



Report to the Secretary of State for Transport and the Secretary of State for Communities and Local Government

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an Inspector appointed by the Secretary of State for Transport and the Secretary of State for
Communities and Local Government

assisted by John Papworth DipArch(Glos) RIBA

Date: 9 July 2015

TRANSPORT AND WORKS ACT 1992

ACQUISITION OF LAND ACT 1981

TOWN AND COUNTRY PLANNING ACT 1990

**PLANNING (LISTED BUILDINGS AND CONSERVATION AREAS) ACT
1990**

**THE LONDON UNDERGROUND
(BANK STATION CAPACITY UPGRADE)
ORDER 201[]**

APPLICATION FOR DEEMED PLANNING PERMISSION

APPLICATIONS FOR LISTED BUILDING CONSENTS

Dates of Inquiry: 14 April-30 April 2015

Ref: DPI/K5030/14/37

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CASE DETAILS

THE LONDON UNDERGROUND (BANK STATION CAPACITY UPGRADE) ORDER 201[]

and

APPLICATION FOR DEEMED PLANNING PERMISSION

- The Order would be made under sections 1 & 5 of, 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 9 September 2014, and there were 26 objections outstanding to it at the commencement of the local Inquiry.
- The Order and deemed planning permission would authorise the construction and operation of a new southbound running tunnel to carry a diversion of the Northern Line together with a new passenger platform at Bank Station to serve the diverted line. The Order would also authorise cross passages from the proposed new platform to the existing Northern Line southbound platform (which will become a new underground passenger concourse serving the Northern Line) as well as other works and conveniences to improve passenger access between the Northern Line, Central Line and the Docklands Light Railway including new step free passenger access at street level within a proposed new station entrance in Cannon Street.

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

APPLICATIONS FOR LISTED BUILDING CONSENT

Application Ref: NPCU/LBC/K5030/74443

Mansion House, Mansion House Street, London EC4N 8BH

- The application for listed building consent is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
- The application is made by London Underground Limited to the City of London Council.
- The application Ref 14/00912/LBC is dated 9 September 2014.
- The works proposed are adjustment and enhancement of existing internal structural ties; temporary removal for specialist repair/conservation of a section of stained glass from the eastern window of the Egyptian Hall and installation of a temporary replica panel; and consolidation of vulnerable decorative plaster in the principal and second floor reception rooms in the north and central areas of the building.

Summary of Recommendation: That consent be granted subject to conditions.

Application Ref: NPCU/LBC/K5030/74446

1-6 Lombard Street, London EC3V 9AA

- The application for listed building consent is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
- The application is made by London Underground Limited to City of London Council.
- The application Ref 14/00914/LBC is dated 9 September 2014.
- The works proposed are the consolidation of decorative plaster to ceiling/dome within the ground floor restaurant and temporary strengthening of cantilevered stair through the use of fixed props.

Summary of Recommendation: That consent be granted subject to conditions.

1. PREAMBLE

Pre-Inquiry meeting

- 1.1 I held a pre-Inquiry meeting on 28 January 2015 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 representations.¹

The Inquiry

- 1.2 The Inquiry sat on 8 days: 14, 15, 16, 22, 23, 28, 29 and 30 April 2015. Sitting on other programmed days was unnecessary because of late withdrawals of objections.
- 1.3 At the Inquiry and in the drafting of this Report, I have been greatly assisted by fellow Inspector John Papworth DipArch(Glos) RIBA. However, the conclusions and recommendations in this Report are mine alone.
- 1.4 Helen Wilson was appointed as independent Programme Officer for the Inquiry. Her role was to assist with the procedural and administrative aspects of the Inquiry, including the programme, under my direction. She helped greatly to ensure that the proceedings ran efficiently and effectively, but has played no part in this Report.
- 1.5 On various occasions before and during the Inquiry I inspected the Order lands and their surroundings, either alone or with Mr Papworth. Accompanied visits were made on 17 April 2015 to inspect the inside of the two buildings which are the subject of the applications for listed building consent, and to St Mary Abchurch church. In addition an accompanied tour was made on 21 April 2015 of the underground public spaces of the Bank and Monument Stations during a morning peak period, and of the surface streets over the full length of the proposed tunnel works and Order land.²
- 1.6 As listed on the Appearances in Appendix A, Objector 8, Tritri House and HB Reavis UK Ltd, were represented in opening, and were present during the presentation of London Underground Limited (LUL) evidence in chief. In the event agreement was completed before they were programmed to give evidence and the objection was withdrawn.³ The City of London Corporation was also represented: in evidence to explain briefly that all concerns had been overcome, and during the conditions session to contribute to the discussion.
- 1.7 The Inquiry is concerned with:
- The London Underground (Bank Station Capacity Upgrade) Order.

¹ INQ/3

² INQ/4 and INQ/5

³ OBJ/8.8 and OBJ/8.9

- The request for a Planning Direction.
- The listed building consent applications for Mansion House and 1-6 Lombard Street.

Compliance with Statutory Requirements

1.8 At the Inquiry the Promoter (LUL) confirmed that it had complied with its obligations under the Transport and Works (Inquiries Procedure) Rules 2004, as set out in the Compliance Pack submitted by LUL.⁴

Statement of Matters

1.9 On 19 January 2015 the Department for Transport and Department for Communities and Local Government issued a Statement of Matters pursuant to rule 7(6) of the Transport and Works (Inquiries Procedure) Rules 2004.⁵ This sets out the matters about which the respective Secretaries of State particularly wish to be informed for the purposes of their respective considerations of the Order and the applications for deemed planning permission and listed building consent.

This Report

1.10 This report sets out a brief description of the land covered by the proposed Order, permission and consents and their surroundings; the gist of the cases for the Promoter, supporters and objectors; my conclusions and my recommendations regarding each of the elements. Lists of abbreviations used in this report, of those appearing at the Inquiry and of Inquiry documents are appended, as are suggested conditions in the event of the relevant Secretaries of State directing that deemed permission be granted and granting listed building consent in respect of the two applications.

1.11 The applications relating to the TWA Order and deemed planning permission are matters for the Secretary of State for Transport, while the listed building consent applications fall to be determined by the Secretary of State for Communities and Local Government. However this report covers all of the applications as there are such close interrelationships between them that many of the considerations are common to them all. Also matters that are not common still have a bearing on the consideration of all elements and, I respectfully suggest, are material considerations in the determination of all applications.

1.12 Nevertheless, I make separate recommendations to each Secretary of State.

Key Documents

⁴ LUL/15

⁵ INQ/1

- 1.13 In addition to the draft Order (and revised draft Order) and the Book of Reference⁶, a number of documents are of particular interest as follows:
- CD/A12 Works Plans, Land Plan, Sections and Other Order Plans
 - CD/A13 and 14 Planning Direction Drawings and Other Illustrative Material [available at both A1 and A3 sizes]
 - CD/A15–CD/A22o Environment Statement, Summary, Chapters 1-18 and Appendices
 - CD/A24 Design and Access Statement
 - CD/A25a-d and CD/A27a-d Listed building consent applications for Mansion House and 1-6 Lombard Street
 - LUL/14d and LUL/16a Proposed planning permission and listed building consent conditions, which have been agreed with the City of London Corporation and were discussed at the Inquiry
 - LUL/13a Revised Code of Construction Practice (CoCP)
 - CD/F1 and LUL/31 LUL Statement of Case and Closing submissions.

2. DESCRIPTION OF THE SCHEME, THE ORDER LAND/SITE AND ITS SURROUNDINGS, THE ORDER AND RELEVANT APPLICATIONS

The Site and Surroundings

- 2.1 The Bank area is at the heart of the City of London as a financial and business centre, and includes retail and food outlets, as well as buildings serving the night-time and weekend economy. The character of the area amalgamates the old and the new with its medieval street pattern, historic churches, civic buildings and new developments reflecting the growth of the financial sector over recent decades.⁷ The historical development of the area is described in Chapter 3 of the Environmental Statement, paras.3.4.12-3.4.20.⁸
- 2.2 The Chapter includes a description of the site and surroundings. The existing below ground works are described as being the Bank Monument Station Complex, since underground passages and escalators, stairs and lifts connect an amalgamation of London Underground stations containing;
- Six lines - District, Circle, Waterloo & City, Central and Northern Lines and the Docklands Light Railway (DLR).
 - Five sets of platforms – District & Circle, Waterloo & City, Central and Northern Lines and the DLR terminus.

⁶ CD/A2, LUL/12b and CD/A23

⁷ CD/A16c para.3.4.5

⁸ CD/A16c

- Three existing ticket halls – Central Line (under Bank Junction), Northern Line (under Lombard Street) and Monument (under Monument Junction) as well as the Bloomberg Place entrance currently under construction for the Waterloo & City Line.
 - 15 entrances/exits.
 - In addition, and not forming part of the Bank Monument Station Complex, is the disused station and tunnels of the line to the former King William Street Station.
- 2.3 The Bank Monument Station Complex broadly sits along a north-south axis under King William Street for the Northern Line and DLR tunnels, an east-west axis under Poultry/Cornhill to the north for the Central Line tunnels, and along Cannon Street to the south for the District and Circle Line tunnels. The disused tunnels of the former King William Street Station follow the curve of Arthur Street from Swan Lane to cross under King William Street at right-angles.
- 2.4 Above ground are the highways and junctions just referred to, together with streets and lanes leading off them. Much of the area is within the Bank Conservation Area, the nearest boundary running along Cannon Street, across the Monument Junction and up Gracechurch Street.⁹ The Laurence Pountney Hill Conservation Area lies to the south behind frontages on the south side of Cannon Street.

The Scheme

- 2.5 The Bank Station Capacity Upgrade Project ('The Scheme') is the result of over ten year's work, developed by LUL and subsequently by Dragados, the appointed build and design contractor. It aims to address serious capacity and overcrowding that occurs within the station complex at present which will worsen if no action is taken, to address accessibility problems currently experienced and provide operational resilience for the future. It involves a major upgrade of the Bank Monument Station Complex to provide improved passenger access, circulation and interchange connections between the Northern Line, the DLR and the Central Line. It will also improve emergency fire and evacuation protection measures and provide improved step-free access.
- 2.6 The Scheme is described in Chapter 4 of the Environmental Statement and is illustrated in Figures 4.1 to 4.8 of the Environmental Statement Figures,¹⁰ within the Works Plans, Land Plan, Sections and Other Order Plans,¹¹ the Planning Direction Drawings and Other Illustrative Material.¹²

⁹ CD/A17 figure 10.1

¹⁰ CD/A17

¹¹ CD/A12

¹² CD/A13 and CD/A14

2.7 In some detail it involves:

The Northern Line:

- A new southbound running tunnel diverging from the existing one 16m north of the junction of Gresham Street and Lothbury and rejoining the present route south of Upper Thames Street to increase capacity.
- A platform formed, with the existing tunnel and platform becoming a new central concourse.
- Four new cross-passages created to link the Northern Line platforms and concourse, with three also connecting with new interchange routes. Three new openings created to link the new passenger concourse and the existing northbound platform. A further two openings created by enlarging existing passageways.
- Improved interchange with the DLR through the provision of a bank of triple escalators from the new Northern Line concourse down to the concourse serving the DLR.

New Station Entrance on Cannon Street:

- Built within "the Whole Block Site" (bounded by King William Street, Nicholas Lane, Cannon Street and Abchurch Lane) and providing access by escalator and lift to below ground; step free access in a single lift run to the Northern Line platforms and the DLR, as well as increased capacity between the surface and the underground system.

The Central Line Access

- Improved through the provision of a new tunnelled passageway from the Northern Line concourse. The link fitted with moving walkways approximately 100m long, and providing access to a new set of triple escalators taking passengers up to the Central Line platforms via an existing cross passage to be enlarged and improved as part of The Scheme. A new cross passage at the western end of the Central Line platforms would provide improved access between them.

Docklands Light Railway

- A new set of triple escalators connecting the Northern Line and the DLR to facilitate direct interchange between the two lines and to enable simplified way-finding.
- Two new cross passages linking the DLR arrival and departure platforms with the existing DLR passenger concourse and a third linking the DLR arrival platform to the existing passenger concourse.

Step-Free Access

- Step-free access between the Northern Line, DLR and the New Station Entrance via a new lift shaft, accessed from the new entrance on Cannon Street.
- The new southbound Northern Line platform constructed to give level access to the train along its entire length and a raised area of platform on the existing northbound platform to provide level access to part of the train.
- No step free access is currently proposed for the Central Line due to the curvature of the platforms and the resulting large gap. However, LUL has committed to undertake further work to assess feasibility. Such work will continue in parallel to, but separate from, The Scheme and, if practicable, would ultimately be undertaken pursuant to LUL's existing permitted development rights

Fire and Evacuation Protection Measures

- Improvement to the fire and evacuation protection measures currently in place at Bank, bringing standards at the station into line with current best practice. The lift from street level down to the DLR in the new Station Entrance will be a fire fighting lift with an associated protected staircase. Evacuation times from the DLR would reduce to around four minutes from the current 12-20 minute estimate.

- 2.8 Above and below ground construction works are to be undertaken from two main work sites.¹³ The first, the Whole Block Site, would be used to construct the escalators, cross passages and new Northern Line passenger concourse. On completion, it would provide a new permanent access to the underground station. All buildings within the Whole Block Site would be ultimately demolished, although 20 Abchurch Lane would be retained as site offices during construction and its façade eventually relocated and reconstructed.
- 2.9 A second smaller work site would be located on Arthur Street and would enable tunnelling to commence concurrently with the demolition of the Whole Block Site.¹⁴ A shaft would connect to the disused King William Street Station tunnels to enable the excavation of the new Northern Line southbound running tunnel from that location. Works to protect and monitor buildings potentially affected by construction are included together with works to survey, divert and protect utility providers' assets.
- 2.10 It is anticipated that construction would commence in 2016 with the diversion of utilities in Arthur Street; tunnelling would start towards the end of that year and take about four years to complete with peak tunnelling activity in 2017. A description of

¹³ CD/A17 figure 4.10 and 4.11

¹⁴ LUL2/A Section 8.4

The Scheme construction is set out at 4.4 of Chapter 4 of the Environmental Statement.¹⁵

2.11 In order to construct the tie-ins between the new tunnelling works and the existing infrastructure the Northern Line would be closed for a period – termed “the Blockade”.¹⁶ The Blockade will comprise the following:

- Full closure – closure of the Northern Line both northbound and southbound – a 40 day track closure between Kennington and Moorgate followed by;
- Partial closure - Northern Line northbound – trains not-stopping at Bank Station for 77 days; and
- Partial closure - Northern Line southbound – a 77 day track closure between Kennington and Moorgate.

The Order and proposed revisions to it

2.12 Section 1 of the Transport and Works Act 1992 (TWA) provides that the Secretary of State for Transport may make an order relating to the construction or operation of a railway. The object of the Order is to authorise LUL to construct the works at Bank Station. An explanatory memorandum to the Order (as initially drafted) is provided at CD/A3. The key provisions of the draft Order are:

- Article 5, provision to dis-apply Section 6 of the Ecclesiastical Jurisdiction Measure 1963 section 7 of the Faculty Jurisdiction Measure 1964 and Part 3 of the Care of Churches and Ecclesiastical Jurisdiction Measure 1991.
- Article 6, the power to construct and maintain the works in Schedule 1, with Article 8 providing for the new station entrance on Cannon Street.
- Articles 9 and 12, the power to alter the layout of streets and temporarily stop them up.
- Article 18, protective works to buildings, roads and apparatus, with Article 18(4)(a) providing for a right of entry subject to serving notice.
- Article 20 to 25, power to acquire land, subsoil and rights.
- Article 26, the power to temporarily use land in Schedule 8, to erect scaffolding to St Mary Abchurch, for the crane over-sail and to provide temporary access.

2.13 The equivalents to the Schedule and Plan of a Compulsory Purchase Order are the Book of Reference and Land Plan.¹⁷ The extent of the Limits of Land to be Acquired or Used is shown on the Land Plan, encompassing buildings on either side of Princes Street from just north of the junction with Lothbury where the new

¹⁵ CDA16d

¹⁶ CD/F1 6.8.1

¹⁷ CD/A23 and Land Plan in CD/A12

running tunnel would diverge from the existing one, running south-east either side of King William Street and across Arthur Street to a point at the north end of London Bridge where the new running tunnel would rejoin the line of the existing one.

