

Report to the Secretary of State for Transport

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an Inspector appointed by the Secretary of State for Transport

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TRANSPORT AND WORKS ACT 1992

ACQUISITION OF LAND ACT 1981

TOWN AND COUNTRY PLANNING ACT 1990

**LONDON OVERGROUND (BARKING RIVERSIDE EXTENSION) ORDER
201[]**

APPLICATION FOR DEEMED PLANNING PERMISSION

Dates of Inquiry: 18-21 October 2016

DfT Ref: TWA/16/APP/02

Planning Inspectorate Ref: DPI/Z5060/16/10

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ABBREVIATIONS & GLOSSARY

Applicant	Transport for London
BCR	Benefit/Cost Ratio
BRE	Barking Riverside Extension
BRL	Barking Riverside Limited
c2c	The rail franchise operated by National Express for services from Fenchurch Street station along Essex Thameside to Tilbury, Southend and Shoeburyness.
CoCP	Code of Construction Practice
Crossrail	High frequency, high capacity railway for London and the South East from Reading and Heathrow in the west to Shenfield and Abbey Wood in the east currently under construction for intended full operation in 2018.
Crossrail 2	Additional high frequency, high capacity railway on a north-east to south-west alignment across London currently at a planning stage.
DCLG	Department for Communities and Local Government
DfT	Department for Transport
DLR	Docklands Light Railway
DPD	Development Plan Document
EA	The Environment Agency
EMP	Environmental Management Plan
ES	Environmental Statement
FRA	Flood Risk Assessment
GOB	Gospel Oak to Barking railway line/service
HGV	Heavy Goods Vehicle
HRA 1998	Human Rights Act 1998
HS1	High Speed Railway line from St Pancras to Kent and Europe
km	Kilometres
L&G	Legal and General Pensions Limited
L&QNH	London and Quadrant New Homes
LROA	London Riverside Opportunity Area
LROAPF	London Riverside Opportunity Area Planning Framework
LBBD	London Borough of Barking and Dagenham

m	Metres
MTS	The Mayor's Transport Strategy
NPPF	National Planning Policy Framework
NR	Network Rail
OAPF	Opportunity Area Planning Framework
PPG	Planning Practice Guidance
Promoter	Transport for London
PTALs	Public Transport Accessibility Levels
TA	Transport Assessment
TfL	Transport for London
the Order	the London Overground (Barking Riverside Extension) Order 201[]
the Scheme	the proposed Barking Riverside Extension of the Gospel Oak to Barking London Overground service
TWA 1992	Transport & Works Act 1992
TWA Order	Transport & Works Act Order
UK	United Kingdom

CASE DETAILS

THE LONDON OVERGROUND (BARKING RIVERSIDE EXTENSION) ORDER 2016[]

and

APPLICATION FOR DEEMED PLANNING PERMISSION

- The applicant/promoter is Transport for London.
- The Order would be made under sections 1 & 5 and paragraphs 1-5, 7-11, 13 & 15-17 of Schedule 1 to the Transport and Works Act 1992.
- The deemed planning permission would be granted by a Direction under section 90(2A) of the Town & Country Planning Act 1990.
- The application for the Order and deemed planning permission was made on 31 March 2016. There were initially 13 objections recorded against the making of the Order and 6 further representations that raised issues in respect of the Order. However, by the opening of the Inquiry only 8 objections were outstanding together with 4 other comments treated as representations with the balance mainly transferred to becoming expressions of support, the final number of supporters being recorded as 14. By the close of the Inquiry 5 further objections were withdrawn comprising the remainder of the statutory objections, leaving only 3 non-statutory objections outstanding.
- The Order and deemed planning permission would authorise the construction and operation of a railway to serve the Barking Riverside development area and future potential development areas along its 4 km route. The new route would run from the existing Network Rail Barking Station, with physical works commencing just to the east of Barking Tilbury Line Junction East at which the East Thameside (Tilbury Loop) lines diverge from the direct lines to Southend and Shoeburyness. There would be a remodelling of the existing Ripple Lane freight sidings in order to create dedicated tracks for London Overground services to the north of those sidings and separate from the lines carrying c2c services. From a point just to the east of Renwick Road, new twin track lines would rise on a grade-separated viaduct over the existing freight terminal and Choats Road before continuing on a viaduct to a new elevated station near to the waterfront within the proposed Barking Riverside development. The track and signalling layout would make passive provision for a second station just to the west of Renwick Road when warranted by further development. The Order would include provision for the acquisition, compulsorily and by agreement, of land and rights in land and to use land temporarily for the construction, operation and maintenance of the new railway.

Summary of Recommendations: That the Order be made, subject to modifications, and that deemed planning permission be granted subject to conditions.

1. PREAMBLE

The applications and objections to them

- 1.1 The Applicant is Transport for London (TfL), which is a statutory body created by the Greater London Authority Act 1999 and is the body responsible for London's transport system. Its role is to implement the Mayor's Transport Strategy and manage transport services across London, for which the Mayor of London has ultimate responsibility¹. It is therefore responsible for the operation of the London Overground train network including the Gospel Oak to Barking (GOB) services which under the Order scheme would be extended to Barking Riverside².
- 1.2 The Applicant seeks powers by way of the Barking Riverside Extension Order 201[] (the Order), using the provisions of the Transport and Works Act 1992 (TWA), and an associated application for deemed planning consent under section 90(2A) of the Town and Country Planning Act 1990, for TfL to construct and operate the proposed railway and associated works required for the Barking Riverside Extension (BRE) and to compulsorily acquire land and rights in land for that purpose³.
- 1.3 A total of 13 objections to the proposed Order were received by the DfT of which 5 were withdrawn prior to the Inquiry. Of the remaining objections the following were withdrawn in writing before the close of the Inquiry:
- Obj 8 Legal and General Pensions Limited on 20 October 2016
 - Obj 9 DB Cargo (UK) on 20 October 2016
 - Obj 11 Indigo Pipelines Limited on 21 October 2016
 - Obj 12 SSE Water Ltd on 21 October 2016

¹ Document BRE/A10

²² Document TfL 19

³ Document BRE/A1

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- Obj 13 Southern Electric Power Distribution Plc on 21 October 2016.
- 1.4 Following these withdrawals, there were 3 non-statutory objections remaining at the close of the Inquiry.
- 1.5 In addition, there were initially 6 representations. 3 of the representations were subsequently re-categorised as expressions of support, namely those from DP World London Gateway, the London Borough of Barking & Dagenham (LBBD) and the London Borough of Bexley. The Environment Agency, originally referenced as Obj 10, has been re-categorised as Rep 7 because although their letter of 18 October 2016⁴ states that the Agency's objection is withdrawn and that the Agency now supports the scheme, the Agency still requires agreement of certain details via the Protective Provisions set out in Schedule 8 to the draft Order, through the Code of Construction Practice (CoCP) and the proposed contaminated land condition to be attached to the deemed planning consent as detailed in the Agency's letter of 3 October 2016. There were thus 4 representations relevant to the consideration of the Order at the close of the Inquiry. I report on these representations later in this report.
- 1.6 Finally, initially there were 8 expressions of support. Adding the three re-categorised from being representations as referred to in the previous paragraph, and Network Rail (originally Obj 6) and National Grid (originally Obj 7) who expressed support for the TWA Order scheme when withdrawing their objections on 12 and 14 September 2016 respectively, together with a late representation of support from Railfuture dated 12 October 2016, there were 14 expressions of support for the TWA Order scheme noted by the DfT at the close of the Inquiry. High Speed 1 also expressed support for the Order scheme when withdrawing their objection (Obj 4) on 16 August 2016, but High Speed 1 has not been added to the list of supporters by DfT. I detail all the expressions of support later in this report.

⁴ Document TfL 20

Statement of Matters

- 1.7 On 10 August 2016 the Department for Transport (DfT) issued a 'Statement of matters' pursuant to rule 7(6) of the Transport and Works (Inquiries Procedure) Rules 2004. This sets out the matters about which the Secretary of State particularly wishes to be informed for the purposes of his considerations of the Order and the application for deemed planning permission.
- 1.8 The matters specified are:
1. The aims of, and the need for, the proposed extension of the Gospel Oak to Barking line from Barking station to a new station at Barking Riverside in the London Borough of Barking and Dagenham ("the scheme").
 2. The main alternatives considered by TfL and the reasons for choosing the proposals comprised in the scheme.
 3. The justification for the particular proposals in the draft TWA Order, including the anticipated transportation, environmental and socio-economic benefits of the scheme.
 4. The extent to which proposals in the TWA Order are consistent with the National Planning Policy Framework, the London Plan and with sub-regional and local planning and transport policies.
 5. The likely environmental impacts of constructing and operating the scheme.
 6. The likely impacts of constructing and operating the scheme on traffic and on the operation of businesses in the area, including:
 - a) impacts on redevelopment proposals in the area;
 - b) effects on utility providers' apparatus and networks;
 - c) impacts on existing surface and sub-surface assets; and
 - d) the effects on the UK national railway network.
 7. The measures proposed by TfL to mitigate any adverse impacts of the scheme including:
 - a) the proposed Code of Construction Practice;

- b) any measures to avoid, reduce or remedy any major or significant adverse environmental impacts of the scheme;
- c) whether, and if so, to what extent, any adverse environmental impact would still remain after the proposed mitigation; and
- d) any protective provisions proposed for inclusion in the draft TWA Order or other measures to safeguard the operations of statutory undertakers.

8. The adequacy of the Environmental Statement submitted with the application for the TWA Order, having regard to the requirements of the Transport and Works (Applications and Objections Procedure) (England and Wales) Rules 2006, and whether the statutory procedural requirements have been complied with.

9. Having regard to the criteria for justifying compulsory purchase powers in paragraphs 12 to 15 of the Department for Communities and Local Government (DCLG) Guidance on the "Compulsory purchase process and the Crichel Down Rules for the disposal of surplus land acquired by, or under the threat of, compulsion" (published on 29 October 2015)

- a) whether there is a compelling case in the public interest for conferring on TfL powers compulsorily to acquire and use land for the purposes of the scheme; and
- b) whether the land and rights in land for which compulsory acquisition powers are sought are required by TfL in order to secure satisfactory implementation of the scheme.

10. The conditions proposed to be attached to the deemed planning permission for the scheme, if given, and in particular whether those conditions satisfy the six tests referred to in Planning Practice Guidance, Use of Conditions (Section ID:21a).

11. TfL's proposals for funding the scheme.

Pre-Inquiry Meeting

- 1.9 I held a pre-Inquiry meeting at the Barking Learning Centre, 2 Town Square, Barking IG11 7NB on 8 September 2016 to discuss procedural matters relating to the Inquiry. There was no discussion of the merits of any cases

for or against the proposals. A note following the meeting was circulated to all parties who had submitted objections or other representations⁵.

The Inquiry

- 1.10 The public Inquiry was called by the Secretary of State for Transport under section 11(1) of the TWA 1992. I was appointed by the Secretary of State for Transport under the TWA to hold the Inquiry into the application for the TWA Order and the direction for deemed planning permission for the development and to report with recommendations.
- 1.11 I opened the Inquiry at 10 am on Tuesday 18 October 2016. The Inquiry sat at the CEME Conference Centre, Marshway, Rainham, Essex RM13 8EU on that day and the following 3 days before I closed the Inquiry on Friday 21 October 2016.
- 1.12 Mr Graham Groom of Persona Associates was appointed as independent Programme Officer for the Inquiry. His role was to assist with the procedural and administrative aspects of the Inquiry, including the programme, under my direction. He and Mrs Joanna Vincent of Persona Associates helped greatly to ensure that the proceedings ran efficiently and effectively, but neither has played any part in the drafting of the body of this report.
- 1.13 On 17 October 2016 before the Inquiry, I inspected the Order land and its surroundings from the c2c railway lines using public train services and on foot from highways, particularly River Road and Renwick Road. These inspections were undertaken on an unaccompanied basis, but on Thursday 20 October, I made an Accompanied Site Inspection during which I was conducted as closely as possible along the route of the proposed new railway construction from the Renwick Road bridge over the c2c Essex Thameside (Tilbury Loop) railway lines and the Ripple Lane sidings through the Barking Riverside development site to the proposed site for the terminus station and its

⁵ Document PIM/1

surroundings close to the river frontage. This was in the company of representatives of the applicant and Barking Riverside Limited and Mr Philip Ridley, an objector to the making of the Order.

Compliance with statutory requirements

1.14 At the Inquiry the Applicant (TfL) confirmed that it had complied with its obligations under the Transport and Works (Applications and Objections Procedure) (England and Wales) Rules 2006 and the Transport and Works (Inquiries Procedure) Rules 2004⁶. No one has disputed this compliance. I am satisfied that all the necessary publicity and actions required by the rules were undertaken.

This Report

1.15 This report sets out a brief description of the land covered by the proposed Order and application for a direction for deemed planning permission and their surroundings, the gist of the cases for the promoter, supporters, objectors and those making representations, my conclusions and my recommendations regarding both of the elements. A list of abbreviations and a glossary of terms used in this report is given at the start of this report and lists of those appearing at the Inquiry and of Inquiry documents are appended, as are suggested conditions in the event of the Secretary of State directing that deemed planning permission be granted.

1.16 I make recommendations to the Secretary of State for Transport on the applications for the TWA Order and deemed planning permission.

2. DESCRIPTION OF THE ORDER LAND/SITE AND ITS SURROUNDINGS

2.1 The Order land is wholly located within the LBBB and the London Riverside Opportunity Area (LROA). In addition to utilising existing railway tracks, the western part of the works would involve the remodelling of the Ripple Lane

⁶ Document TfL 11

sidings between the Barking Tilbury Line East Junction and Renwick Road bridge. This would enable creation of dedicated tracks to carry the extended GOB service separate from the sidings and lines carrying c2c through services on the Essex Thameside (Tilbury Loop) lines. The part of the route along the existing rail corridor extends to a distance of some 2.4 km on a roughly east-west alignment. East of Renwick Road bridge new twin tracks would rise up on an embankment and then viaduct through the existing DB Cargo freight terminal to provide a grade-separated crossing over existing railway lines before continuing on viaduct over Choats Road but beneath high voltage electricity transmission lines to its south, then continuing on viaduct to an elevated terminus station close to the river Thames frontage. The new viaduct construction would extend for a total of around 1.5 km on a broadly north-south alignment roughly parallel to the east side of Renwick Road and the southernmost extremity of the electricity transmission lines.

- 2.2 The elevated Riverside terminus station would be in the heart of the proposed Barking Riverside development, a major regeneration site primarily comprising land formerly occupied by Barking Power Station, which closed in the 1980s and associated land on which ash was deposited and which is referred to as a landfill area on base maps. This is described as the largest brownfield development opportunity in Western Europe, extending to some 179 ha. Re-contouring earth works are currently underway within this area both in anticipation of a favourable decision on this application, but more particularly to prepare the sites for the remaining phases of residential development that are authorised to be constructed ahead of a decision upon this Order under the heads of terms of a draft s106 planning agreement which accompanies the revised master plan for the Barking Riverside development.
- 2.3 The east-west part of the route along the existing railway formation is bounded by residential development, though east of the A13 Alfreds Way over-bridge there are industrial and commercial uses to the north, including the Ripple Lane West sidings that serve a concrete batching site and

adjoining warehousing.

- 2.4 After the curved section of viaduct which would rise through and over the existing DB Cargo freight terminal, the north-south alignment has a residential area known as Great Fleete to the west. Within the area to the west initial phases of the Barking Riverside development have been and are being constructed. However, for the most part these housing areas are separated from the proposed viaduct by electrical transmission lines, an electrical switching house and related apparatus.
- 2.5 Just north of the proposed terminus site in what is intended to be the commercial centre for the Barking Riverside development, the proposed route is flanked to the east by the Barking Riverside Secondary Free School and a special needs school. The latter is already in use and the former scheduled to open in 2017.
- 2.6 The area south and west of the proposed terminus station is currently mainly occupied by low-grade industrial and commercial uses along the riverside, though these are intended to be redeveloped in the final phase 4 of the Barking Riverside development. The adjoining Creekmouth industrial and commercial area is also intended to be redeveloped as primarily a housing area to complement the Barking Riverside regeneration of the Thames frontage and it would also be served by the Order scheme. There is an existing jetty on the Thames frontage south of the proposed terminus station from which it is planned that linking clipper river bus services would ultimately be operated.
- 2.7 These characteristics of the Order land and its surroundings are more fully detailed in the applicant's statement of case, the opening for the applicant and the planning evidence of Mr Rhodes⁷.

⁷ Documents BRE/E1, TFL 19 and TfL 2/A

3. THE CASE FOR THE APPLICANT

The material points were:

- 3.1 TfL seeks through the Order the necessary powers and consent to construct, operate and maintain rail infrastructure to extend the GOB train services from Barking station to the proposed new Barking Riverside station. Services would no longer terminate at the bay platform 1 at Barking station but would be diverted to run through platforms 7 and 8 which are currently utilised by c2c services and freight services to and from the Essex Thameside (Tilbury Loop) lines. No works would be required at Barking station.
- 3.2 The existing Ripple Road freight marshalling yard would be remodelled to enable the creation of dedicated tracks for the extended GOB services separate from the lines serving c2c services. TfL would undertake remodelling of the western end of the freight sidings and the Order provisions would also allow the eastern end to be remodelled through additional Network Rail funding so as to provide for creation of nodal sidings to facilitate assembly and regulation of freight trains so that sufficient freight paths can be available within passenger timetables for both c2c and GOB services. These provisions in the Order scheme are necessary to minimise the requirement for track possessions and thus effect upon other users of the railway.
- 3.3 Passive provision is included for a future station west of Renwick Road to be served by GOB services. This passive provision would be by way of track alignment, signalling and electrification to allow for a 5-car length island platform. It would impose little or no additional cost on the Order scheme but would address the underpinning for such future provision within development plan documents⁸, both to serve residents in the existing Thames View and Great Fleete estates and the prospective re-zoning /redevelopment

⁸ LBBD Site Specific Allocations DPD Policy SM35 (BRE/D40)

of the adjacent Rippleside commercial area that has potential to develop upwards of an additional 5,000 new homes⁹. This area is also referred to as Castle Green¹⁰.

3.4 The works that are included in the application for deemed planning permission are set out in paragraph 4 and Appendix 1 to the s90(2A) application¹¹. They include construction of a ramp including retaining walls to carry the proposed new railway within the existing freight terminal east of Renwick Road, a viaduct structure to carry the new railway over existing railway lines, including a bridge over Choats Road then continuing to an elevated terminus station at Barking Riverside which would include associated retail facilities. There would be highway works in Renwick Road, Choats Road and Box Lane, the last being the access into the freight terminal that would be re-aligned. An access road would be formed to the terminus station from Renwick Road/River Road and the width restriction in Choats Road would be re-located. There would also be ancillary works to modify attenuation ponds, to relocate wildlife, to protect and safeguard the services, plant and apparatus of statutory undertakers, to undertake landscaping and the diversion of footpath 47.

3.5 The issues raised in the Statement of Matters are addressed below.

1. *The aims of, and the need for, the proposed Gospel Oak to Barking line from Barking station to a new station at Barking Riverside in the London Borough of Barking and Dagenham (“the scheme”)*

3.6 The need for the BRE is both compelling and urgent.

⁹ TfL 1/A para 5.7.5 – 5.7.7

¹⁰ TfL 1/A para 4.3.22

¹¹ BRE/A4

- 3.7 The primary aim of the BRE is to support economic development and population growth by unlocking the full residential development of the Barking Riverside area through provision of new sustainable transport infrastructure¹². The further aims of the BRE are derived from the Mayor's Transport Strategy 2010, namely to:
- improve transport connectivity;
 - enhance quality of life;
 - improve safety and security;
 - improve transport opportunities;
 - reduce transport's contribution to climate change and improve resilience;
 - and
 - implement legacy from the 2012 Olympic and Paralympic Games.

