



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

Rebuttal Proof of Evidence of Mr Simon Ancliffe

October 31, 2023

Submitted on behalf of Canvax limited, Goodsyard Tottenham Limited, Meldene Limited, Tottenham Hotspur Stadium Limited, Paxton17 Limited, Stardare Limited and High Road West (Tottenham) Limited



Project name		Project HRW					
Document title		The London Borough of Haringey (High Road West Phase A) Compulsory Purchase Order 2023					
Project number		12619166					
File name		Rebuttal Proof of Evidence of Mr Simon Ancliffe.docx					
Status Code	Revision	Author	Reviewer		Approved for issue		
			Name	Signature	Name	Signature	Date
Final	1.0	Simon Ancliffe	Simon Owen		Simon Ancliffe		31 Oct 2023

Movement Strategies 05528602

Contact: Simon Ancliffe, Executive Advisor | Movement Strategies

GHD, Floor 10, 25 Farringdon Street

London, EC4A 4AB, United Kingdom

T +44 203 540 8520 | **E** info@movementstrategies.com | **movementstrategies.com**

[Compliance statement]

© *Movement Strategies 2023*

This document is and shall remain the property of GHD. The document may only be used for the purpose for which it was commissioned and in accordance with the Terms of Engagement for the commission.

Unauthorised use of this document in any form whatsoever is prohibited.

Contents

1.	Introduction	1
2.	Detailed Points of Rebuttal	2
3.	General Observations and Conclusions	8

1. Introduction

- 1.1. I have prepared this rebuttal Proof of Evidence in response to the Proof of Evidence of Ms Becky Hayward on behalf of the Acquiring Authority.
- 1.2. I have used the same abbreviations and definitions in this rebuttal Proof of Evidence as in my main Proof of Evidence.
- 1.3. The fact that any particular point raised in Ms Hayward's Proof of Evidence has not been addressed in this rebuttal Proof of Evidence should be not taken as acceptance of the point.
- 1.4. Ms Hayward's Proof of Evidence and her appendix 9.14 set out a "high-level review" (as she describes her assessment in paragraph 5.7 of her Proof of Evidence) of the proposed construction phasing arrangements so far as they relate to crowd safety issues.
- 1.5. In Section 2, I address individual paragraphs within Ms Hayward's Proof of Evidence and in Section 3, I make further general observations and conclusions on the totality of the crowd flow assessments in response to the new information within, and appended to, Ms Hayward's Proof of Evidence.

2. Detailed Points of Rebuttal

Paragraph 1.4

- 2.1. Ms Hayward confirms that Buro Happold were instructed by Lendlease in 2022 (CD9.14.1 references November 2021) to act as the crowd flow consultants in respect of the High Road West planning application. The High Road West planning application was submitted in October 2021.
- 2.2. As set out in Mr Serra's Proof of Evidence (para. 6.7), THFC highlighted the fundamental importance of crowd flow matters to the Council to inform the bidding process that led to the appointment of Lendlease as the Council's development partner for High Road West.
- 2.3. The fact that Buro Happold were only instructed after the High Road West planning application was submitted demonstrates that crowd flow considerations were not properly considered in the design of the CPO Scheme and the construction phasing to deliver it.
- 2.4. As a result, the crowd flow implications of the scheme were not fully developed and assessed when the High Road West planning application was submitted. Only following prompting by THFC, was limited information and analysis submitted on a piecemeal basis prior to the Council's consideration of the application in July 2022.
- 2.5. In turn new phasing sequences were proposed with the Council Statement of Case in respect of the CPO (without any associated updated crowd flow assessment) and Ms Hayward's Proof of Evidence provides, for the first time, a further limited "high level" review of the construction phasing arrangements (which has been revised again).
- 2.6. I make these points to illustrate that at no point has a comprehensive detailed assessment of the implications of the CPO Scheme in respect of crowd safety matters been undertaken nor shared with a principal stakeholder for delivering crowd safety, THFC. Much of the information submitted to date has been provided on a reactive piecemeal basis in response to concerns raised by THFC. In my opinion there has been insufficient consultation with key stakeholders such as THFC and the Metropolitan Police.

