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Dear Sirs,

TRANSPORT AND WORKS ACT 1992: APPLICATION FOR THE PROPOSED LONDON OVERGROUND (BARKING RIVERSIDE EXTENSION) ORDER AND DEEMED PLANNING PERMISSION

1. I am directed by the Secretary of State for Transport to say that consideration has been given to the report of the Inspector, Mr Peter Robottom MA (Oxon) DipTP MRTPI MCMI, who held a public Inquiry between 18 and 21 October 2016 into the application made by your clients, Transport for London ("TfL") for:

- (a) the London Overground (Barking Riverside Extension) Order ("the Order"), to be made under sections 1 and 5 and paragraphs 1-5, 7-11, 13 & 15-17 of Schedule 1 to the Transport and Works Act 1992 ("TWA"); and
- (b) a direction as to deemed planning permission for the development provided for in the Order, to be given under section 90(2A) of the Town and Country Planning Act 1990 ("the planning direction").

2. The Order and the planning direction, if made, would authorise TfL to construct and operate a railway to serve the Barking Riverside development area in the London Borough of Barking and Dagenham ("LBBD") and future potential development areas along its 4km route. The new route would extend the Gospel Oak to Barking London Overground line from Barking station to terminate at a new station in the Barking Riverside development area. The Order would also authorise the compulsory acquisition and the temporary use of land for the purposes of the works and confer powers in connection with the construction, operation and maintenance of the new railway.

3. Enclosed with this letter is a copy of the Inspector's report. His conclusions are set out in section 8 of the report, and his recommendation is at section 9. All paragraph references, unless otherwise stated, are to the Inspector's report ("IR").

4. In making this application, TfL complied with the publicity requirements of the Transport and Works (Applications and Objections Procedure) (England and Wales) Rules 2006 ("the 2006 Rules"). This included serving copies of the application and the accompanying documents on the persons specified in the 2006 Rules and making the

documents available for public inspection. As also required by the 2006 Rules, TfL displayed and published notices giving information about the application and how to make representations and served notice on those whose rights over land would be extinguished under the Order.

Summary of Inspector's recommendations

5. The Inspector recommended that the Order should be made, subject to modifications, and that deemed planning permission be granted subject to conditions.

Summary of Secretary of State's decision

6. For the reasons given in this letter, the Secretary of State has decided to make the Order.

Secretary of State's consideration

7. Careful consideration has been given to all the arguments put forward by, or on behalf of, the parties. The Secretary of State's consideration of the Inspector's report is set out in the following paragraphs.

Aims and need for the proposed extension of the Gospel Oak to Barking line from Barking station to a new station at Barking Riverside ("the BRE scheme")

8. The Inspector noted that the primary aim of the BRE scheme is to support economic development and population growth by unlocking the full residential development potential of the Barking Riverside area through provision of new sustainable transport infrastructure. The Inspector noted that this area is currently very isolated in transport terms and its development is therefore dependent upon provision of new public transport infrastructure, specifically new rail infrastructure, not just to provide sustainable accessibility but to overcome the perception of remoteness. (IR 8.3). The Secretary of State notes that with the delivery of the BRE scheme, the area is capable of accommodating 10,800 homes, for a population of 27,000 and providing 4,600 jobs but that the draft s106 agreement and the planning permission associated with this development restricts delivery to 1,500 homes until the Order and planning direction for the BRE scheme has been secured and to 4,000 homes until the BRE scheme is operational. The Secretary of State notes that amongst others, the BRE scheme is specifically supported by the Mayor of London, members of the London Assembly and LBBD. The Secretary of State agrees with the Inspector that the aims and need for the BRE scheme are clearly established and widely supported (IR 8.6).

The main alternatives considered and the reasons for choosing the proposals comprised in this scheme.

9. The Secretary of State notes that prior to adopting the BRE scheme as the means by which sustainable public transport could be provided to facilitate the Barking Riverside Development, TfL considered six alternatives to the BRE scheme including underground, light rail and bus based options (IR 3.13). The Secretary of State further notes that one of the options rejected was for provision of a station at Renwick Road served by c2c services (the rail franchise operated by National Express from Fenchurch Street station to Tilbury, Southend and Shoeburyness). The Secretary of State notes that one objector noted a preference for this scheme together with an extension of the Gospel Oak to Barking rail

service (“GOB”) to such a station, which the objector considered could double the frequency of trains with a linking bus service into the riverside development area. The Secretary of State notes that TfL, LBBD and Barking Riverside Limited all considered that provision of a station at Renwick Road would not give confidence in the short term that the Barking Riverside area had secured the sustainable public transport accessibility sufficient to achieve the desired potential for 10,800 homes (IR 8.9). The Secretary of State agrees with the Inspector that the Barking Riverside development requires a major fixed track system to kick start the main development (IR 8.10).