These aims are more fully detailed in TfL's concise statement of aims¹³.

- 3.8 The development of Barking Riverside to its full potential forms a crucial component of the London Plan as elaborated in the London Riverside Opportunity Area Planning Framework (OAPF) for the LROA. It is capable of accommodating 10,800 homes for a population of 27,000 and providing 4,600 jobs. It is a critical component of LBBD's spatial strategy as embodied in both its core strategy and its site specific allocation for 10,800 homes¹⁴.
- 3.9 The site has massive potential for change, being acknowledged as London's largest single housing development and described in LBBD's Core Strategy 2010 as the largest brownfield site in Western Europe¹⁵. The housing,

¹² BRE/A5 2.1

¹³ BRE/A5 paras 3.1 – 3.12

¹⁴ BRE/D40 Policy SM1

¹⁵ LBBD Statement of Case and BRE/D38 para 2.21

including affordable housing, that it will provide is described as desperately and urgently needed¹⁶ and the jobs that would be created are also important.

3.10 Currently the area is very isolated in transport terms with in part zero Public Transport Accessibility Levels (PTALs). Its development is therefore dependent upon provision of new public transport infrastructure, specifically new railway infrastructure, not just to provide sustainable accessibility but to overcome the perception of remoteness and to 'put it on the map'. The higher densities and reduced car parking necessary to achieve 10,800 homes are dependent on provision of a new fixed public transport link to the centre of the proposed new development. The new master plan subject to the proposed grant of planning permission by LBBB in relation to a revised planning application made under s73, following the abandonment of the previous Docklands Light Railway (DLR) extension from Gallions Reach to Dagenham Dock, is to be accompanied by a s106 agreement that would preclude development beyond 4,000 units prior to the BRE being brought into operation and limiting development to only 1,500 units in advance of the making of this Order and grant of deemed planning permission for this scheme¹⁷.

3.11 It has taken 7 years since the abandonment of the DLR extension on grounds of unaffordability to get through technical study, option appraisal and 3 stages of consultation including engagement with Barking Riverside Limited (BRL), the developers of Barking Riverside, to be able to promote this alternative means of providing necessary sustainable public transport to serve the site. The site is now poised to being able to realise its full potential. Not proceeding with the BRE would prevent the achievement of its

¹⁶ London Plan para 3.13 (BRE/D11) and OAPF para 2.4.2 (BRE/D21)

¹⁷ LBBB resolved to grant the application on 27 July 2016 (BRE/C21 and BRE/E7 and the Mayor is content that permission be granted subject to the entering into of the s106 agreement (BRE/E6))

primary aim. Delay would at best defer achievement of that aim or at worst thwart it as there can be no guarantee that the composite funding package would remain available.

2. *The main alternatives considered by TfL and the reasons for choosing the proposals comprised in this scheme*

3.12 Following the abandonment of the previous proposal to extend the DLR from Gallions Reach to Dagenham Dock in 2009, work began in 2010 to identify alternative options to provide sustainable public transport for Barking Riverside. The potential to extend the GOB services represented a new option because in late 2007 TfL had taken over the North London franchises and increased the frequency of services from 2 trains per hour (tph) to 4 tph, invested in new rolling stock with planned electrification and capacity enhancements. The option assessment process is described in detail in the evidence of Mr Porter¹⁸.

3.13 The previous DLR scheme was taken as a reference case and 7 alternative options developed, these being evaluated against the Mayor's Transport Strategy (MTS) and the LROAPF¹⁹ and detailed in the Barking Riverside Extension Transport Options Summary report and the Transport Options Back-check report²⁰ and shown on Figure 4²¹:

- Option 1- A shortened DLR extension terminating at Barking Riverside. This was rejected as poor value for money, not providing local connectivity in a direct link to Barking town centre and being more costly than the preferred option.

¹⁸ TfL 1/A paras 4.2.1 – 4.4.20

¹⁹ BRE/D15 and BRE/D21

²⁰ BRE/C10 and BRE/C11

²¹ TFL 1/B

- Option 2 - A DLR extension via an alternative alignment requiring no tunnelling or lifting bridge to reach Barking Riverside. This was still regarded as poor value for money in view of its capital cost and because it would also not provide local connectivity to Barking town centre.
- Option 3 – London Underground extension of either the Hammersmith & City Line or the District Line to Grays. This was rejected because of physical constraints rendering connection between London Underground and Network Rail lines undeliverable and unviable and because of the incompatibility of electricity supply systems.
- Option 4 – a new Renwick Road station on the existing c2c Essex Thameside (Tilbury Loop) lines. This was rejected as only providing a minor improvement in connectivity as no new train services would be provided and a shuttle bus service would be required to reach Barking Riverside.
- Option 5 – The BRE extension.
- Option 6 – A multi-modal spine road with a new high frequency bus service to the Royal Docks. This was rejected as potentially giving rise to significant adverse environmental effects in relation to biodiversity, flood risk and flood defences. It was also regarded as having insufficient public transport capacity to support the proposed 10,800 homes at Barking Riverside.
- Option 7 - Enhanced Bus services. Again this was rejected as not providing sufficient assured and sustainable public transport capacity to serve 10,800 homes. The number of buses that would be required would be likely to cause and be involved in road congestion adding to dwell times and journey times.

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- 3.14 The BRE Option 5 was selected in 2013 and subjected to consultation in 2014 with 90% support from residents²². This choice was then endorsed through the London Plan and LROAPF²³. The back-check report confirmed the extension of the London Overground GOB services as the best performing, affordable and deliverable option to unlock the full sustainable development potential of Barking Riverside, including local connectivity to Barking town centre.
- 3.15 Route options were developed during 2014 with 6 alignments for the spur off the Essex Thameside (Tilbury Loop) lines assessed in a Route Options Assessment report²⁴ in terms of engineering and operational feasibility and against the goals of the MTS and objectives of the LROAPF. These are shown on Figure 5²⁵. On this basis alignments 1, 2 and 3 were discounted because of potential adverse effects on adjacent residents and alignment 6 because of a failure to meet engineering design and safety standards while still likely to cause potential disruption to the DB Cargo freight terminal. Alignments 4 and 5 were therefore subject of consultation during 2015 (entitled alignments A and B.)
- 3.16 The former would have diverged from c2c lines west of the Renwick Road over-bridge and involved split alignments for east and westbound lines through the freight terminal that would only come together south of Choats Road. The latter would involve remodelling the Ripple Lane marshalling yard so that a twin track spur alignment could commence just to the west of the Renwick Road bridge. 55% of respondents favoured alignment B as this takes the viaduct structure further from residential properties and only 9% favoured alignment A. However, some residents did press for an alignment

²² BRE/C2

²³ BRE/D11 and BRE/D21

²⁴ BRE/C12

²⁵ TfL 1/B

further east than alignment B, further from housing. An alignment 7 was therefore devised between alignment B and the already rejected alignment 6. While this gained support by implication from residents opposing both alignments A and B, it was determined not to be feasible in engineering terms upon further study. Consequently, only alignments A and B were worked up further, but feedback was provided to the residents in the Route Options Back-check report²⁶. Alignment B was selected as the basis for the TWA Order application after consideration in the Single Option Selection report²⁷.

3. *The justification for the particular proposals in the draft TWA Order, including the anticipated transportation, environmental and socio-economic benefits of the scheme*

- 3.17 The choice of the TWA Order application alignment (alignment B) for the BRE was based on it having fewer impacts on existing residents, being located further from residential properties. It would safeguard rail freight development opportunities within the Ripple Lane sidings. It would also enable passive provision to be made for an additional intermediate station west of Renwick Road bridge in order to support LBBD's aspirations to deliver additional housing in the Castle Green and Thames Road areas.
- 3.18 In terms of vertical alignment, the existence of a flyover at Barking station allows the GOB services to be run through onto the c2c Essex Thameside (Tilbury Loop) lines without additional engineering work, but in order to diverge from those lines to reach Barking Riverside the new twin track railway has to cross freight sidings at Ripple Lane, part of the DB Cargo freight terminal and the westbound c2c line and Choats Road. Such crossings could not be at grade for safety and operational reasons and a tunnelled solution had to be discounted because of the high capital cost and the engineering constraints arising from the presence of HS1 in tunnel beneath

²⁶ BRE/C14

²⁷ BRE/C13

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- the Order land. A viaduct is therefore proposed for this section dropping in height south of Choats Road in order to pass below high voltage power lines.
- 3.19 From there southwards underground, at grade and viaduct solutions were evaluated.
- 3.20 An underground alignment was discounted because of the significantly greater cost without bringing any additional benefits such as enabling more homes to be delivered. Although such an alignment would prepare for a possible further extension southwards under the river Thames to Thamesmead and Abbey Wood, such an extension is not a current scheme and, if ultimately pursued, would not be likely to be achievable until after 2030, yet the net additional cost for the BRE with an underground station at Barking Riverside in the desired location within the proposed commercial centre would be between £160 m - £210 m. There would also be greater operational costs for an underground station. The additional capital and running costs are considered unaffordable given the financial pressures facing TfL. As the lack of affordability was the reason for abandoning the previous proposal to provide necessary sustainable public transport for Barking Riverside, it is necessary to proceed with an affordable deliverable solution²⁸.
- 3.21 An at-grade solution was considered infeasible as it would create severance across the Barking Riverside site, restricting future permeability from Renwick Road into the development site. In particular, it would prevent vehicular, pedestrian and cycle routes passing north of the proposed station and south of Riverside School. Movement through the station between the Station Square where the bus interchange is planned and River Road would also be curtailed²⁹, as would access north of the school into the envisaged 'pylon' park open space. In short, an at grade solution would not sit within the

²⁸ TFL 1/A paras 5.8.13 – 5.8.16

²⁹ TFL 1/A para 4.4.8

context of the revised master plan for Barking Riverside that LBBD is minded to grant planning permission for.

- 3.22 In contrast, the proposed viaduct alignment has been designed into the master plan for Barking Riverside and the proposed elevated terminus station is able to be designed as a prominent feature at the heart of its proposed commercial centre. This is illustrated in the accompanying Design and Access Statement that forms Volume 5 of the Environmental Statement (ES) and in the illustrative planning direction drawings³⁰.
- 3.23 The limited environmental impact of the Order scheme is set out in relation to Matter 5. The transportation and environmental benefits are in a sense summarised in the achievement of the primary aim for the scheme in providing a sustainable public transport service to enable the full development potential of Barking Riverside to be realised. The benefits in transportation terms and demonstration that there are no unmitigated significant adverse transport impacts are set out fully in the Transport Assessment and in the evidence of Mr Bland³¹.
- 3.24 The scheme would have a benefit cost ratio (BCR) of 1.95:1 on costs attributable to TfL (which would be increased 2.5 if a lower optimism bias were assumed to mirror recent TfL experience). However, if the developer contribution is also included so that costs are fully accounted for, as would be normal practice, and no adjustment is made in relation to the optimism bias, the BCR would be reduced to 1.2:1. This is still within the 'medium' value for money band. But none of these figures take into account the uplift in land values that would arise from the release of an additional 6,800 homes. This is calculated to be some £261m which exceeds DfT's 'large beneficial' threshold of £100m by a factor of 2.6³².

³⁰ BRE/A17/5 pages 34 – 39 and BRE/A16

³¹ BRE/A/17/6 and TfL 5/A and TfL 5/B

³² TfL 1/A paras 9.3.5 – 9.3.6 and BRE/C22

3.25 In fulfilling its primary aim, the BRE would have a transformational effect on the socio-economic outlook of the Barking waterfront and the borough which is one of the most deprived authorities in the UK. It would enable a significant contribution to be made towards meeting the housing and job opportunities required in London.

4. *The extent to which proposals in the TWA Order are consistent with the National Planning Policy Framework (NPPF), the London Plan and with sub-regional and local planning and transport policies.*

3.26 The BRE scheme is specifically supported by all recent development plan policy including Policy 6.1 of the London Plan (Consolidated with alterations since 2011) 2016, the LROAPF 2015 and the emerging LBBD Local Plan. The LBBD Core Strategy and Action Area Plan predate the formulation of the BRE and therefore refer to the now abandoned DLR extension scheme and to that extent are out of date. Granting deemed planning permission for the BRE would therefore accord with the provisions of the development plan and, given the terms of Policy 6.2 of the London Plan, to frustrate or delay the BRE would be inconsistent with the development plan. To frustrate or delay the BRE scheme and thus the Barking Riverside development would also conflict with strategic regeneration policies of the development plan.

3.27 TfL argue that s38(6) of the Town and Country Planning Act 1990 should either be treated as applicable to determinations under s90(2A) or that it should be assumed that the SoS would wish to attach significant weight to whether the proposals accord with the development plan as it is one of the matters on which he wishes to be informed.

3.28 On this basis, the scheme would be consistent with the NPPF as it states that proposals that accord with the development plan should be approved without delay. Even if strict applicability of s38(6) is not considered the appropriate test, the scheme would be consistent with the NPPF because the benefits of the scheme would significantly and demonstrably outweigh any adverse impacts and there are no specific policies in the Framework that would

indicate that the development should be restricted³³. Paragraph 19 indicates that the Government is committed to supporting sustainable economic growth and paragraph 17 stresses the need to deliver homes, businesses and infrastructure and thriving places that the country needs, with developments focussed at locations that are or can be made sustainable in terms of public transport, walking and cycling.

3.29 Paragraph 2.37 of the National Networks National Policy Statement also supports the BRE scheme as it states that Government policy is to improve the capacity, capability, reliability and resilience of the rail network for passengers and freight... and facilitate modal shift from road to rail.

3.30 The evidence of Mr Rhodes cites other planning, transportation and infrastructure planning documents produced by the Mayor of London that directly or indirectly support the BRE scheme. He also cites the LBBB planning policies that support the Barking Riverside development and aspirations for additional housing at Castle Green (5,000 homes), Thames Road (2,000 homes) and Creekmouth (4,000 homes) that would be supported by the BRE scheme and its passive provision for a station at Renwick Road³⁴.

5. The likely environmental impacts of constructing and operating the Scheme

3.31 Environmental impacts of the scheme are considered within the assessment contained in the ES³⁵, as updated by the Flood Risk Assessment (FRA) Addendum³⁶. The latter document was produced in response to comments of the Environment Agency (EA) in their initial objection dated 13 May 2016 that

³³ NPPF Para 14

³⁴ TfL 2/A paras 5.4.1 – 5.5.20

³⁵ BRE/A17/1, BRE/A17/2 and BRE/A17/3A and 3B

³⁶ BRE/E/2

the FRA accompanying the application was not based on the latest climate change guidance. The FRA Addendum takes this guidance into account and indicates how very modest re-grading within the Order land would provide compensatory flood storage capacity for the very small loss of floodplain capacity from the viaduct piers that might be within areas at risk of fluvial flooding in future extreme events.

- 3.32 The evidence of Mr White details the likely significant environmental effects³⁷. Tables 18.1 and 18.2 in the ES³⁸ summarise the significant environmental effects during the construction and operational phases respectively and Table 1 in the ES Non-technical summary³⁹ summarises the residual effects during construction. There is no change to the identified residual risk effects in relation to flood risk as a result of the FRA Addendum.

Traffic and Transport

- 3.33 During construction there would need to be a number of weekend track possessions on the Essex Thameside (Tilbury Loop) lines that would require use of rail replacement bus services. This would have a minor adverse effect on travellers but this would not be significant. In their Statement of Case, Legal & General expressed concern that there had been no assessment of the indirect effect on freight operations, but minimising the effect on freight operations has played a major part in scheme development and no significant effects on freight operations has been identified. Rail possessions during constructions will be regulated by Network Change provisions and, on completion, the remodelled Ripple Lane nodal siding should benefit freight operations.

³⁷ TfL 4/A

³⁸ BRE/A17/1

³⁹ BRE/A17/2

- 3.34 The closure of the southbound carriageway of Renwick Road that is required to create a safe working area in the vicinity of the terminus station during construction and the consequent shuttle working may bring some delays to bus services. However, this minor adverse effect is not regarded as significant nor that on traffic in general because ahead of the main Barking Riverside development traffic flows are low. The same applies to any other temporary closures of Renwick Road or Choats Road during construction. The relatively low numbers of heavy goods vehicles (HGVs) generated by the BRE construction would again represent a minor adverse effect. However, the impact on the Strategic Road Network (SRN) would not be significant, even cumulatively with ongoing BRL development.
- 3.35 In operation, there will be increased patronage on the GOB west of Barking, but the committed capacity enhancements through electrification will ensure that increased levels of crowding would not be significant. Most of all, the operational benefit will be to secure a major uplift in the PTAL for the Barking Riverside development area through having a station at its heart. There will be reduced public transport journey times to the City, West End, Stratford and Canary Wharf. The overall development will also enhance the pedestrian and cycle environment in the vicinity of the Riverside station and throughout the Barking Riverside development.

Socio-economic

- 3.36 During construction, the BRE would generate around 800 jobs and there would also be additional indirect economic development benefits. In operation employment would be generated in the vicinity of the Riverside station, but the key benefit would be securing the development of the Barking Riverside area to its full potential of 10,800 homes as well as encouraging nearby redevelopment such as at Creekmouth. The BRL development could employ

up to 1,050 construction workers according to the ES submitted with the s73 application to modify the master plan⁴⁰.

Noise

- 3.37 Noise arising during construction would be minimised through compliance with the proposed CoCP⁴¹ and through prior approval of construction work under s61 of the Control of Pollution Act 1974. The latter will provide for LBBB input into the management of construction noise and vibration. The draft CoCP requires detailed measurements ahead of construction and application of Best Practical Means (BPM) to minimise potential disturbance with ongoing monitoring and information to local residents.
- 3.38 Where temporary construction noise cannot be mitigated, due to the nature of the work and its proximity, additional measures such as noise insulation and the offer of temporary re-housing will be arranged. These measures would be agreed with LBBB, but the trigger levels proposed are that noise insulation would be offered to residents that are projected to be subject to noise from construction activities that may give rise to airborne noise 5db or more above pre-existing air-borne noise levels for 10 or more days in any 15 days or 40 or more days in any six month period. Temporary re-housing would be offered where the construction noise represents a 10dB increase or otherwise where the durations for lesser noise increase referred to are anticipated. LBBB indicated their acceptance of these provisions in their initial representations to the Secretary of State dated 13 May 2016. The planning permission for the Riverside School included conditions requiring its design to recognise its proximity to the proposed BRE. The ES assessed the noise effect of the railway on the school, both indoors and outdoors as not significant.

⁴⁰ BRE/C18 para 5.6.3

⁴¹ BRE/A17/3 and 17/4

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- 3.39 In operation, generally significant noise or vibration effects should not arise as a result of use of new electrified rolling stock, use of continuous all-welded rail and the nature of the proposed viaduct construction.
- 3.40 It is significant that there are no objections to the application for the TWA Order and deemed planning permission from any nearby residents on the basis of constructional or operational impact in relation to noise, vibration or other environmental effects.

Townscape and Visual Impact

- 3.41 The Design and Access Statement⁴² demonstrates how the design has been devised in an integrated manner with that for the Barking Riverside development as a whole. There is a shared design vision between TfL, BRL and LBBD, in particular in relation to the proposed Barking Riverside station. The satisfaction of LBBD is recorded in their representations of 13 May 2016.
- 3.42 The BRE would introduce new built infrastructure in the form of the viaduct and station. Primary mitigation includes use of high quality design, appropriate height, scale and massing and use of materials appropriate to the locality. Secondary mitigation would be achieved through new planting and other landscaping.
- 3.43 Generally for most receptors the visual effects are assessed as negligible or minor due to low sensitivity or oblique views. However, these effects may be moderate and significant for some residents within Great Fleete and in Barking Riverside development Stage 2, which includes the Barking Riverside School. The impacts in these localities would be primarily during construction, particularly in relation to the Choats Road over-bridge and viaduct and station construction because of the proximity of the works and the sensitivity of the receptors.