- 2.14 A schedule of proposed modifications to the Order together with the reasons for them has been prepared.¹⁸ The revised draft Order as at the close of the Inquiry is to be found at LUL/12b and document LUL/12c usefully sets out the Order with the proposed changes tracked. Schedule 14 has been added for the protection of the City of London Corporation. A number of the minor modifications result from discussions with the City of London, or are in response to comments made by the Environment Agency (REP/5) and by Thames Water Utilities (OBJ11) which enabled the latter party to withdraw its objection on 30 April 2015.¹⁹
- 2.15 None of the proposed amendments to the Order involve any changes of substance. All those affected by the changes have been consulted and are content with them.
- 2.16 There are no amendments to the Book of Reference (CD/A23).

The deemed application for planning permission

- 2.17 In connection with the application for the Order, a request is also made under Section 90(2A) of the Town and Country Planning Act 1990 that planning permission, insofar as it is required, shall be deemed to be granted for the development proposed to be authorised by the Order.

Applications for listed building consent

- 2.18 The Settlement Assessment considered temporary and permanent impacts on all heritage assets identified as being at risk of ground movements of more than 1mm. The heritage assessment considered listed buildings and also a non-designated heritage asset, the former King William Street Station, and two un-listed buildings referred to positively in the Bank Conservation Area Character Summary and Management Strategy; 20 Abchurch Lane and 10 King William Street.²⁰
- 2.19 The Stage 2 Settlement Assessment was based on conservative assumptions, erring on the side of caution. A scoring system taking account of potential damage, condition and sensitivity after Stage 2 led to 9 listed buildings being subject to a Stage 3 Assessment and the potential effects on these buildings are detailed in LUL5/A.
- 2.20 Listed building consent applications were initially made on 9 September 2014 for works to 7 listed buildings for protective measures to mitigate potential ground movement which it was

¹⁸ LUL/12d

¹⁹ OBJ/11.1

²⁰ LUL5/B figures 1 & 2 on pages 12 and 13

considered at the time of the applications could have resulted from tunnelling and other works which would be authorised under the Order.²¹

- 2.21 In the event, Stage 3 Building Damage Assessments of those buildings indicated that predicted movement as a result of the proposed works would be considerably less than originally anticipated.²² As a result, mitigation and protective measures in respect of 5 of the buildings is no longer necessary, and the applications for listed building consent in respect of them were withdrawn by letter dated 9 April 2015.²³
- 2.22 The remaining 2 applications are for:
- **Mansion House:** Listed Grade I, built between 1739 and 1758 but has been subject to alterations, including restoration in 1931. Previous underground works at different times, for the Waterloo and City Line, the Central Line, the 'Trav-o-lator' and the DLR have affected parts of the building. Significant features have been identified and the impact of the upgrade works assessed. Proposed mitigation works are the opening up of the access to stainless steel ties previously inserted to check for tautness and to tighten if necessary; the temporary removal for repair of the upper central panel of the east stained glass window with a replica panel fitted for the duration of the repair works; and the carrying out of inspection and survey of plaster ceilings.²⁴
 - **1-6 Lombard Street:** Listed Grade II, built in two phases 1905-8 and 1915. Significant features have been identified as the entrance hall, the main cantilever staircase and separate escape stair, a ground floor room at the south-eastern corner and ground floor spaces at the western end that were retained from the original building. The latter includes the dome to a restaurant which also has decorative plasterwork. The new southbound tunnel and moving walkway would pass directly below the building, but the main decorative features and the stair are located close to the bottom of the settlement trough where only minor differential movement is likely. In addition to in-tunnel mitigation, work is proposed to inspect and where necessary, repair and consolidate exposed decorative plaster that is at risk of becoming detached, and to remove plaster concealed behind suspended ceilings where at risk of falling. Finishes would be monitored during the tunnelling works. A 'worst case' approach was taken to the main cantilever staircase and the listed building consent application included the fitting of temporary braces to support the treads. Following the more detailed Stage 3 assessment, this work is not now considered necessary, with monitoring and the possibility of

²¹ CD/A25a – CD/A31d

²² CD/D56, CD/D53, CD/D52, CD/D48, CD/D49, CD/D51, CD/D54

²³ CD/A32

²⁴ CD/A25a-d

fitting Demec studs to any cracks or joints that open. The facility to add temporary braces if required is however retained. At completion any interventions would be removed with stonework being repaired and made good.²⁵

- 2.23 The anticipated scope of these works to these two listed buildings is also reduced as a result of the Stage 3 Assessment although the proposed works on the applications remain the same.²⁶ All other listed buildings would be monitored and in-tunnel mitigation works and/or compensation grouting carried out as required.

Other separate, but related applications

- 2.24 Work is required to ensure the protection of the Grade I listed church of St Mary Abchurch. Under the provisions of The Care of Churches and Ecclesiastical Jurisdiction Measure 1991 and the Faculty Jurisdiction Rules 2013, the Church of England has in place procedures that provide for an equivalent level of protection to the secular listed building consent regime. A Petition for Faculty was made to the London Diocesan Advisory Committee on 6 January 2015.²⁷ Whilst an application has been made for a Faculty Licence, the Order makes provision for disapplication of the faculty jurisdiction as a long-stop to prevent delay, since there is no statutory timescales for the process.
- 2.25 The church was built by Sir Christopher Wren from 1681–6. The roof structure is complex, built up from heavy timber trusses and struts to support the circular domed ceiling below. The significance lies in being the best preserved interior of any of Wren’s City churches, due to the loss and alteration of others. Investigation of the structure, finishes and monuments was carried out.
- 2.26 The new southbound tunnel passes below the north-east corner of the church, and Stage 3 assessments indicate negligible damage is likely. Proposed mitigation measures aim to avoid damage to significant furnishings, finishes and fittings and to minimise damage to the building fabric whilst allowing the church to operate and remain visible during the tunnelling works. These include removal of loose material between the tower and 15 Abchurch Lane, provision for structural tying around the tower, temporary braces to windows, strengthening of some timber connections in the roof and monitoring measures.²⁸
- 2.27 Permission has also been sought ahead of The Scheme for the Arthur Street Utilities Diversion Works (Ref 14/01074/FULEIA), in order to increase the certainty of The Scheme works being completed on time. Permission was resolved to be granted on 5 March 2015 subject to a Section 106/278 Agreement.²⁹

²⁵ CD/A27a-d

²⁶ CD/D50, CD/D52

²⁷ CD/D44

²⁸ CD/D45-47

²⁹ LUL2/A paras.7.1.3-7.1.5

- 2.28 On 27 June 2014 the City of London Corporation as Local Planning Authority granted conditional planning permission (Ref 14/00178/FULEIA) for development of the Whole Block Site.³⁰ The development, referred to as the Over Site Development, is described in the Notice as:
- *Demolition of the existing buildings and redevelopment with a new office (Class B1) building at part basement, ground floor and six upper floors (17,250sqm total GIA) with retail (Class A1/A2/A3/A4/A5) use at part ground and mezzanine levels (1,091sqm GIA) incorporating reconstruction of the existing historic façade at 20 Abchurch Lane. Passive provision for a new Bank Station Entrance Hall on Cannon Street and associated infrastructure at ground floor level.*
- 2.29 The development is to be commenced before the expiration of five years from the date of that permission. There were 47 other conditions attached to the permission including that the development shall not commence until the Transport and Works Act Order has been made and implemented, and shall not commence other than in association with works approved by the Secretary of State pursuant to the Order.
- 2.30 Separate from both the Order proposals and the Over Site Development of the Whole Block Site, a nearby site at Walbrook Square is in the process of redevelopment as Bloomberg Place. As part of this redevelopment, a new entrance to the Bank Station is being provided. The location of the break-through into an existing passageway close to the Waterloo and City Line platforms was indicated at the site inspection of the underground areas.³¹

3. STATUTORY OBJECTIONS, REPRESENTATION AND SUPPORTERS

Statutory Objections

- 3.1 There were a total of 39 objections to the proposed Order of which the following 13 were withdrawn prior to the Inquiry:
- St Margaret Lothbury (OBJ/2)
 - Avanta Serviced Office Group plc (OBJ/3)
 - Transact (OBJ/6)
 - Burns Sheehan Limited (OBJ/7)
 - Third New Court Ltd and NMR (OBJ/15 now SUP/17)
 - British Arab Commercial Bank plc (OBJ/17)
 - St Martins Property Investments (OBJ/21)
 - Prudential Property Holding Limited and Prudential plc (OBJ/22)

³⁰ CD/B1 and CD/B2

³¹ CD/F1 para.3.1.2 iii

- British Overseas Bank Nominees Ltd and WGTC Nominees Ltd (OBJ/26)
- Caixa Geral de Depositos (OBJ/27)
- London Travel Watch (OBJ/33 now SUP/15)
- National Grid (OBJ/34)
- UBS AG (OBJ/40)

3.2 Of the remaining objections the following 18 were withdrawn in writing during the Inquiry:

- Universities Superannuation Scheme Ltd (OBJ/1)
- UD Europe (OBJ/4)
- Tritri House and HB Reavis UK Ltd (OBJ/8)
- AG 24 KWS Ltd & AG 24 KWS GP Ltd (OBJ/9 now SUP/20)
- Thames Water Utilities Limited (OBJ/11)
- This Property Matters Ltd (OBJ/13)
- Walbrook Square Limited (OBJ/14)
- Elix-IRR (OBJ/18)
- Vivas Invest and Finance Inc (OBJ/19)
- Pret á Manger (OBJ/20)
- Grocer's Hall Ltd and The Wardens & Commonality of the Mystery of Grocers of the City of London (OBJ/25 now SUP/19)
- Raiffeison Bank International AG (OBJ/28)
- Maori European Holding SL (OBJ/30)
- Jessen and Co Limited (OBJ/31)
- Bank House Unit Trust; Bank House Trustee No1 Ltd; Bank House Trustee No2 Ltd; Canada Life Investments (OBJ/32)
- St Swithins House (General Partner) Ltd (OBJ/35)
- St James's Place Property Unit Trust (OBJ/36)
- Poultry Tenant Limited (OBJ/38)

3.3 Thus, at the close of the Inquiry **8 objections** remained. These are made by:

- Fishmongers' Company (OBJ/10)
- Trust for London (OBJ/12)
- McDonalds Real Estate, McDonalds Restaurants Ltd and West One Foods Ltd (OBJ/16)
- Bhupendra Patel (OBJ/23)
- Prudential Annuities Limited (OBJ/24)
- Wolfe Commercial Properties Limited (OBJ/29)

- Vodafone Ltd (OBJ/37)
- First Investments & Oakcrown Properties Limited (OBJ/39)

The reference OBJ/5 was not used.

- 3.4 A plan showing the property interests of all objectors, the physical relationship of those properties to The Scheme and identifying those outstanding and those withdrawn is to be found at LUL/29. I report below on the position on these at the close of the Inquiry and it will be for the Secretary of State for Transport to consider the implications of any subsequent developments as a result of negotiations that were continuing but not resolved at that time.

Representations

- 3.5 There were 5 representations initially made, broadly in support but raising matters for clarification and the like, including that from the City of London Corporation as Local Planning Authority, Highway Authority and Traffic Authority, and as a private landowner and the charity trustee of the Bridge House Estates. In the event at the close of the Inquiry only **2 representations** remained:

- Olivegate Properties Ltd (REP/4)
- The Bishop of London (REP/7)

- 3.6 The references REP/2 and REP/6 were not used. I report on the outstanding representations below.

Supporters

- 3.7 There are, in addition, **20 representations of support**. These include the City of London Corporation (formerly REP/3) whose concerns have been addressed and 4 of the original Objectors, who on reaching agreement and withdrawing their objection, submitted representation of support as noted above. The Supporters comprise:

- The Councils of the City of London Corporation (SUP/18), the City of Westminster (SUP/9), and the London Boroughs of Barnet (SUP/12), Camden (SUP/11), Hackney (SUP/13), Haringey (SUP/5), Islington (SUP/16), Lambeth (SUP/8), Merton (SUP/4), Southwark (SUP/10), Tower Hamlets (SUP/14) and Wandsworth (SUP/2).
- Pickthorn (SUP/1)
- Canary Wharf Group plc (SUP/3)
- London Chamber of Commerce and Industry (SUP/6)
- London First (SUP/7)
- London Travel Watch (SUP/15)
- Third New Court Limited and N M Rothschild & Sons Limited (SUP/17)

- Grocer's Hall Ltd and The Wardens & Commonality of the Mystery of Grocers of the City of London (SUP/19)
- AG 24 KWS Ltd & AG 24 KWS GP Ltd (SUP/20)

3.8 I report on all these representations below.

Representation in connection with the applications for listed building consent

- 3.9 Two of the original Objectors to the TWA Order also lodged objections to two of the listed building consent applications (UD Europe Limited (OBJ/4) and Maori European Holdings SL (OBJ/30), relating to the works planned for 1 King William Street and 5 King William Street respectively). However, those were two of the five applications subsequently withdrawn and the objections were also formally withdrawn along with the objections to the TWA Order.³²
- 3.10 At the close of the Inquiry there were no objections to the remaining listed building consent applications. English Heritage (as it then was) had commented on all 7 of the applications in October 2014.³³ The organisation under its new name of Historic England submitted a letter of support for the remaining 2 applications on 8 April 2015, prior to the opening of the Inquiry.³⁴

4. THE CASE FOR THE PROMOTER LONDON UNDERGROUND LIMITED (LUL)

The material points are:

- 4.1 A notable feature of the Inquiry is that there was no challenge to LUL's evidence, with no parties availing themselves of the opportunity to cross-examine LUL's eight witnesses and no party appearing at the Inquiry to present opposing evidence. This is remarkable for a complex engineering project in a constrained environment, and with a construction period lasting several years. It is not unreasonable to infer that, taken together with the extent of support, the absence of any challenge to LUL's evidence reflects a widespread recognition that this is the right scheme to meet a compelling need.

The Statement of Matters

- 4.2 The matters identified by the Secretaries of State are addressed below using the numbering in the Statement of Matters.

³² OBJ/4.4 and OBJ/30.3

³³ LBC/1

³⁴ LBC/2

In relation to the applications for the TWA Order and deemed planning permission:

1 The aims and need for the proposed LUL Bank Station Capacity Upgrade ("The Scheme")

Principal references: LUL31 paras.37-77; LUL1/A para.7.1.1, Sections 7 (aims) and 4 (need); LUL6/A Section 6.2; LUL8/A paragraph 5.1.1 and Section 5; CD/A4; CD/F1 Section 1.6 and Section 3.

4.3 The overarching aim of the project is to ensure that Transport for London (TfL) continues to provide a fit-for-purpose public transport station complex to support the City of London by:

- increasing the capacity of Bank Station so that it is able to handle present and forecast demand, and thereby support the economic growth of the city;
- minimising passenger journey time through the station, and thereby reduce crowding;
- improving the quality of access, interchange and ambience, including the provision of step-free access routes from street level to Northern Line trains and provide step-free interchange between Northern Line and DLR trains;
- improving emergency fire and evacuation protection measures.³⁵

4.4 The station currently suffers from severe overcrowding and poor circulation. It was built in a piecemeal fashion as a series of individual stations and connecting passages over the past 130 years. The first arrival was the lines serving Monument in 1884, and the last the DLR platforms in 1991. Congestion arises because passengers making different movements (entry, exit and different interchanges) share the same infrastructure.³⁶

4.5 London Underground lines passing through or terminating at Bank Station have all experienced or are planned to have increased train service capacity as a result of line upgrades. This increase in capacity will lead to additional passengers, creating further pressure on the station itself. Given its location in the heart of the city, passenger demand is expected to continue to grow and it is essential that the capacity of Bank Station is enhanced. In the absence of additional capacity being provided within the station, further operational controls will be required on an ongoing and increasingly disruptive basis to manage congestion and to ensure the station continues to operate safely; it is already over-capacity at peak times.³⁷

4.6 Operational controls that have already been found necessary include imposing lengthy one way systems including on-street interchange between lines, non-stopping Central and Northern

³⁵ CD/A4, CD/A11, CD/F1 section 1.6

³⁶ LUL1/A section 5

³⁷ LUL1/A 5.7

Line trains, suspension of the DLR service or having to resort to a full controlled station evacuation. Slowing down the rate at which people enter the station from the street is only of limited use since approximately 50% of users are passing through, interchanging between lines underground.