Justification for the particular proposals in the draft TWA Order, including the anticipated transportation, environmental and socio-economic benefits

10. The Secretary of State notes that there were no outstanding objections to the horizontal alignment in the draft Order. The Secretary of State agrees with the Inspector that the reasons are sound for the choice of horizontal alignment of the BRE scheme (IR 8.11).

11. With regards to the vertical alignment, the Secretary of State notes the Inspector’s consideration of this matter at IR 8.11-8.16. The Secretary of State notes the arguments put forward by one objector that the scheme would not be compatible with the possibility of future further extension beneath the River Thames and that should such an extension come forward it would result in part of the proposed viaduct alignment being demolished and associated wasted costs. The Secretary of State notes TfL’s response that should part of the viaduct be demolished after any cross river extension had been brought into operation, the costs of construction would have served the purpose of enabling the additional homes to be delivered at Barking Riverside at least 10 years earlier than any extended scheme would likely be brought to fruition (IR 7.7). The Secretary of State agrees with the Inspector that the arguments advanced by TfL are convincing and that if the viaduct does become wholly or largely redundant in the 2030s the construction costs would not have been wasted as it would have achieved the bringing forward of the Barking Riverside development. The secretary of State also agrees with the Inspector that the possibility in the future of a further cross river extension (a point on which LBBD and the London Borough of Bexley – supporters of a cross river extension – have also been convinced) would not be prejudiced (IR 8.16).

12. The Secretary of State notes the limited environmental impact of the BRE scheme and that the Inspector concluded that there would be no unmitigated significant adverse transport impacts (IR 8.17). The Secretary of State also notes the transportation benefits that will be realised in the achievement of the primary aim of the scheme in providing a sustainable public transport service. The Secretary of State agrees with the Inspector that the BRE scheme would have a transformational effect on the socio-economic outlook of the Barking waterfront and on the Borough and the wider Riverside Opportunity Area (IR 8.19). The Secretary of State agrees with the Inspector that strong justification for the BRE scheme has been provided.

Consistency with the National Policy Planning Framework (“NPPF”), the London Plan and with sub-regional and local planning and transport policies

13. The Secretary of State agrees with the Inspector that the BRE scheme is consistent with provisions set out in the NPPF (IR 8.21). The Secretary of State notes the arguments from one objector that the London Plan would justify rejection of the BRE scheme because

of prejudice to potential river crossings and the arguments by TfL, and endorsed by the Inspector, that there are no emerging development plan documents that specifically identify a cross river Overground extension (IR 8.23). The Secretary of State further notes that since the close of the Inquiry the Mayor's draft Transport Strategy for London ("MTS") has been published which includes details of the BRE scheme as well as reference to a possible extension of the Overground from Barking Riverside (a point raised in post inquiry correspondence as set out below at paragraph 29). The Secretary of State notes the Mayor's specific support for the BRE scheme, as contained in the draft TWA Order, acknowledges that any further extension would have to build on successfully bringing the BRE to fruition (IR 8.24). The Secretary of State, therefore, agrees with the Inspector that the BRE scheme accords with the relevant tests of the NPPF and London wide and local planning and transport policies (IR 8.74).

Environmental Impacts of Constructing and Operating the Scheme

14. The Secretary of State notes the Inspector's consideration of this matter set out in IR 8.25-8.29. The Secretary of State notes that there were no challenges to the Environmental Statement ("ES") and agrees with the Inspector that there is no reason in terms of the environmental impact that the Order should not be made (IR 8.29).

Likely Impacts of Constructing and Operating the Scheme on Traffic and the Operation of Business

Impacts on redevelopment proposals in the area

15. The purpose of the BRE scheme is to facilitate the redevelopment of a wide area of brownfield land and the Secretary of State concurs with the Inspector that the impact on redevelopment is wholly beneficial (IR 8.30). The Secretary of State also notes that the transport assessment has demonstrated that construction impacts can be mitigated so that residual effects would not be significant and once in operation, the BRE scheme would be wholly beneficial in terms of traffic and transport (IR 8.31).