⁴² BRE/A17/5

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- 3.44 Once completed and in operation, the assessment is that the BRE would have a significant major beneficial effect as it would be an integral part of the townscape and landscape that has been planned for the Barking Riverside area.

Ecology

- 3.45 The CoCP sets out measures to avoid or minimise ecological impacts including requirements for the contractor to undertake further pre-construction surveys to ensure that there would not be adverse effects on protected species. If any were to be encountered, licences for re-location would be sought from Natural England (NE).
- 3.46 Moderate effects have been identified for reptiles in relation to works compound C and the possibility that water voles might be present in the Ship and Shovel sewer. Translocation and habitat management measures are built into the TWA Order in agreement with LBB and NE. Overall the scheme has been designed to avoid land-take adjacent to ecologically sensitive areas and the detailed design would include lighting and loudspeaker detailing to avoid adverse effects on ecology.
- 3.47 With the mitigation incorporated, the effects on ecology are assessed as negligible and therefore not significant.

Air Quality

- 3.48 Air quality effects are assessed as not significant during construction. Although the BRE is within an Air Quality Management Area, annual mean criteria at nearby receptors are generally below the respective limits for NO₂, PM₁₀ and PM_{2.5}. Construction traffic will increase pollutants and assessing the forecast levels in a worst case scenario with all spoil removed by road, there could be a moderate increase at two receptors close to junctions on the A13, a minor increase at another receptor but otherwise negligible change including at Barking Riverside School. NO₂ concentrations are above the limit criterion at 5 receptors in the base year and would remain above in 2018 with

or without construction traffic. With regard to the two receptors showing a moderate increase, as the construction effect would only be temporary the effect is not considered significant. There is no assessed effect from PM₁₀ or PM_{2.5} particulates because of the mitigation that would be required under the CoCP and distances to sensitive receptors.

- 3.49 In operation, because electric traction is proposed, the Secretary of State gave a scoping opinion that operational effects on air quality could be scoped out⁴³.

Ground Conditions and Contamination

- 3.50 This issue is addressed through proposed condition No 7 to be attached to the deemed planning permission that is sought. This requires approval by LDDDB of a scheme to deal with any contamination encountered and would include a verification procedure to ensure that any necessary remediation has been undertaken.
- 3.51 With this incorporated mitigation, the BRE construction will not increase contamination risk on site and, once complete, there may be a betterment of the land through any remediation undertaken during construction.

Historic Environment

- 3.52 In the ES it is assessed that neither the construction nor operation of the BRE would affect any heritage asset or its setting. It is not anticipated that any archaeological features will be encountered below ground during construction but a procedure is set down in the CoCP for recording any finds and a procedure for evaluating significance.
- 3.53 With this mitigation incorporated, the effect on the historic environment is assessed as negligible and therefore not significant.

⁴³ Appendix A1.1 to the ES Volume 3 BRE/A17/3

Resource Use and Waste

3.54 The CoCP would ensure that sustainably sourced materials are used. It is therefore assessed that there would not be a significant effect in relation to resource use. As there will be very low waste arisings, there will also be a negligible effect in relation to waste.

Water Resources and Flood Risk

3.55 The BRE scheme will upgrade existing railway line drainage and incorporate sustainable urban drainage systems to limit the quantity and speed of run-off. Further pollution prevention measures will be incorporated to prevent pollution. The Addendum to the FRA considers 1 in 100 (1%) design events plus 70% in relation to Mayes Brook and the Lower Roding, but Figure 3.2 in Appendix C to Mr White's evidence⁴⁴ shows that the scheme does not cause loss of floodplain in these areas. Using the alternative climate change approach of a 1 in 1,000 (0.1%) year design event, there would be minor loss of floodplain areas in the floodplain of the Ship and Shovel sewer as a result of the location of a viaduct pier⁴⁵. However, compensatory floodplain can be created north within the Order land north of Choats Road as shown in Figure 3.4 of appendix C with a capacity of 7.5m³. Given this mitigation, the revised FRA confirms that there will be no significant fluvial flood risk arising from the Order scheme. Overall sections 16.6 and 16.8 of the ES indicate that there will be a negligible effect on water resources and flood risk during construction and operation of the BRE. The Addendum FRA does not alter this assessment of there being no likely significant residual environmental effects in relation to these issues.

In combination effects and cumulative effects with other projects

⁴⁴ TfL 4/B

⁴⁵ Figure 2.4 in the FRA Addendum BRE/E2 and Figure 3.3 in Appendix C in TfL 4/B

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- 3.56 During construction nearby local residents, pedestrians and road users will be subject to a combination of adverse effects in relation to air quality, noise, traffic and visual effects, but most of the effects are assessed as not being significant and they are not expected to be additive. Thus, significant adverse in-combination effects are unlikely to arise during construction. As for operation, there should be predominantly beneficial effects as a consequence of improved public transport accessibility and reduced journey times.
- 3.57 There would be potential for cumulative effects during construction with the overall Barking Riverside development. These are considered in the ES for the revised master plan⁴⁶, but as both developments would be undertaken with full ongoing engagement, including application of CoCPs to the respective construction, it is assessed that the cumulative effects would not alter the overall conclusions of the ES. These are that after mitigation in operation there would be no permanent significant adverse effects, but rather that there would be a permanent significant major beneficial effect. During construction there would be moderate adverse residual effects adjacent to the viaduct for some residents in Great Fleete, in Barking Riverside Stage 2 and for the Barking Riverside school primarily as a consequence of the visual impact of construction activities, but these would only be temporary during the construction period between 2017-20 and transient in nature as construction activities move along the viaduct corridor.
- 3.58 Overall, there is no reason in terms of environmental impact why the Secretary of State should not authorise the making of the Order.

6. *The likely impacts of constructing and operating the scheme on traffic and on the operation of businesses in the area, including:*

a) impacts on redevelopment proposals in the area;

⁴⁶ BRE/C18

3.59 This matter has already been addressed in relation to previous matters in so far as the BRE facilitates the achievement of the overall Barking Riverside development and should also encourage renewal and redevelopment in nearby Creekmouth, Castle Green and Thames Road areas.

3.60 The Transport Assessment (TA) demonstrates that there would be no lasting detriment to traffic conditions by any mode, but on the contrary permanent benefits in terms of increased public transport modal share and increased accessibility⁴⁷.

b) effects on utility providers' apparatus and networks;

3.61 While the Order works will potentially affect apparatus and networks of statutory undertakers, by the close of the Inquiry all objections from statutory undertakers had been withdrawn. The undertakers are satisfied by agreements entered into or agreed and the protective provisions embodied in Schedule 8 to the Order as amended. Utility providers are content that their interests will be safeguarded.

c) impacts on existing surface and sub-surface assets; and

3.62 The major surface and sub-surface assets that could have been affected are those of Network Rail, land leased from Legal and General (L&G) and Network Rail to DB Cargo UK as an intermodal freight terminal and other freight facilities and the tunnel carrying HS1 beneath the Order land. All 4 parties lodged initial objections to the Order but by the close of the Inquiry all these objections had been withdrawn, with HS1 and Network Rail expressing support for the BRE scheme.

3.63 With the remodelling of the Ripple Lane sidings to create nodal sidings to facilitate assembly and regulation of freight trains and the undertakings given

⁴⁷ BRE/A17/6

to L&G/DB Cargo including safeguarding their operations during construction, the utility of the Essex Thameside (Tilbury Loop) lines for freight as well as passenger services should be enhanced together with an expectation of ability for improved interchange with HS1. The limits of deviation incorporated in the Order are particularly designed to safeguard the underground HS1 infrastructure, as explained in Mr Abrehart's evidence⁴⁸.

d) the effects on the UK national railway network.

- 3.64 As stated in relation to the effect on assets, there should be a beneficial effect on the UK national rail network. Although in their original representation dated 11 May 2016, Network Rail (NR) objected to the detailed Protective Provisions set out in the Order as originally drafted and the ability of TfL to transfer benefit of the Order to others without notification to Network Rail or requiring TfL to have regard to Network Rail's views, extensive negotiations have been undertaken with Network Rail. On 8 September 2016 Network Rail wrote saying that the issues previously highlighted had been resolved to NR's satisfaction and that satisfactory procedures and commitments leading to resolution have been put in place. There was reference to this being subject to acceptable terms being agreed for the construction of the BRE viaduct over the HS1 interchange sidings, but a further letter dated 12 September 2016 indicated that this matter had been resolved satisfactorily.
- 3.65 Consequently, the updated version of the Order submitted at the opening of the Inquiry includes substantial re-drafting of the Protective Provisions set out in Schedule 8 for the protection of Network Rail. It is the intention of TfL that upon completion, all the rail infrastructure other than the proposed Barking Riverside station would be handed over to NR. Thus, by way of a further letter dated 12 September 2016, NR confirmed its overall support for

⁴⁸ TFL 3/A

the Order. NR believes that the proposed BRE has a number of benefits, including:

- Providing a new rail link to support development and regeneration of Barking Riverside, and
- Providing new journey and interchange opportunities by extending GOB London Overground services to and from Barking Riverside.

7. The measures proposed by TfL to mitigate any adverse impacts of the Scheme including:

a) the proposed Code of Construction Practice;

b) any measures to avoid, reduce or remedy any major or significant adverse environmental impacts of the scheme;

c) whether, and if so, to what extent, any adverse environmental impact would still remain after the proposed mitigation; and

d) any protective provisions proposed for inclusion in the draft TWA Order or other measures to safeguard the operations of statutory undertakers.

3.66 The environmental impacts involved in constructing and then operating the BRE have been assessed in the ES⁴⁹. Extensive integral mitigation is included through design and control of details and through the proposed planning conditions with mitigation during construction secured through the extensive requirements of the proposed CoCP developed in association with LBBD. Adherence to this CoCP would be required through a condition proposed to be

⁴⁹ BRE/A17/1-3

imposed on the deemed planning permission. An initial draft of Part A was set out as Appendix 4.2 to the ES⁵⁰.

- 3.67 The CoCP Part A would set out the standards and procedures for managing the environmental impact of constructing the BRE. It requires application of Best Practical Means (BPM) to reduce noise impacts. This is over and above the protection that exists under s61 of the Control of Pollution Act 1974 that is enforceable by LBBB. The CoCP would also include a Dust Management Plan, Traffic Management Plans, a Construction Logistics Plan and a Framework Travel Plan. A Waste Management Plan would separately be provided.
- 3.68 Part A of the CoCP also provides for noise insulation and temporary re-housing if necessary with further details to be provided in part B consistent with TfL's Noise and Vibration Policy that is attached to Part A.
- 3.69 The BRE 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 in place.
- 3.70 Protective Provisions for the benefit of statutory undertakers are set out in Schedules 7 and 8 to the draft Order.

8. *The adequacy of the ES submitted with the application for the TWA Order, having regard to the requirements of the Transport and Works (Applications and Objections Procedure) (England and Wales) Rules 2006, and whether the statutory procedural requirements have been complied with.*

- 3.71 As Mr White's evidence makes clear, the ES has been prepared fully in accordance with the Application Rules⁵¹. A scoping exercise was undertaken⁵²

⁵⁰ BRE/A17/3A

⁵¹ The Transport and Works Act (Applications and Objections Procedure) (England and Wales) Rules ('the application Rules 2006') – BRE/B6

and a Scoping Opinion sought from the Secretary of State. This was received from the Secretary of State on 12 May 2015 having consulted LBBB, the EA, NE and Historic England. The ES accompanying the application had regard to this Scoping Opinion and government practice guidance.

3.72 The ES was therefore prepared in accordance with best practice and statutory requirements, including consultation. The Consultation is detailed in the submitted Consultation Report⁵³.

3.73 There has been no challenge to the adequacy of the ES in any evidence presented to the Inquiry. The EA has confirmed that it is content with the revised FRA provided in response to their initial representations⁵⁴. This did not result in any change to the assessment of the significance of the likely effects in relation to flood risk.

9. *Whether regard to the criteria for justifying compulsory purchase powers in paragraphs 12 to 15 of the DCLG Guidance on the “Compulsory purchase process and the Crichel Down Rules for the disposal of surplus land acquired by, or under the threat of, compulsion” (published on 29 October 2015)*

a) whether there is a compelling case in the public interest for conferring on TfL powers compulsorily to acquire and use land for the purposes of the scheme;

b) the land and rights in land for which compulsory acquisition powers are sought are required by TfL in order to secure satisfactory implementation of the scheme.

⁵² BRE/A17/3 and BRE/A17/4 (appendix A1.1 of the ES)

⁵³ BRE/A7

⁵⁴ BRE/E2

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- 3.74 Linear schemes usually require compulsory acquisition of land and rights, and the BRE is no exception to this. However, TfL has continued to engage with affected landowners and, as a result of a responsive approach, it has been able to reach agreement with all land interests before the close of the Inquiry. This is both in relation to land or rights needed permanently and land required for temporary use during construction or maintenance and that required for environmental mitigation.
- 3.75 In accordance with the Guidance on Compulsory Purchase⁵⁵, TfL only seeks to acquire land and rights compulsorily where they are strictly needed to assure successful delivery of the scheme in accordance with best engineering and environmental practice. TfL is satisfied there is a compelling case in the public interest for it to be granted powers to acquire and use land for the purposes of constructing and operating the BRE.
- 3.76 The evidence of Mr Cunliffe⁵⁶ details the extent of acquisition sought and the negotiations undertaken with objectors which resulted in all statutory objections being withdrawn prior to the close of the Inquiry.
- 3.77 While it is not envisaged that instances will arise, TfL has a hardship policy similar to that endorsed by parliament in relation to Crossrail. This would be applied should circumstances arise that made it appropriate to acquire nearby property that might be affected.
- 3.78 Consent of the Crown to compulsory purchase of interests in land other than those of the Crown in which there is a Crown interest has been obtained⁵⁷.
- 3.79 There is no known impediment to implementation within the timescale set in the draft TWA Order as all other consents, licences and approvals necessary are likely to be obtainable.

⁵⁵ BRE/D3

⁵⁶ TfL 6/A

⁵⁷ TfL /6A para 3.7.3

3.80 Having regard to the provisions of the compensation code, interference with property rights is proportionate and necessary to achieve the public benefit of the BRE scheme.

10 *The conditions proposed to be attached to the deemed planning permission for the Scheme, if given, and in particular whether those conditions satisfy the six tests referred to in Planning Practice Guidance, Use of Conditions (Section ID:21a)*

3.81 The suggested conditions have been drafted and agreed in principle between TfL and LBBD. The initial draft of conditions is set out as Appendix 2 to the application for a Direction as to deemed planning permission⁵⁸. Revised schedules of draft conditions were submitted at the opening of the Inquiry⁵⁹ and in closing⁶⁰ to take account of negotiations and issues raised at the Inquiry.

3.82 Agreement of LBBD to addition of a further condition concerning the appearance of the viaduct and additional wording to the landscaping condition is set out in a letter from the Council dated 21 October 2016⁶¹. All conditions are regarded as fully meeting the six tests embodied in PPG.

11 *The Promoter's proposals for funding the Scheme*

3.83 The funding proposals are set out in the Funding Statement⁶². The BRE is estimated to cost £229 million in 2016 prices with an outturn cost of £263 million including inflation assuming construction starts in the financial year 2017/8 and is completed in 2021.

⁵⁸ BRE/A4

⁵⁹ TfL 13/A and TfL 13/B

⁶⁰ TfL 31/A and TfL 31/B

⁶¹ TfL 35

⁶² BRE/A9

- 3.84 The latter sum is to be funded by a £172 million contribution from BRL and £91 million from TfL's business plan that is committed in order to secure the joint funding with BRL. BRL is a joint venture between the Greater London Authority (GLA) (49%) and a private sector development partner (51%). There is a funding agreement between TfL and BRL to secure the £172 million contribution dated 9 March 2016. The source of the BRL funding is detailed in the case of BRL as a supporter of the BRE.
- 3.85 Operating costs of the BRE are estimated to be £3.1 million per year and this is budgeted for within the TfL operating budget. Blight is not expected to arise in relation to the scheme, but any such costs would be met within contingency sums built into the cost estimates referred to above.
- 3.86 There can therefore be confidence that the funding test is met.

Outstanding Objections

Mr Philip Ridley (OBJ 1)

- 3.87 Mr Ridley originally sought passive provision for an extension of the BRE beneath the Thames to Thamesmead and Abbey Wood. To be fully prepared for extension, this would have required an underground station which Mr Ridley appeared to accept would not be viable. Thus, the alternative sought by Mr Ridley and argued at the Inquiry is provision of a station at Renwick Road supplemented by additional bus services to the Barking Riverside development area. This has already been discounted as insufficient to provide sufficient secure sustainable public transport to enable the Riverside development to proceed.

Ms G Hay (Obj 2) and Mr D Howes (Obj 3)

- 3.88 These objectors are concerned that the BRE would lead to an overloading of services on the GOB line. TfL has sought to contact the objectors to no avail. However, their concerns should be assuaged by the substantial capacity enhancements already committed whereby 4-car electric trains will replace 2-

car diesel trains during 2018. Provision is also being made for further capacity increases in future by lengthening trains to 5-car operation together with the possibility of increased frequencies at least over some parts of the line at peak times.

Objections withdrawn during the course of the Inquiry or prior to the Inquiry

HS1 (Obj 4)

- 3.89 In their original representation dated 6 May 2016, HS1 drew attention to the Order land covering both surface and sub-surface assets of HS1. They sought a deformation test to demonstrate that the viaduct piers would not damage the HS1 tunnels and for a Protective Provisions Agreement to be entered into. HS1 also sought agreement to a Deed of Grant in relation to the acceptance of TfL assets on HS1 land, a Site Investigations Licence and a maintenance agreement.
- 3.90 The objection was withdrawn 16 August 2016 following negotiations and completion of a Protective Provisions Agreement. The letter of withdrawal explicitly states that HS1 are happy to be registered as a supporter of the application. HS1 support the principle of the Order in enabling delivery of new housing and regeneration of the local area.
- 3.91 By letter dated 20 October 2016, the Secretary of State for Transport stated that there is a signed agreement between the Secretary of State, HS1 Limited and TfL. The Secretary of State therefore confirmed consent to TfL securing an interest in land containing a Crown interest for purposes of constructing and operating the BRE⁶³.

⁶³ TfL 34

Barking Power Limited (Obj 5)

3.92 The Objector is a statutory undertaker which owns power lines beneath which the proposed viaduct would pass south of Choats Road. As Barking Power Limited may wish to recommence electricity generation either through building a new power station or by re-configuring existing equipment at Barking Power Station, the power lines are not redundant. Consequently, a binding agreement was sought with the applicant to safeguard their interests. The objection was withdrawn by letter dated 7 October 2016 which states that the grounds of their objection had been satisfactorily addressed. The updated draft Order submitted at the opening of the Inquiry now specifies Barking Power Limited as a beneficiary of the Protective Provisions in Part 3 of Schedule 8.⁶⁴

Network Rail Infrastructure Limited and Network Rail (High Speed) Limited (Obj 6 re-categorised as Supp 12)

3.93 The change in the stance of Network Rail from an objector to a supporter is fully detailed in relation to Matter 6 d). The letter formally withdrawing objection was dated 8 September 2016 with confirmation of agreed heads of terms in relation to the Deed of Grant in relation to HS1 land dated 9 September 2016. The expression of support is dated 12 September 2016. Again the updated draft Order submitted at the opening of the Inquiry shows the amended Protective Provisions for Network Rail in Part 1 of Schedule 8 as well as a minor change to article 39 that had been sought by Network Rail.

National Grid Electricity Transmission Plc (NGET) and National Grid Gas HSBC Bank plc (OBJ 7 re-categorised as Supp 13))

3.94 The original objection sought to ensure that the Protective Provisions in relation to 400 kV overhead power lines and underground gas pipelines were sufficient to safeguard their interests as statutory undertakers and referred to

⁶⁴ TfL 9/A

ongoing discussions with the applicant. By letter dated 14 September 2016 National Grid notified their formal withdrawal of their objections. They also confirmed support for the making of the Order as the BRE scheme is very important to the development of the local area.