- 4.7 The current configuration of Bank Station is seriously deficient in terms of capacity, ambiance and current standards for fire and evacuation. It does not function in a manner befitting its status as one of the key points of access and egress to a global centre. As it is it is incapable of adequately supporting continued investment and growth in employment within the City of London.

2 The main alternative options considered by LUL and the reasons for choosing the proposals comprised in The Scheme

Principal references: LUL31 paras.78-132; LUL1/A Section 10; LUL2/A Sections 5.2 and 6.2; CD/A16e ES Consideration of Alternatives; CD/F1 Section 5; CD/D19 Options Report including Appendix 3; LUL20/A Section 5.3; LUL20/C.

- 4.8 Having regard to the need to take only such land as can be justified in the public interest, it was necessary for any option pursued by LUL to seek to minimise the amount of surface land required; to reduce the number of vehicle movements and locate these away from sensitive receptors if practicable; and to minimise adverse impacts on surface occupiers and users.
- 4.9 The development of The Scheme, and the consideration of alternatives to it, has taken place in four distinct phases over the last 13 years comprising:
- Strategic need studies, 2002 to 2005 – identification of the scale and scope of intervention needed to address current issues and to meet future aspirations for Bank Station.
 - Development of options to enhance Bank Station, 2005 to 2009 – addressing the key issues of platform and circulation space congestion, entrance/exit capacity, improving interchange within the station and provision of step-free access. Alternatives explored included the enlargement of the existing alignment of the Northern Line and a new running tunnel alignment to the east. The first would not have provided sufficient room for congestion relief and would have been unduly disruptive, whilst above and below ground structures, including the Bank of England, militated against the second. The outcome was the scheme known as the RIBA D design with a new southbound running tunnel to the west, the existing tunnel to be converted for use as a new passenger concourse and a new station entrance at 10 King William Street from which site construction of the project was to be undertaken.
 - Advances to the scheme design 2009 to 2012 – further detailed design work, assessment and consultation identified a number of constraints and looked at the most appropriate technical and value for money solutions to meet the project aims. The Base

Case was developed which included the use of the Whole Block Site for construction to overcome the difficulties associated with using the confined area of 10 King William Street, also making possible a reduction in the overall programme (18 months) and enabling later improvements to be incorporated for Central Line passengers. The station entrance hall was redesigned so as to be resilient in the longer term and Cannon Street, with its wide pavements and situation for pedestrian movements, was the preferred location for the new entrance.

A second construction site to accommodate the on-site concrete batching plant essential for efficient tunnelling processes where sprayed concrete lining is being used was also explored. Some options were too small, too close to sensitive structures, not well aligned with below ground infrastructure or in areas subject to heavy traffic congestion.

Arthur Street, situated above the new tunnel alignment and the disused King William Street platform tunnel, was found to be eminently suitable. In addition to providing a satellite work site in a location where there is little pedestrian activity and no demolition would be required; it would also provide a second underground work site enabling tunnelling to commence here and work northwards, disassociating that from the construction of the new Station Entrance and so enabling work in tandem resulting in a further 18 month saving. In addition, the reduced duration of the demolition and construction works would minimise adverse impacts and disruption to surface occupiers and users of the local area.³⁸ Redcross Way, south of the Thames is too far from the tunnels, and Swan Lane which is closer, would not provide access due to the tunnels leading to the former King William Street Station being too small in diameter.

Design changes which featured in the emergent scheme, the Reference Case, (for example the retention of the façade of 20 Abchurch Lane) were strongly influenced by the response to public consultation.

- Innovative Contractor Engagement (ICE) tender process and detailed development of The Scheme, 2012 onwards – development, refinement and assessment of the design variants and consideration of alternatives put forward through an innovative contractor tender process. The successful bidder, Dragados, adopted and improved the Reference Case and confirmed Arthur Street as the best performing second work site.³⁹

4.10 LUL has taken a review of the options decisions taken and the resulting Backcheck Report confirms that the option now pursued through the Order is the best performing and that most capable of meeting the aims of the project.⁴⁰

³⁸ LUL31 paras.105-116; LUL2/A Section 7.3

³⁹ LUL1/A section 10

⁴⁰ CD/D19 Appendix 3

3 The extent to which The Scheme would be consistent with Government transport policies, the National Planning Policy Framework, Mayoral Plans and Strategies for London and local planning policy

Principal references: LUL31 paras.133-162; LUL1/A paras.4.1.1-4.1.7; LUL6/A Sections 3.2-3.4; LUL8/A Section 6.

4.11 The Scheme enjoys an exceptional level of support in up-to-date planning policy at all levels, not only for the transport benefits to which it would give rise, but also in respect of the wider environmental benefits that would result from enhancement of the local area. There is a need to implement The Scheme as a matter of urgency and policy is unanimous in identifying its intention that The Scheme be delivered by 2021.

National Policies

4.12 The key document is the National Planning Policy Framework (NPPF) which is underpinned by an overarching presumption in favour of sustainable development, in respect of both plan-making and decision taking. Development proposals that accord with the development plan are to be approved without delay.

4.13 Significant weight is to be placed on the need to support economic growth through the planning system. Paragraph 17 requires the planning system to proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs. Delivery of The Scheme is essential to the continued growth of the City of London as an economic centre, which would support these national policy aims.

4.14 The NPPF requires Local Authorities to work with neighbouring authorities and transport providers to develop strategies for the provision of viable infrastructure necessary to support sustainable development, including transport investment necessary to support strategies for the growth of major generators of travel demand in their areas. It also encourages planning authorities to work closely with the business community to understand their needs and to identify and address barriers to investment, including a lack of housing, infrastructure or viability.

4.15 The National Infrastructure Plan 2014 sets out the Government's vision for the investment and delivery of infrastructure to improve its quality and performance. A pipeline of over £460 billion of planned public and private investment is proposed. The upgrade of Bank Station is identified in the plan as one of the Government's top 40 priority investments, confirming the national importance of the project.⁴¹

4.16 The Scheme also supports the aims of the Government's policy for rail, as set out in the National Policy Statement for National

⁴¹ CD/C41 paras.5.13, 5.17 and page 136

Networks of December 2014 to improve the capacity, capability, reliability and resilience of the rail network at key locations for both passenger and freight movements to reflect growth in demand, reduce crowding, improve journey times, maintain or improve operational performance and facilitate modal shift from road to rail.⁴² Whilst not a nationally significant infrastructure project, paragraph 1.4 says the Statement may be a material consideration in decision making on applications that fall under the Town and Country Planning Act 1990 or any successor legislation.

Regional Policies

- 4.17 The regional Development Plan policy is set out in the London Plan 2011 (consolidated with further alterations in March 2015).⁴³ Policy 2.10 supports bringing forward development capacity and supporting infrastructure and services to sustain and enhance the Central Activities Zone's varied strategic functions.
- 4.18 In Policy 6.1 the Mayor commits to working with all relevant partners to encourage the closer integration of transport and development through the schemes and proposals shown in Table 6.1, and Policy 6.2 seeks to increase the capacity of public transport in London over the Plan period by securing funding for and implementing the schemes and improvements set out in that Table. Table 6.1 includes express reference to the Bank Station Capacity Upgrade as a supported tube congestion relief scheme.
- 4.19 The Scheme is also supported in non-statutory regional policy. The Mayor's *2020 Vision: The Greatest City on Earth, Ambitions for London* (2013) identifies the rebuilding of Bank Station to increase capacity as one of the transport projects intended to support growth.⁴⁴ The Mayor's Transport Strategy (2010) proposes a series of transport improvements, specifically including The Scheme, which forms part of Proposal 19. Capacity enhancements such as The Scheme are described as "...critical to the functioning of the Tube as an integrated network to assist existing passenger flow, and cater for future increases in demand".⁴⁵ The Implementation Plan anticipates construction in 2013-2020.⁴⁶
- 4.20 TfL has also committed to the implementation of The Scheme in its Central London Sub-regional Transport Plan.⁴⁷ The Mayor's Economic Development Strategy for London (2010) states that sustained investment in infrastructure, including transport, will be essential if London's competitiveness and innovation are to be maintained.⁴⁸

Local Policies

⁴² CD/C43, para.2.37 in particular

⁴³ CD/C44

⁴⁴ CD/C6 page 17

⁴⁵ CD/C8 page 134

⁴⁶ Ibid page 298

⁴⁷ CD/C12 page 14

⁴⁸ CD/C9 para.5.25

- 4.21 Policy CS16 of the recently adopted City of London Local Plan 2015⁴⁹ (part of the Development Plan for the area) seeks *"to build on the City's strategic central London position and good transport infrastructure to further improve the sustainability and efficiency of travel in, to, from and through the City, by...1. Securing increased public transport capacity through support for...the Bank Station upgrade..."*.
- 4.22 Policy CS3 requires that the City has safe systems of transport which are designed to satisfactorily accommodate large numbers of people.
- 4.23 Policy CS10 seeks high standards of design to meet the needs of disabled people, amongst other considerations.
- 4.24 Policy CS6 is an area specific policy for the area of the City which includes Bank Station and it requires an enhanced environment for public transport users and others.
- 4.25 The Scheme is also referred to in the Local Plan vision for environmental sustainability as a project that would increase public transport capacity. It is clear that The Scheme is seen as part of a wider strategy to enhance the Bank area as a whole.
- 4.26 Non-statutory support is provided by the City of London in the Bank Area Enhancement Strategy 2013 which describes the capacity issues at Bank Station as one of the area's key challenges requiring to be addressed, with the station noted as reaching capacity around 2016 and with permanent measures such as exit only in some locations likely to be in place once capacity is reached.⁵⁰ The proposals are also referred to in the City of London Rail Strategy 2009, the City of London Local Infrastructure Plan 2011 and the City of London Infrastructure Delivery Plan 2013.⁵¹ The latter highlights the limited Section 106 funds available in the City, which would not come close to solving the profound problems that exist, thereby demonstrating that larger more fundamental solutions such as The Scheme are required.
- 4.27 Other endorsements from the City of London Corporation reinforce the positive approach taken to the project (and the linked Over Site Development). These include the Committee Reports on Section 106 Transport Funding (June 2011), on the Over Site Development (June 2014) and on The Scheme (October 2014).⁵² In the case of the Transport Funding report, this support manifested itself in a £2m Section 106 contribution to LUL in order to achieve maximum benefit from the works being undertaken.

4 The likely impact of the exercise of the powers in the proposed TWA Order on land owners, tenants and statutory undertakers, including any adverse impact on their ability to carry on their

⁴⁹ REP/3.2b

⁵⁰ CD/C29

⁵¹ CD/C25 page 13, CD/C24 page 39, CD/C23 page 25

⁵² LUL8/B appendices 7, 9 and 5

business and undertakings effectively and safely and to comply with any statutory obligations applying to their operations during construction and operation of The Scheme. Consideration under this heading should include:

4a Noise, vibration and the effects of construction traffic from the works sites and below ground during tunnelling.

Principal references: LUL31 paras.163-194; LUL2/A Sections 9.2-9.4, 9.6, 9.7, 9.12; LUL4/A Section 8.2; LUL5/A paras.18.1.1 and 18.1.2; LUL6/A paras.5.1.2-5.1.5, 5.2-5.4 and 5.7; CD/A16h; CD/A16i; CD/A16l.

- 4.28 For the greatest part, the construction of the project is not predicted to have significant adverse effects upon affected landowners, tenants and statutory undertakers, in terms of noise and vibration, dust and construction traffic, or otherwise. Each of these potential effects would be subject to detailed mitigation measures aimed at reducing the scope for adverse effects to arise. Moreover, throughout the construction process, LUL is committed to ongoing liaison with those affected by the works, such commitment being secured through the CoCP.⁵³ The requirements have proved effective on other schemes of a similar nature.⁵⁴
- 4.29 The construction of The Scheme is predicted to give rise to only a very small number of significant adverse noise and vibration effects and these would be limited in duration, subject to mitigation, and some overlap with the development of the Over Site Development which has been found acceptable in the grant of planning permission.
- *Noise and vibration from demolition and above ground construction* It is predicted that, as a result of the demolition and above-ground construction associated with The Scheme, the Significant Observed Adverse Effects Level (SOAEL) threshold values would be exceeded at only three sites. These are St Mary Abchurch and 15 Abchurch Lane (a restaurant/club), in proximity to the Whole Block Site, and 6 Martin Lane, which is adjacent to the Arthur Street work site.⁵⁵ The effects and mitigation are set out in detail in LUL evidence but no significant adverse effects are anticipated from vibration⁵⁶, and noise can be mitigated by such measures as acoustic hoarding thereby reducing to a minimum the duration of significant effects. In the case of 6 Martin Lane the existing noise climate means that there would be no significant adverse effect.
 - *Ground borne noise from below ground construction* Pile interceptions as detailed in Matter 4e below, may give rise to noise levels in the order of 57dB_{L_AS_{max}} and would require

⁵³ LUL/13a Section 4

⁵⁴ LUL7/A 8.1.1-8.1.9, LUL2/A 11.2.7

⁵⁵ LUL4/A Section 8

⁵⁶ CD/A16i 9.6.30-9.6.41

mitigation to avoid significant effects, and this is the subject of a commitment in the CoCP.⁵⁷

- *Noise from utilities diversion works and compensation grouting* Changes to the design have reduced the number of locations for such works thus wholly avoiding significant adverse effects at some sensitive locations.⁵⁸ Remaining significant adverse effects at St Mary Abchurch and 15 Abchurch Lane are not worsened by the alternative proposal of restricting the works to the Low Level Sewer 2 to within the Whole Block Site. The effects, which are limited in duration, would be mitigated so far as is possible by the implementation of the mitigation measures proposed.
- *Operational noise* No significant adverse effects are predicted for fixed plant.⁵⁹ Train running noise may be reduced by the use of high performance track and the maximum noise levels in noise sensitive receptors will be secured by condition. With the "fast" rather than the "slow" max time rating used and with levels fixed below that advised by the World Health Organisation, there would be no significant effect from noise or vibration.⁶⁰ Where piles are intercepted, the ability to transmit noise and vibration to the building structure can be reduced by separating the pile from the tunnel.⁶¹

4.30 Well established and tested measures would be implemented to prevent dust from construction giving rise to any significant adverse effects.⁶² Construction traffic will be generated by the Whole Block Site and Arthur Street work sites, but no significant adverse impacts would arise primarily because a relatively small number of vehicles would be added to the local highway network.⁶³ Utility works would have an effect on traffic delays, but these works would be phased to reduce the impact.⁶⁴

4b The impact of the proposed works on access and servicing arrangements to properties.

Principal references: LUL31 paras.195-205; LUL6/A Section 5.6; CD/A16h; LUL3; LUL20/A Section 5.2.

4.31 Access and servicing to properties within the vicinity of both the Arthur Street work site and the Whole Block Site would be affected during the construction phase of The Scheme, but it is intended that the impacts would be kept within acceptable limits, so as to enable the normal functioning of the affected parties' businesses:

- *Arthur Street* servicing would continue to be possible to the adjacent buildings through the Work Site. Service vehicles would book an arrivals slot, which is not uncommon in the City.