Paragraph 4.5

- 2.7. This paragraph suggests that the May 2022 Crowd Flow Study Report [CD4.40] satisfactorily demonstrated that the crowd flow measures to be provided during construction and after completion of the High Road West Scheme would provide at least the equivalent provision to the existing arrangements. I do not agree with this suggestion.
- 2.8. THFC identified omissions and errors within the Crowd Flow Study Report that led to further last-minute dialogue and clarifications [CD9.13 1.5.3 -1.5.6, CD9.14.1] being provided very late in the process.
- 2.9. This paragraph provides a misleading impression of the thoroughness of the Buro Happold assessments at the point of submission.

Paragraph 4.7

- 2.10. Condition 64 of the Planning Permission is referenced and in respect of Final Crowd Management plans notes that the “access and space for visitors to the stadium across the development is no less than the situation as at the date of grant of this planning permission in terms of minimum queue widths, minimum areas for queuing and general queue safety such as tripping hazards and ensuring queue configurations and locations meet the necessary requirements for crowd safety”. The Buro Happold Report [CD4.41, s1] summary stated that there would be a 55% to 90% increase in the Southbound queue area. There is no such commitment in Ms Hayward’s Proof of Evidence.

Paragraph 4.10

- 2.11. Ms Hayward suggests that the Section 106 Agreement "requires" Lendlease to grant an access licence to THFC. This is not correct. As set out in my Proof of Evidence, the S106 Agreement only requires Lendlease to use reasonable endeavours to enter into an Access Licence agreement. As at the date of this rebuttal Proof of Evidence, there is no agreement in place which grants THFC the necessary legal rights of access to manage crowds across the scheme on event days. I am aware that Lendlease has written to THFC to set out its position in respect of the terms of the Access Licence. I attach a copy of that letter dated 23 October 2023 as Appendix 1. I address that letter in Section 3 below.

Paragraph 5.5

- 2.12. Section 5 contains the first assessment in the public domain of the revised construction phasing arrangements.
- 2.13. Ms Hayward asserts that the updated construction phasing plan is not significantly different to the previously proposed arrangements. In my opinion there are significant differences in respect of the amount of space provided, geometry, edge conditions, hoarding provision (which affects the ability to evacuate and emergency service access) and sequencing from the plans previously provided.
- 2.14. The change in the geometries of the construction phase routes affects the geometries and allocation of space to the primary and contingency components of the queues and their relation to the location of any toilets.

Paragraph 5.7

- 2.15. Ms Hayward acknowledges that she has provided only a "high level review" of the newly proposed construction phasing routes and stages.
- 2.16. The review is indeed high level and does not contain any quantitative details or assessment of the proposed queuing system and operations. Neither Ms Hayward's Proof of Evidence nor her Appendices provide even an equivalent level of detail to that included in the Crowd Flow Study Report [CD4.40] relating to the previous construction phasing. For example, the length of the routes in any phase; the proposed queue widths; cross-sections; and resulting areas are not directly provided.

- 2.17. In my opinion, indicative schemes for each of the construction "Stages" (which would include indicative geometries, lengths, widths and areas of queue lanes within the access route spaces provided; locations of toilets and associated servicing footprint; and associated high level concept of operation (e.g., access to emergency service routes) should be prepared. This would provide assurance to THFC (as the party primarily responsible for managing the safety and security risks) and other stakeholders that the proposed construction phases "Routes" and "Stages" are safe and workable, and that any safety issues have been or can be addressed. This work has not been included within Ms Hayward's "high level" review.