Legal & General Pensions Limited (L&G)(Obj 8)

- 3.95 The objectors are freeholders of the Barking Freight Terminal operated by DB Cargo and this terminal is an income generating investment for its fund. The objection initially expressed concern over the extent of permanent acquisition in the vicinity of proposed viaduct piers, potential restrictions on the operation of the depot from the presence of the viaduct, over disruption during the 3-year construction programme, including the extent of temporary occupation, in particular for a works compound and over the implications of this for the terminal access via Box Lane to Renwick Road. Assurances were also sought in relation to environmental mitigation during construction.
- 3.96 L&G agreed that as their interests coincided with those of their tenant, DB Cargo, the latter would present any necessary evidence to the Inquiry, but this was not necessary. By letter dated 20 October 2016, it was stated that following negotiations between L&G, DB Cargo and TfL, L&G had received an Undertaking from TfL to enter into a binding legal agreement to give effect to detailed commitments and assurances from TfL that are satisfactory to all parties. Accordingly the objection was withdrawn.

DB Cargo (UK) Limited (Obj 9)

- 3.97 DB Cargo, as leaseholder of land subject to compulsory purchase of land or rights or proposed for temporary use within the London Eurohub freight terminal, raised objection in relation to the impact on that freight terminal and related land holdings and operations and similarly in relation to the Ripple Lane sidings and the general impact on the UK national railway network. They were particularly concerned to maintain road access via Box Lane and rail access to the terminal, which is a key terminal for freight

services to and from the continent via HS1, throughout the construction period. They were also concerned to avoid sterilisation of any part of the terminal.

- 3.98 DB Cargo is also leaseholder of the Ripple Lane sidings which are used for the storage and distribution of aggregates. In this case the concern is over intended acquisition by TfL of rail links that provide access into these sidings and assurances were sought over unimpeded access. More generally, DB Cargo were concerned to maintain freight capacity on the flyover connecting platforms 7 and 8 to the GOB line once passenger services are diverted from the bay platform 1 onto this flyover to pass through platforms 7 and 8 to provide services on the BRE.
- 3.99 The evidence produced by DB Cargo for the Inquiry sought in particular assurances over uninterrupted road and rail access and maintenance of continental loading gauge within the HS1 exchange sidings within the Ripple Lane marshalling yard. The evidence of Mr Abrehart, both that given in chief⁶⁵, and that prepared but not presented in rebuttal⁶⁶ of the DB cargo evidence that was also not presented, indicates how construction would be phased to maintain road and rail access throughout construction and why the limits of deviation are drawn in order to ensure that detailed design could avoid detriment to all rail infrastructure. Only that land required for the construction, operation and maintenance of the proposed viaduct will ultimately be subject to acquisition or acquisition of rights. The evidence also confirms that Continental loading gauge will be assured for all rail lines on which Continental wagons may be stored or used for train assembly and for lines giving access to such sidings. Other evidence not presented clarifies that sufficient freight paths will remain available through Barking station.

⁶⁵ TfL 3/A and TfL 3/B. It should be noted that TfL and DB Cargo use different names for the sidings west of Renwick Road in various proofs, but the assurances and commitments agreed cover the areas of concern.

⁶⁶ TfL 8

3.100 By letter dated 20 October 2016, it was confirmed that DB Cargo had received an undertaking from TfL to enter into a binding legal agreement to give effect to detailed commitments and assurances from TfL. Accordingly DB Cargo withdrew its objection to the Order.

The Environment Agency (EA) (Obj 10 re-categorised as Rep 7)

3.101 The original objection dated 13 May 2016 of the Environment Agency (EA) raised objection because the FRA produced as part of the ES was not based on the latest climate change guidance. It also referred to matters that would need to be taken account of in relation to Thames tidal defences, the Water Framework Directive (WFD) and the ecological environment, in relation to groundwater and contaminated land and in relation to waste re-use on site or disposal off-site.

3.102 The Addendum FRA⁶⁷ taking account of the latest guidance was duly produced and accepted by EA with its implications detailed under Matter 5. It did not alter the conclusion of there being no residual significant effect in relation to flood risk. As a consequence the EA sent a further letter dated 3 October 2016 confirming agreement as to how its remaining issues in relation to fluvial flood risk, Thames tidal defences, the WFD and the ecological environment and groundwater and contaminated land would be addressed through Protective Provisions in Schedule 8, the CoCP and the proposed condition to be attached to the deemed planning permission sought by TfL in relation to contaminated land.

3.103 Subject to this treatment of those matters, the EA confirmed in a further letter dated 18 October 2016 that their objection is withdrawn as the matters initially raised have been satisfactorily addressed. It states that the EA now supports the scheme.

⁶⁷ BRE/E2

Indigo Pipelines Limited (Obj 11)

- 3.104 The original objection dated 13 October 2016 sought assurances on continuing ability to provide and maintain existing and future apparatus.
- 3.105 By letter dated 21 October 2016, it was confirmed that a satisfactory agreement had been negotiated with TfL and that this had been sealed by TfL. Objection was therefore withdrawn.

SSE Water Limited (Obj 12)

- 3.106 The original objection dated 13 October 2016 sought assurances on continuing ability to provide and maintain existing and future apparatus.
- 3.107 By letter dated 21 October 2016, it was confirmed that a satisfactory agreement had been negotiated with TfL and that this had been completed by both parties. Objection was therefore withdrawn.

Southern Electric Power Distribution plc (Obj 13)

- 3.108 The original objection dated 13 October 2016 sought assurances on continuing ability to provide and maintain existing and future apparatus.
- 3.109 By letter dated 21 October 2016, it was confirmed that a satisfactory agreement had been negotiated with TfL and that this had been completed by both parties. Objection was therefore withdrawn.

Conclusions

- 3.110 As all statutory objections have been withdrawn and those raised by the 3 remaining non-statutory objectors answered, there is no reason to withhold the making of the Order and a direction for deemed planning permission for the BRE scheme.
- 3.111 The BRE is appropriate and urgently required in response to an identified need. It is consistent with policy, accords with the development plan and is itself sustainable development. The compulsory purchase and temporary use of land identified in the draft Order is necessary to allow the scheme to

proceed and a compelling case in the public interest to justify the requisite interference with property rights has been established having regard to the compensation code that will be applicable.

4. THE CASES FOR THE SUPPORTERS

Barking Riverside Limited (BRL) (Supp 4)

- 4.1 The material points⁶⁸ were that since 2013 it had not been possible for the GLA to secure additional funding for infrastructure from the previous joint venture partner, Bellway Homes to take the Barking Riverside Development beyond the limitation of 1,500 homes that is contained in the original s106 agreement in the absence of a strategic public transport intervention.
- 4.2 BRL, which now includes London & Quadrant New Homes (L&QNH) as joint venture partner as successor to Bellway Homes, strongly support the BRE as it is fundamental to the beneficial regeneration of the site and delivery of almost 11,000 homes. Treasury support has been obtained for BRL with the funding package requiring staged payments to TfL during delivery of the railway. BRL has committed £27 million over the current financial year for advance infrastructure works and design works on the expectation that the BRE will be able to proceed, thereby securing a strategic sustainable public transport system to serve the development.
- 4.3 BRL is working with LBBDD to deliver what will be an exceptional new community. It should act as a catalyst for the regeneration of a wider area of the London riverside area and make a significant contribution to the housing needs of Barking and London as a whole.
- 4.4 The provision of public transport is essential to achieve this ambition. The development has essentially been stalled since the abandonment of a previous proposal for an extension of the DLR from Gallions Reach as

⁶⁸ Document SUPP/4, Statement of Case and Proof of Evidence of Matthew Carpen dated 20 September

required under the original s106 agreement. The BRE and linking high quality bus services will provide the necessary and desired public transport system to achieve a public transport mode share sufficient to deliver the development at the density aspired to in order to create the sense of place in a new community. It is a key component of the revised master plan which was put forward in a s73 application to modify the original 2007/2009 planning consents. LBBD is minded to grant this application and clearance from the Mayor has been obtained. Permission should be issued shortly upon signing the revised s106 agreement that substitutes the BRE requirement for the previous DLR extension.

- 4.5 Approval of the TWAO will allow the development to continue up to 4,000 homes and bringing the BRE into operation will enable the full 10,800 homes to be achieved.
- 4.6 At present public transport is purely bus based and although based on the East London Transit, services south of the A13 are subject to delay and congestion that limit access to Barking town centre and railway station. The area south of the A13, including the existing Thames View estate, is therefore largely separated from the wider community of Barking and there is a huge challenge in achieving the beneficial regeneration of the riverside area. Yet this regeneration is central to the delivery of Borough and Mayoral housing targets.
- 4.7 The revised master plan which would be enabled by the BRE is predicated around creation of a new district centre adjoining the proposed terminus station. At this location there would be a transport interchange with bus and river bus services so as to enable achievement of the full quantum of 10,800 homes on the BRL site. The public transport provision enables car parking provision to be constrained to 0.7 spaces per dwelling. In turn this enables development at a density that realises that number of homes and will create a strong sense of place. This is key for marketing purposes.

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- 4.8 The BRE will deliver an efficient and sustainable transport link that addresses technical constraints and improves attractiveness. Without the BRE, BRL would need to reconsider its strategy and would not be able to deliver 10,800 homes.
- 4.9 The joint venture is now 49% owned by the GLA (the land having been passed on from English Partnerships via the Homes & Community Agency) and 51% by L&QNH who have acquired the Bellway Homes interest. Public realm open spaces will be handed on to a Community Interest Company with development plots sold on after site preparation and provision of infrastructure. Bellway Homes and L&QNH have options to purchase a proportion of the development plots and provision of the BRE should enable the rate of development to be increased from 150-200 homes per year to 600 homes annually, with a peak construction workforce of 3,000. Site preparation and design work is proceeding on phase 2 housing sites and for the station square area in anticipation that the TWA Order will be made and deemed planning permission granted in time to enable the BRE to be operational by 2021.
- 4.10 The first sales of plots under the new master plan are envisaged in January 2017. This will take the number of homes close to the limit of 1,500 in the s106 agreement prior to the making of the TWA Order. As further sales are intended under the strategy in July 2017, approval of the TWA Order is urgently required in order not to interfere with a continuous programme of development up to the next threshold of 4,000 homes that the s106 agreement permits once the Order has been made but before the BRE becomes operational. If it is not approved there would have to be an almost immediate cessation of development and 3 years of negotiations between TfL, GLA, the Treasury, DCLG, Network Rail and LBBD would have been wasted.
- 4.11 There is no alternative rail transport scheme that can be advanced with realistic funding and capability of delivery in the appropriate timeframe. It is a simple and cost effective solution to unlock stalled development. If it does

not proceed there is no certainty even that a low density suburban type scheme would be able to be taken forward given the constraints and perception of the locality in the absence of a secure sustainable transport system.

- 4.12 With regard to the funding for the scheme from BRL, £172 million will be contributed in addition to enabling works such as utility diversions and advance earthworks. A funding agreement is in existence between BRL and TfL in addition to the requirements in the s106 agreement. The BRL letter of 21 October indicates that the £172 million would be sourced as follows:
- a. £55 million senior loan facility from L&QHT, this being the sum provided through Treasury/DCLG to facilitate affordable housing in the development;
 - b. £48 million junior loan facility from GLA Property, this being a priority commitment backed by GLA land disposals in order to honour the joint venture agreement;
 - c. £15 million junior loan facility from L&QNH backed by their own resources, and
 - d. £54 million BRL contribution through land sales, property arrangements and exclusivity agreements.
- 4.13 BRL also confirmed in a letter dated 20 October 2016 that BRL had entered into a Land and Works agreement with TfL. Subject to the making of the TWA Order, this accepts compulsory acquisition and temporary use of BRL land in order to construct, maintain and operate the BRE as indicated on the land plans accompanying the application.

London Borough of Barking & Dagenham (LBBD) (Rep 6 re-categorised as Supp 8)

- 4.14 The material points⁶⁹ were that the extension of the London Overground to Barking Riverside would enable the realisation of new homes, jobs and improved connectivity with the rest of the borough and London. This is a key priority for the Council.
- 4.15 The full development of Barking Riverside would provide much needed affordable housing and the generation of a significant number of jobs, both temporary during construction (up to 3,500) and permanently (2,500) through servicing the area and the boost to the local economy through increased retail spend estimated to amount to £47 million annually. The enhanced links to central and north London would significantly reduce journey times for people living and working in the area. Barking town centre would be accessible in only 7 minutes, the City via c2c services to Fenchurch Street in 20-25 minutes, Canary Wharf, albeit involving 2 changes, in 25-30 minutes and Stratford in around 22 minutes.
- 4.16 Barking and Dagenham is a key growth opportunity for London and improved transport links are critical in realising its potential capacity of 35,000 homes or more. The Barking Riverside development alone would provide 10,800 homes and 65,000 m² of commercial, retail and community facilities. Without the BRE only some 1,450 homes will be constructed, some 9,350 less than the fully developed site would provide. Without the BRE, investment to date would be put in jeopardy. The delivery of the BRE will act as a catalyst for the development of 2 km of Thames waterfront that is currently inaccessible as a result of intervening industrial and commercial areas and lack of pedestrian and public transport permeability.
- 4.17 The scheme will provide improved transport opportunities and enhanced quality of life. It will provide improved safety and greater transport resilience

⁶⁹ Document SUPP/8, Proof of Evidence of Daniel Pope dated 19 September 2016 and summary

and reduced impact on climate change compared to other non-active transport modes.

- 4.18 LBBD are satisfied that the selected scheme is the most appropriate of all options considered as it would provide connectivity to Underground and c2c services at Barking station as well as providing a direct link to the town centre (Matter 2). It provides the option of provision of a second station close to Renwick Road enabling improved public transport for the Thames View and Great Fleete estates while helping the case for re-zoning and redevelopment of neighbouring Rippleside commercial areas that have potential to deliver an additional 5,000 -7,500 homes in what is called Castle Green. The BRE scheme would also boost the prospective delivery of some 3,000 homes in the adjoining Creekmouth area and a further 3,000 homes in the London Riverside Gateway Housing zone. Moreover, a minimum of 35% of the Barking Riverside Homes will be affordable homes.
- 4.19 In addition, the alignment selected has the potential to enable extension of Overground services across the Thames via Thamesmead to Abbey Wood station in LB Bexley. Such an extension is supported by the Council for further enhanced connectivity to South East London which would give significant business and employment opportunities.
- 4.20 LBBD are satisfied that the BRE scheme is fully in accord with the NPPF, the strategic development plan and sub-regional and local planning and transport policies. These documents providing policy backing include the London Plan (2016), the Mayor's Transport Strategy 2010, the East and Southeast London Sub-regional Transport Plan (2014) and the London Infrastructure Plan 2050 (update Report 2015). The BRE is also identified in the emerging Barking & Dagenham Local Plan as a priority transport project in order to support the regeneration of the wider London riverside area.
- 4.21 The Council is satisfied that the mitigation identified in the ES and the measures set out in the CoCP that will be secured through planning conditions should ensure that the residual environmental effects of both

construction and operation will not be significant. The Council is specifically satisfied that the arrangements for prior agreement of calculations and measures will maintain construction noise at acceptable levels. It is satisfied with the Construction Impact Assessment included within the TA and the proposals to alter highways and undertake temporary traffic management measures as set out in Schedules 2, 3 and 9 of the draft Order. It is also satisfied with references in the TA to measures to be undertaken at Barking station to overcome over-crowding that are required as part of the c2c franchise agreement.

- 4.22 The Council is broadly happy with the suggested planning conditions having worked with TfL and BRL on the Design and Access Statement at Volume 5 of the ES and a Sub-Framework Plan for the station square area. They are satisfied with conditions reserving detailed design for their approval and also landscaping as they would wish to approve details of fencing. In a letter dated 21 October 2016, LBBDD confirmed their agreement to modified conditions discussed at the Inquiry to secure approval of the appearance of the proposed viaduct and of fencing. They have agreed Part A of the CoCP with TfL.
- 4.23 In summary, the Council fully supports the TWA Order for the BRE. It represents the culmination of 8 years work with TfL and BRL to find an alternative replacement for the unaffordable abandoned previous proposal for a DLR extension to serve Barking Riverside. For 25 years the Council has been committed to building a sustainable community on the former power station site. Securing that development will have a transformational effect on the Borough and a wider area of London.
- 4.24 As for Mr Ridley's objection, while the Council supports a further extension of the London Overground to Abbey Wood, it would not support delaying the BRE to achieve this nor support the suggestion that a station at Renwick Road could be adequate to serve Barking Riverside. The Council would not support abandoning a fully funded scheme for an unfunded concept at a very early

stage of development and which is currently estimated to cost up to £1.8 billion, over 5 times more than the BRE. The BRE unlocks the full residential potential of the site and the Council and the Mayor have approved the s73 application on this basis. The Renwick Road suggestion would render the s73 application of no value.

- 4.25 The BRE is scheduled to become operational in 2021, eleven years after it was first conceptualised. The far more complex extension to Abbey Wood is unlikely to be operational until well into the 2030s, if at all. It would be unreasonable to deprive East London of more than 9,000 additional homes for a further decade or more when housing, and particularly affordable housing, is so urgently needed. The Council, TfL and BRL have worked together on the design for the terminus station to be a prominent and legible marker at the heart of the proposed District Centre. Positioning the station at the heart of the scheme served by East London Transit services will help achieve an ambitious modal share for public transport and create the transformational change that the Borough aspires to. A remote station at Renwick Road could not achieve this.

Supporters not appearing at the Inquiry

- 4.26 The support of HS1, National Grid and Network Rail expressed when withdrawing their objections has already been referred to, as has that of LBBD which was originally classified as a body making representations. The LBBD case in support of the scheme has been reported fully in preceding paragraphs, as has that of BRL (Supp 4).
- 4.27 The position of LB Bexley (Supp 11) changed after TfL sent them a copy of a drawing showing how the TWA Order proposal could be extended beneath the river. LB Bexley had sought assurances that the BRE scheme would not prejudice extension across the river because that Council, like LBBD, supports an extension across the Thames. TfL provided this assurance in a letter dated 8 August 2016 with an attached Atkins drawing BREP-ALLW-SKT-ATK-0001.

This drawing is reproduced as Figure 18 to the evidence of Mr Porter⁷⁰. It involves an average 2.5% gradient down from the point at which it would diverge from the viaduct, apart from a section of 1% gradient through what would be the replacement underground station at Barking Riverside.

- 4.28 The position of the Environment Agency (Rep 7) in expressing support, but still being noted as a body making representations has also been referred to. These representations will be referred to more fully later in this report.
- 4.29 There were also additional representations in support of the Order. DP World London Gateway (Supp 9) points out that some 33% of port throughput and 10% of the traffic generated by the integral logistics park is anticipated as to be transported onwards via the rail network. The planned remodelling of the Ripple Lane freight sidings to provide a Barking nodal freight hub with 775 m long sidings will allow freight trains from the Thameside area including London Gateway to be marshalled before entering the London Rail network. This will significantly enhance the ability to integrate freight services into the passenger timetable, add operational flexibility and therefore increase capacity. It could also facilitate switch between diesel and electric traction where routes are not fully electrified.
- 4.30 Mr Knight (Supp 1) considers that the BRE scheme is just what is needed to get the Barking Riverside development brought to fruition to further LBBD's ambitious regeneration plan. Ms Caliste (Supp 2) is similarly in favour as it would offer community transport services in an area that is currently deficient and so bring to fruition the Barking Riverside development with 10,800 homes, a new school and healthcare facilities. Mr Gannon (Supp 3), as an early resident in the Barking Riverside development, expresses strong support to enable the full development to be achieved having regard to physical and environmental constraints. Mr Bergfeld (Supp 5) welcomes the BRE scheme as overcoming the isolation of the site and making the riverside

⁷⁰ TfL 1/B

more accessible and thereby unlocking its full potential. Ms Moller (Supp 7) makes a similar point that the BRE will enable the bringing forward of such a large area of brownfield land for development of over 10,000 homes and ending the isolation of the area through linking it with Barking Town Centre and the interchange opportunities there.