⁵⁷ LUL/4A 7.2.7-7.2.9, LUL13/A 6.3.2-6.3.8

⁵⁸ LUL4/A 8.2.2-8.2.6, LUL8/B Table 1

⁵⁹ LUL4/A 8.3.1, CD/D4, LUL4/A 5.9.3

⁶⁰ LUL/14d condition 13, LUL4/A 8.3.2, LUL4/A Section 3 & summary 2.1.2, LUL4/A 6.1.8

⁶¹ LUL4/A section 7.4

⁶² LUL/31 paras.187-189, LUL/13A, LUL2/A section 9.4, CD/D12

⁶³ LUL6/A 5.4.4-5.4.12 & summary 3.1.4

⁶⁴ LUL/31 paras.192-194, CD/A16h 8.6.1-8.6.10

Bays would be provided on King William Street to facilitate building works at 24 – 28 and 33 King William Street, in addition to work on The Scheme. Traffic marshals would manage vehicle movements.⁶⁵

- *The Whole Block Site* The northern section of Nicholas Lane would need to be closed during the nine-month demolition phase, and thereafter Abchurch Lane and Nicholas Lane south of King William Street would be occasionally closed at weekends but not both Lanes at the same time. Arrangements for servicing buildings during closures have been provided for and include the use of traffic marshals to reverse vehicles into Nicholas Lane from Cannon Street, servicing from adjoining roads using trolleys if necessary and exceptionally the use of the bay within the Whole Block Site.⁶⁶
- *London Bridge, Grocers Hall Court, Mansion House Place and Sherborne Lane* These are included in the Order to be stopped-up temporarily, as a precaution because they are within the 1mm settlement contour. No works are planned however and servicing arrangements are not expected to change.⁶⁷

4.32 A Working Group would be formed with representatives of the project team and nearby businesses to share information about the construction programme and to review and update servicing arrangements, and refuse collection will remain possible.⁶⁸

4c The impacts from the closure of Walbrook (Street) during period of construction

Principal references: LUL31 para.206; LUL/1/A paras.13.1.2(ii) and 13.1.7; LUL2/A paras.8.7.2,10.12.14 and 15; LUL3/A para.7.1.12; LUL6/A paras.5.3.11-5.3.19.

4.33 Walbrook no longer needs to be closed during The Scheme works and no impacts which would otherwise have flowed from its closure would arise.

4d Impacts of the use of Arthur Street as a Second Works Site

Principal references: LUL/31 paras.207-219; LUL2/A paras.8.4-8.6; LUL4/A Section 8.2; LUL5/A Section 7.1; LUL6/A Sections 5.4-5.7 and 5.3.20-5.3.24; CD/A16h; CD/A16i; CD/A16j; LUL20/A; LUL20/B; LUL20/C; LUL22

4.34 Part of the process that led to the selection of Arthur Street as the second work site was consideration of the impacts, including that no land would need to be acquired as it is highway. There would be impacts from noise, vibration and construction traffic; on access and servicing, and on sale and letting value, all matters dealt with in other Matters. There would be some adverse visual impact experienced by occupiers of nearby properties, mainly office workers, but there are some residential uses, although they

⁶⁵ LUL6/C figure 49a, LUL6/A 5.6.5-5.6.7, LUL6/B figure 50

⁶⁶ LUL6/A 5.6.10-5.6.13, LUL6/B figures 51-55

⁶⁷ LUL6/A 5.6

⁶⁸ LUL6/A 5.6.6

would have only an oblique view. In all cases, the adverse visual effects would be experienced on only a temporary basis as it is proposed that the Arthur Street work site would be subject to reinstatement no later than 2021.⁶⁹

- 4.35 Utilities would be affected and LUL would undertake multi-utility diversion works along Arthur Street to clear the area of the shaft, planning permission having been sought in advance of the Order Scheme and the City of London resolving to grant permission on 5 March 2015 subject to Section 106 and 278 agreements.⁷⁰ Having regard to the diversions works proposed to be undertaken, no adverse effects upon their undertakings are in the circumstances likely to arise. The Order provides full protection for their interests in Schedule 11 and no statutory undertaker remains as an objector.

4e Impacts of construction works on the foundations and structures of properties

Principal references: LUL31 paras.220-253; LUL2/A Sections 10.1-10.10; LUL3/A Sections 5, 6 and 8; LUL5/A Sections 9.6, 10.6, 11.6, 12.6, 13.6, 14.6, 15.6, 16.6 and 17.6; CD/A16j; LUL20/A Section 7.

- 4.36 The construction of The Scheme, in particular the tunnelling activity, has the potential to impact upon the foundations and structures of nearby properties, either through pile interception or settlement. LUL has sought to identify the former and has assessed likely settlement effects; building damage being assessed at no more than slight.
- 4.37 Minimising pile interceptions was an important consideration in the alignment of the new running tunnel. Where there are piles it is intended to keep a separation to avoid noise and vibration being transmitted and for piles to be independently maintained and altered.⁷¹ There are four known pile interceptions:
- 6 – 8 Princes Street
 - 8 -10 Mansion House Place
 - 1 New Court
 - 33 King William Street
- None of the owners or occupiers of these properties maintain any objection.
- 4.38 There are four possible, but unlikely, pile interceptions:
- 1 Lothbury
 - 27 – 35 Poultry
 - 1 Princes Street
 - 24 Martin Lane

⁶⁹ CD/A16g 7.4.42 and 7.4.44, Tables 7.9 pg 7-36, 7.12 pg 7-44 to 7-45

⁷⁰ LUL2/A Section 10.12

⁷¹ LUL2/A Section 10 and associated figures in LUL2/C

Of those that objected, only the freeholder of 1 Princes Street remains as an Objector (Prudential Annuities OBJ/24).

- 4.39 Where pile interception occurs, LUL would ensure that the load carrying capacity of the pile is not reduced below acceptable levels, the solution adopted depends on the situation and design of the pile.⁷²
- 4.40 Settlement will occur due to the quantities of earth being removed and the new below-ground works. Drainage into the new tunnel will also give rise to longer term movement but the pore water pressure is already low in the area and the potential for further movement is low.⁷³
- 4.41 Building damage assessments have been carried out using a well established method, based on estimating the tensile strain potentially induced in the building by the proposed works. The degree of building damage has been shown to correlate well with the induced maximum tensile strain.⁷⁴ Initial screening (Stage 1) was followed, as appropriate, by Stage 2, with Stage 3 where those results indicated movement above acceptable levels, and to listed buildings. The listed buildings were also subject to a further level of assessment of their sensitive features. The Stage 3 assessments have demonstrated that there are unlikely to be any settlement effects greater than slight at any unlisted buildings affected and the nine listed buildings would experience ground movements resulting in negligible damage (Category 0). The applications for listed building consent were based on the outcome of the Stage 2 assessment, five being withdrawn on completion of the Stage 3 assessment.⁷⁵
- 4.42 Monitoring will be carried out as work progresses and mitigation measures employed. There is therefore a robust and sufficient process in place for The Scheme to monitor those buildings and utilities that could be affected by the proposed construction. This is essential for ensuring that the proposed works do not adversely impact the buildings and utilities to an unacceptable level.⁷⁶

4f The impacts on security and business continuity arrangements to businesses

Principal references: LUL/31 paras.254-258; LUL7/A paras.12.1.3-12.1.6 and Sections 8 and 9; LUL8/A Section 10.3.

- 4.43 Whilst the Order provides for a period of notice to those affected by acquisition within the Whole Block Site, LUL have sought to provide greater certainty about timescales and put those affected in a position to begin making arrangements now by the issue of a draft Agreement to all tenants. The earliest that possession would

⁷² Ibid and LUL/31 paras.223-229

⁷³ LUL/31 paras.230-2.34, LUL3/A section 3.4, 3.3.8-3.3.11, section 4.3, LUL3/B figures 13,14,15

⁷⁴ LUL3/A 5.1.3

⁷⁵ LUL31 paras.237-247, LUL3/A 5.2.4 updated by LUL3/D, LUL3/A section 6.7

⁷⁶ LUL3/A section 10.3, LUL31 paras.248-253, LUL13/A section 14.6

be required is 11 January 2016 and LUL will keep occupiers appraised of the situation.

- 4.44 LUL having offered this arrangement means that those tenants who enter into the Agreement now would be provided with approximately eight months notice to find and relocate to a new property. This should assist considerably with ensuring business security and continuity.⁷⁷
- 4.45 During construction there would be regular liaison with owners and occupiers along the route.⁷⁸

4g The impact on redevelopment potential and value to existing properties

Principal references: LUL/31 paras.259-264; LUL7/A paras.12.1.7-12.1.11.

- 4.46 The power sought to impose restrictive covenants applies to 8 land parcels where there are, or may be, pile interceptions. They are required to protect LUL infrastructure and ensure that LUL are informed of any proposed redevelopment which could affect pile loading. That is the primary consideration and provided no harm would be caused to LUL infrastructure, agreement would not be withheld unreasonably. If redevelopment had to be restricted, the affected party would be entitled to submit a compensation claim.⁷⁹
- 4.47 One of the benefits of The Scheme is that it would ensure that land values were not depressed as a result of poor quality public transport provision. There would be a number of significant adverse effects during construction but redevelopment and infrastructure improvement is a fact of life in central London to which the property market is accustomed and there is no evidence of any effect on value that would not be addressed pursuant to any claim under the Compensation Code.⁸⁰

5 Impacts of the works on vehicular traffic, cyclists and pedestrians; and on LUL passenger using (or passing through) Bank Station

Principal references: LUL31 paras.265-280; LUL6/A Sections 5.4-5.7; CD/A16h.

- 4.48 LUL has sought to minimise the impacts of the construction works through careful site selection and construction programming among other things.
- *Vehicular traffic* In addition to effects on premises set out in answer to 4b and 4d, the increase in traffic generally caused by the works would give rise to only a minor increase in traffic noise due to the existing high number of vehicles in the area. There would, however, be a moderate increase at two locations

⁷⁷ LUL7/A section 4.3

⁷⁸ LUL7/A section 8.1, LUL/13a

⁷⁹ LUL7/A section 3.4, LUL7/A 10.17.6 & 12.1.10

⁸⁰ LUL8/A 5.2.2, LUL/20A 4.3.4-4.3.8

but in both cases the increases would still not give rise to significant effects.⁸¹

There would be 60 vehicles a day accessing the Arthur Street site, approximately one-third to a half then travelling on to the Whole Block Site, under control. The use of Arthur Street would require diversion of traffic to other roads. The impact of these changes has been assessed using TfL's ONE model. The results of the modelling process have indicated that no roads are expected to experience more than a 30 per cent increase in traffic flows for more than four weeks and have an increase of more than 40 vehicles per day for more than four weeks.⁸²

- *Bus users* there would be a need to divert one route (the 344) that uses Arthur Street northbound for the six year closure. Rather than use Southwark Bridge, Upper Thames Street and Arthur Street to access King William Street as at present, the revised route will be by Southwark Street and London Bridge. This diversion was previously utilised during the 2012 Olympic and Paralympic Games. The route is shorter and is not expected to have an effect on journey times and the stops no longer served are close to others.⁸³
- *Cyclists and Pedestrians* The diversion routes are not affected by the East-West Cycle Superhighway Scheme and although cyclists may be required to divert around utilities work sites when two lanes of a road are closed, closure of two-lanes only occurs at night-time when cycle flows are low. Pedestrian access would be maintained at these locations at all times. There are no diversions for Arthur Street which affect pedestrians, and these can be avoided if cyclists choose to dismount and utilise the pedestrian access on the northern footway which would be preserved throughout the works. Should pedestrians wish to divert, routes would be signed and would be less than 250m in length. The cycle diversion would in any event be less than 1500m in length.

At the Whole Block Site, during the respective closures of Nicholas and Abchurch Lanes, cyclists and pedestrians would be able to use whichever Lane is not closed, or alternatively St Swithin's Lane. The diversion would be less than 400m for cyclists, and 80m for pedestrians. In order to manage all of these impacts, it is proposed that the Traffic Management Plan would include measures to manage impacts on pedestrians and cyclists, including provision for diversion routes and appropriate signage. These measures would ensure that no impacts give rise to significant adverse effects.⁸⁴

- *Underground users* The main impact is the blockade to link the new running tunnel to the system. Additional trains will be run

⁸¹ CD/A16i table 9.26, 9.6.48-9.6.80

⁸² LUL6/A section 5.4

⁸³ LUL6/A section 5.5

⁸⁴ CD/A16h table 8.16 pg.8-83 to 8-85, 8.6.53-8.6.54, LUL6/A section 5.4 & 5.7 & LUL6/B figures 58-60, LUL14/D condition 5

on the Charing Cross Branch, a rail replacement bus service provided between Old Street/Angel and Stockwell and other bus services would be more frequent. Effective communications will be in place. The blockade is timed so that Crossrail and Thameslink are available for passengers displaced from Bank together with additional capacity from the Charing Cross Northern Line upgrade.

Even with mitigation, both the full and partial blockade are likely to give rise to adverse effects upon users of the Bank branch of the Northern Line, in terms of the inconvenience caused to their journeys, possible delays and increased congestion on other public transport routes. However, the closures are only for limited periods of time, and are critical to the realisation of the permanent beneficial effects of The Scheme. They are therefore, in context, acceptable.⁸⁵

6 The measures proposed by LUL for mitigating any adverse impacts of The Scheme, including: (a) the proposed CoCP of Construction Practice; (b) any measures to avoid, reduce or remedy any major or significant adverse environmental impacts of The Scheme; and (c) whether, and if so, to what extent, any adverse environmental impact would remain after the proposed mitigation

Principal references: LUL31 paras.281-287; LUL2/A Sections 9.1 and 9.2; LUL3/A Section 7; LUL5/A Section 8.2 and paras.8.3.1, 11.7.3-4, 16.7.3-5, 17.7.5-6, 17.7.8, 17.7.10; LUL6/A paras.5.4.10-12, 5.5.5, 5.6.1, 5.6.11-12, 5.6.15, 5.6.17, 5.7.10, 5.8.3, 5.9.16, 5.9.23, 5.9.25, 5.9.31-32, Sections 5.12 and 6.3; LUL8/A Section 7; LUL13/A.

4.49 LUL proposes to mitigate potential adverse impacts in a number of ways:

- First, through extensive integral mitigation by design and planning. Many of the effects of greatest concern have been addressed or reduced by design, assisted by the early engagement of the contractor. This includes careful tunnel alignment to remove over half the anticipated pile interceptions; locating the new station entrance away from St Mary Abchurch, the use of high performance track where required and timing of the blockade.⁸⁶
- Second, by the imposition of conditions controlling the construction and operation of The Scheme.
- Third, through the submission of and adherence to a range of written schemes controlling the construction phase of the development. The proposed CoCP, developed in close liaison and agreed with the City of London, builds on their own standard code of practice for construction and deconstruction sites, and provides a suite of controls covering site operations and working hours, air quality, noise and vibration, land

⁸⁵ LUL6/A section 5.9, LUL31 paras.276-280, LUL20/A 6.1.21-6.1.26

⁸⁶ LUL8/A 7.4.17, LUL2/A 5.2.13, 6.2.31, LUL4/A 9.8.6, LUL20/A 6.1.21-6.1.26

contamination, waste and materials handling and storage, water resources and flood risk, highways, settlement and sustainability, amongst other things. It is a well proven means of controlling the effects of construction and it commits LUL to use of Best Practicable Means for all aspects of the project.⁸⁷

4.50 In addition, Dragados, the selected contractor, would be signed up to a number of environmental guarantees, such as the Considerate Contractor Scheme pursuant to the CoCP.⁸⁸

4.51 The Environmental Statement has identified only three principal significant adverse effects as being likely to arise as a result of The Scheme, each of which is predicted to occur on a temporary basis during the construction phase only. These are:

- Moderate adverse (significant) townscape and visual effects, in particular arising from the construction activity at the Whole Block Site and at Arthur Street, and from utilities works – predominantly in relation to tourist receptors, who it can fairly be said do not make up the majority of those present in the area. These effects have been minimised through the truncation of the construction timetable owing to the use of the second work site, and would be further ameliorated by the implementation of measures such as hoardings compliant with the Considerate Contractor Scheme and the keeping of clean and tidy work sites.
- Significant adverse transport effects arising during the Northern Line blockade. These have been minimised by the measures set out in answer to Matter 5 on underground users.
- Significant adverse noise effects arising from the construction of the potential grout shafts at Walbrook and King William Street. The construction of the grout shaft on Walbrook is now no longer proposed and so its adverse effect can be entirely avoided. Moreover, compensation grouting is not considered likely in any event, anywhere.

4.52 Taken together, these measures provide a quite exceptional framework of control representing current best practice.⁸⁹

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

Principal references: LUL31 paras.288-294; LUL7/A paras.5.1.4-5.1.6; LUL8/A paras.7.4.1-7.4.3; CD/D28; CD/D29; CD/D30; LUL11.