Effects on Utility Providers' apparatus and networks

16. The Secretary of State notes that all objections from statutory utility providers were resolved and agrees with the Inspector that there would be no adverse effects on the operations of statutory undertakers (IR 8.34).

Impacts on existing surface and sub-surface assets

17. The Secretary of State notes there are tunnels carrying High Speed trains (HS1) from St Pancras to Kent and Europe beneath the site and that HS1 withdrew their initial objection to the BRE scheme following negotiations and completion of a Protective Provisions Agreement (IR 8.35). The Secretary of State agrees with the Inspector that there will be no harm to underground assets. (IR 8.36).

Effects on the UK National Rail Network

18. The Secretary of State notes that Network Rail withdrew their initial objection and have expressed support for the BRE scheme (IR 8.37). DB Cargo and Legal and General Pensions Limited, landlord of the freight terminal also withdrew their objection. The

Secretary of State also notes that DP World London Gateway expressed support for the scheme noting that the planned remodelling of the Ripple Lane freight sidings that will take place as part of the BRE scheme will significantly enhance the ability to integrate freight services into the passenger timetable, add operational flexibility and therefore increase capacity (IR 8.38). The Secretary of State concurs with the Inspector that the BRE Scheme should benefit the operation of the national rail network (IR 8.39).

The Measures Proposed by TfL to mitigate any adverse Impacts of the Scheme

19. The Inspector noted that the key mitigation measures are contained in the Code of Construction Practice as it should secure all the mitigation that is assumed through design and the measures referred to in the ES. The Secretary of State agrees with the Inspector that the BRE scheme would have very few environmental dis-benefits, and any remaining after mitigation would be readily outweighed by the benefits to the greater public good of having the BRE scheme in place (IR 8.42). The Secretary of State also agrees with the Inspector that no evidence has been provided that the protective provisions and conditions would not be effective (IR 8.44).

Adequacy of the Environmental Statement, including the Flood Risk Assessment

20. The Secretary of State notes that the Environment Agency confirmed the acceptability of the Flood Risk Assessment Addendum and this did not alter the conclusions of the ES in relation to the residual risk after mitigation in respect of flood risk. The Secretary of State agrees with the Inspector that the ES submitted with the Order application has been prepared fully in accordance with reference to the requirements of the Transport and Works (Applications and Objections Procedure) (England and Wales) Rules 2006 (IR 8.45). The Secretary of State confirms that the requirements of paragraphs (a) to (c) of section 14(3A) of the TWA relating to the consideration of the ES have been complied with.

Compulsory Purchase Powers with regard to DCLG Guidance and the Crichel Down Rules for the disposal of surplus land acquired by, or under that threat of compulsion

21. DCLG's Guidance on the Compulsory Purchase Process and the Crichel Down Rules 2015 indicates that the acquiring authority will need to be able to show that the BRE scheme is unlikely to be blocked by any physical or legal impediments to implementation, including any need for consent. The Secretary of State agrees with the Inspector that, having regard to these rules and guidance, in principle there is a compelling case for the land's compulsory purchase in the public interest (IR 8.49).

22 The Guidance and Rules also indicates that an acquiring authority should be sure that the purposes for which it is making a compulsory purchase Order sufficiently justifies interfering with the human rights as defined in the Humans Rights Act 1998. The Secretary of State agrees with the inspector that the interference with rights under Article 1 of the First Protocol (rights of those whose property is to be compulsorily acquired and whose peaceful enjoyment of their property is to be interfered with) in the grant of the compulsory powers sought (including temporary use) is proportionate in so far as the public benefit of the BRE scheme will outweigh any private losses that may be incurred (IR 8.52-.53).

Conditions proposed to be attached to the deemed planning permission and in particular whether these conditions satisfy the six tests referred to in Planning Practice Guidance, Use of Conditions.

23. On planning conditions, the Secretary of State notes the changes in the suggested conditions put forward by TfL (IR 8.61) and by the Inspector on conditions 4 and 5 (IR 8.63) and condition 2 and 6 (IR 8.64). The Secretary of State is satisfied that these amendments are reasonable and satisfy the six tests set out in paragraph 206 of the National Policy Planning Framework.