- 4.31 The Labour Group on the London Assembly (Supp 6) comment along similar lines while also expressing support for an ultimate extension across the river to Thamesmead and Abbey Wood. The Chair of the London Assembly Transport Committee, Caroline Pidgeon AM (Supp 10), also expresses similar support for the scheme in order to serve the Barking Riverside development, while putting forward a number of operational points for consideration by TfL.
- 4.32 Finally, Railfuture (The Railway Development Society) (Supp 14) comments that the BRE scheme would build on the success of the improvements to the GOB Line. They strongly support the BRE as a means of providing a sustainable rail transport service to support the development of almost 11,000 homes, though would wish to ensure that passive provision is made for the second Renwick Road station and that the possibility of cross river extension is not prejudiced.

5. THE CASES FOR THE OBJECTORS

Objectors appearing at the Inquiry

Mr Philip Ridley (OBJ 1)

The alternative options and the failure to safeguard river crossings

- 5.1 Mr Ridley's original objection was based on a need to design the BRE in a way that not only could it be extended across the Thames to link up with Crossrail (Elizabeth Line) at Abbey Wood, but that there would be a facility for an additional easterly chord at Barking Riverside to allow Elizabeth Line trains to proceed towards Tilbury. He argued that this would be a cheaper solution than a possible eastern branch of Crossrail 2.

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- 5.2 He subsequently argued that construction of the BRE as proposed to serve 10,800 homes would cause material harm to the delivery of housing elsewhere in South London and along the northern bank of the Thames estuary. This is because it would commit 4 trains per hour to an isolated elevated railhead that could not be extended under the Thames and which may be required to make a rail tunnel under the Thames viable. Such a link had been proposed in a Mayoral 2050 vision for the metro rail network.
- 5.3 Policy 6.1 of the London Plan seeks a strategic approach to transportation within London and Policy 6.2 states that land should be safeguarded for transport, namely that development proposals that do not provide adequate safeguarding for schemes outlined in table 6.1, including cross river connections, should be refused. There had been a Mayoral consultation on potential river Thames crossings⁷¹ and this should be regarded as a material consideration. This is particularly important given the inadequate Woolwich Ferry to the west and the congested M25 crossing to the east. The potential for a rail crossing between Belvedere and a proposed new station at Beam Park on the Essex Thameside (Tilbury Loop) line was particularly relevant given the need for critical mass to make rail crossings viable. Instead of terminating at Barking Riverside the 4 GOB trains could instead cross at Belvedere and perhaps ultimately terminate at Ebbsfleet International via Dartford.
- 5.4 Thus, it is premature for the BRE to be approved ahead of a cross Thames strategy being approved by the NPPF. Rejection would therefore be consistent with paragraph 14 of the NPPF which states that rejection can be justified where permission would undermine the plan-making process. Approval of the BRE scheme could prejudice Mayoral consideration of wider proposals. 7,000 additional homes are proposed at Thamesmead, but this potential cannot be realized without appropriate cross-river public transport.

⁷¹ Have your say on options for new river crossings in East London (December 2015) <https://consultations.tfl.gov.uk/roads/river-crossings>. This is BRE/E3.

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- 5.5 To extend the BRE to Thamesmead and potentially beyond would require most of the proposed viaduct alignment south of the c2c lines to be demolished to achieve a circa 2% gradient to pass under the Thames. This could waste up to £150 million, effectively writing off most of the developer's contribution and some of the Treasury's contribution. The elevated station would also have to be re-built underground at very substantial cost.
- 5.6 Moreover, Mr Ridley now considered that extension across the Thames at Barking Riverside would not be the best location for a rail crossing because an easterly chord may not be feasible without interference with the freight terminal and a tunnel would not be viable with only 4 trains per hour. Thus, the proposal could prejudice other crossings, such as at Belvedere and so be contrary to Policy 6.2 of the London Plan.
- 5.7 Instead of only having passive provision for an additional station west of Renwick Road Bridge, providing the terminus station at that location would enable it to be served by 8 trains per hour (4 Overground GOB and 4 c2c services) rather than 4 per hour to the proposed Riverside terminus. It would be possible to reach the location of the proposed terminus station on foot in about 12 minutes, in about 3 minutes by cycle and 2 minutes by bus, with services being able to be re-routed to serve the Renwick Road station. This may give as high or higher PTAL value than the BRE scheme so should not hinder the achievement of the full 10,800 homes. Instead of routing the 4 Overground services down the expensive spur, they could continue towards Tilbury Town with a turn back in the vicinity of the branch into the Tilbury freight terminal. The whole line would then benefit from 8 trains per hour. This would be a cheaper solution than that envisaged as a possible eastern branch of Crossrail 2 and would be compatible with a Crossrail Elizabeth line extension over a Belvedere crossing to a new grade-separated junction at Beam Park.
- 5.8 Thus, the BRE TWA Order should be rejected because it would prejudice wider opportunities and housing delivery along the Thames Estuary in East

London for up to 200,000 homes. A split decision could be justified accepting the Renwick Road station, but the junction, viaduct and Riverside station rejected.

- 5.9 Mr Ridley also drew attention to the Anglia Route Study⁷² which notes that TfL is considering frequency enhancements on the GOB line following signalling changes with potential for additional electric rolling stock to be deployed onto the line. It would seem that at least 6 passenger trains per hour are envisaged on the GOB route. Such frequency enhancements might make a crossing at Barking Riverside more viable. Yet the TWA Order proposal would involve much redundant infrastructure in the viaduct and elevated station. In such a context it would be more appropriate to stop the BRE short at the point where the divergent line required for extension beneath the Thames would begin to go underground and provide a temporary station at that point, if station No 2 at Renwick Road were regarded as insufficient to serve the Riverside development. While not as central to the Riverside development it would be closer than station No 2 and would be the basis for subsequent extension to Abbey Wood with its direct Crossrail Elizabeth Line connection to Canary Wharf and the City. Station No 2 site should also have the potential for 12-car platforms in order to be served by c2c services to facilitate interchange, if an easterly chord is not feasible, a point still regarded as not proven.
- 5.10 He also drew attention to the Mayoral press release⁷³ stating that a new Thames crossing was now proposed at Gallions Reach and that there should be studies into extending the Overground across the Thames via Barking Riverside. Options for the Overground extensions across the Thames were more fully detailed in the Options Assessment Report (LO1, LO2, LO3, LO3a

⁷² TfL 28

⁷³ <http://www.standard.co.uk/news/transport/sadiq-khan-gives-go-ahead-to-three-new-river-crossings-in-east-london-a3360546.html>

and LO4)⁷⁴, albeit that these showed poor financial returns if services were restricted to only 4 trains per hour in each direction. This ignores enhancements of the GOB line already referred to and provision of a further freight regulating point that would enable passenger services to be increased above 4 trains per hour in each direction on the GOB line. TfL planners are already considering diverting Enfield Town to Seven Sisters trains to Barking.

- 5.11 Thus, in addition to possible prejudice to tram-train possibilities for a Belvedere to Beam Park crossing, possible prejudice to all these wider possibilities for enhanced river-crossings do render the BRE proposal in conflict with Policy 6.2 of the London Plan, notwithstanding Mr Rhodes' assertion that it complies with the letter of Policies 6.1 and 6.2.
- 5.12 At the Inquiry, it was pointed out that neither a split decision on the existing draft TWA Order to approve only station No 2 at Renwick Road nor a modification of the scheme to provide for a temporary station at the point where a future extended scheme would go underground would be within the Secretary of State's powers since not only would it would require a different justification, it would include approval in principle for matters not contained in the draft Order. Consequently, Mr Ridley concluded that he would have to continue to oppose the making of the Order. This would avoid the waste inherent in constructing a viaduct that may not be required in the relatively short-term, potential prejudice to wider river crossing possibilities and because station No 2 at Renwick Road should be sufficient to facilitate the Barking Riverside development.

Objectors not appearing at the Inquiry

Ms G Hay (Obj 2) and Mr D Howes (OBJ 3)

- 5.13 Ms Hay expresses concern at overcrowding on the GOB line which she suggests is already impossible to use in rush hours. She is aware of the

⁷⁴ BRE/E4

proposal to use 4-car trains once electrification is complete, but is concerned that this may not be sufficient and wishes to know whether the frequency of services on the GOB will be increased.

- 5.14 Mr Howes has similar concerns. He considers extending GOB services would be a terrible idea as peak hour trains are already overflowing. If the line is extended the problems already being experienced will be exacerbated.

6. OTHER REPRESENTATIONS

- 6.1 None of the other parties making representations objected in principle to the BRE scheme, but they did raise issues that warranted response from TfL.
- 6.2 Level 3 Communications UK Limited (Rep 1) has fibre optic cables and copper cables alongside existing railway lines that are within the Order lands. Level 3 simply required confirmation that they would be consulted about making any affected assets safe or over a Level 3/Network Rail diversion.
- 6.3 The PLA (Rep 2) sought to ensure that opportunities for river transport of materials had been fully evaluated and that they would be consulted over lighting details in the temporary works compound on plot 20. After an explanation that materials would heavily involve re-use of spoil from the site and a commitment to consult on those lighting details was given in a letter from TfL dated 19 September 2016, the PLA gave notice that it was satisfied that use of the river in connection with the construction would not be practicable. It welcomed the commitment over consultation on lighting adjacent to the river.
- 6.4 Hanson Quarry Products Europe Limited (Rep 5) draw attention to their depot at Dagenham Dock that receives stone from hard rock quarries, especially Whatley in Somerset, by rail as well as marine dredged sand, with onward rail distribution to their depot in Acton. Their rail connection is via the HS1 interchange sidings and Hanson sought assurances that their operations would not be constrained or delayed. Such assurances were given by TfL in a letter dated 12 July 2016 with track possessions during 2019-2020 governed

by Network Rail protocols that would involve consultation with passenger and freight operators.

- 6.5 Finally, The Environment Agency (Rep 7), although expressing support, point to a number of clearances that will be required in relation to their responsibilities. Fluvial Flood Risk details would be required under Protective provisions 20, 21, 24 and 25. Details in relation to Thames Tidal defences will also be required under Protective Provisions 20, 21, 24 and 25. Details relating to the Water Framework Directive and the Ecological Environment would be required under Protective Provisions 20 and 21. Lastly, in relation to groundwater and contaminated land, their first two issues over drainage systems and piling details would be governed by Protective Provisions 21, 24 and 25. Avoidance of damage to agreed remediation works for the BRL development (planning reference 04/01230/OUT) and in relation to other areas would be governed by draft planning condition 7 - Contaminated Land.

7. REBUTTALS BY THE APPLICANT

OBJ 1 Mr Philip Ridley (Obj 1)

- 7.1 The full rebuttal evidence is set out in TfL 7⁷⁵. The material points are that the BRE was selected as the preferred transport mode to serve Barking Riverside in 2013, as outlined in the Transport Options Summary Report⁷⁶. A conceptual link between the BRE and Abbey Wood was then identified in the London Infrastructure Plan 2050 in 2014⁷⁷. The possibility of an extension to the BRE was thus developed after the BRE had been selected as the best performing, affordable and deliverable solution for serving Barking Riverside. The cross-river extension remains only a concept at present and was not

⁷⁵ This rebuttal also draws on the closing submissions from TfL (TfL 36)

⁷⁶ BRE/C10

⁷⁷ BRE/D13

considered as an option to serve Barking Riverside because of the likely scale of capital investment required.

- 7.2 The potential for Overground extensions across the river was considered subsequently in studies for potential river crossings at Gallions Reach and Belvedere in November and December 2015⁷⁸. The conclusion at that time was that such extensions would not fulfil the objectives of the Gallions Reach and Belvedere crossings project because they would have a very high capital cost and limited capacity if only 4 trains per hour could be scheduled through the tunnel in each direction. Thus, such extensions would have only a limited effect on PTAL levels in Thamesmead and be unlikely to support significant development at Thamesmead. This would not necessarily preclude longer term consideration of the concept as part of an orbital corridor. This is in essence what is intended by the study announced by the Mayor on 4 October 2016⁷⁹. The alignment proposed for the BRE does not preclude subsequent extension beneath the Thames as shown on Figure 18 in the Appendices to Mr Porter's evidence⁸⁰.
- 7.3 With regard to potential congestion through interchange at Barking station, paragraph 9.2.23 of Mr Bland's evidence⁸¹ acknowledges that there will be a minor adverse effect but that this is without taking account of the obligation in the Essex Thameside Franchise for c2c to deliver station improvements. Barking station will also benefit from the completion of the Four Lines Modernisation programme that includes the Hammersmith & City and District Lines that serve that station.

⁷⁸ BRE/E4 Options Assessment Report (Long List), BRE/E5 Public Transport Interim List and BRE/E3 Consultation Leaflet

⁷⁹ Appendix 2 to TfL 7

⁸⁰ TfL 1/B

⁸¹ TfL 5/A

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- 7.4 As for the suggestion that the BRE is not in conformity with the Development plan and national planning policy, the correct position is set out in the evidence of Mr Rhodes⁸². The BRE is a scheme explicitly referred to in Table 6.1 of the London Plan⁸³ and therefore specifically endorsed by Policy 6.1. While Policy 6.2 does refer to refusing proposals that do not safeguard schemes in Table 6.1, Table 6.1 does not explicitly include an Overground extension beneath the Thames from Barking Riverside, but such an alignment is nevertheless safeguarded. There is no conflict therefore with the development plan and indeed support for the BRE also from other policies in the London Plan as it is necessary to realise the housing and employment potential of Barking Riverside. Approval of the BRE scheme is therefore in accordance with the NPPF and to reject it would be contrary to both the Development Plan and NPPF. The BRE is also supported by the emerging LBBD Local Plan.
- 7.5 In terms of the prematurity argument put forward by Mr Ridley, there is no emerging DPD document that would be prejudiced by approval of the BRE so that there would be no conflict with Government advice in PPG. "Connecting the Capital"⁸⁴ is not a development plan document, albeit that it is a transport planning document. It only refers to the potential for an extension across the river in the 2030s and beyond. The concept of an orbital Overground service is a long-term vision that would require very heavy capital expenditure, probably in the order of £1.2 billion to £1.8 billion. In contrast the BRE is urgently required now in order to secure delivery of the Barking Riverside development at a cost that is fully fundable.
- 7.6 Possible future extension of the BRE would be achieved by diverging from the TWA Order alignment south of Choats Road as shown on Figure 18 in the

⁸² TfL 2/A

⁸³ BRE/D11

⁸⁴ BRE/D31 page 39

Appendix to Mr Porter's evidence. As no detailed work has been undertaken on such a possible extension as yet, it is not possible to state whether or not the viaduct currently proposed would be demolished in such a context. The existing station platforms could remain as a spur served off the cross river route as elsewhere on the Overground network such as at New Cross and Crystal Palace or be used for recovery of services or rolling stock stabling, as at Charing Cross on the Jubilee line where the former station provides a turn-back facility even if not normally in passenger use.

- 7.7 Given the construction and materials intended, ongoing maintenance costs for the viaduct would be very low. Should the potentially little used or unused viaduct section be demolished after any cross river extension had been brought into operation, the £70 million cost of its construction would have served its purpose in enabling over 9,000 additional homes to be brought to fruition in a new community at Barking Riverside, a development that should achieve a transformational benefit for the borough and the wider London Riverside area as a whole at least 10 years earlier than any extended scheme would be likely to be able to be brought to fruition.
- 7.8 Even if demolition in part or all of the currently proposed viaduct that might not be required were ultimately to be considered, the cost of such a possibly redundant viaduct has to be considered against the additional cost for seeking to create an underground station now at Barking Riverside of some £160 million to £210 million or the £30 million to £40 million additional cost of a sub-surface station at the end of a shortened spur running only to the point where the track would descend beneath ground level if a cross river extension were to be pursued. Such an additional cost would not facilitate any additional homes in the Barking Riverside development and the latter option would not be at the right location to relate to the master plan District centre and river clipper pier.
- 7.9 At the Inquiry, Mr Abrehart confirmed that it would be feasible to construct an underground station at Barking Riverside using deep box construction in

close proximity and on the west side of the station proposed in the BRE scheme. This would mean that the currently proposed master plan would relate fully to either the BRE scheme on its own or a long-term extended Overground extension to Abbey Wood. It should be noted that the development west of the proposed station is intended as the final Stage 4 of the Riverside development that is not scheduled to commence before 2024. It would not therefore be committed before decisions could be reached on the possibility of a cross-river extension. While detailed design would be necessary, any such underground station *might* be able to utilise the ground floor of the Riverside station as currently proposed.

- 7.10 As for wider issues raised by Mr Ridley, the Gallions Reach and Belvedere Options Report (Long List)⁸⁵ clearly states that a heavy rail crossing at Belvedere would not be feasible. Moreover, the Mayor's announcement concerning additional crossings on 4 October 2016 did not include any plans for a river crossing at Belvedere and a rail or light rail crossing at Belvedere is not included in the London Plan⁸⁶. It remains the view of TfL that an eastern chord from the BRE viaduct would not be feasible without conflicting with the operation of the DB Cargo freight terminal or the other freight facilities to the east of Renwick Road. However, the possibility of an eastern branch of Crossrail 2 remains safeguarded through provision for a short route from the Angel to Hackney Central.
- 7.11 In as far as the Mayor's announcement included a proposal for a DLR extension from Gallions Reach to Thamesmead, this may lessen the case for an Overground extension at least in the short to medium term. This is recognised in terms of funding in the supporting paper to the Mayor's announcement⁸⁷ and the need for TfL to make savings of £2.8 billion over the

⁸⁵ BRE/E4

⁸⁶ BRE/D11

⁸⁷ TfL 16/E

next 5 years renders the funding hurdle for an Overground crossing that much more difficult⁸⁸. The proposed DLR extension from Gallions Reach to Thamesmead would be compatible with running a DLR service via the same river crossing between Barking and Abbey Wood, though such extensions were not included within the Mayoral announcement, but are only options in the studies that have already been referred to. An indicative route for the proposed Gallions Reach DLR crossing is illustrated in TfL 21.

- 7.12 Mr Ridley argued that a single station at Renwick Road served by both c2c and Overground services could unlock the Riverside development as it would be served by 8 trains per hour, the Overground services continuing to Tilbury to give the whole Loop the possibility of services every 7.5 minutes as well as allowing current freight paths. This would clearly be a different scheme and not a variant on the TWA Order under consideration. Alternatives only warrant consideration if there are clear planning or compulsory purchase objections to the Order proposal but this is not the case.
- 7.13 The BRE is required to unlock the full 10,800 homes potential of Barking Riverside and contribute towards achieving the wider 26,500 homes planned for London Riverside as a whole. It is by no means clear that a cross river Overground extension to Thamesmead would unlock the 5,000 home potential there, so it would be irrational to threaten the clearly achievable north bank potential for the possibility of lesser benefit on the south bank.
- 7.14 The Mayor has specifically written in support of the BRE TWA Order in a letter dated 17 October 2016 notwithstanding the possibility of a long term link to the Elizabeth Line at Abbey Wood. He comments that if implemented, such a link must build on the successful and immediate delivery of the BRE as that is vital to deliver thousands of much needed homes Londoners so urgently

⁸⁸ TfL 27

need⁸⁹, as well as helping to unlock the massive economic development potential of East London.