⁸⁷ LUL8/B appendix 5, para.56, CD/D12, LUL2/A section 9, LUL/13a section 3.3

⁸⁸ LUL 13a section 3.2

⁸⁹ CD/A16r, LUL8/A section 7

- 4.53 The Environmental Statement has been prepared in accordance with the Transport and Works (Applications and Objections Procedure) (England and Wales) Rules 2006 ("the Rules"), with the effect of The Scheme being assessed alone and together with other relevant development in the area (including the Over Site Development). The scope of the environmental impact assessment ("EIA") reported in the Environmental Statement was established through the production of an EIA Scoping Report in September 2013.⁹⁰
- 4.54 Oxford Brookes University reviewed the Environmental Statement and found it to be adequate and to have no important omissions.⁹¹ There is no challenge in any objection on the basis that the Environmental Statement is in any way inadequate. The authors confirm that minor revisions to The Scheme reduce the significant effects identified.⁹²
- 4.55 The relevant statutory procedures have been met, as set out in LUL/15.

8 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)

Principal references: LUL31 paras.295-298; LUL8/A para.4.2.5; CD/C1; CD/C42; LUL14/D; LUL14/E; LUL19; LUL27 and LUL27/A.

- 4.56 The conditions have been refined from those originally submitted with the TWA application and during the course of the Inquiry to take account of points raised by the City of London and, in respect of the use of tailpieces, by the Inspector.⁹³ The conditions as now proposed have been agreed with the City of London.⁹⁴ No additional conditions are suggested by any party.
- 4.57 The key matters governed by the conditions are detailed design approval of above ground development, to ensure the quality of the finished development, compliance with the CoCP, submission of and compliance with a deconstruction and construction logistics plan, Traffic Management Plan and travel plan, restoration of the highway at Arthur Street and controls of the noise emitted by the operational railway. Other standard matters, such as archaeology and time limits, are also addressed.
- 4.58 A number of the conditions proposed include tailpieces. LUL and the City of London share the view that the use of tailpieces is lawful, provided that:

⁹⁰ CD/A18b

⁹¹ CD/D28, CD/D29, CD/D30

⁹² CD/A16r updated by LUL8/B appendix 1 table 1, LUL8/B appendix 4, LUL8/A 7.4.14 as amended in LUL/8C

⁹³ LUL/14d, LUL/14e

⁹⁴ LUL/19

- They permit only amendments to the proposals previously submitted and approved (whether as part of the TWAO application or subsequently to City of London itself) and cannot be used to avoid compliance with a condition in its entirety; and
- They do not permit amendments with materially different effects than those previously assessed.

The drafting now proposed ensures the conditions proposed are so limited.⁹⁵

- 4.59 All conditions proposed satisfy the tests referred to in the NPPF and the Planning Practice Guidance of being necessary, relevant to planning and to the development to be permitted, enforceable, precise, and reasonable in all other respects.

9 LUL's proposals for funding The Scheme

Principal references: LUL31 paras.299-302; LUL1/A Section 12; CD/D33; CD/D13

- 4.60 The anticipated cost of The Scheme is £563m at outturn, £454m discounted over 60 years. Funding has been secured from the Department for Transport and is included in TfL's 2014 Business Plan.⁹⁶
- 4.61 LUL has already appointed the contractor within the funding available for The Scheme.⁹⁷ Around £100m has been spent on the project since 2003, the majority of which has gone to the acquisition of property on the Whole Block Site.⁹⁸ The Scheme represents very good value for money for the public purse. The Benefit:Cost ratio at 4:1 is high, based on conservative assumptions which take no account of the wider economic impacts referred to previously or of the environmental and safety benefits to which The Scheme gives rise.⁹⁹
- 4.62 There can therefore be every confidence that the funding test that '*a scheme is reasonably capable of attracting the funds required to implement it, rather than expecting funding to have been secured*' is met.¹⁰⁰

10 Whether there is a compelling case in the public interest for conferring on LUL powers to compulsorily acquire and use land for the purposes of The Scheme, having regard to the guidance on the making of compulsory purchase orders in ODPM Circular 06/2004, paragraphs 16 to 23; and whether the land and rights in land for which compulsory acquisition powers are sought are required by the Promoter in order to secure satisfactory implementation of The Scheme

⁹⁵ LUL/27, LUL/27a

⁹⁶ LUL1/B table 5, CD/D13 with delivery milestone 2021, CD/D33 including delivery by 2021 (pg.33)

⁹⁷ LUL1/A 14.4.3

⁹⁸ LUL1/A 12.1.3

⁹⁹ LUL1/A 9.4.1, CD/D32

¹⁰⁰ Guide to TWA Procedures para.1.34

Principal references: LUL31 paras.303-308; LUL1/A Sections 4, 5, 14.3, 16; LUL7/A para.12.1.12; LUL8/A Section 9.

- 4.63 The need and urgency to address it is set out in the evidence, and no party questions that need. The construction and operation of The Scheme necessitates the acquisition of land on both a permanent and a temporary basis. In deciding what would be necessary, LUL has acted in accordance with the guidance in Circular 06/2004 and has sought to minimise the extent of land and rights to be acquired permanently under the Order. Only land and interests necessary for the implementation and operation of The Scheme are proposed to be taken. LUL has sought to acquire by agreement.¹⁰¹
- 4.64 Above ground the land take is restricted to the Whole Block Site without which the construction of The Scheme cannot take place. Below ground LUL requires the acquisition of sub-soil to enable construction and retention of the station infrastructure. Restrictive covenants are required for its long term protection. The provisions of the Compensation Code have been incorporated into the draft Order.¹⁰² Article 18 provides a backstop power to survey and carry out protective works to any building, road or apparatus of a statutory undertaker within the Order limits.¹⁰³
- 4.65 In pursuing the Order, LUL has carefully considered the balance to be struck between the effect of acquisition on individual rights and the wider public interest in the transport benefits which would be brought about by the Order:
- No business would be rendered unviable by The Scheme.
 - No residential occupier would be displaced.¹⁰⁴
 - No more land would be required than is necessary.¹⁰⁵
 - Any perceived interference with rights under the European Convention is justified in order to secure public benefits offered by the Order works.
- 4.66 Due to the substantial public benefit which would arise from the implementation of the Order works the use of compulsory purchase is necessary and proportionate and there is a compelling case in the public interest for making the Order. The implementation of the Order would not constitute an unlawful interference with individual property rights.¹⁰⁶

11 Having regard to section 25 of the TWA, whether the relevant Crown authority has agreed to the compulsory acquisition of interests in, and/or the application of provisions in the TWA Order in relation to, the Crown Land identified in the book of reference

¹⁰¹ LUL/31 para.304, LUL7/A 4.2.3 & 4.2.4

¹⁰² LUL7/A 12.1.10, LUL/12b part 3

¹⁰³ LUL7/A 3.7.17

¹⁰⁴ LUL7/A section 3.3 & 13.1.4

¹⁰⁵ LUL2/A 11.4.2 & section 8.3

¹⁰⁶ LUL8/A 9.1.8

Principal references: LUL 31 paras.309-313; LUL7/A para.3.11; LUL26

- 4.67 Parcels 16 and 17, and parcels 14 and 18 comprise Crown Land required for The Scheme.¹⁰⁷ Meetings have been held with the Bank of England and a draft agreement has been provided to the Bank. A further meeting is scheduled for early May 2015. Whilst agreement has not been finalised there is every expectation that agreement will be reached and thus there is no evidence of any impediment to the implementation of The Scheme.
- 4.68 The situation is similar to that with the Northern Line Extension proposals where the Secretary of State for Transport agreed that there was no impediment, and agreement was reached after the close of the Inquiry. It is consistent with paragraph 5 of Appendix N to Circular 6/2004 *'where the acquiring authority has obtained (or is at least seeking) agreement from the appropriate authority'*.¹⁰⁸

12 The purpose and effect of any substantive changes proposed by LUL and other interested parties to the draft TWA Order, and whether anyone whose interests are likely to be affected by such changes has been notified

Principal references: LUL31 paras.314-315; LUL1/A Section 13; LUL8/A paras.7.4.8-7.4.9.

- 4.69 Only a small number of changes are proposed to the draft Order, identified in LUL/12B and LUL/12D. The primary purpose of the changes is to provide additional protection for the City of London, particularly in respect of consultation and works by LUL to and in highways. Through these changes LUL is no longer proposing to dis-apply the London Permit Scheme.¹⁰⁹
- 4.70 All changes proposed have been subject to discussion and agreement with the City of London, as recorded in LUL/19. There is also minor amendment following discussion and agreement with Thames Water and the Environment Agency. None of the proposed amendments to the Order involves any change of substance and there is no expansion of powers as applied for in the draft Order. All those affected by the changes have been consulted and agree with them.

13 Any other relevant matters which may be raised at the Inquiry.

- 4.71 None

In relation to the applications for listed building consent:

14 The extent to which the proposed works affecting the Listed Buildings ("the works") are in accordance with the development plan for the area including any 'saved policies'. The weight that

¹⁰⁷ LUL7/A section 3.11

¹⁰⁸ LUL26, CD/C39

¹⁰⁹ Formerly dis-applied through Art.4(7) of the draft order, CD/A2

should be attached to the development plan, and any emerging plans

Principal references: LUL31 paras.316-343; LUL5/A Section 4; LUL8/A para.8.1.25; LUL19

- 4.72 The physical effects of ground movement and vibration are minor, and can be mitigated by monitoring, in-tunnel works and temporary works to three listed buildings. Policy 7.8 of the London Plan 2011 (Consolidated with Further Alterations 2015) seeks the sensitive management and promotion of heritage assets, and Policy CS12 of the City of London Local Plan 2015 seeks the conservation or enhancement of the significance of the City's heritage assets and their settings. Policy DM12 in the Development Management Policies of the Local Plan aims to sustain and enhance heritage assets.¹¹⁰
- 4.73 The aims of these policies are met through the proposal to carry out temporary precautionary work that will have no long-term effect, but will avoid harm from the tunnelling works.
- 4.74 The policies of both plans are recently adopted, are fully consistent with the NPPF and are thus to be regarded as up to date. There are no relevant emerging policies.

15 The extent to which the works would accord with the National Planning Policy Framework and in particular the desirability of sustaining or enhancing the character or appearance of the heritage assets

Principal references: LUL31 paras.344-351; LUL5/A paras.4.1.5-4.1.10, 19.1.4, 7.1.2, 7.2.1-1.2.2; LUL8/A para.8.1.25.

- 4.75 The works are temporary but necessary to protect the interest of the buildings, and ensure compliance with the requirement in paragraph 132 of the NPPF which states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Overall the effects on heritage assets will amount to no more than minor harm, and any harm that may occur is outweighed by the public benefits of The Scheme as set out in paragraph 134 of the NPPF.¹¹¹

16 If consent for the works is granted, the need for any conditions to ensure they are carried out in a satisfactory manner.

Principal references: LUL31 para.352; LUL5/A paras.6.4.1 and 21.3.1(ii); LUL8/A para.8.1.17; LUL16/A; LUL19; LUL27 and LUL27A.

- 4.76 Proposed conditions are included in the Heritage Statements which accompanied the listed building consent applications for the potential protection works. They cover time limits, approval of

¹¹⁰ CD/C44, REP/3.2b, LUL5/A 4.2.1 & 4.3.2

¹¹¹ LUL8/A section 8

details, temporary works, monitoring, making good and the identification of approved drawings. The conditions have been reviewed and agreed by the City of London Corporation and Historic England.¹¹²

17 Any other relevant matters which may be raised at the Inquiry.

- 4.77 The effect on the Bank Conservation Area of the demolition of the Whole Block Site, which has already been granted permission, would be a temporary minor adverse one through being a building site for longer due to the underground works.¹¹³ The character and appearance of the conservation area is presently harmed by overcrowding.¹¹⁴ The completed Over Site Development would permanently enhance the character and appearance of the conservation area through the relocation of the historic façade of 20 Abchurch Lane. The effect on a non-designated heritage asset at the former King William Street Station is low.¹¹⁵

Specific Matters Relating to Individual Objectors and Other Representations

Outstanding Objectors

- 4.78 The responses to the remaining 8 Objectors are set out in LUL30, albeit that document includes Objector 19, which was withdrawn on the last day of the Inquiry. The responses to the Representations are in LUL18, again with the withdrawal of one representation, REP/1, after that document had been prepared.
- 4.79 *The Fishmongers Company [OBJ/10]*¹¹⁶ This Objector does not oppose the objectives of the scheme and is one of the freeholders of 10 King William Street. The entire Whole Block Site is required in order to construct the underground works and to accommodate the eventual scheme with escalators rather than lifts, which offer greater resilience and are preferred by users, and an entrance on Cannon Street where the pavement is wider and there is a better connection with Cannon Street mainline station. A smaller part of the site would bring health and safety disadvantages of confined working, whilst the whole block provides for efficient and safe working, and room for welfare facilities. With room to sink a shaft in the northern corner to access the Low Level Sewer 2 (and for compensation grouting if required), works originally planned in Walbrook can be minimised. The movement of lorries would be improved as there would be capacity for tunnel waste storage. The fact that a retail unit will be developed as well as the station facilities is in response to the City of London seeking active frontages.

¹¹² CD/A25b section 7, CD/A27b section 7, LUL/16a

¹¹³ CD/A16j, LUL5/A section 7.2

¹¹⁴ CD/C28 section 8

¹¹⁵ LUL5/A section 7.1, CD/D24

¹¹⁶ See LUL30 2.1.4 for references to LUL's response

Phoenix House was considered, but it is too small and the wrong shape for escalators to be included. It is not in a good location for lift access as it is not above the DLR platforms. The Whole Block Site meets the aims of The Scheme and the design life of the station is significantly longer than that of commercial property in the City. Any perceived interference with rights under the European Convention on Human Rights is outweighed by the public benefits of The Scheme. Negotiations continue with this objector.

- 4.80 *Trust for London [OBJ/12]*¹¹⁷ This Objector is also one of the freeholders of 10 King William Street and the objections and hence the responses are largely similar to those for objector OBJ/10 above with regard to whether the compulsory purchase is for The Scheme or commercial development, and whether there are alternatives. In addition with regard to the suggestion that a temporary acquisition only would be needed, this is not feasible as 10 King William Street needs to be demolished to enable the works to be carried out. LUL has made two offers to acquire by agreement and the latest remains open for acceptance with negotiations continuing.
- 4.81 *McDonald's Real Estate, McDonald's Restaurants Ltd [OBJ/16]*¹¹⁸ Leaseholder of 143 to 149 Cannon Street. With regard to the adequacy of the time for relocation, offers have been made that would have allowed time to find premises. Whilst no response has been received, if the objector were to enter into the agreement that had been offered, that would have allowed 10 months to find and relocate, as at March 2015. 145 Cannon Street is part of the Whole Block Site and the entire site is required as previously detailed for OBJ/10 and OBJ/12. LUL's engagement with the objector is summarised in LUL/30 2.3.4-2.3.6 and in table 3 of that document.
- 4.82 *Bhupendra Patel [OBJ/23]*¹¹⁹ The freeholder of 87 King William Street, is concerned about noise and vibration during construction, but no significant adverse effects are predicted due to the incorporation of mitigation measures and the settlement risk associated with the construction, commissioning and operation of The Scheme is slight. Track within the new tunnel will be designed and constructed to ensure that operational noise and vibration will not be significant. Numerous attempts to reassure Mr Patel have been made, with telephone discussions, follow-up letters and e-mails, with the offer of a settlement deed to formalise the process, but with no response. LUL's attempts to engage with the objector are summarised in LUL/30 2.5.4-2.5.6 and in table 4 of that document.