TfL's proposals for funding the scheme

24. The Secretary of State notes the Inspector's consideration of TfL's proposals for funding the BRE scheme (IR 8.66 – 68). The Secretary of State notes the Inspector's view that funding for the BRE scheme is appropriate and adequate (IR 8.69) and is satisfied that there is unlikely to be impediment of the scheme in this regard.

Public Sector Equality Duty

25. The Secretary of State notes the Inspector's consideration of the Public Sector Equality Duty as set out in s149 of The Equality Act 2010 both in relation to the BRE scheme and the manner in which objections were considered (IR 8.70-8.71). The Secretary of State notes the Inspector's consideration that the scheme will facilitate the development of 10,800 houses, 50% of which will be affordable with full community facilities and services in an area of considerable deprivation and agrees with the Inspector that the implementation of the Order should therefore produce benefits for many with protected characteristics. The Secretary of State also agrees with the Inspector that no persons with protected characteristics should have been in any way disadvantaged should they have wished to participate in the consideration of the scheme. The Secretary of State is satisfied that there is no evidence of any harm, lack of respect for equalities or disregard to equality issues in relation to the Application.

Other Matters

26. The Secretary of State notes that two objectors who did not appear at the Inquiry were concerned that the BRE scheme would lead to overcrowding of passenger services on the GOB line. The Secretary of State is content with the TfL's response set out in (IR 3.88).

27. The Secretary of State notes that in the event that the Overground is extended across the Thames via Barking riverside the greater part of the viaduct forming part of the BRE scheme may become redundant and need to be decommissioned. Article 4(5) of the Order would, without more, authorise TfL to decommission these works even though the decommissioning work had been scoped out of the ES by agreement with the Secretary of State. The Secretary of State notes and agrees with the Inspector's consideration of this matter and is content that the proposed amendments to the Order (in particular new paragraph 4(11)), which limits the scope of article 4(5) by reference to the ES, ensures that the Order does not authorise decommissioning works.

Post Inquiry Correspondence

28. Following the closure of the Inquiry, TfL submitted to the Secretary of State, further suggested amendments to the Order to reflect changes in legislation that have occurred since the close of the Inquiry. The changes were considered necessary due to the

Environmental Permitting (England and Wales) Regulations 2016 and sections of the Housing and Planning Act 2016 coming into force. The Secretary of State has considered the proposed changes and made some minor drafting changes but does not consider that these materially alter the effect of the Order or extend the scope of the powers being sought. The Secretary of State is satisfied that none of these changes amount to a substantial change in the proposals to which section 13(4) of the TWA applies.

29 Post Inquiry correspondence was received by the objector, mentioned in paragraph 9 & 13 above and TfL. The correspondence from the objector on 23 June 2017 set out that the MTS published on 21 June 2017 included a tunnel from the proposed Barking Riverside station towards Abbey Wood. It was reiterated that the scheme subject to the TWA application, therefore, needed to be slimmed back to an interim terminus at Renwick Road, pending a new viaduct design that safeguarded or delivered the tunnel alignment. TfL responded on 4 July 2017 setting out that the BRE scheme is fully consistent with the draft MTS and its associated policies and that an extension from Barking Riverside to Abbey Wood would not represent an affordable or deliverable option to unlock the growth potential of and serve Barking Riverside. TfL also noted that a terminus station at Renwick Road would not unlock Barking Riverside's housing development potential given the distance of the suggested station location to the site. In addition, TfL also restated that the proposed BRE scheme would not preclude the delivery of an onward extension across the river Thames should such a scheme come forward in the future. Further correspondence was received from the objector on 4 July 2017 setting out that the BRE alignment did not safeguard the tunnel alignment that now formed an option in the MTS, which the objector considered would result in at least £60m of obsolete infrastructure within 10 years of the scheme being constructed. The Secretary of State's consideration of this matter is set out above and in particular at paragraph 11. The Secretary of State is satisfied that the scheme is required to bring forward the Barking Riverside Development and that if a cross river extension is brought forward in the future and the viaduct does become wholly or largely redundant, the construction costs would not have been wasted as it would have achieved the bringing forward of the Barking Riverside development.

30 The Secretary of State also received further correspondence from TfL on 21 June 2017 and LBBDD on 26 June 2017. Both letters highlighted the benefits of the scheme, particularly in relation to housing delivery and the importance of a timely decision.