Paragraph 5.8 onwards

- 2.18. In these sections of her Proof of Evidence (and the associated figures), Ms Hayward identifies 3 "Routes" and 11 construction "Stages" (including the final stage representing the "End State").
- 2.19. However, insufficient information has been provided within her Figures 2 to 5 (and her Appendices 9.14.6 and 9.14.7) to represent a full and proper assessment of the acceptability of the proposed arrangements. A number of conclusions have been asserted but without the necessary supporting evidence.
- 2.20. Due the lack of information provided, a number of matters remain uncertain. For example, none of the Figures show Route lengths, cross sections, queue widths, or areas. I can see no reason why this information could not be provided.
- 2.21. The Route lengths matter because the proposed Routes are shorter than the existing queuing routes. As a result, the width of the queue lanes must, in general, be wider than the existing route or have switchbacks to provide the same queueing area. If switchbacks are proposed it is necessary to consider the geometry of the queue and its footprint in the public realm to assess the concept of operation and associated risks (for example, the propensity for fans to jump the barriers/queues).
- 2.22. In addition, toilets should be located before the start of the barriered queue, which may be a constraint on the queue layout and allocation of space between the primary barriered queue and the contingency queue within the construction phasing geometry. Neither the space assigned to primary and contingency queues, nor toilet locations have been shown on Ms Hayward's Figures.
- 2.23. Likewise, the Figures do not show the dimensions of the available public realm within which the queues will sit. The Figures within Appendix 9.14.6 indicate that there is additional temporary public realm, but no indication is provided as to the extent to which this space is available for flexibility in queuing design, circulation, emergency arrangements or associated crowd management infrastructure.
- 2.24. Route 2 is categorised as representing "minor alterations" to the existing arrangements. I do not agree with this categorisation as the route does not follow Love Lane south of White Hart Lane. It is shorter than the existing route and there are other significant changes in the edge conditions with the introduction of hoarding along long sections.

Paragraph 5.10.1 a,b,c

- 2.25. Ms Hayward asserts that each "Stage" provides at least the equivalent available circulation width and queue area to the existing provision. In 5.10.1c it is stated that "the end state public realm is in place along the key crowd flow route. This provides an increased area and width for crowds as compared to the existing situation." However, the increase in area and width for crowds is not stated and there is no commitment to this provision.
- 2.26. Again, no detail or quantitative evidence has been provided to substantiate this assertion. Furthermore, Ms Hayward emphasises equivalence of the quantum of space and width. In my view a more holistic assessment is necessary. For example, in the sections where the queue areas are adjacent to construction hoardings, it may be necessary for a greater quantum of space to be provided than the space required for queueing in the existing arrangement for the purpose of emergency evacuation - as explained below.

Paragraph 5.10.2

- 2.27. It is stated that "each stage provides at least the equivalent number of access points surrounding the site" in comparison to the existing scenario.
- 2.28. However, it is a feature of the existing public realm that it contains a higher number of escape routes into the Love Lane Estate than identified by Ms Hayward (for example, gates from Love Lane and the Whitehall Street spur) as well as circulation widths outside the queue barrier lines that can be used for dispersal in the event of an emergency requiring evacuation.
- 2.29. A number of the proposed construction "Stages" include queue areas bordered by single- or double-sided hoardings. In general, construction hoardings are intended to be impermeable to crowds to prevent access to construction sites where there will be additional risks for crowd flow and safety.
- 2.30. Ms Hayward does not comment on the hoarding type or specification report but the Construction Environmental Management Plan [CD4.41, s9.5.1] indicates "Hoarding Type 1 will be a non-fixed type" intended to be "used along routes where the queueing strategy is to be implemented". It is not clear how these moveable barriers adjacent to a construction site could work safely and securely in practice if they are still intended to prevent egress into a construction site.
- 2.31. In Stages 6 and 7, for example, sections of the Routes are bounded by 140-145m of hoarding on one side and parts of these are double-sided. Where the queues are bounded by hoarding, crowds will not be able to escape through the hoarding line and may have to break through multiple barriers or traverse to the end of the queue corridor to escape. In emergency situations the presence of high-density crowds trying to evacuate presents significant safety risks. The queue capacity, crowd densities, configuration, footprint and escape route capacities need to be considered holistically so that the risks can be properly understood. If those risks cannot be reasonably mitigated through increase in circulation space and/or crowd management measures, the geometry of the queuing area (and therefore construction plots themselves) will need to be reviewed. Ms Hayward has not undertaken such an assessment. As set out above one consequence of such an assessment may be that greater space and widths are required in

comparison to the existing situation to provide for additional evacuation space. THFC has consistently raised the need to properly consider emergency evacuation of the crowded arrangements.