- 7.15 A station at Renwick Road served by existing c2c services was one of the options evaluated in the Transport Options Summary Report⁹⁰. It was discounted as not adding additional rail capacity and adding to overcrowding on c2c services. This conclusion was confirmed in the back-check report and the Intermediate Station Feasibility Report⁹¹
- 7.16 Extending London Overground services only to Renwick Road was not considered in relation to that option because such services would not directly serve Barking Riverside. The option did include high quality linking bus routes and it was conceded at the Inquiry that with augmented rail services, a theoretically similar PTAL score might be achieved within the Barking Riverside development by such a combination. However, it is the clear judgement of LBBB and BRL as well as of TfL that such a concept would not provide the assured fixed sustainable public transport link necessary to realise the Barking Riverside development and allow for the higher density development necessary to create a sense of place and maximise its potential. Mr Ridley's theoretical travel times from the Barking Riverside development are not a proper appreciation of how well Renwick Road could serve that development because they refer to the single point of the proposed terminus station and not to the generality of the development some of which would be much more remote from Renwick Road. The Northern Underground Line extension to Nine Elms and Battersea demonstrates that taking a fixed track system into the heart of a development area is the necessary catalyst to get major regeneration and development underway.

⁸⁹ TfL 17 Letter from Sadiq Khan to the Secretary of State for Transport

⁹⁰ Option 4 in BRE/C10

⁹¹ BRE/C14 and BRE/C15.

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- 7.17 There would be clear operational difficulties in continuing Overground services along the Essex Thameside (Tilbury loop) lines without the BRE spur to provide turn-back facilities. The frequency of passenger and freight services would not allow turn-back from the existing Tilbury town platforms and creation of a turn-back facility in that vicinity would be complex and costly. The extent of freight movements, use of the bay platform at Grays and the already existing proposal for an additional new station at Beam Park between Dagenham Dock and Rainham would all add to timetabling complexities.
- 7.18 There has been no timetable modelling to demonstrate the feasibility of achieving what Mr Ridley advocates and, even if possible, it is by no means clear that standardized passenger headways of 7.5 minutes could be achieved. As it is, such modelling has yet to demonstrate that 8 passenger trains and required freight paths can be achieved through platforms 7 & 8 at Barking station without re-timing in peak hours, even though it has been established that this should be possible outside peak hours. C2c expressed concern during the 2015 consultation over the impact of an additional station at Renwick Road on timetabling for their own and freight services if the station were to be on the c2c running lines rather than, as proposed, on separate lines serving the BRE⁹².
- 7.19 More extensive re-modelling of the freight sidings west of Renwick Road would enable a 4 platform station of 12-car length to be created broadly where passive provision is made in the BRE scheme for 2 platforms of 5-car length so as to enable turn-back of the Overground trains. While this would lessen timetable complexities further east, it would have an impact on freight potential and would not overcome the concerns expressed by c2c on stopping its services at Renwick Road.

⁹² Appendix 3 to TfL 7

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- 7.20 It is for this reason that TfL resists Mr Ridley's request for the passive provision at Renwick Road to be conditioned to take 12-car trains. It would be physically feasible⁹³. However, it would incur some additional initial cost, both for additional track for the BRE down line, additional switches to divert c2c services off/on the c2c down line and a substantially different and greater remodelling of the freight sidings to enable the up c2c line to cross over to the location indicated for passive provision for platforms between the proposed BRE running tracks. The BRE scheme as it stands provides benefit to rail freight operations as evidenced by the withdrawal of Network Rail and DB Cargo objections. Diversion of c2c services off their current running tracks would incur a greater time penalty than simply stopping at Renwick Road. Thus, if c2c are persuaded that it would be possible to stop their Tilbury Loop services at Renwick Road, it would be more likely to be achieved by new 12-car platforms adjacent to the existing c2c running tracks rather than diverting trains off those tracks. Land is available within Network Rail boundaries to achieve this. While this would probably incur greater capital costs in the long-term, it would be likely to be operationally preferable.
- 7.21 Finally, with regard to the inferences that may be drawn from the Anglia Route Study⁹⁴, the potential for re-signalling and other enhancements of the GOB in the period up to 2043 are not firm proposals but options that could be pursued by agreement between NR and the relevant planning and transport authorities. The conclusion at present is that although crowding would increase, the new 4-car electric class 710 Aventura services may generally be sufficient until 2043 having regard to the passive provision that exists along the line with only limited works necessary to enhance these services to 5-car operation, as has explicitly been provided for in the BRE scheme.

⁹³ TfL 33

⁹⁴ TfL 28

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- 7.22 TfL accept that they have been considering increasing passenger services up to 6 trains per hour in each direction on the GOB, and that with an additional freight regulation point on the GOB, as well as that which would be created/enhanced through the BRE scheme at Ripple Lane, it may be possible to run 12 trains per hour along GOB in each direction during this period. However, whether this would mean up to 8 passenger trains per hour or increased numbers of freight paths has yet to be determined. Currently TfL only envisage increasing the frequency of selected lengths of the service up to six passenger trains per hour at peak times where the service is or will be under greatest pressure.
- 7.23 Moreover, if passenger services on the GOB into Barking are increased, it does not necessarily mean that more trains could run through onto the BRE or be able to be extended beneath the Thames to Abbey Wood. The bay platform No 1 at Barking currently used by GOB services would be available to take such augmented services. What has not yet been demonstrated is whether through services at Barking onto the Tilbury Loop for c2c, BRE and freight could be increased beyond 12 trains per hour in each direction as currently envisaged because of the timetabling constraints on c2c services into Fenchurch Street if all movements have to be via platforms 7 and 8. This will be a key issue to resolve in considering any case for an extension of the BRE across the Thames. As is stated in the supporting document to the Mayoral announcement, the costs of overcoming constraints at Barking are high⁹⁵.
- 7.24 As was made clear at the Inquiry the likely length of necessary studies and securing funding and consents would mean that no extension under the Thames could be in operation before the 2030s as stated in the published documentation on Thames crossings. There is therefore no feasible

⁹⁵ TfL 16/E

alternative sustainable public transport option available that could meet the urgent need to realise the development potential of Barking Riverside.

Ms G Hay (Obj 2) and Mr D Howes (Obj 3)

- 7.25 The foregoing response to Mr Ridley also provides rebuttal to the concerns of Ms Hay and Mr Howes over capacity on GOB services and congestion at Barking station. The enhancements proposed at Barking station by the end of 2019 subject to a contribution from LBBD, or in any event by 2029, are set out in TfL 23.

8. INSPECTOR'S CONCLUSIONS⁹⁶

8.1 I have considered the issues arising from the proposed TWA Order and the application for deemed planning permission together, as they overlap. I base these conclusions around those matters about which the Secretary of State has indicated that he particularly wishes to be informed on and then set out my overall conclusions.

The aims of, and the need for, the proposed extension of the Gospel Oak to Barking line from Barking Station to a new station at Barking Riverside in the London Borough of Barking and Dagenham ("the scheme"). (Matter 1)

8.2 The primary aim of the BRE 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 development of Barking Riverside to its full potential forms a crucial component of the London Plan as elaborated in the London Riverside OAPF for the London Riverside Opportunity Area (LROA). It is capable of accommodating 10,800 homes for a population of 27,000 and providing 4,600 jobs. It is a critical component of LBBD's spatial strategy embodied in both its core strategy and its proposed local plan site specific allocation for 10,800 homes. The housing is desperately and urgently needed and the jobs that would be created are also important **[3.7-3.9]**

8.3 The area is very isolated in transport terms with in part zero Public Transport Accessibility Levels (PTALs). Its development is therefore dependent upon provision of new public transport infrastructure, specifically new railway infrastructure, not just to provide sustainable accessibility but to overcome the perception of remoteness and to 'put it on the map'. A draft s106 agreement accompanying the intended revised master plan approval for the Barking Riverside development precludes development beyond 4,000 homes prior to the BRE being brought into operation and limits development

⁹⁶ In these conclusions, references thus [] are to previous paragraphs in this report

to only 1,500 units in advance of the making of this Order and grant of deemed planning permission for this scheme [3.10]. The latter limit under the previous planning permission and signed s106 agreement has almost been reached so the need to make the Order and grant deemed planning permission for the scheme is both compelling and urgent [3.6].

- 8.4 Subsidiary aims for the scheme including improving connectivity are derived from the Mayor's Transport Strategy 2010 [3.7]. The aims and need for the scheme are strongly supported by the local planning authority, LBBD [4.14-4.17] and BRL, the developer for Barking Riverside [4.1-4.11]. LBBD considers that the scheme will provide improved transport opportunities and enhanced quality of life and that it will provide improved safety and greater transport resilience and reduced impact on climate change compared to other non-active transport modes. BRL comments that the BRE would deliver an efficient and sustainable transport link that addresses technical constraints and improves attractiveness of the site. Without the BRE, BRL would need to reconsider its strategy and would not be able to deliver 10,800 homes.
- 8.5 The BRE is also specifically supported by the Mayor [7.14], Members of the London Assembly [4.31], statutory undertakers including Network Rail, National Grid and the Environment Agency as well as other businesses [4.26 and 4.29] and individuals [4.30].
- 8.6 The aims and need for the scheme are therefore clearly established and widely supported.

The main alternatives considered by TfL and the reasons for choosing the proposals comprised in this scheme (Matter 2)

- 8.7 Prior to adopting the BRE as the means by which sustainable public transport could be provided to facilitate the Barking Riverside development TfL evaluated a wide range of alternative options. The six alternatives considered included underground, light rail (DLR) and bus based options

- [3.13]**. The evaluation included Back-check Reports and public consultation with the preferred choice given strong support **[3.14]**. In my judgement, the reasons given for selecting the BRE are coherent and rational.
- 8.8 One of the options rejected was for provision of a station at Renwick Road served by c2c services together with linking bus services into the riverside development area. This was rejected as providing only a minor improvement in connectivity with no new train services provided. Mr Ridley argued that an extension of GOB services to such a station could double the frequency of trains and that such a station could be accessible to the riverside development area by bus, cycle or on foot **[5.7]**. Because he considers that the BRE scheme could prejudice proposals for securing cross river rail services in East London, he therefore argued for rejection of the TWA Order **[5.1-5.4, 5.8 and 5.12]**.
- 8.9 A Renwick Road station served by both GOB and c2c services was not accepted to be a solution by TfL, LBBD and BRL for securing delivery of the Barking Riverside development although all accepted that there could be a case for such a station in the longer term, particularly if further housing development can be secured at Thames Road and Castle Green. They oppose such a solution in the short-term because of the difficulty of securing a turn-back facility for GOB services without the BRE, the current lack of agreement for c2c services to make an additional call, but most fundamentally because they do not consider that such provision would be sufficient to give confidence that the Barking Riverside area had secured sustainable public transport accessibility sufficient to achieve the desired potential of 10,800 homes **[7.15-7.18]**.
- 8.10 I find the arguments of TfL, LBBD and BRL compelling. From my site inspections, I agree that the perception of remoteness and separation from the main community of Barking is very real and that it will require a major fixed track system to kick start the main part of the development **[7.16]**. The s106 agreement that will shortly be executed in succession to that

which required a DLR extension, confirms the necessity of a fixed rail-based sustainable public transport system serving the heart of the development.

The justification for the particular proposals in the draft TWA Order, including the anticipated transportation, environmental and socio-economic benefits of the scheme (Matter 3)

- 8.11 Evidence for the Applicant explains why the particular horizontal alignment in the draft TWA Order was selected after a two-stage consultation that involved consideration of 7 alternatives **[3.12-3.16]**. It was selected because it would have fewer impacts on existing residents, being located further from residential properties. It would safeguard rail freight development opportunities within the Ripple Lane sidings. It would also enable passive provision to be made for an additional intermediate station west of Renwick Road bridge in order to support LBBD's aspirations to deliver additional housing in the Castle Green and Thames Road areas **[3.17]**. I consider that these are sound reasons for the choice of horizontal alignment. It is significant that there are no objections from nearby residents and that all objections from those with rail freight interests have been withdrawn **[3.96 and 3.100]** with in some instances express support given **[3.90, 3.93 and 4.29]**.
- 8.12 With regard to the vertical alignment, TfL convincingly demonstrated that a viaduct over the existing rail freight terminal, sidings and c2c up lines is necessary and why continuation of that viaduct to an elevated station at the proposed commercial centre of Barking Riverside is the appropriate solution. An underground solution that would most obviously be ready for any further future cross-river extension was ruled out because it is estimated to cost an additional £160 - £210 million to provide an underground station at the desired location for no additional benefit in terms of additional development being able to be realised. Such additional capital funding is not available and there would also be an additional revenue cost for operating an underground station **[3.20]**.

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- 8.13 An at-grade solution for the section south of Choats Road was ruled out as being incompatible with the Barking Riverside development master plan because it would render access and permeability into the development impossible from Renwick Road and the proposed pylon park open space. The proposed elevated station in the commercial centre would also be able to be a focal design feature within the development. These factors are illustrated in the Design and Access Statement that accompanies the application **[3.21-3.22]**.
- 8.14 Mr Ridley argued that the viaduct approach south of Choats Road was not really compatible with the possibility of a future further extension beneath the river Thames to Thamesmead and Abbey Wood. He therefore suggested instead bringing the viaduct down to ground level as shown on Figure 18 of Mr Porter's evidence with provision of a sub-surface station to serve the Riverside development in the area that would be a cut and cover tunnel should the line be extended **[5.9]**.
- 8.15 TfL opposed such a solution because it would cost an additional £20 million - £40 million, though it was not clear whether this was after allowing for saving the £70 million cost of the viaduct and elevated station that might be little used or even wholly redundant if there were to be a cross river extension in the 2030s. More fundamentally, this solution was opposed because it would still require rejection of the present Order and would not be related to the revised master plan for the Barking Riverside development so the whole development scheme would have to be revisited. A location so far from the riverside and so close to the potential Renwick Road second station would not provide the sustainable fixed public transport link necessary to realise the full potential of the site **[5.12, 7.6 and 7.7]**.
- 8.16 I found the arguments advanced by TfL to be convincing and accept that if the viaduct becomes wholly or largely redundant in the 2030s, the £70 million expended would not have been wasted for it would have achieved bringing the Barking Riverside development to fruition. I agree with the

promoter that Figure 18 demonstrates that a further cross river extension would not be prejudiced, a point on which LBBB and LB Bexley, as supporters of a cross river extension, have also been convinced **[4.19 and 4.27]**.

8.17 The limited environmental impact of the scheme is set out in relation to Matter 5. The transportation and environmental benefits are summarised in the achievement of the primary aim for the scheme in providing a sustainable public transport service to enable the development potential of Barking Riverside to be fully realised. There are no unmitigated significant adverse transport impacts **[3.23]**.

8.18 The scheme would have a benefit cost ratio of 1.95:1 on costs attributable to TfL (which would be increased to 2.5 if a lower optimism bias were assumed to mirror recent TfL experience). However, if the developer contribution is included which includes further public monies, and no adjustment is made in relation to the optimism bias, the BCR would be reduced to 1.2:1. This is still within the 'medium' value for money band. In addition, the uplift in land values that would arise from the release of the additional homes is calculated to be some £261m. This exceeds DfT's 'large beneficial' threshold of £100m by a factor of 2.6 **[3.24]**.

8.19 In fulfilling its primary aim, the BRE would have a transformational effect on the socio-economic outlook of the Barking waterfront and on the borough and the wider Riverside Opportunity Area. Consequently, the applicant has provided strong justification for the proposals in the draft TWA Order **[3.25]**.

The extent to which proposals in the TWA Order are consistent with the National Planning Policy Framework, the London Plan and with sub-regional and local planning and transport policies (Matter 4)

8.20 The BRE scheme is specifically supported by all recent development plan policy including Policy 6.1 of the London Plan (Consolidated with alterations

since 2011) 2016, the London Riverside Opportunity Area Planning Framework 2015 (LROAPF) and the emerging LBBD Local Plan. Earlier adopted LBBD DPDs refer to the now abandoned Gallions Reach to Dagenham Dock DLR extension proposal and are to this extent out of date **[3.26]**

- 8.21 Even if strict applicability of s38(6) of the Town and Country Planning Act 1990 is not considered the appropriate test, the scheme would be consistent with the NPPF because the benefits of the scheme would demonstrably outweigh the very limited harm. If s38(6) is considered directly applicable to applications for a direction for deemed planning permission under s90(2A), then permission should be granted in accordance with paragraph 14 of the NPPF **[3.28]**.
- 8.22 The argument advanced by Mr Ridley that the terms of Policy 6.2 of the London Plan would justify rejection of the scheme because of prejudice to potential river crossings cannot be sustained from the wording within that policy. The policy requires rejection of proposals that do not adequately safeguard schemes outlined in Table 6.1. That table explicitly includes the BRE scheme at page 228, whereas under the heading DLR on page 234 there is only a generalised statement in the table that there should be 'work to support the Mayor's ambition for enhanced rail access to Bromley and southeast London including Overground, rail and DLR improvements' **[5.3, 7.4]**.
- 8.23 I also accept the applicant's arguments that a case for prematurity cannot be justified because there are no emerging development plan documents that specifically identify a cross river Overground extension. Such is referred to in the Infrastructure Plan to 2050, although that is not a DPD, and there is also discussion of possibilities in the various transport planning documents that address cross river connectivity, with a suggestion that such a crossing would be post 2030 **[5.4, 7.5]**.

8.24 Finally, the Mayor's recent announcement that there should be further study into a further extension of the Overground from the BRE beneath the Thames to Thamesmead and Abbey Wood does not yet elevate such a scheme to being a firm, albeit long-term proposal. The Mayor's specific support for the BRE as contained in the draft TWA Order acknowledges that any further extension would have to build on successfully bringing the BRE to fruition [7.10 and 7.14].

The likely environmental impacts of constructing and operating the scheme (Matter 5)

- 8.25 The conclusions of the ES including the FRA Addendum are set out in summarised detail, topic by topic, in the case for the applicant [3.32-3.55].
- 8.26 In combination effects have also been considered. During construction nearby local residents, pedestrians and road users will be subject to a combination of adverse effects in relation to air quality, noise, traffic and visual effects, but most of the effects are assessed as not being significant and they are not expected to be additive. Thus, significant adverse in-combination effects are unlikely to arise during construction. As for operation, there should be predominantly beneficial effects as a consequence of improved public transport accessibility and reduced journey times [3.56].
- 8.27 There would be potential for cumulative effects during construction with the overall Barking Riverside development. These are considered in the ES for the revised master plan⁹⁷, but as both developments would be undertaken with full ongoing engagement, including application of CoCP to the respective constructions, it is assessed that the cumulative effects would not alter the overall conclusions. These are in operation that the residual effects after mitigation are such that there would be no permanent significant

⁹⁷ BRE/C18

adverse effects, but rather that there would be a permanent significant major beneficial effect from the improved connectivity and accessibility.

- 8.28 During construction there would be moderate adverse residual effects adjacent to the viaduct for some residents in Great Fleete, in Barking Riverside Stage 2 and for the Barking Riverside school primarily as a consequence of the visual impact of construction activities, but these would only be temporary during the construction period between 2017-20 and transient in nature as construction activities move along the viaduct corridor **[3.57]**.
- 8.29 The conclusions of the ES have not been challenged. I agree with the applicant that overall there is no reason in terms of environmental impact why the Secretary of State should not authorise the making of the Order **[3.58]**.

The likely impacts of constructing and operating the Scheme on traffic and on the operation of businesses in the area (Matter 6), including:

- a) **Impacts on redevelopment proposals in the area;**
- b) **Effects on utility providers' apparatus and networks;**
- c) **Impacts on existing surface and sub-surface assets; and**
- d) **The effects on the UK national railway network.**

(a) Impacts on redevelopment proposals in the area

- 8.30 The purpose for the BRE is to facilitate the redevelopment of a wide area of brownfield land, described as the largest single regeneration site in Western Europe. The need to secure sustainable fixed public transport to bring the riverside development to fruition is urgent. The impact on redevelopment is therefore wholly beneficial as the land-take is agreed with BRL **[3.9 and 4.13]**. The design of the Riverside school that is nearing completion has taken account of the proposed viaduct that would be adjacent to it **[3.38]**.