¹¹⁷ See LUL30 2.2.3 for references to LUL's response

¹¹⁸ See LUL30 2.3.3 for references to LUL's response

¹¹⁹ See LUL30 2.5.3 for references to LUL's response

- 4.83 *Prudential Annuities Limited [OBJ/24]*¹²⁰ Freeholder of 1 Princes Street. The claim that compulsory purchase is premature is unfounded as there is no planning related impediment to the grant of deemed planning permission and the Promoter has a very clear idea how it intends to use the land. The response to the concern about noise and vibration is similar to that for OBJ/23. A settlement deed had been agreed with the objector's lawyer on 28 April 2015 and was waiting to be signed at the close of the Inquiry.
- 4.84 *Wolfe Commercial Properties Limited [OBJ/29]*¹²¹ Freeholder 29 – 32 St Clements Lane, 33-36 Lombard Street and 8 Lombard Court. Objection is made on grounds of insufficient information, no supporting evidence of benefits and regarding alternatives. The property is required for protective works that may be required to protect the building prior to, during or after The Scheme works, and whilst outside the 1mm settlement zone, an offer of a settlement deed has been made. There has been a change of agent and LUL continue to negotiate on whether all issues have been addressed – see LUL/30 2.7.4-2.7.5 and table 5.
- 4.85 *Vodafone [OBJ/37]*¹²² Leaseholder of 135 to 141 Cannon Street within the Whole Block Site. The tenancy expired on 25 March 2015 and LUL, as landlord, has offered a new short-term lease to enable them to stay in the property until it is needed. Objections on there being no attempts to acquire by agreement are unfounded, the purpose of The Scheme cannot be realised without acquisition of the entire Whole Block Site for the reasons previously set out with regard to OBJ/10, and similarly with any issues over the European Convention of Human Rights. The Scheme has been proven to be deliverable, it is funded and a refusal of the deemed planning application would conflict with policy. At the close of the Inquiry a response was awaited regarding an undertaking and agreement.
- 4.86 *First Investments & Oakcrown Properties Limited [OBJ/39]*¹²³ In relation to 18 King William Street, objections concern the effect on Nicholas Lane during the works, and the effect of dust, smoke and noise levels on tenants. The northern section of Nicholas Lane between King William Street and Cannon Street will need to be closed during the nine month demolition phase, but servicing of 18 King William Street will be maintained, vehicles being supervised by the site traffic marshal. Measures will be put in place to control dust, smoke and noise as set out in the CoCP. LUL's attempts to engage with the objector are summarised in LUL/30 2.9.5-2.9.10 and in table 6 of that document.

¹²⁰ See LUL30 2.6.3 for references to LUL's response

¹²¹ See LUL30 2.7.3 for references to LUL's response

¹²² See LUL30 2.8.3 for references to LUL's response

¹²³ See LUL30 2.9.4 for references to LUL's response

Outstanding Representations (other than those termed Supporters)

- 4.87 *Olivegate Properties Ltd [REP/4]*¹²⁴ This property, 24 Cornhill, is only included in the Order in case any protective work or works of survey or investigation are required. No significant adverse impacts are likely to affect the property and the benefits of The Scheme to the City will directly benefit the owners.
- 4.88 *The Bishop of London [REP/7]*¹²⁵ The Bishop is supportive of the aims, and states that there is an excellent working relationship with LUL's team. A Faculty Licence has been applied for with regard to works to St Mary Abchurch and provision made in the Order for this jurisdiction to be dis-applied, but only as a long-stop in case of delay, since there are no statutory timescales in the Faculty jurisdiction. A further application for the jurisdiction to be overridden on some later date as suggested would not provide that certainty.
- 4.89 There are no remaining objections to the principle of The Scheme or the use of the Arthur Street worksite, and there are twice as many supporters than objectors. A categorised summary can be found at LUL/31 paras.360-369.

Overall Conclusions of the Promoter

- 4.90 The Order is necessary to fulfil the aims and objectives of The Scheme to address the present shortcomings in the capacity and operation of the whole Bank Monument station and to ensure resilience for the future, with substantial public benefits.
- 4.91 With regard to the listed building consents, in order to protect the significance of both Mansion House and 1 – 6 Lombard Street, (as well as St Mary Abchurch, under separate jurisdiction), works that require listed building consent are necessary, and any harm that may occur is outweighed by the benefits of The Scheme.
- 4.92 The Scheme is the appropriate, and urgently required, response to addressing the identified need. It provides excellent value for money with a very high cost-benefit ratio, is consistent with policy at all levels, accords with the development plan and is itself sustainable development. The listed building consent applications meet the statutory tests. Compulsory acquisition and use of the land identified in the draft Order is necessary to allow The Scheme to proceed, and there is a compelling case in the public interest to justify the requisite interference with property rights, having regard also to the payment of compensation.
- 4.93 In light of the above, it is requested that it is recommended that the Order be made (incorporating the minor amendments contained in LUL/12B and explained in LUL/12D), that the direction for deemed planning permission be made, subject to the

¹²⁴ See LUL18 3.1.1-3.1.10 for references to LUL's response

¹²⁵ See LUL18 4.2.1-4.2.8 for references to LUL's response

conditions in LUL/14D, and that the two listed building consent applications be granted, subject to the conditions in LUL/16A.

5. THE CASE FOR SUPPORTERS OF THE PROPOSED TRANSPORT & WORKS ACT ORDER AND THE APPLICATIONS FOR LISTED BUILDINGS CONSENTS

The material points were:

Pickthorn Estate Agents and Chartered Surveyors [SUP/1]

- 5.1 Estate agents representing occupiers within the City of London, the proposed upgrade will result in a noticeable improvement in the life styles of the working populace and enhance business and productivity. There is a need to compliment new development and capacity for workplaces.

London Borough of Wandsworth [SUP/2]

- 5.2 The Council's Strategic Planning & Transportation Committee, and the Executive, meeting in July 2014 agreed that the proposed works are essential to improving the level of service on the Northern Line and will assist many residents working in the Borough. The Council is seeking to ensure the impact of the blockade is minimised with alternatives discussed.

Canary Wharf Group plc [SUP/3]

- 5.3 Bank Station is a key interchange to the DLR for workers at Canary Wharf. The working population of Canary Wharf is over 105,000 and is set to rise to 200,000 by 2025, and efficient public transport and passenger capacity is essential to support growth in the east of London.

London Borough of Merton [SUP/4]

- 5.4 The number of passengers using the Northern Line continues to grow, and it suffers severe overcrowding along many parts of the line. Merton Council supports the application and the potential to increase the frequency of service. It is essential that details of alternative travel options are set out during the closures.

London Borough of Haringey [SUP/5]

- 5.5 Residents of the Borough are well aware of the high levels of usage of the Northern Line and overcrowding particularly in the central area. The proposal would increase the number of trains on the City branch from 22 an hour to 32, and on the West End branch from 20 an hour to 28.

London Chamber of Commerce and Industry [SUP/6]

- 5.6 The Bank Station is at the heart of the City and is a major gateway to it. The DLR provides direct communication between the City and Canary Wharf, the two financial districts of London. The City needs to grow and respond to future needs and this

means more capacity in the transport network. Bank is a highly complex station with multiple entrances and is operating at capacity. The works are required as soon as possible and any delay could have knock-on effects.

London First [SUP/7]

- 5.7 London First is a business partnership to make London the best city in which to do business. Bank Station is a major gateway to the City and to Canary Wharf. If people struggle to access the City it will not function properly and the effect of not carrying out the works would be costs to business and a deterrent to future investment. Timing is critical in view of the level of growth taking place.

London Borough of Lambeth [SUP/8]

- 5.8 The Northern Line experiences high levels of usage particularly at Clapham North and Stockwell. The Scheme will provide much needed additional capacity in trains per hour on both the West End and the City branches.

City of Westminster Council [SUP/9]

- 5.9 The upgrade is in line with the aims of City Plan Policy S43 to support and promote improvements to transport including central London networks which impact on Westminster. The increased line capacity is welcomed and the West End branch passes through Westminster with benefits to passengers at Embankment, Charing Cross, Leicester Square and Tottenham Court Road.

London Borough of Southwark [SUP/10]

- 5.10 Bank Station is an important interchange for people to and from Southwark and not carrying out the works will worsen the situation assuming continued passenger growth. The upgrade will benefit south-east London which historically has been less-well served.

London Borough of Camden [SUP/11]

- 5.11 The upgrade will allow capacity improvements on the Northern Line as a whole which will help support Camden's growing population. The Borough has 12 Northern Line stations including key interchanges at Tottenham Court Road, Euston and Kings Cross/St Pancras. The Northern Line at Camden already suffers from some of the worst overcrowding on the Underground, so improved capacity will improve conditions. The proposed step-free access is welcomed as the Borough is committed to reducing inequalities and supporting projects which improve access for the least ambulant people.

London Borough of Barnet [SUP/12]

- 5.12 The additional line capacity will help accommodate the levels of growth expected over the coming years.

London Borough of Hackney [SUP/13]

- 5.13 The Northern Line directly serves the Borough at Old Street Station at the heart of the rapidly emerging 'Tech City' at the Shoreditch/Hoxton area. It also serves the Borough indirectly through interchanges elsewhere. Bank Station is a vital interchange for many Hackney residents, workers and visitors. Capacity increase will be a benefit.

London Borough of Tower Hamlets [SUP/14]

- 5.14 Many of the Borough's residents and commuters use the Bank-Monument Stations and there is overcrowding. The Borough supports removing this bottleneck to connecting services. The Borough wishes to see full mobility access, to ensure better connectivity.

London Travel Watch [SUP/15]

- 5.15 This is the official body set up by Parliament to provide a voice for London's travelling public. The upgrade is vitally needed and is of regional if not national importance. Elements of criticism such as the possibility of another entrance onto King William Street have been addressed by LUL, but step-free access to the Central Line remains an aim that should be a requirement of The Scheme, subject to the terms of LULs' response.

London Borough of Islington [SUP/16]

- 5.16 The Scheme will improve the capacity and reliability of the Northern Line by reducing overcrowding. The provision of step-free access between the Northern Line and the DLR will connect people with restricted mobility within the Borough to new employment opportunities, along the DLR. The closure will affect Islington residents and there needs to be clear and prominent communications to help mitigate the effects.

Third New Court Limited and N M Rothschild & Sons Limited [SUP/17]

- 5.17 Have consistently supported the principle of The Scheme which will provide much needed improvements to Bank Station and the London Underground operations in a key area of London.

City of London Corporation [SUP/18]

- 5.18 Following the agreement on amendments, conditions and the CoCP the City Corporation is a strong supporter of The Scheme as set out in Mr Everett's evidence.¹²⁶

Grocer's Hall Ltd and The Wardens & Commonality of the Mystery of Grocers of the City of London [SUP/19]

¹²⁶ REP/3.2

- 5.19 Support The Scheme which will provide great improvements to Bank Station and to London Underground operations in the City.

AG 24 KWS Limited and AG 24 KWS GP Limited [SUP/20]

- 5.20 Support the principle of The Scheme and specifically the capacity enhancements and the new Bank Station layout.

Historic England (formerly English Heritage) [LBC/1 & 2]

- 5.21 The works are designed to mitigate harm to the fabric of the listed buildings that may arise from ground movement. The harm that could be caused by the listed building consent works would be temporary and would be outweighed by the significant public benefits brought about by the Bank Station Capacity Upgrade Scheme in accordance with paragraph 134 of the NPPF. The proposed list of conditions is also supported. Historic England is pleased to hear that five of the listed building consent applications are withdrawn and remain supportive of the project.

6. THE CASE FOR THE OBJECTORS TO THE PROPOSED TRANSPORT & WORKS ACT ORDER

The material points were:

The Fishmonger's Company [OBJ/10]

- 6.1 The objector owns the freehold interest of Plots 101 and 156. The Fishmonger's Company does not oppose the objective of The Scheme, but objects to the inclusion of 10 King William Street ('the Property') and more particularly the acquisition and demolition of the Property. It is disproportionate to acquire and demolish the property for a retail use that may not even be accessed from the new station. The objective could be achieved by partial site acquisition, the Whole Block Site excluding the Property. There is insufficient justification for not pursuing this option. Phoenix House was considered and there is insufficient evidence that the disadvantages of Phoenix House outweigh the disadvantages of acquiring and demolishing the Property. In light of this, the proposed interference with their human rights is disproportionate.

Trust for London [OBJ/12]

- 6.2 The Trust has no objection to the principle of increasing capacity at Bank Station, but it is a leading grant-making charity in London and its ability to do this is dependent to a substantial extent on it maintaining and increasing the value of property. This includes 23-25 Abchurch Lane, Plot 99 (the Premises) which forms part of 10 King William Street. The Premises are let on long-term geared ground leases and are significantly more valuable than open market rental and ultra-secure. They are rare and owners are reluctant to sell them.

Compulsory acquisition would not provide for the Trust to re-invest in property of equivalent value and this would adversely affect the Trust's strategy of helping the poor and disadvantaged. It appears that the draft Order seeks to acquire the Trust's property on a permanent basis for purposes that have no connection with the upgrade, and it is not in the public interest and infringes Article 1 of the First Protocol. No consideration has been given to the temporary acquisition of the premises, which become surplus after completion. Phoenix House was considered and its smaller size does not appear to have been the reason for not choosing it.

McDonald's Real Estate, McDonald's Restaurants Ltd and West One Food Ltd [OBJ/16 and OBJ/16.1]

- 6.3 The restaurant at 143 – 149 Cannon Street, Plot 106, occupies a prominent position, employs many staff and trades strongly during the day and night. The Scheme has not been adequately justified and the Base Option of a ticket hall on King William Street would avoid the need for acquisition, which is not in the public interest. There would be insufficient time to relocate and safeguard the business as this could be as the minimum period between the first Notice and taking possession could be as short as three months.

Bhupendra Patel [OBJ/23]

- 6.4 The freeholder of 87 King William Street, although informed that there would be no tunnelling work under the property, is still concerned that the property may be affected by noise and vibration, and ground settlement during the excavation.

Prudential Annuities Limited [OBJ/24]

- 6.5 The use of compulsory purchase is premature as no attempt has been made to negotiate, and the construction period may cause disruption to the interest in property.

Wolfe Commercial Properties Limited [OBJ/29]

- 6.6 Insufficient information or explanation has been provided to enable proper understanding why the inclusion of the subject interest is required, and there is no supporting evidence to demonstrate the benefits of using the property in this location as opposed to using alternative sites or methods.

Vodafone Ltd [OBJ/37, OBJ/37.1 and OBJ/37.2]

- 6.7 No attempts have been made to acquire the property, 135-141 Cannon Street, occupied by the objector by agreement and so the Order is premature. It has not been demonstrated that the property is required to deliver The Scheme, rather it appears to be required for the commercially driven Over Site Development. More appropriate alternatives are available. It has not been demonstrated that there is a compelling case in the public interest

and the powers sought are unnecessary, unreasonable, disproportionate and unjustified.

However, by letter dated 13 April the objector advised that agreement had been reached, was awaiting formal completion and that withdrawal of the objection was anticipated.¹²⁷

First Investments & Oakcrown Properties Limited [OBJ/39]

- 6.8 The owners of Phoenix House are concerned about noise, disturbance and vibration affecting their ability to let the premises during the works and about arrangements for access to, egress from, and servicing of the building during closures/partial closures of Nicholas Lane.

7. OTHER REPRESENTATIONS ON THE PROPOSED TRANSPORT & WORKS ACT ORDER

The material points were:

Olivegate Properties Ltd [REP/4]

- 7.1 The freeholder of Change Alley and 24 Cornhill has served a counter notice. With no formal objection to The Scheme the notice is precautionary and dependent on protection of the value and structure of the freeholder's interests, seeking recompense for any effect on lettings, reduction in capital value, or damage to fabric.

The Bishop of London [REP/7]

- 7.2 The works will potentially have a significant impact on a number of Grade I listed churches of national and international importance, particularly St Mary Abchurch. The Diocese and LUL have been working well together with the joint intention of minimising the potential for harm, and to ensure that the work of the Church in the community is not impaired. A Memorandum of Understanding has been agreed between LUL and the Diocese. The Scheme responds to a much needed improvement to the transport infrastructure within London and particularly the City. The Diocese is confident that the Consistory Court can deal with any applications for a Faculty without the need to rely on Section 5(4) of the Order, but that a suitable compromise would be for the Secretary of State to dis-apply the jurisdiction of the Court in particular instances. This means that the jurisdiction of the Court would be retained unless delays or other concerns indicate an application to the Secretary of State is appropriate but would not dis-apply the jurisdiction wholesale.

¹²⁷ OBJ/37.2

8. INSPECTOR'S CONCLUSIONS

[Numbers in square brackets [n] denote source paragraphs]

- 8.1 The considerations arising from the proposed Transport and Works Act Order, and the applications for deemed planning permission and listed building consents overlap to a considerable degree. I structure these conclusions around the matters about which the Secretaries of State have indicated that they particularly wish to be informed before setting out my overall conclusions.