- 2.32. For Stages 8 and 9 the double-sided hoarding is in an area where crowd density will be at its highest. Rapid evacuation of this area, particularly in the case where a threat precludes the use of one end of the corridor, carries significant crowd safety risks. As set out above additional crowd circulation space beyond that required for the queueing area may be one way to mitigate these risks.
- 2.33. It is notable that in Stage 10, although the hoarding is on one side only there is a building line on the southern side of the queueing area. This building line may have the same characteristics as hoarding in terms of its permeability. Therefore, the same principles regarding the means of escape in emergency situations as Stages 8 and 9 will apply to Stage 10.
- 2.34. It is instructive that in her Appendix 9.1.4.6 [the table on page 55] Ms Hayward identifies that where there is double-sided hoarding "the construction phase can work, but needs to be monitored regularly" (emphasis added). This implies a degree of uncertainty and that there are circumstances where the proposed construction phasing might not work. It is unclear for example what might be proposed in the event that the monitoring identifies a safety risk. At that point it may be too late for any effective alternative arrangements to be put in place.
- 2.35. I note that consideration of hoardings and escape routes led to an objection being raised by the Metropolitan Police Counter Terrorism Security Adviser ("CTSA") which was only withdrawn very shortly before the High Road West planning application was approved. I have seen no evidence that the revised construction phasing plan and associated hoarding proposals have been reviewed by the CTSA subsequently.
- 2.36. In my opinion, detailed scale drawings for each of the Routes and Stages should be provided together with an associated concept of operation for each Stage. A holistic assessment which, amongst other matters, demonstrates that there is sufficient usable space, suitable boundaries for emergency evacuation and an operable arrangement for each Stage should have been prepared. Ms Hayward has not undertaken such an assessment in her Proof of Evidence.

Paragraph 5.10.3

- 2.37. Ms Hayward notes that "where double-sided hoarding along main crowd flow routes is present the length is not more than 50 metres". It is asserted that a length of 50m of double-sided hoarding is considered acceptable based on discussions with the Metropolitan Police, but no record of these discussions or evidence of the Metropolitan Police's position in respect of the revised construction phasing routes has been provided.
- 2.38. In an emergency 50m is a considerable distance to travel in a high crowd density environment. The acceptability of a specific proposal can only be determined following a specific risk assessment, which as far as I am aware, has not yet been undertaken.

- 2.39. An important aspect of the crowd flow operation (and approved Local Area Management Plan) is the provision of toilets to prevent anti-social behaviour. None of the Routes or Stages put forward in Ms Hayward's evidence propose any areas for toilets to be located.

Paragraph 5.11

- 2.40. No evidence or legally binding assurance has been provided to support the assertion that the hoardings will not encroach onto the pavements along Whitehall Street, Love Lane, White Hart Lane or the High Road which are used as access routes throughout the construction phases.

Paragraph 7.1

- 2.41. Ms. Hayward states in her conclusion that before the commencement of any phase, that the Crowd Flow Management Plan will need to show “the arrangements for crowd flow during the construction of the Scheme will be no less than the existing situation in terms of minimum queue widths, minimum areas for queuing and general queue safety.” She does not comment on the completed development and there are no commitments regarding an increase in areas for queuing and crowd management in her Proof of Evidence. The opportunity to enhance the provision for queuing for example to more readily accommodate concerts, boxing or other events without crowds extending onto the High Road as indicated in the CD 4.40 supporting the Planning Application has not been reconfirmed.