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- 8.31 In terms of traffic during construction, the TA has demonstrated that construction impacts can be mitigated so that residual effects would not be significant. Once in operation the scheme would be wholly beneficial in terms of traffic and transport **[3.60]**.
- 8.32 The master plan for the Riverside development shows that the schemes taken together would benefit cyclists and pedestrians as a result of improvements to the cycleways and footways in the area that would focus on the proposed Riverside station, commercial area and river clipper jetty, as would bus routes.
- 8.33 Once in operation, the enhanced connectivity and accessibility provided by the BRE will provide a significant benefit for residents and workers in the locality and for visitors to the area.

(b) Effects on utility providers' apparatus and networks

- 8.34 All objections from statutory utility providers were resolved by the close of the Inquiry either through the Protective Provisions embodied in Schedules 7 and 8 to the draft Order or through separate agreements made or agreed with TfL. Consequently, I am satisfied that there would be no adverse effects on the operations of statutory undertakers **[3.90, 3.92, 3.101, 3.103, 3.105 and 3.107]**.

(c) Impacts on existing surface and sub-surface assets

- 8.35 Surface assets that might be affected are primarily those of Network Rail and freight operators and those will be considered separately. The key sub-surface assets apart from utility apparatus and networks are the tunnels carrying HS1 beneath the site. Although HS1 originally objected, the objection was withdrawn on 16 August 2016 following negotiations and completion of a Protective Provisions Agreement. The letter of withdrawal explicitly states that HS1 are happy to be registered as a supporter of the application. The limits of deviation incorporated in the Order are particularly

designed to safeguard the underground HS1 infrastructure **[3.63 and 3.89-90]**.

8.36 I am satisfied therefore that there will be no harm to underground assets.

(d) The effects on the UK national rail network

8.37 Network Rail initially objected to the draft Order. However, on 8 September 2016 Network Rail wrote saying that the issues previously highlighted had been resolved to NR's satisfaction or satisfactory procedures and commitments leading to resolution have been put in place. There was reference to this being subject to acceptable terms being agreed for the construction of the BRE viaduct over the HS1 interchange sidings, but a further letter dated 12 September 2016 indicated that this matter had been resolved satisfactorily. The updated version of the Order submitted at the opening of the Inquiry included substantial re-drafting of the Protective Provisions set out in Schedule 8 for the protection of Network Rail. It is the intention of TfL that upon completion all the rail infrastructure other than the proposed Barking Riverside station would be handed over to NR. Thus, by way of a further letter dated 12 September 2016, NR confirmed its overall support for the Order **[3.64-3.65]**. NR see benefit in providing a new rail link to support development and regeneration of Barking Riverside, and in providing new journey and interchange opportunities by extending GOB London Overground services to and from Barking Riverside.

8.38 DB Cargo and L&G, the landlord of the freight terminal they operate, also withdrew their objections and DP World London Gateway expressed support for the scheme. They point out that the planned remodelling of the Ripple Lane freight sidings to provide a Barking nodal freight hub with 775 m long sidings will allow freight trains from the Thameside area including London Gateway to be marshalled before entering the London Rail network. This will significantly enhance the ability to integrate freight services into the passenger timetable, add operational flexibility and therefore increase capacity **[4.29]**.

8.39 Consequently, based on the evidence that has been presented, I am satisfied that the Order should benefit the operation of the national rail network.

The measures proposed by TfL to mitigate any adverse impacts of the Scheme (Matter 7), including:

- a) The proposed Code of Construction Practice;**
- b) Any measures to avoid, reduce or remedy any major or significant adverse environmental impacts of the scheme;**
- c) Whether, and if so, to what extent, any adverse environmental impact would remain after the proposed mitigation; and**
- d) Any protective provisions proposed for inclusion in the draft TWA Order or other measures to safeguard the operation of statutory undertakers.**

8.40 The key mitigation measures are contained in the CoCP as this, as amended during the Inquiry, should secure all the mitigation that is assumed through design and the measures referred to in the ES. The CoCP would be required through a condition proposed to be imposed on the deemed planning permission **[3.66]**.

8.41 The CoCP Part A would set out the standards and procedures for managing the environmental impact of constructing the BRE. It requires application of Best Practical Means (BPM) to reduce noise impacts. This is over and above the protection that exists under s61 of the Control of Pollution Act 1974 that is enforceable by LBBB **[3.67]**. Part A of the CoCP also provides for noise insulation and temporary re-housing if necessary with further details to be provided in part B consistent with TfL's Noise and Vibration Policy that is attached to Part A **[3.68]**.

8.42 The conclusion of the applicant, accepted by LBBB and with which I agree, is that BRE 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 in place [3.69, 4.21 and 4.22].

8.43 Protective Provisions for the benefit of statutory undertakers are set out in Schedules 7 and 8 to the draft Order [3.70].

8.44 The protective provisions and conditions are referred to in greater length in relation to matter 10. I have been given no evidence to show that they would not be effective.

The adequacy of the Environmental Statement submitted with the application for the TWA Order, including the FRA Addendum published in September 2016, having regard to the requirements of the Transport and Works (Applications and Objections Procedure) (England and Wales) Rules 2006, and whether the statutory procedural requirements have been complied with (Matter 8)

8.45 The ES has been prepared fully in accordance with the Application Rules⁹⁸. Regard was had to a Scoping Opinion provided by the Secretary of State for Transport and Government practice guidance, including that regarding consultation [3.71-3.72]. The EA confirmed the acceptability of the FRA Addendum and this did not alter the conclusions of the ES in relation to the residual risk after mitigation in respect of flood risk [3.31-3.32 and 3.73].

8.46 The only suggestion as to any omissions arose from L&G who suggested that the effect on rail freight operations across the wider network had not been fully assessed. However, the applicant was able to demonstrate that consideration of the effect on wider rail operations has been key to the working-up of the scheme and the L&G objection and all others with interests in rail freight operations were withdrawn at or prior to the Inquiry.

⁹⁸ The Transport and Works Act (Applications and Objections Procedure) (England and Wales) Rules ('the application Rules 2006') – BRE/B6

The benefit to rail freight operations was also highlighted by a supporter. **[3.33, 3.64-3.65, 3.97-3.98 and 4.29]**.

8.47 I am satisfied therefore that the ES was prepared in accordance with best practice and that all statutory requirements were complied with, including consultation.

Having regard to the criteria for justifying compulsory purchase powers in paragraphs 12 to 15 of the DCLG Guidance on the “Compulsory purchase process and the Crichel Down Rules for the disposal of surplus land acquired by, or under the threat of, compulsion” (published on 29 October 2015):

- a) **whether there is a compelling case in the public interest for conferring on TfL powers compulsorily to acquire and use land for the purposes of the scheme; and**
- b) **whether the land and rights in land for which compulsory acquisition powers are sought are required by TfL in order to secure satisfactory implementation of the Scheme (Matter 9)**

8.48 Having examined the order plans, I am satisfied that the draft Order seeks no more land than is necessary, and that TfL has a clear idea of how it intends to use the land. It has been made clear in Mr Abrehart’s and Mr Cunliffe’s evidence that once the detailed design has been completed in relation to those matters that give rise to the broad limits of horizontal deviation, no land or rights that are not actually required for construction, operation or maintenance will be acquired or used. As all objections have been withdrawn and positive statements of support received from the principal land owners or those with rights affected by the Order scheme and funding is available, I cannot see any likely impediment to its implementation within the timescale set out in the draft Order. **[3.74-3.76, 3.87-3.110 and 4.13]**

8.49 I consider that there is a compelling case for the scheme to be implemented in order to stimulate regeneration and economic growth; to increase access to, and the potential catchment of, the Barking Riverside development site

and other adjacent and nearby potential regeneration sites; and to enhance the connectivity, capacity and quality of the public transport network in the Barking and north Thameside area. Therefore, having regard to the DCLG's Guidance on Compulsory purchase process and the Crichel Down Rules for the disposal of surplus land acquired by, or under the threat of, compulsion, October 2015, I am in principle satisfied that there is a compelling case for the land's compulsory purchase in the public interest. Consent of the Crown has been obtained to exercise compulsory purchase powers in relation to land in which there is a Crown interest **[3.78]**.

- 8.50 However, before concluding overall on the issue of the compulsory purchase powers sought, it is necessary specifically to address the human rights issues that are engaged because a key matter in considering whether a compelling case exists is consideration of the interference with human rights as defined in the Human Rights Act 1998 which would occur if compulsory acquisition powers are granted.

Article 1 of the First Protocol

- 8.51 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) is engaged in so far as compulsory purchase of land and rights is sought. Compensation will be payable both for acquisition of land or rights and for any injurious affection suffered by those whose property is directly subject to compulsory purchase and others whose properties are within reasonable proximity.
- 8.52 In my judgement, therefore, having regard to compensation that will be payable, the interference with rights under Article 1 of the First Protocol in the grant of the compulsory powers sought is proportionate in so far as the public benefit of the scheme will outweigh any private losses that may be incurred.

8.53 With regard to the powers sought to authorise temporary use of land, these also represent an interference with Article 1 rights. However, the interference is lesser and this power is intentionally used to minimise the extent of compulsory purchase that would otherwise be required. As compensation is payable under articles 28 and 29 for temporary use to construct or maintain the Order works, in addition to compensation that might otherwise arise from injurious affection or for other reasons, I consider that the interference with rights under Article 1 of the First Protocol in the grant of powers sought for temporary use is also proportionate in so far as the public benefit of the scheme will outweigh the private losses that will be incurred. Losses to any interests could be met by compensation [3.80].

Article 6 and Article 8

8.54 Article 6, which requires a fair and open procedure for consideration of objections, has been satisfied through the application of the appropriate provisions of the Application Regulations and the Inquiry Procedure Rules. As no residential properties are affected by compulsory purchase or temporary use and none are in particularly close proximity, I do not consider Article 8, which requires respect for family life including a home, to be engaged.

The conditions proposed to be attached to the deemed planning permission for the scheme, if given, and in particular whether those conditions satisfy the six tests referred to in Planning Practice Guidance, Use of Conditions (Matter 10)

8.55 In addition to conditions, the text of the draft TWA Order including its schedules was subject of discussion at the Inquiry. In opening, the Applicant put forward a revised text of the Order⁹⁹. The changes from the Application draft, to articles 22, 23, 39 and 46 and to Part 1 and Part 3 of Schedule 8 (Protective Provisions for Network Rail and Electricity

⁹⁹ TfL 9/A and TfL 9/B

Undertakers) give effect to the agreements reached between TfL, Network Rail and Barking Power Limited and other parties that had enabled their objections to be withdrawn.

- 8.56 In closing, the applicant put forward further revisions to the draft TWA Order in the light of evidence and discussion at the Inquiry¹⁰⁰. Apart from typographical corrections, the key changes arose from the issue raised by Mr Ridley that the greater part of the proposed viaduct might be redundant if the BRE were to be further extended beneath the Thames and therefore possibly removed and from my own concern to ensure that the design of the works and mitigation taken account of in the ES are secured.
- 8.57 In relation to the viaduct issue, in article 2 the definition of “maintenance” includes “removal” and the provision in article 4(5) would authorise TfL to remove not just temporary works but any “which it no longer requires”, yet in the ES, decommissioning had been scoped out by agreement with the Secretary of State for Transport¹⁰¹. However, if the viaduct were proposed for removal in the 2030s, the context for such works would be different from conditions prevailing at the ES baseline as Stages 1 and 2 of the Barking Riverside development should have been completed adjacent to the viaduct¹⁰². To address this concern, TfL introduced the definition of the ES into article 2 and added article 4(11) limiting maintenance works to those having no greater effect than those described in the ES and for the ES to be explicitly referred to in article 43.
- 8.58 More generally, I was concerned over the limits of horizontal deviation being so widely drawn in relation to the environmental consequences and their mitigation as referred to in the ES. Mr Abrehart’s evidence provided justification for those limits **[3.63]** and an explanation was given as to this

¹⁰⁰ TfL 32/A and TfL 32/B

¹⁰¹ TfL 25

¹⁰² TfL 28

extent of deviation having been considered in the ES¹⁰³. Consequently, TfL argued that there is no need to specify that the Planning Direction drawings be certified, bearing in mind that the planning submission should be treated as in outline and subject to detailed design. Nevertheless, it does appear to me from the documentation that the ES has had regard to those Planning Direction drawings in so far as figures 4.1 and 4.2 that are referred to in paragraph 4.1.1 of the ES¹⁰⁴ illustrate what is shown on those drawings.

8.59 I am nevertheless content that securing adherence to the parameters assessed in the ES and the mitigation referred to can be dealt with through the planning conditions that would be attached to the deemed planning permission sought. I do not therefore make any recommendation for further change to the draft Order. Consequently, my recommendation is based on the text set out as TfL 32/A. For the avoidance of doubt, however, I note that at article 43 no exception is made from the “deposited plans” referred to and the term could be regarded as inclusive of the Planning Direction Drawings. In my view, that would be an appropriate construction notwithstanding that they are noted as being illustrative.

8.60 As for the planning conditions suggested by the Applicant, in opening TfL put forward minor variations to the schedule contained in the application. What is Draft condition 8 in Appendix C was expanded to cover approval of temporary accesses and a number was given to the final condition (at that stage condition 8, but subsequently re-numbered as condition 9). This was to address comments from LBBB with whom the conditions were stated to have been agreed¹⁰⁵.

8.61 At the Inquiry in the presence of a representative of LBBB, there was discussion of the draft conditions to ensure that the mitigation referred to in

¹⁰³ TfL 25

¹⁰⁴ BRE/A17/1 and BRE/A17/2

¹⁰⁵ TfL 13/A and TfL 13/B

the ES is secured and to ensure that all matters requiring approval are covered. As a consequence, in closing the Applicant put forward further revisions to the suggested conditions¹⁰⁶. These included introducing a revised definition of Part A of the Code of Construction Practice. This version of Part A dated October 2016¹⁰⁷ requires at paragraph 3.1.3 adherence to the mitigation measures in the ES Table 18.1¹⁰⁸ and the design principles of the Design & Access Statement¹⁰⁹. It also introduced a definition of the term “viaduct” and a new condition No 5 (with subsequent conditions re-numbered) to cover approval of the external finish of the viaduct by LBBB. Approval of fencing details was also included in the landscaping condition.

8.62 The schedule of conditions set out as Appendix C to this report is based on Tf 31/A/B. However, although the applicant sought to resist widening the scope of the new condition to refer to appearance by suggesting that this would duplicate Network Rail approval, and to linking details generally to the illustrative Planning Direction drawings¹¹⁰, without such requirements and in the absence of such detail explicitly within the Order itself, I do not consider that the scheme would be adequately tied to what has been considered in the ES and has been available for comment in the application documents. In addition, the purpose for approval of the viaduct detailing by Network Rail is for a different reason than the exercise of such powers by the local planning authority.

8.63 I note that in supporting the additional condition concerning the viaduct and fencing in their letter dated 21 October 2016, LBBB refer to “appearance”

¹⁰⁶ TfL 31/A and TfL 31/B

¹⁰⁷ TfL 30/A and TfL 30/B

¹⁰⁸ BRE/A17/1

¹⁰⁹ BRE/A17/5

¹¹⁰ TfL 29

and not simply to finish. Moreover, in the application for a direction as to deemed planning permission¹¹¹, it is stated that some details are reserved in respect of "scale, external appearance, siting and landscape" for subsequent approval by the local planning authority. Consequently, in my judgement, conditions 4 and 5 concerning the station and viaduct should be expanded to refer to the intended reserved matters and in both cases to the Planning Direction Drawings and the Design and Access Statement. The reason for both conditions should be the same. The schedule recommended at Appendix C to this report contains these amendments.

8.64 I have considered all the conditions in the light of the six tests referred to in paragraph 206 of the NPPF and the advice in PPG. I am satisfied that they are all necessary; relevant to planning and to the development to be permitted. In order to ensure that they are enforceable, precise and reasonable in all other respects I am recommending tightening up of the wording of condition 2 to ensure that the controlling part A of the CoCP remains tied to the ES and the Design and Access Statement and does not only rely in this respect on the general provisions in condition 9. For these reasons I have also inserted time periods for compliance into landscape condition 6. However, in reaching the generality of my conclusion that the conditions meet requisite tests, notwithstanding the slightly strengthened wording that I recommend, I agree with the applicant and the local planning authority **[3.81-3.82]**.

8.65 I therefore recommend that the conditions set out in Appendix C be attached to the grant of any planning permission for the Barking Riverside Extension.

¹¹¹ BRE/A17/5

TfL's proposals for funding the scheme (Matter 11)

- 8.66 The anticipated outturn cost is £263 million including inflation assuming construction starts in the financial year 2017/8 and is completed in 2021. This sum is to be funded by a £172 million contribution from BRL and £91 million from TfL's business plan that is committed in order to secure the joint funding with BRL. There is a funding agreement between TfL and BRL to secure the £172 million contribution dated 9 March 2016 **[3.83-3.84]**.
- 8.67 BRL have explained the source of funding for their contribution bearing in mind that BRL is a public-private joint venture partnership. Although this detail makes clear that over £100 million of their contribution would be from public funds, it is nevertheless assured in order to secure the s106 requirements and bring the Barking Riverside development to fruition **[4.12]**.
- 8.68 Operating costs have been budgeted for and while blight is not anticipated any such costs could be met within the planned expenditure **[3.85]**
- 8.69 I am satisfied therefore that the proposals for funding the scheme are appropriate and would ensure that adequate funds would be available within the intended timescale for implementation including for the compulsory acquisition costs.

Public Sector Equality Duty

- 8.70 I have considered the application of the Public Sector Equality Duty as set out in s149 of the Equality Act 2010 both in relation to the scheme itself and the manner in which objections to it were considered. The Scheme, together with committed enhancements at Barking Station should provide enhanced public transport connectivity, particularly to employment, over a wide area with step free access and other measures to assist any prospective users with disabilities. The scheme will facilitate the development of 10,800 new dwellings up to 50% of which would be affordable together with full community facilities and services in an area of

considerable deprivation. Thus, the implementation of the Order should produce benefit for many with protected characteristics.

- 8.71 As for the Inquiry and its Pre-Inquiry Meeting, both took place in venues with good public transport access, internal step free access to the room where sessions took place and to the room containing the Inquiry library and the Programme Officer's base. Amplification with an induction loop was available at both venues. Consequently, I consider that no persons with protected characteristics should have been in anyway disadvantaged should they have wished to participate in the consideration of the Order scheme.

Overall conclusions

- 8.72 No relevant matters beyond those addressed above were raised at the Inquiry or in writing.
- 8.73 In the light of all of the above, I conclude that the Order is justified on its merits and that there is a compelling case in the public interest for making it. There is clear evidence that the substantial public benefit from providing a sustainable fixed public transport link to enable the Barking Riverside development to be brought to fruition with its very substantial housing and employment benefits would outweigh the very limited harm to private interests, almost all of which would only be temporary during construction.
- 8.74 The scheme would accord with relevant tests of the NPPF and London-wide and local planning and transport policies, including those set out in the statutory development plan. Funding is available for the proposed Scheme, no impediments to its implementation have been identified and there is an urgent reason for it to be authorised as soon as possible so as not to cause an interruption in the development programme for Barking Riverside. I therefore conclude that the Order should be made, subject to modifications indicated in TfL 32/A.

- 8.75 For similar reasons, I conclude that deemed planning permission should be granted for the works that would be authorised by the Order, subject to the conditions set out in Appendix C.

9. RECOMMENDATIONS

Recommendations to the Secretary of State for Transport

9.1 I RECOMMEND that:

- (a) The London Overground (Barking Riverside Extension) Order 201[] be made in the form set out in TfL 32/A, that is with the modifications made during the course of the Inquiry.
- (b) A Direction be made granting deemed planning permission for the works authorised by the Order, subject to the conditions set out in Appendix C to this Report.