The proposed Order and application for deemed planning permission

The aims and need for The Scheme (Matter 1)

- 8.2 For operational purposes, Bank Station includes Monument Station. Five sets of platforms serving six lines – Northern, DLR, Central, Circle, District and Waterloo and City – are spread over a considerable distance. The station has developed over an extensive period with each line arriving at different times between 1884 when the Monument Station lines were first constructed, to 1991 when the DLR was constructed below the Northern Line platforms. The piecemeal nature of its evolution is reflected in the complex layout of the whole which has been described as a series of individual stations and connecting passageways.^[2.2, 4.4]
- 8.3 During a conducted tour I witnessed congestion in below-ground passages in the morning peak period. In particular at the lowest part of the complex, DLR trains were terminating at the platforms at such a frequency and loading that the queue for the escalator to the higher levels, for exit to the surface or interchange to other lines, was not clearing before the next train arrived. Similar bottlenecks and conflicting pedestrian movements were seen at various other points around the station.^[1.5, 4.7]
- 8.4 Whilst regular users of the station would be aware of their routes, the layout is complicated and the routes tortuous and conflicting in places. The station entrances tend to be narrow and consist of stairs in the pavement or buildings, with the ticket halls being below ground level on three sites. Many of the passageways are narrow and whilst signs are in place to encourage one-way movement, these were seen to be regularly ignored during my visit.
- 8.5 The step-free access consists only of a lift lobby on the north side of King William Street with little externally visible signage and then only giving access to a lower landing for a change to another lift, to a lower corridor requiring travel to yet another lift to the DLR platform. This provision of step-free access maintains the accessibility of the DLR, a feature of that system, but does not give step-free access to other lines served by Bank Station. The estimate of the present emergency evacuation time is between 12 and 20 minutes, due to the nature of the link with the surface.

- 8.6 During times of heaviest use, the station is only kept functioning by operational controls employed to ensure the safe use of the station and to avoid excessive overcrowding. These interventions, such as not stopping the Central or Northern Line trains or suspending the DLR, are far from satisfactory as they result in inconvenience and longer journey times. The need for them presents, perhaps, the clearest picture that the station is currently not fit for its purpose. These interventions are forecast to be needed with increased regularity if nothing is done. [4.5, 4.6]
- 8.7 During my visit I saw staff employed in certain locations with the aim of maintaining circulation and assisting passengers, but at that particular time there was not the need to employ the more intrusive measures referred to. The visit did, however, coincide with a disruption to the Central Line service so that, overall, passenger numbers were reduced.
- 8.8 The aims of The Scheme are to address the identified shortcomings and to fit the station for the future, making it more resilient to untoward incidents and better able to accommodate the increased passenger numbers forecast and the higher train frequencies planned. In addition to improving capacity and hence journey times, there would be an improvement to the quality of the station as experienced by users, in the quality of access, interchange and ambience, that quality being low at present. [4.3, 4.5]
- 8.9 A major part of the below-ground works is the tunnelling of a completely new southbound line and platform for the Northern Line, diverging from the existing line of the route to the north of the Bank road junction, and running parallel and to the south-west of it, before converging with the existing route north of London Bridge. This would free the existing tunnel and platform for use as enlarged concourse space and for the provision of improved access to the DLR. Other new below-ground works would improve the links between the various parts of the station. The other major work is the formation of the new station entrance on Cannon Street with escalator and lift access to below ground. Taken together these measures would provide step-free access to all but the Central Line and increased capacity and improved fire and evacuation performance throughout. [2.5-2.7]
- 8.10 There is an obvious pressing need for an upgrade at this station to enable it to continue to support growth and investment in the City which is of national importance. The need has long been recognised as the project is incorporated into a number of policy documents. In its current state, the station will not be able to cope with future forecast increases in passenger numbers nor meet modern day standards, especially in the areas of accessibility and safety. Operational controls would be needed with increasing frequency. The station would not be fit to function as the main gateway into the City of London. There is an undisputed proven need for The Scheme; it has received an exceptional level of

support, and not one objection to the principle. The aims and objectives to address the identified deficiencies have been properly identified by the Promoter. [3.7, 4.1, 4.7, 4.11-4.27, 5.1-5.21]

Alternatives (Matter 2)

- 8.11 The Environmental Statement Chapter 5 '*Consideration of Alternatives*' sets out the methodology employed for analysing the shortcomings, considering options and developing The Scheme. The studies of need and the design work have been carried out over a 13 year period:
- 2002 – 2005, identification of the intervention required to address the current and future need.
 - 2005 – 2009, development of options.
 - 2009 – 2012, option development and looking at the most appropriate solutions.
 - 2012 – date, engagement of contractor and assessment of design and alternatives. [4.9]
- 8.12 In view of the problems already encountered and expected to worsen, doing nothing was not an option. A solution had to be found taking into account the nature of the particularly constrained environment within which the station sits with an array of built development both above and below ground, many important heritage assets, and heavily trafficked roads. The aims have been to minimise the land-take, construction vehicle movements, and disruption to the existing operation of the station; these considerations being in the public interest. In addition, the chosen scheme has to provide value for money. [2.1, 2.3-2.4, 4.8, 4.63]
- 8.13 Early stage assessment indicated that localised capacity improvements would merely shift congestion elsewhere and that a more holistic approach was necessary. The outcome of the second stage, option development work, was the current scheme in its infancy with a new Northern Line southbound running tunnel and station entrance at 10 King William Street. Subsequent detailed development of the scheme, with consultation, identified the need for a larger working area, the Whole Block Site, a second satellite or construction work site and the preferred location of the new station entrance on Cannon Street. Work done since 2012 with the engagement of the contractor has resulted in improvements to the design and construction methods. [2.8]
- 8.14 One area that has been stated as a concern of Objectors 10 and 12 is the use of the entire site known as the Whole Block Site, rather than the alternative of making use of Phoenix House as the new station entrance, or a smaller part of the Whole Block Site. The use of the Whole Block Site has also prompted the objections from Objectors 16 and 37, occupiers of retail units in that block. [6.1 -6.3, 6.7]

- 8.15 Phoenix House was considered as an option but would have been too small for the design as developed to include escalators, and it is not in the right location to be able to access the DLR with a single lift shaft. That single vertical movement is a significant improvement over the present situation of three separate lifts and is therefore a significant benefit of The Scheme as whole. The use of the Whole Block Site provides room for safe working during construction and the storage of tunnelling waste, and is adjacent to St Mary Abchurch if compensation grouting is required. The use of the Whole Block Site is necessary in achieving the aims of The Scheme, and the stated alternative of Phoenix House or a smaller part of the Whole Block would not achieve the benefits sought. [4.79-4.81, 4.85]
- 8.16 The provision of a second work site would provide many benefits, not least in reducing the overall construction timetable. Alternatives to the use of Arthur Street as a second work site have been explored and found impractical or inferior. Arthur Street has clear and significant advantages in that it is free of buildings, is a relatively quiet road and it sits directly above the disused King William Street Station and the line of the new running tunnel. [2.9-2.10, 2.27,]
- 8.17 Proper consideration has been given to alternatives during the lengthy analysis and design phases, including a Backcheck Report. The Scheme has been developed in a good deal of detail, now with the design input of the appointed contractor. The reasons for choosing The Scheme as now proposed have been explained in detail. The option pursued through the Order is that which would best meet the aims and objectives and hence the rejection of other options, have been justified. [4.10]

Consistency with policies (Matter 3)

- 8.18 The Scheme accords with a wide range of policy documents including the provisions of the Development Plan (the London Plan 2011 (consolidated with further alterations in March 2015) and City of London Local Plan 2015), non-statutory strategies and guidance at all levels. There are no objectors claiming that The Scheme conflicts with the Development Plan or any other planning policy. Not only is The Scheme supported by general policies aimed at promoting economic growth and investing in the necessary infrastructure required to support it which should be accessible to all; some of the policy documents referred to specifically identify the project, promoting the upgrade of Bank Station with a timetable for delivery. The scheme is shown to be essential to maintaining the success of the City of London as a global financial centre and its importance nationally is clear from its place as one of the Government's top 40 priority investments. There are no emerging policies to be taken into account and the Development Plan is up-to-date. [4.11-4.27]
- 8.19 The weight of policy support for this project is exceptional.

Impact on land owners, tenants and statutory undertakers (Matter 4)

Noise, vibration, dust and construction traffic during the works (4a)

- 8.20 The Promoter has considerable experience of works such as those proposed close to occupied buildings and the appointment of the contractor at an early stage of the process has assisted in designing-out some impacts. It should be borne in mind that the over site redevelopment of the Whole Block Site has been granted planning permission subject to conditions and hence that work has been found to be acceptable in its noise, vibration and construction traffic effects. [2.28-2.29, 4.29]
- 8.21 In addition to avoiding impacts through design, there is scope for mitigation of the effects through in-tunnel measures and the control of construction material deliveries and the removal of tunnel waste material. The use of the second work site at Arthur Street is a significant contributor to this end. [2.9, 4.9]
- 8.22 Three locations have been identified that would be subject to SOAEL caused by the demolition and above ground works. These are sensitive due to their construction and/or use and comprise the church of St Mary Abchurch, a restaurant/club nearby, and a property close to the Arthur Street site. In relation to the first two there is some overlap with the construction of the Over Site Development previously permitted, but the excavation of the station box will be in addition. The base noise climate near the Arthur Street site is such that no significant adverse effect is expected. The effects would be temporary and can be further mitigated such as with the use of acoustic hoardings. No significant adverse effects are anticipated from vibration arising from demolition and above ground works. [4.29 - 1st bullet]
- 8.23 The main effect from below ground construction would be where there is a pile interception (4 identified with the possibility of a further 4). There is a robust regime for addressing these as they occur depending on the type of pile encountered and its precise location relative to the tunnel profile. The CoCP contains commitments to control the effects. No significant effects are predicted. [4.29 - 2nd bullet, 4.37-4.39]
- 8.24 The engagement of the contractor and further refinements to the design have reduced works needed in connection with utilities diversion and compensation grouting such that significant adverse effects are limited to St Mary Abchurch and 15 Abchurch Lane. Measures are proposed to mitigate the effects which would be short lived in duration. [4.29 - 3rd bullet]
- 8.25 In terms of operational noise and vibration, with the incorporation of mitigation measures, no significant adverse effects are predicted from fixed plant. With regard to the running of trains, at all noise sensitive receptors noise and vibration will not be

significant. LUL has committed itself to the imposition of a condition restricting maximum noise levels which might require the installation of high performance track in some places, for example where complete separation between a pile and tunnel structure cannot be achieved. [4.29 – 4th bullet]

- 8.26 No significant adverse effects from dust are anticipated with the imposition of tried and tested measures contained in the CoCP. [4.30]
- 8.27 Construction traffic generated would result in a relatively small addition to the already high number of existing vehicle movements on the local road network giving rise to only a very minor increase in noise. Delay and congestion should be avoided by the phasing of the works, controls at the Arthur Street site and other measures introduced to manage traffic. No significant adverse impacts are expected. [4.30]

Access and servicing of properties (4b)

- 8.28 The two locations where access to properties would be affected during the works are those close to the Whole Block Site and to the Arthur Street site. These locations were visited during the accompanied tour of the above ground land and comprise properties fronting two relatively narrow lanes to either side of the Whole Block Site – Abchurch Lane and Nicholas Lane – and the properties gaining access by way of Arthur Street. One of the latter is currently a redevelopment site. [4.31]
- 8.29 The Promoter intends setting up a Working Group with businesses and occupiers affected to ensure access would be maintained, albeit with some changes and with the use of site marshals to oversee the safe passage of vehicles. In such a densely built-up area such an arrangement is unavoidable and not uncommon. The arrangements would keep the impacts within acceptable limits to enable the normal functioning of neighbouring businesses. [4.32]
- 8.30 A third set of locations, London Bridge, Grocers Hall Court, Mansion House Place and Sherborne Lane, are included in the Order as being temporarily stopped-up, but only as a precaution as no works are planned. There is at present no reason to consider servicing arrangements will be altered. If that situation needs to be amended, the Working Group regime should be able to address the matter. [4.31]

Impact of the closure of Walbrook during the works (4c)

- 8.31 There is no longer a need to close Walbrook. [4.33]

Impacts of using Arthur Street during the works (4d)

- 8.32 The use of Arthur Street as a second work site has significant benefits in reducing the land take as it is highway; of facilitating the tunnelling works because of its advantageous position; and in facilitating the delivery of materials and the removal of waste. It

would provide a location for the concrete batching plant and act as a lorry marshalling facility. No alternative second works site compares favourably. [2.9-2.10,]

- 8.33 LUL intend carrying out utility diversion works along Arthur Street ahead of the Order works to save time. No statutory undertaker is an objector and their interests are protected by Schedule 11 to the Order. [2.27, 4.35]
- 8.34 There would be impacts on neighbouring properties from noise, vibration and construction traffic; on access and servicing, and on sale and letting value – these are all dealt with under other Matters. Adverse visual effects have also been identified and the Promoter’s views on the sensitivity of those affected appear reasonable. The site is in a prominent location and the above-ground plant will be highly visible and somewhat intrusive. However, the visual harm caused has to be weighed against the substantial benefits arising from the use of this site with ready access to existing below-ground tunnels. Moreover, use of the site would result in an overall time saving of 18 months for construction of The Scheme consequentially reducing the time that adverse effects from construction would be experienced. That is, I consider, a significant benefit. Elsewhere in these Conclusions I comment on the effect on King William Street Station as an undesignated heritage asset. [4.34]

Impacts of the works on foundations and structures of properties (4e)

- 8.35 The proposed new running tunnel works would pass under buildings, as would some other underground works. The two work sites would be near buildings and shafts would be sunk from those locations. The area has a considerable amount of below-ground utilities and other services. LUL has extensive experience of tunnelling in this sub-soil material and as with issues about noise and vibration, the early appointment of the contractor with some design responsibilities has added to the certainty of the outcome. Potential impacts would be likely through pile interception or settlement. [4.36]
- 8.36 A thorough process has been undertaken to identify the buildings that could be affected by the works and to gauge their sensitivity to damage. The buildings have been assessed using a conservative, risk-based screening process that progressively eliminates buildings that would not be significantly affected from further consideration, by the use of increasingly sophisticated models. Three stages of assessment have been carried out according to sensitivity and having regard to the results of the preceding stage. Listed buildings have undergone a particularly rigorous assessment as set out later in my Conclusions. The result of this process is that any building damage is assessed at no more than slight and, in the case of listed buildings, negligible. [2.18-2.21 4.40-4.41]

- 8.37 Considerable work has been carried out to identify the location of possible pile interceptions and where unavoidable a site specific solution would be employed. Where a pile can be cut and isolated from the tunnel structure then that would be done but if the load carried by the pile needed to be transferred prior to being cut then underpinning solutions would be adopted^[4.37-4.39].
- 8.38 Monitoring during and after construction is proposed as a safeguard to enable any necessary action to be taken in the event that movements exceed predictions. ^[4.42]

Impacts on security and business continuity (4f)

- 8.39 Draft agreements have been issued to all tenants within the Whole Block Site so that they have the maximum notice of the need to find alternative premises and relocate. The Order provides for a period of notice that would result in the earliest date being 11 January 2016. Objectors 10, 12, 16 and 37 are those affected by the acquisition of the Whole Block Site and it is my opinion that reasonable steps have been taken by the Promoter to assist in any site search and relocation required, and hence to ensure business continuity for those affected. ^[4.43-4.45, 4.79-4.81, 4.85, 6.1-6.3, 6.7]
- 8.40 In addition, and as set out in other sections of this Matter, access will be maintained and the structural security of buildings safeguarded, and there will be measures to ensure that business is not disrupted by noise and vibration either during the works or through the operation of The Scheme.