3. General Observations and Conclusions

3.1. I make the following general observations in response to Ms Hayward's Proof of Evidence:

- 3.1.1. Ms Hayward's proof contains new information regarding the proposals for the revised construction phasing. Whilst this new information is welcomed, it is only diagrammatic and contains very limited quantitative detail. As Ms Hayward acknowledges her review is only "high level". In my view a fully detailed and holistic assessment should be undertaken now based on proper consultation with THFC and other stakeholders, including the CTSA. This is necessary to avoid a situation where the scheme proceeds based on the currently proposed arrangements and issues which have not yet been considered or assessed arise, which are not capable of being satisfactorily addressed within the approved parameters or arrangements set out in Ms Hayward's evidence. For example, as set out above, one potential consequence of the sections of hoarding is that additional space in comparison to the existing arrangements may be required.
- 3.1.2. As set out in my Proof of Evidence and that of Mr Serra, crowd safety is a matter of fundamental importance to the operation of the Tottenham Hotspur Stadium and to THFC more generally. THFC highlighted the importance of the issue to the Council as early as the bidding stage for the High Road West development partner procurement in 2016. THFC has consistently and repeatedly set out its concerns.
- 3.1.3. Ms Hayward and Lendlease rely on future assessment being undertaken pursuant to Condition 64 attached to the Planning Permission. However, an appropriate level of detail should have been prepared and provided for consultation some time ago as part of the development of the High Road West scheme and prior to the submission of the Planning Application. Condition 64 requires Lendlease to prepare Crowd Flow Management Plans for crowd flow for each of the phases of construction and the completed development. Whilst these Plans are intended to be prepared in consultation with THFC (and others), given Lendlease's approach to crowd flow matters to date, THFC has little confidence that the issues will be considered in a timely and satisfactory manner in the future.
- 3.1.4. As set out above detailed drawings with respect to the queueing arrangements should be prepared with an associated scheme of operation both for the completed development and for each of the construction routes and stages. In my view there is no reason why this information should not be provided now to provide comfort to THFC and the Inspector that crowd flow matters can be satisfactorily addressed.
- 3.1.5. In turn Ms Hayward's review is based on a number of assertions and commitments regarding future configurations such as the suggestion that no hoardings will impinge on to the High Road or White Hart Lane. Likewise, it appears that the temporary routes will be kept open as semi-permanent public routes on non-event days at the Tottenham Hotspur Stadium. The Buro Happold May 2022 Report indicated that significantly more space would be available for crowd management and queueing in the completed development, but this is not referenced in her Proof of Evidence, which instead references the lesser obligation of no less than the existing situation. These matters have not been secured and are not legally

binding. Given the approach to date there is a risk that many of the matters on which Ms Hayward bases her review might not be delivered if/when the CPO Scheme comes forward.

3.1.6. Finally, the operability of the crowd flow arrangements is entirely dependent upon THFC being granted the necessary legal rights of access. Both Ms Hayward and Ms Mason suggest that legal rights of access will be granted to THFC. As set out above on 23 October Lendlease wrote to THFC to set out its position in respect of the proposed Access Licence but as at the date of this rebuttal Proof of Evidence no agreement has been provided.

- 3.2. In response to Lendlease's letter to THFC of 23 October 2023, THFC's solicitors have written to the Acquiring Authority's solicitors to request a series of assurances regarding the future crowd flow arrangements. The letter is attached as my Appendix 2. These assurances set out a number of key principles relating to the quantum and design of the future queueing areas; other aspects affecting crowd flow within ZoneEx; the arrangements for consultation to be undertaken in the development of the necessary Crowd Flow Management Plans; and the terms on which THFC should be granted legal rights of access across the development site. The letter from THFC's solicitors invites the Acquiring Authority and Lendlease to provide a legally binding undertaking that the assurances will be honoured.
- 3.3. In my view in the absence of a proper qualitative and holistic assessment or an undertaking regarding the assurances set out in THFC's solicitors' letter, it has not been demonstrated that the CPO Scheme and interim construction phasing will provide for the safe movement and management of crowds attending the Tottenham Hotspur Stadium nor deliver the enhancements suggested in the Planning Application.
- 3.4. The evidence which I have prepared in this Rebuttal Proof of Evidence is true and I confirm that the opinions expressed are my true and professional opinions.

movement strategies

A **GHD** company

movementstrategies.com | ghd.com

GHD, Floor 10, 25 Farringdon Street
London EC4A 4AB, United Kingdom
+44 (0)203 540 8520