Secretary of State's overall conclusion and decision

31. The Secretary of State agrees with the Inspector that for all the reasons given above, the Order is justified on its merits. The Secretary of State is satisfied that there is a substantial public benefit from providing a sustainable fixed public transport link to the Barking Riverside development and this would outweigh the very limited harm to private individuals (IR 8.73). The Secretary of State, subject to the modifications set out in paragraph 27 has decided to make the Order; and to give planning direction subject to the conditions in Annex 1 of this letter.

Notice under section 14 of the TWA

32. This letter constitutes the Secretary of State's notice of his determination to make the Order with modifications, for the purposes of section 14(1)(a) and section 14(2) of the TWA. Your clients are required to publish newspaper notices of the determination in accordance with section 14(4) of the TWA.

Challenge to decisions

33. The circumstances in which the Secretary of State's decisions may be challenged are set out in the note attached at Annex 2 to this letter.

Distribution

34. Copies of this letter are being sent to those who appeared at the inquiry and to all statutory objectors whose objections were referred to the inquiry under section 11(3) of the TWA but who did not appear.

Yours faithfully,

Natasha Kopala

CONDITIONS WHICH THE SECRETARY OF STATE INTENDS TO ATTACH TO THE DIRECTION AS TO DEEMED PLANNING PERMISSION

Definitions

In these conditions, unless the context otherwise requires—

- a) “Barking Riverside Extension Design and Access Statement” means the document of that title submitted with the application for the Order;
- b) “the Code of Construction Practice (Part A)” means the document of that title submitted to the public inquiry held to consider the application for the Order, reference number TfL 30B, dated October 2016, subject to any subsequent amendment to it agreed by the Local Planning Authority;
- c) “a Code of Construction Practice (Part B)” means a document of that title, whose contents must be in accordance with the specification set out in the Code of Construction Practice (Part A);
- d) “the Development” means the works authorised by the Order;
- e) “the Environmental Statement” means the document of that title submitted with the application for the Order including the Flood Risk Assessment addendum;
- f) “Local Planning Authority” means the London Borough of Barking and Dagenham;
- g) “the Order” means the London Overground (Barking Riverside Extension) Order 2017;
- h) “the Planning Direction” means the direction as to deemed planning permission for the Development issued under s.90(2A) of the Town and Country Planning Act 1990;
- i) “the Relevant Limits” means the limits within which the Development may be carried out;
- j) “Stage” means a defined part, section or stage of the Development, the extent of which has been submitted to, and approved by, the Local Planning Authority; and
- k) “Viaduct” means the viaduct referred to in Work No. 2,

and references to numbered works are references to the works set out in Schedule 1 to the Order.

Time limits for commencement of development

1. The Development shall commence not later than five years from the date that the Order comes into force.

Reason: To ensure that the Development is commenced within a reasonable period of time.

Code of Construction Practice (Part A)

2. Construction of the Development shall be carried out in accordance with the provisions of the Code of Construction Practice (Part A), or any amendments to it as may be approved by the Local Planning Authority provided that any such amendment remains consistent with paragraph 3.1.3 of the Code.

Reason: In the interests of amenity and to ensure that the development is undertaken in a manner that has been assessed in the Environmental Statement including the assumed mitigation.

Code of Construction Practice (Part B)

3. No Stage of the Development shall be commenced until a Code of Construction Practice (Part B) relating to that Stage has been submitted to, and approved by, the Local Planning Authority. Construction of that Stage must be carried out in accordance with the approved Code of Construction Practice (Part B) or any amendments to it as may be approved by the Local Planning Authority.

Reason: To protect the environment and amenity of the locality.

Detailed design approval of Barking Riverside Station

4. Works relating to Barking Riverside Station shall not commence until details of the siting, layout, scale and external appearance of the station have been submitted to, and approved by, the Local Planning Authority. The details shall have regard to the illustrative Planning Direction Drawings BRE/A15 and the Design and Access Statement BRE/A17/5.

The Development must be carried out in accordance with the approved details or any amendments to those details as may be approved by the Local Planning Authority.

Reason: To enable reasonable and proper control to be exercised over this aspect of the Development.

The Viaduct

5. Works related to the above ground Viaduct shall not commence until details of the siting, external appearance and finishes of the Viaduct have been submitted to, and approved by, the Local Planning Authority. The details of the Viaduct shall have regard to the illustrative Planning Direction Drawings BRE/A15 and the Design and Access Statement BRE/A17/5.

The Development must be carried out in accordance with the approved details or any amendments to those details as may be approved by the Local Planning Authority

Reason: To enable reasonable and proper control to be exercised over this aspect of the Development.

