



Secretary of State for Levelling Up, Housing
and Communities
Planning Casework Unit
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Transport for London
Estates Management

Operational Property

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By email to pcu@levellingup.gov.uk

Dear Sirs,

The London Borough of Haringey (High Road West Phase A) Compulsory Purchase Order 2023 (“Order”)

I write on behalf of affected landowner, Rail for London Limited (“RfL”), to object to the Order.

RfL is a subsidiary company of TfL and responsible for the operation of certain rail lines in London including lines and stations included on what is referred to as London Overground, of which White Hart Lane station is one of those stations. This development is adjacent to White Hart Lane station and the London Overground network.

RfL is affected by the Order in the following ways:

- The acquisition of permanent rights against land held by RfL under long leases of Plots 55, 59 and 62. It should be noted that the Schedule of Interests only refers to RfL as an occupier of Plots 55 and 59, and is therefore incorrect in relation to plot 62.
- According to the Order, interference with easements/covenants benefitting RfL as against Plots 57, 58 and 59.

RfL hold interests in these plots under leases from Network Rail Infrastructure Limited (“Network Rail”) dated 29 May 2015 and 23 August 2019. Additionally Arriva Rail London Limited (“Arriva”) occupies White Hart Lane station as the operator of the London Overground network and Station Facility Owner of White Hart Lane station.

As this land has been acquired by RfL for the purposes of its undertaking, RfL are accordingly a statutory undertaker for the purposes of sections 8 and 16 of the Acquisition of Land Act 1981. A representation and application has been

made to the Secretary of State for Transport under sections 16(1) and 16(2) of that Act and a copy of that is enclosed.

The grounds of the objection are set out in more detail below. These will be outlined further in proofs of evidence and at inquiry should that be necessary.

1. Safe working and appropriate asset protection provisions

The grant of the permanent rights sought and described in the order against the affected plots would fetter the land and prevent it being used safely for the operational railway. The access rights sought are extensive and proposed to be used in close proximity to the railway without any appropriate asset protection provisions in place. For development of this nature, an asset protection agreement would be required together with any appropriate rights of access on a temporary basis that may be required to facilitate the development, if it is possible to grant such rights given the nature of the land and the operational railway. This would be carefully controlled to ensure the protection of persons on the development as well as the protection of the railway.

The Order seeks the following rights over the operational railway land:

- access with or without vehicles;
- the use of scaffolding or temporary hoarding;
- the exclusion of other parties to the area (including RfL, Network Rail and Arriva);
- the alteration or demolition of structures on the land.

The permanent acquisition of the extent of the rights sought is unacceptable for operational railway land, whether expressed to be exercisable on a temporary or permanent basis, and where any rights are granted then it is necessary for those rights to be appropriately controlled through asset protection arrangements which the Order does not seek to provide. RfL is still analysing the rights the Order is seeking, but at this stage RfL has material concerns about maintaining operational access to the railway if the rights sought under the Order were granted aside from concerns about the protection of the railway.

2. Lack of engagement in seeking property rights

Whilst RfL have been engaging in relation to an asset protection agreement with the developer on works to the west of the railway, it was only in January that the requirement for any property rights on the east side of the railway first arose and no material discussion for any asset protection arrangements with the developer for works on the east side of the railway has taken place to date. It was further only clear what the property requirements were when the Order was made and a copy received by RfL. No attempt was therefore made to negotiate the rights now sought under the Order by agreement before the Order was made. In addition, the developer has not proactively sought the rights

required by agreement since the Order has been made. The Order has therefore not been made as a last resort.

3. Acquisition of a permanent right for the temporary use of land

The rights required here are effectively temporary to facilitate the development. Nevertheless, the rights sought are permanent ones granting rights over the operational railway that would be uncontrolled not just for the short term but also the long term. Temporary possession under a compulsory purchase order is currently not possible until the provisions in the Neighbourhood Planning Act 2017 are commenced and what is being sought through the rights here is an attempt to seek temporary possession through the acquisition of permanent rights. However, the acquisition of permanent rights to facilitate a temporary requirement is disproportionate and inappropriate, and even more so in the case of the acquisition of rights against operational railway land.

RfL will discuss the property requirements with the developer and the London Borough of Haringey to understand their requirement together with securing the necessary asset protection arrangements for any rights and more generally for the development on the east side of the railway. However, until an agreement is in place that adequately protects the railway and the safety of the development, RfL will continue to object to the Order.

Yours sincerely



Maxine Greaves

For Head of Operational Property

Enc Representation and application under s16 Acquisition of Land Act 1981
dated 7 March 2023