Peter Robottom

INSPECTOR

APPENDIX A: APPEARANCES

FOR THE PROMOTER – TRANSPORT FOR LONDON:

Andrew Tait Queen's Counsel,
Instructed by Bircham Dyson Bell LLP, Solicitors

He called:

Christopher Porter BSc(Hons) MSc	Transport Planning Manager, TfL Planning (Scheme Development & Justification)
John Rhodes BSc MRICS OBE	Director, Quod (Planning)
Chris Abrehart BSc CEng MICE	Chief Engineer, Atkins (Engineering)
Paul White MA MSc MRTPI	Technical Director, Atkins (Environment)
Richard Bland BSc MSc CEng MICE	Technical Director, Mott MacDonald (Transport)
Ian Cunliffe BA(Hons) PGDip (Estate Management) MRICS	Director, Ardent Land Management (Land & Property)

FOR SUPPORTERS -

London Borough of Barking & Dagenham

Daniel Pope MRTPI	Acting Head of Regeneration and Planning
Barking Riverside Limited	
Matthew Carpen	Project Director

OBJECTORS

Philip Ridley MSc (Spatial Planning) PGDip (Historic Conservation)

APPENDIX B: INQUIRY DOCUMENTS

PIM/1 Notes of Pre-Inquiry Meeting

A: ENVIRONMENTAL STATEMENT

Volume 1: Main report

Volume 2: Figures

Volume 3a: Appendices

Volume 3b: Appendices part 1

Volume 3b: Appendices part 2

Volume 4: Supporting documents

Volume 5: Design and access statement part 1

Volume 5: Design and access statement part 2

Volume 6: Transport assessment

Non-technical summary

B: CORE DOCUMENTS

Category A: Formal Application Documents (all March 2016 unless otherwise stated)

BRE/A1 Transport and Works Acts Order Application Letter

BRE/A2 Draft Order

BRE/A3 Explanatory Memorandum

BRE/A4 Section 90(2A) Planning Direction Application

BRE/A5 Concise Statement of Aims

BRE/A6 Supporting Statement

BRE/A7 Statement of Consultation

BRE/A8 Estimate of Costs

BRE/A9 Funding Statement

BRE/A10 Declaration as to the status of the Applicant

BRE/A11 List of all consents, permissions or licences required

BRE/A12 Scoping Opinion, May 2015

BRE/A13 Deposited Plans and Sections

BRE/A14 Book of Reference

BRE/A15 Planning Direction Drawings

BRE/A16 Reduced Size Deposited Plans and Sections and Planning Direction Drawings

BRE/A17/1 Environmental Statement: Main Report

BRE/A17/2 Environmental Statement: Figures

BRE/A17/3A Environmental Statement: Appendices & Supporting Documents

BRE/A17/3B Environmental Statement: Appendices & Supporting Documents

BRE/A17/4 Environmental Statement: Appendices & Supporting Documents

BRE/A17/5 Environmental Statement: Design and Access Statement

BRE/A17/6 Environmental Statement: Transport Assessment

BRE/A17/7 Environmental Statement: Non-Technical Summary**Category B: Legislation**

BRE/B1 Section 90(2A), Town and Country Planning Act, 1990

BRE/B2 Part 1, Transport and Works Act, 1992

BRE/B3 Part 3, Sections 38 and 39; and Part 8, Planning and Compulsory Purchase Act, 2004

BRE/B4 Section 60 - 74, The Control of Pollution Act, 1974

BRE/B5 Part II A, Environmental Protection Act, 1990

BRE/B6 Transport and Works (Applications and Objections Procedure) (England and Wales) Rules, 2006

BRE/B7 Transport and Works (Inquiries Procedure) (England and Wales) Rules, 2004

BRE/B8 Transport and Works (Model Clauses for Railways and Tramways) Order, 2006

BRE/B9 Town and Country Planning (Environmental Impact Assessment) Regulations, 2011

Category C: Scheme Development Documents Including Consultation

BRE/C1 Autumn 2014 Public Consultation Leaflet, Transport for London, September 2014

BRE/C2 Autumn 2014 Public Consultation Report, Transport for London, January 2015

BRE/C3 Autumn 2014 Public Consultation Response to Key Issues Raised, Transport for London, January 2015

BRE/C4 Spring 2015 Public Consultation Leaflet, Transport for London, May 2015

BRE/C5 Spring 2015 Public Consultation Factsheets, Transport for London, May 2015

BRE/C6 Spring 2015 Public Consultation Report, Transport for London, September 2015

BRE/C7 Winter 2015/16 Public Consultation Leaflet, Transport for London, December 2015

BRE/C8 Winter 2015/16 Public Consultation Factsheets, Transport for London, December 2015

BRE/C9 Winter 2015/16 Public Consultation Report, Transport for London, March 2016

BRE/C10 Barking Riverside Extension Transport Options Summary Report, Transport for London, May 2015

BRE/C11 Transport Options Back-check Report, Transport for London, July 2016

BRE/C12 Route Option Assessment Report, Transport for London, May 2015

BRE/C13 Single Option Selection Report, Transport for London, September 2015

BRE/C14 Route Options Back-check Report, Transport for London, July 2016

BRE/C15 Intermediate Station Feasibility Report, Transport for London, December 2015

BRE/C16 Planning Permission Decision Notice for Barking Riverside, LPA Ref:

04/01230/OUT as varied by 08/00887/FUL, June 2009

BRE/C17 Schedule 2, part 4, para 10, Section 106 Agreement Relating to Land at Barking Riverside, Barking, August 2007

BRE/C18 Planning Application - 16/00131/OUT for Barking Riverside, January 2016

BRE/C19 Transport Assessment and Travel Plan, Barking Riverside Limited, January 2016

BRE/C20 BRL s73 Planning Application Drawings, Barking Riverside Limited, January 2016

BRE/C21 Planning Committee Report – s73 application 16/00131/FUL, London Borough of Barking & Dagenham 27 July 2016

BRE/C22 Economic & Business Case, Transport for London, July 2016

Category D: National, London and Local Policy and Guidance Documents

BRE/D1 National Planning Policy Framework, Department for Communities and Local Government, March 2012

BRE/D2 Noise Policy Statement for England, Department for Environment Food and Rural Affairs, March 2010

BRE/D3 Guidance on Compulsory Purchase Process and The Crichel Down Rules for the Disposal of Surplus Land Acquired by or Under The Threat of Compulsion, Department for Communities and Local Government, October 2015

BRE/D4 National Infrastructure Plan, HM Treasury, 2014

BRE/D5 Extract - Foreword; Chapter 1 Introduction: Planning for the Long Term; Chapter 3 Rail, Investing in Britain's Future, HM Treasury, June 2013

BRE/D6 Institute of Environmental Management and Assessment, Guidelines for Environmental Impact Assessment, 2004

BRE/D7 Volume 11 Environmental Assessment, Design Manual for Roads and Bridges, Highways Agency, 2009

BRE/D8 Interim Advice Note 133/10 Environmental Assessment and the Planning Act 2008 (Highways Agency, 2008)

BRE/D9 Natural Environment Paper, Biodiversity 2020, Department for Environment, Food and Rural Affairs, 2011

BRE/D10 Paragraphs 1.31-1.36 - Funding, TWA Procedures 2006

BRE/D11 Chapters 1 - 6 and Annex One, The London Plan, Greater London Authority, March 2015

BRE/D12 City in the East, Greater London Authority, 2015

BRE/D13 London Infrastructure Plan 2050: A Consultation, Greater London Authority, 2014

BRE/D14 London Infrastructure Plan 2050: Update, Greater London Authority, 2015

BRE/D15 The Mayor's Transport Strategy, Greater London Authority, 2010

BRE/D16 The Mayor's Economic Development Strategy for London, Greater London Authority, May 2010

BRE/D17 The 2013 London Strategic Housing Market Assessment, Greater London Authority, 2013

BRE/D18 The London Housing Strategy, Greater London Authority, 2014

BRE/D19 The Housing SPG, Greater London Authority, March 2016

BRE/D20 London Planning Statement, Supplementary Planning Guidance, Greater

London Authority, May 2013

BRE/D21 London Riverside Opportunity Area Planning Framework, Greater London Authority, September 2015

BRE/D22 TfL Budget 2016/17 and Business Plan, Transport for London, 2016

BRE/D23 TfL Corporate Environmental Framework, Transport for London, June 2014

BRE/D24 Extract: Chapter 8: Cycle Parking, London Cycling Design Standards: Draft for Consultation, Transport for London, June 2014

BRE/D25 Fit for the Future - Our plan for Modernising London Underground, London Overground, Trams and the DLR, Transport for London, June 2014

BRE/D26 Pedestrian Comfort Guidance for London: Guidance Document, Transport for London, 2010

BRE/D27 Taking forward the Mayor's Transport Strategy: Accessibility Implementation Plan, Transport for London, 2012

BRE/D28 Transport Assessment Best Practice, Guidance Document, Transport for London, April 2010

BRE/D29 Travel in London, Report 8, Transport for London, 2015

BRE/D30 East and South East London Sub-regional Transport Plan 2014 Update, Transport for London, March 2014

BRE/D31 Connecting the Capital, Transport for London, 2015

BRE/D32 Interchange Best Practice Guidelines, Transport for London, 2009

BRE/D33 Station Public Realm Design Guidance, Transport for London, 2015

BRE/D34 Part A, Part E Section 7 & 14, Streetscape Guidance, Transport for London, 2016

BRE/D35 The All London Green Grid (previously East London Green Grid), Greater London Authority, March 2012

BRE/D36 The London Sustainable Drainage Action Plan: Draft for public consultation, Greater London Authority, 2015

BRE/D37 Extract: A Strategy for Growth - Conditional Outputs, Anglia Route Study, Network Rail, March 2016

BRE/D38 Core Strategy, London Borough of Barking and Dagenham, July 2010

BRE/D39 Borough Wide Development Policies (DPD), London Borough of Barking and Dagenham, 2011

BRE/D40 Site Specific Allocations (DPD), London Borough of Barking and Dagenham, March 2010

BRE/D41 Proposals Map (DPD), London Borough of Barking and Dagenham, December 2012

BRE/D42 Urban Design Framework, London Borough of Barking & Dagenham, November 2007

BRE/D43 Barking Station Masterplan SPD, London Borough of Barking & Dagenham, February 2012

BRE/D44 Local Plan Issues and Options Report, London Borough of Barking & Dagenham, July 2015

BRE/D45 London Borough of Barking & Dagenham Local Development Framework (Barking Town Centre AAP), February 2011

Category E: Pre-inquiry Documents

- BRE/E1** Statement of Case, Transport for London, July 2016
- BRE/E2** Flood Risk Assessment Addendum, September 2016
- BRE/E3** Gallions Reach and Belvedere River Crossings Consultation Leaflet
- BRE/E4** Gallions Reach and Belvedere River Crossings Option Assessment Report (Long List), November 2015
- BRE/E5** Gallions Reach and Belvedere River Crossings Option Assessment Report (Public Transport Interim List), November 2015
- BRE/E6** Strategic Planning Application Stage 2 Referral Planning Report, September 2016
- BRE/E7** Meeting Minutes Development Control Board, July 2016
- BRE/E8** National Policy Statement for National Networks, December 2014

C: INTERESTED PARTIES - LETTERS OF OBJECTION

- Obj 1** Mr Philip Ridley
- Obj 2** Ms G Hay
- Obj 3** Mr D Howes
- Obj 4** HS1 Limited – WITHDRAWN prior to the Inquiry on 16 August 2016
- Obj 5** Barking Power Limited – Withdrawn prior to the Inquiry on 7 October 2016
- Obj 6** Network Rail Infrastructure Limited & Network Rail (High speed) Limited – WITHDRAWN prior to the Inquiry on 8 September 2016 [now Supp 12]
- Obj 7** National Grid – WITHDRAWN prior to the Inquiry on 14 September 2016 [now Supp 13]
- Obj 8** Legal and General Pensions Limited – WITHDRAWN during Inquiry
- Obj 9** DB Cargo (UK) Limited – WITHDRAWN during Inquiry
- Obj 10** Environment Agency – WITHDRAWN during Inquiry [Now Rep 7]
- Obj 11** Indigo Pipelines – WITHDRAWN during Inquiry
- Obj 12** SSE Water Limited – WITHDRAWN during Inquiry
- Obj 13** Southern Electric Power Distribution plc – WITHDRAWN during Inquiry

INTERESTED PARTIES – LETTERS OF REPRESENTATION

- Rep 1** Level 3 Communications UK Limited
- Rep 2** Port of London Authority
- Rep 3** DP World [Re-categorised as Supp 9]
- Rep 4** London Borough of Bexley [Re-categorised as Supp 11]
- Rep 5** Hanson Quarry Products Europe Limited
- Rep 6** London Borough of Barking & Dagenham [Re-categorised as Supp 8]
- Rep 7** Environment Agency [originally categorised as Obj 10]

INTERESTED PARTIES – LETTERS OF SUPPORT

- Supp 1** Peter Knight
- Supp 2** Janet Caliste
- Supp 3** Patrick Gannon

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- Supp 4** Barking Riverside Limited
Supp 5 Andreas Bergfeld
Supp 6 London Assembly Labour Group
Supp 7 Sharon Moller
Supp 8 London Borough of Barking & Dagenham [initially categorised as Rep 6]
Supp 9 DP World [initially categorised as Rep 3]
Supp 10 London Assembly Transport Committee
Supp 11 London Borough of Bexley [initially categorised as Rep 4]
Supp 12 Network Rail Infrastructure Limited and Network Rail (High Speed) Limited [initially categorised as Obj 6]
Supp 13 National Grid [initially categorised as Obj 7]
Supp 14 Railfuture dated 12 October 2016

D: STATEMENT OF CASE SUBMITTED BY TRANSPORT FOR LONDON

E: STATEMENT OF CASES RECEIVED FROM OTHER PARTIES

Objectors

- Obj/1** - Mr Ridley - Statement of Case
Obj/8 - Legal & General - Statement of Case
Obj/9 - DB Cargo (UK) Limited - Statement of Case
Obj/11 - Indigo Pipelines - Statement of Case
Obj/12 - SSE Water Limited - Statement of Case
Obj/13 - Southern Electric Power Distribution - Statement of Case

Supporters

- SUPP/4** - Barking Riverside Limited - Statement of Case
SUPP/8 - London Borough of Barking and Dagenham - Statement of Case

F: TRANSPORT FOR LONDON - PROOFS OF EVIDENCE & DOCUMENTS SUBMITTED DURING INQUIRY

Christopher Porter – Transport Planning Manager, TfL Planning (Scheme Development and Justification)

- TfL 1/A** Proof of Evidence
TfL 1/B Appendices to Proof of Evidence

John Rhodes OBE – Director, QUOD (Planning)

- TfL 2/A** Proof of Evidence
TfL 2/B Appendices to Proof of Evidence

Chris Abrehart – Chief Engineer, Atkins (Engineering)

- TfL 3/A** Proof of Evidence
TfL 3/B Appendices to Proof of Evidence

Paul White – Technical Director, Atkins (Environment)

- TfL 4/A** Proof of Evidence

TfL 4/B Appendices to Proof of Evidence

Richard Bland – Technical Director, Mott Macdonald (Transport)

TfL 5/A Proof of Evidence

TfL 5/B Appendices to Proof of Evidence

Ian Cunliffe – Director, Ardent Management Limited (Land and Property)

TfL 6/A Proof of Evidence

TfL 6/B Appendices to Proof of Evidence

Documents Submitted During Inquiry

TfL 7 Rebuttal to Mr Ridley's Proof of Evidence

TfL 8 Rebuttal to DB Cargo Proof of Evidence

TfL 9A Revised Draft Order with Tracked Changes

TfL 9B Revised Draft Order - Clean Version

TfL 10 TfL's responses in the Proofs of Evidence to the Statement of Matters

TfL 11 Note on TfL's compliance with TWA formalities

TfL 12 Note on updated position on Objections, Representations and Supporters

TfL 13A Revised Draft Planning Conditions with Tracked Changes

TfL 13B Revised Draft Planning Conditions - Clean Version

TfL 14 Position statement on s106 negotiations with London Borough of Barking and Dagenham and Barking Riverside Limited

TfL 15 Rebuttal to Mr Ridley's rebuttal

TfL 16 Pack of information related to the Mayor's announcement:

TfL 16A Covering note

TfL 16B the Mayor's Press Release 4 October 2016

TfL 16C The Silvertown Tunnel Update Report

TfL 16D Letter from David Rowe, Head of Silvertown Sponsorship Team

TfL 16E River Crossings review

TfL 17 Letter from Mayor of London Sadiq Khan

TfL 18 Barking Riverside CGI and covering note

TfL 19 Opening Statement 17 October 2016

TfL 20 Letter from Environment Agency dated 18 October 2016

TfL 21 DLR Extension between Gallion and Thamesmead

TfL 22 Note on securing mitigation measures

TfL 23 Note on dates of Barking Station improvements

TfL 24 Note on protective and mitigation works under the Order

TfL 25 Note on the draft Order

TfL 26 Note to update Environmental Statement and Transport Assessment figure

TfL 27 Note on TfL Financial Savings

TfL 28 Anglia Route Study

TfL 29 Note on status of planning direction drawings

TfL 30A Tracked version of revised Code of Construction Practice October 2016

TfL 30B Clean version of revised Code of Construction Practice October 2016

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- TfL 31A** Tracked version of revised Planning Conditions
TfL 31B Clean version of revised Planning Conditions
TfL 32A Clean version of revised Order
TfL 32B Tracked version of Revised Order
TfL 33 Note on possible options for provision of c2c platforms at the potential future Renwick Road station site
TfL 34 Letter from Secretary of State confirming acquisition of Crown Land
TfL 35 Letter from London Borough of Barking and Dagenham confirming acceptance of revised Planning Conditions
TfL 36 Closing of Andrew Tait QC
TfL 37 Update on Objections, Letters of Support and Representations

G: OTHER PARTIES - PROOFS OF EVIDENCE

Objectors

- Obj 1** Proof of Evidence Mr Philip Ridley MSc, PGDip (Spatial Planning)
Obj 1/1A Comments on TfL's Proof of Evidence dated 10 October 2016
Obj 1/1B Bundle of emails from Mr Ridley dated 12 October 2016, 18 October 2016, 19 October 2016 (11:41), 19 October 2016 (19:35) and 19 October 2016 (21:22)
Obj 9/1A DB Cargo - Proof of Evidence of Simon Ives – NOT PRESENTED
Obj 9/1B DB Cargo - Appendices to Proof of Evidence of Simon Ives – NOT PRESENTED
Obj 9/2A DB Cargo - Proof of Evidence of Nigel Oatway – NOT PRESENTED
Obj 9/2B DB Cargo - Appendices to Proof of Evidence of Nigel Oatway – NOT PRESENTED
Obj 9/3 DB Cargo – Rebuttal Evidence – NOT PRESENTED

Supporters

- SUPP/4** Proof of Evidence of Mr Matthew Carpen, Project Director, Barking Riverside Limited (BRL) dated 20 September 2016
SUPP/4/1 Letter of 20 October 2016 confirming acceptance by BRL of acquisition of their land for the TWA Order scheme
SUPP/4/2 Letter of 21 October confirming funding sources for BRL funding contribution to the TWAO scheme
SUPP/8 Proof of Evidence of Mr Daniel Pope, Acting Head of Regeneration and Planning, London Borough of Barking and Dagenham dated 19 September 2016
SUPP/8/1 Summary Proof of Evidence of Mr Daniel Pope

APPENDIX C:**LONDON OVERGROUND (BARKING RIVERSIDE EXTENSION) ORDER
SUGGESTED CONDITIONS TO BE ATTACHED TO THE DIRECTION FOR
DEEMED PLANNING PERMISSION DATED []****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 201[];

- 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;

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- 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;

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- 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