Landscape works

6. No landscaping works relating to the Development shall be carried out unless a landscaping scheme has been submitted to and approved by the Local Planning Authority. The landscaping scheme must be in accordance with the design principles and design proposals set out in the Barking Riverside Design and Access Statement. The landscaping scheme will where relevant include details of the following—

Hard landscape proposals

- a) proposed finished ground levels;
- b) hard surfacing materials; and
- c) minor artefacts and structures such as street furniture, refuse or other storage units, signs and lighting.

Soft landscape proposals

- a) proposed planting noting species, planting sizes and proposed numbers/densities.

Fencing

- a) proposed palisade fencing up to a maximum of 3 metres in height

Hard landscaping and fencing must be undertaken prior to the Barking Riverside Extension being brought into operation and soft landscaping within the first available planting season following the bringing into use of the scheme.

The Development must be carried out in accordance with the approved landscaping scheme or any amendments to the approved landscape scheme as may be approved by the Local Planning Authority.

Any planting that dies within 5 years of the bringing into operation of the scheme shall be replaced by comparable planting unless agreed otherwise by the Local Planning Authority.

Reason: To provide a suitable setting for the Development in the interests of visual amenity and to enhance flora and fauna.

Contaminated land

7. No Stage of Development which may disturb contaminated land with the potential likely to materially harm persons or pollute controlled waters or the environment shall commence until a scheme, for that Stage, to deal with contamination has

been submitted to and approved by the Local Planning Authority. The scheme shall include—

- a) description of the Stage concerned;
- b) the results of an investigation and assessment to identify the extent of contamination at that relevant site, including both onsite and offsite sources; and
- c) where required, details of the proposed remediation measures and how they will be undertaken.

Following the completion of the measures identified in (c) above, a verification report shall be submitted to and approved by the Local Planning Authority. The report shall provide evidence that all required remediation measures have been put into effect.

If in undertaking the construction of any part of the Development, contamination not previously identified is found to be present in that part of the site, no further development shall be carried out on that part of the site until details as to how this contamination is to be dealt with have been submitted to and approved by the Local Planning Authority. The Development must proceed in accordance with the additional measures approved.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

Highway access

8. No Stage of the Development shall be commenced until details of the siting, design and layout within the Relevant Limits of any new temporary or permanent means of access to a highway to be used by vehicular traffic serving any part of the Development within that Stage, or of the temporary or permanent alteration of any existing means of access to a highway used by vehicular traffic serving any part of the Development within that Stage, have been submitted to and approved by the Local Planning Authority. All works must be carried out and completed in accordance with the approved details or in accordance with any amendments to the approved details as may be approved by the Local Planning Authority.

Reason: To ensure highway safety.

Approval and implementation under these conditions

9. Where under any of these conditions the approval (which shall be taken to include any agreement or consent) of the Local Planning Authority is required to any matter, that approval shall be given in writing. Where under any condition the Local Planning Authority may approve amendments to details submitted and approved, such approval must not be given except in relation to changes where it has been demonstrated to the Local Planning Authority that the approval sought is

unlikely to give rise to any materially new or materially different environmental effects from those assessed in the Environmental Statement.

Reason: To provide for certainty in the approvals and implementation processes and in the interests of proper planning

RIGHT TO CHALLENGE ORDERS MADE UNDER THE TWA

Any person who is aggrieved by the making of the Order may challenge its validity, or the validity of any provision in it, on the ground that-

- it is not within the powers of the TWA, or
- any requirement imposed by or under the TWA or the Tribunals and Inquiries Act 1992 has not been complied with.

Any such challenge may be made, by application to the High Court, within the period of 42 days from the day on which notice of this determination is published in the London Gazette as required by section 14(1)(b) of the TWA. This notice is expected to be published within three working days of the date of this decision letter.

CHALLENGES TO DEEMED PLANNING PERMISSION GIVEN IN CONNECTION WITH A TWA ORDER

There is no statutory right to challenge the validity of the Secretary of State's direction that planning permission shall be deemed to be granted for development for which provision is included in the Order. Any person who is aggrieved by the giving of the direction may, however, seek permission of the High Court to challenge the decision by judicial review.

Any person who thinks they may have grounds for challenging the decision to make the Order or the decision to give a direction as to deemed planning permission is advised to seek legal advice before taking any action.