those documents, photographs or plans, are retained at this office, and will be made available at a local place of inspection.

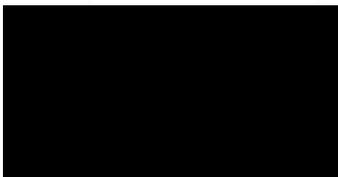
## RIGHT OF CHALLENGE

13. Notice is to be published of confirmation of the Order. Any person who wishes to question the validity of the confirmed Order, or any particular provision contained therein, on the grounds that the Secretary of State has exceeded his powers or has not complied with the relevant statutory requirements in confirming them 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 an application must be made within six weeks of publication of the notice that the Order has been confirmed. The High Court cannot entertain an application under Schedule 2 or section 23 before publication of the notice that the Secretary of State has confirmed the Order.

## COMPENSATION

14. Details of compensation arising as a consequence of confirmation of a Compulsory Purchase Order are a matter for negotiation with the acquiring authority and not the Secretary of State. Accordingly, qualifying persons in relation to the land included in the Compulsory Purchase Order will need to be approached by the Council about the amount of compensation payable to them in respect of their interests in the land. If the amount cannot be agreed, the matter may be referred for determination by the Upper Tribunal (Lands Chamber) under the Lands Tribunal Act 1949 and the Land Compensation Act 1961 and 1973, as amended by the Planning and Compulsory Purchase Act 2004.

Yours sincerely,



**DAVE CANDLISH**

Authorised by the Secretary of State for Transport  
to sign in that behalf