Impact on redevelopment potential and value to existing properties (4g)

- 8.41 The evidence presented is of piles commonly being re-used in the redevelopment of a site. 33 King William Street, adjacent to the Arthur Street works site was in the process of site clearance to a basement slab level at the time of my site inspections and that site was the subject of the concerns of Objector 8 who provided evidence on the future marketing of the new building, as well as settlement and pile clash. That objection was withdrawn on the completion of an agreement with LUL.^[1.6]
- 8.42 Whilst measures are in place to address pile interceptions as previously reported, it would be reasonable for the LUL infrastructure to be protected from any future changes to the above-ground development of those sites and the effect on the piles. LUL state that agreement to changes would not be unreasonably withheld but if redevelopment was restricted by the covenant, a claim for compensation could be submitted. With those provisions I consider that the effect on the redevelopment potential and value of existing properties is proportional given the public benefits of The Scheme, benefits that would also accrue to property owners and businesses in the vicinity. ^[4.46-4.47]

8.43 In conclusion on this Matter, there is potential for adverse effects in this type of work, but much of these have been avoided by design, and those that may remain can be satisfactorily mitigated so that the effects are acceptable and outweighed by the benefits of The Scheme.

Impact on vehicular traffic, cyclists and pedestrians (Matter 5)

- 8.44 Vehicular traffic would be affected on a temporary basis by an increase in movements to deliver materials and remove waste from the work sites. In addition the use of Arthur Street will require it to be temporarily stopped-up. The Environmental Statement Chapter 8 has assessed the impact of The Scheme having analysed the current baseline. Whilst there would be an additional 60 vehicle movements a day, the roads in the vicinity are busy and it is reasonable to conclude, as does LUL, that the additional traffic would not have significant adverse effects. The Arthur Street site provides a location for the control of heavy or large goods vehicles waiting to enter the Whole Block Site, and marshals in those locations will ensure the safety of other road users. ^[4.48 1st bullet]
- 8.45 The management of goods vehicles would be controlled under the provisions of the Deconstruction and Construction Logistics Plan and there would be a Traffic Management Plan, both of which would be the subject of planning conditions. ^[4.57]
- 8.46 Only one bus route has been identified that would require diverting for the duration of the use of Arthur Street, and that only in one direction. Having regard to the density of bus routes in the area, this does not appear to be an undue impact on the travelling public. ^[4.48 2nd bullet]
- 8.47 Pedestrian access would be maintained for the most part, with some signposting of alternative routes should they wish. Cyclists may find roads temporarily affected by utility works, and the closure of Arthur Street will prevent use by cyclists as well. However, by dismounting, access as a pedestrian would still be available and this does not impose an unreasonable burden in my judgement. ^[4.48 3rd bullet]
- 8.48 The blockade and closure of the Northern Line is an essential feature to allow the final connections of the new works to the old. Some of the London Boroughs who are supporters of The Scheme expressed concern over this aspect. However, there is clearly no alternative to closure and mitigation such as increased trains on the Charing Cross Branch and the likely availability of Crossrail and the enhanced Thameslink would assist. ^[2.11, 4.48 4th bullet]
- 8.49 I conclude on this Matter that the effect on the road network, and its use by vehicles, cyclists and pedestrians, as well as the effect on users of public transport, would be acceptable.

Measures for mitigating the impact of The Scheme including (a) the CoCP, (b) measures to avoid, reduce or remedy impacts of The Scheme; and (c) to what extent impact would remain after mitigation (Matter 6)

- 8.50 Much of the impacts of The Scheme concern property, the subject of Matter 4, and road, footway and transport users, the subject of Matter 5. In relation to both of these my finding is that the level of impact is both acceptable and justified.
- 8.51 The CoCP, Revision G as presented to the Inquiry, is a comprehensive document that covers an appropriate range of issues, with sections on site operations and working hours, noise and vibration, air quality, land contamination, waste and materials handling and storage, water resources and flood risk, sustainability and preservation, townscape and visual amenity, highways and access, and settlement. Proposed Condition 3 requires demolition and construction to be carried out in accordance with the Code. [4.49 3rd bullet, 4.57]
- 8.52 For the most part potential adverse impacts are either avoided by design or are sufficiently mitigated by compliance with the Code or other in-tunnel measures, as and when required. The selection of a contractor early in the process has been beneficial in this. [4.49 1st bullet, 4.50]
- 8.53 The Promoter has identified, through the Environmental Statement, only three principal significant adverse effects likely to arise on a temporary basis during construction. That of townscape and visual effects from construction activity at the two works sites and from utilities works is unavoidable but the effects will be mitigated wherever possible and the time they are experienced minimised by a reduction in the overall timetable for construction. Some adverse effect has already been accepted in the grant of permission for the demolition and redevelopment of the Over Site Development. The blockade is, as previously stated, necessary and temporary, and alternative patterns of travel can be provided for. Finally, the need for compensation grouting is now unlikely; is no longer proposed in Walbrook; and were this operation found to be necessary, it would be in order to safeguard property including listed buildings. [4.51]
- 8.54 In all I advise that the long term benefits of the works considerably outweigh the likely harm.

The adequacy of the Environmental Statement (Matter 7)

- 8.55 The Environmental Statement has been independently reviewed and found to be adequate with no important omissions, and I have no reason to differ from that finding and no objector has suggested otherwise. The Environmental Statement has been prepared in accordance with the rules and all statutory requirements have been complied with. [4.53-4.54]

Conditions to be attached to deemed planning permission (Matter 8)

- 8.56 The conditions put forward at the Inquiry were endorsed by representatives of the Local Planning Authority, the Corporation of the City of London. The conditions had been developed in consultation with the City and take account of the Local Planning Authority's requirements. No party has suggested any additional conditions not incorporated. ^[1.6, 4.56]
- 8.57 The matters to be controlled by condition are as set out in the evidence of LUL and as discussed at the Inquiry and cover all subjects that need to be controlled and are suitable for use of a condition. These may be summarised as follows: ^[4.57]
- Time for commencement
 - Detailed design and approval of above ground development
 - Compliance with the CoCP
 - The submission of and adherence to a Deconstruction and Construction Logistics Plan
 - Traffic Management Plan
 - Contaminated land
 - Archaeology
 - Recording of the King William Street Station
 - Highway drainage
 - Access for disabled people
 - Travel Plan
 - Site restoration of Arthur Street
 - Operational noise from trains
 - A list of approved drawings
 - Agreement to amendments
- 8.58 The penultimate condition is required because otherwise than as set out in this decision and conditions, it is necessary that the development shall be carried out in accordance with the approved plans for the avoidance of doubt and in the interests of proper planning.
- 8.59 The last condition results from discussion during the round-table Conditions Session at the Inquiry in which I expressed concern as to whether a tailpiece such as '*unless otherwise agreed in writing by the Local Planning Authority*' would be lawful. The Promoter submitted notes on the acceptability of tailpiece conditions with reference to relevant law and guidance, and justification for their use. I am satisfied that the tailpieces as now drafted, and with the use of the final catch-all condition, are acceptable and appropriate as they cannot be used to avoid compliance with the

condition in its entirety and do not permit amendments with materially different effects than those previously assessed. [4.58]

- 8.60 The proposed five year commencement date is longer than standard, but no harm is likely to arise from this and, in any event, The Scheme as a whole is likely to commence before then, according to the timetable put forward. In my view "in consultation with Transport for London" is unnecessary in condition 4 and in condition 5 e) "appropriate" is not sufficiently precise and should be omitted. [2.10, 1.13]
- 8.61 With those provisos, I conclude that the conditions would accord with the tests in paragraph 204 of the NPPF and the online Planning Practice Guidance, being necessary, relevant to planning and to the development to be permitted, enforceable, precise, and reasonable in all other respects. The resulting conditions and the reasons for them are as set out in Appendix D. [4.59]

Funding (Matter 9)

- 8.62 The Promoter has stated that The Scheme is fully funded and is in Transport for London's 2014 Business Plan. Funds have been spent already through the early appointment of the contractor and on site acquisition. On the information provided I conclude that the test in paragraph 134 of 'Guide to TWA Procedures' that '*a scheme is reasonably capable of attracting the funds required to implement it, rather than expecting funding to have been secured*' is met. [4.60-4.62]

Public interest (Matter 10)

- 8.63 The weight of evidence from the Promoter and from supporters of The Scheme is that there is a pressing need to address overcrowding and capacity issues at Bank Station. There are no objections to the principle of The Scheme or to its aims. My experience of the situation during a morning peak period concurs with the view that the station barely copes with the day-to-day demands put on it now, and there is compelling evidence that the situation is likely to get worse in the near future. Measures are already being put in place on a regular basis to keep the station operating safely. [4.1, 4.4-4.7, 5.1-5.20]
- 8.64 Above ground the Whole Block Site is required to construct The Scheme as proposed and the amount of land required has been kept to a minimum commensurate with being able to provide the step-free provision, the enhanced entrance and the overall capacity upgrade sought. The Promoter has sought to acquire by agreement and has been successful in some instances. [4.63-4.64]
- 8.65 Below ground the acquisition of subsoil is essential for the proposed infrastructure and, in view of the location of piles supporting buildings above, it is reasonable to seek restrictive covenants to protect that infrastructure. Backstop powers as a

safeguard are necessary to survey and carry out protective works to any building within the Order limits if needed. ^[4.64]

- 8.66 I am of the view that the benefits of The Scheme are compelling: including providing for the present, let alone the predicted use of the station; in improving safety; in providing step-free access to a far greater extent and more conveniently than at present; and in improving the ambience of the station complex for the travelling public. I concur with the Promoter's statement that no business would be rendered unviable by The Scheme, no residential occupier would be displaced, and from the evidence presented I find that the land to be acquired would be the minimum necessary to deliver the benefits. ^[4.65]
- 8.67 I consider it appropriate to address the remaining objections in this section as part of the balancing exercise;
- *The Fishmongers Company [OBJ/10]* I find the evidence in favour of using the Whole Block Site rather than Phoenix House, and of acquiring that entire site, rather than omitting the Objector's property to be well founded. The fact that a retail unit will eventually be put back in place does not undermine the need for the cleared site for construction purposes and to accommodate escalators. ^[4.79, 6.1]
 - *Trust for London (OBJ12)* Similar to the above with regard to Objector 10, there is a need for the Whole Block Site and the alternative does not address the aims of The Scheme. Temporary acquisition would not be appropriate. ^[4.80, 6.2]
 - *McDonald's Real Estate, McDonald's Restaurants Ltd (OBJ/16)* The Promoter appears to have made reasonable efforts to acquire by negotiation and these continue. As part of the Whole Block Site, the land is required for The Scheme. ^[4.81, 6.3]
 - *Bhupendra Patel (OBJ/23)* There is no substantive evidence as to why the owner considers that there are likely to be problems and it remains unclear why this property should be considered any more susceptible to settlement or damage than those where terms have been agreed. The damage assessments appear robust and the Promoter has made reasonable efforts to reach an agreement. ^[4.82, 6.4]
 - *Prudential Annuities Limited (OBJ/24)* From the information available at the close of the Inquiry, this objection appears close to resolution, but in any event the evidence is that the concerns about noise and vibration can be addressed and the Order is not premature as The Scheme is able to proceed with no impediments having been shown. ^[4.83, 6.5]
 - *Wolfe Commercial Properties Limited (OBJ/29)* There is sufficient information to be able to judge the effects, and the alternatives have been properly assessed and rejected. The property is outside the 1mm settlement zone, but an offer of a

settlement deed has been made. Reasonable steps have therefore been taken. [4.84, 6.6]

- *Vodafone (OBJ/37)* As with Objectors 10, 12 and 16, the entire Whole Block Site is required and The Scheme is deliverable. The Promoter appears to have acted correctly over landlord and tenant matters, and efforts have been made to reach an agreement. [4.85, 6.7]
- *First Investments & Oakcrown Properties Limited (OBJ/39)* Much of the concern can be addressed through the CoCP and measures taken to ensure access is maintained to the premises. [4.86, 6.8]

8.68 In addition, representation from Olivegate Properties Ltd (REP/4) has been addressed by the Promoter, the property being included only as a precaution against work being required. The representation from the Bishop of London is considered in my conclusions below with regard to Matters 14, 15 and 16 on listed buildings. [4.87-4.88, 7.1-7.2]

8.69 I find that there is a compelling case in the public interest for the compulsory acquisition and use of land and of other rights, for the purposes of The Scheme, in line with guidance, and that the lands and rights are necessary for the implementation of The Scheme. [4.90, 4.92]

8.70 Objectors 10, 12 and 37 have claimed interference with or breach of their human rights, giving as an example Article 1 of the First Protocol (Part II of Schedule 1 of the Human Rights Act 1998). These are, however, qualified rights and interference can be justified in the public interest. In view of the conclusion that I have reach on there being a compelling case in the public interest, I advise that interference with the human rights of these objectors would be proportionate and necessary. [4.79-4.80, 4.85, 4.92, 6.1-6.2, 6.7]

Crown Land (Matter 11)

8.71 There is Crown land on either side of Princes Street being freehold owned by the Governor of the Bank of England; that to the west side being occupied by the Bank of China on a long lease, and also within the Limits of Deviation.

8.72 Meetings have been held over a considerable period and the Promoter reports that there is no evidence of any impediment to the implementation of The Scheme. It appears that the situation as at the close of the Inquiry accords with Circular 06/2004 in that agreement is at least being sought. The Closing Statement delivered on that last day of the Inquiry stated that a meeting was to take place in early May 2015 with the Bank of England to discuss and conclude the agreement, and no doubt the Secretary of State will be apprised of the outcome. [4.67-4.68]

Changes proposed to the draft TWA Order (Matter 12)

- 8.73 The changes are set out in LUL/12B and 12D and include amendments in response to Thames Water Utilities Limited's objection (OBJ 11) and to the representations made by the Environment Agency (REP 5). Both the objection and representation were withdrawn from which it can be concluded that all matters referred to in detail have been satisfactorily addressed.
- 8.74 Other amendments result from discussions with the City of London to protect its interests and in particular with regard to its function as Highway Authority and as agreed in document LUL/19.
- 8.75 The amendments do not involve any changes of substance and there is no reason to doubt the statement from the Promoter that all those affected have been consulted and have agreed to the changes. [1.6, 2.12-2.16, 4.69-4.70]

Any other relevant matters raised at the Inquiry (Matter 13)

- 8.76 No other matters beyond those already reported on were raised at the Inquiry with regard to the TWA and deemed planning permission.

Listed Building Consents

Consistency with policies (Matters 14 and 15)

- 8.77 Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires special regard to be had to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Paragraph 128 of the National Planning Policy Framework requires an assessment be made of the significance of any heritage assets affected and paragraph 132 states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Paragraphs 133 and 134 set out the balances to be struck in the case of substantial harm or less than substantial harm. [4.75]
- 8.78 In terms of the Development Plan, policy 7.8 of the London Plan identifies the contribution that heritage assets make to London's status, and seeks the sensitive management and promotion of heritage assets. Policy CS12 of the Local Plan Core Strategic Policies sets out the aim to conserve or enhance the significance of the City's heritage assets and their settings. Development Management Policy DM12 aims to sustain and enhance heritage assets. There are no emerging policies to be considered. [4.72]
- 8.79 Guidance on the application of heritage policy is provided in the online Planning Practice Guidance and the newly published guidance from Historic England which replaces the previous companion guide to PPS5.

- 8.80 With regard to Mansion House, the building has been well documented over a long period, including the effect of previous tunnelling and other alterations and interventions. LUL have carried out thorough analysis of the historic works and the present professional team includes a practice that has previously carried out work at the building. In addition to in-tunnel mitigation works, it is proposed to lift boards to inspect ties that had been put in place during previous works, and to ensure that they are taut. This will temporarily affect the use of certain areas of the building but over a short period. Monitoring is proposed to the vaults with a contingency to adjust the vault door, to retain access and security to historic items. [2.22 1st bullet, 2.23]
- 8.81 The upper stained glass panel is to be removed and a replica installed for the duration of repair works. This repair work is required due to previous movement and damage. The end result would be long-term improvements to the appearance of the stained glass panel and will reduce the risk of failure during tunnelling works and in the future.
- 8.82 With monitoring to ensure that in-tunnel mitigation can be applied, and with the interventions the subject of the listed building consent application, the historic and architectural significance of Mansion House would be preserved and the intervention amounts to no more than minor harm, and certainly 'less than substantial' in the term of paragraph 134 of the NPPF. That paragraph states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use. In this case the limited harm, and that mostly temporary, would be significantly outweighed by the public benefits of The Scheme.
- 8.83 Turning to 1-6 Lombard Street, the extent of the works now considered likely has diminished as a result of the Stage 3 assessment and is therefore less than applied for in the listed building consent application. The stabilisation of plaster would only be carried out as required and in-tunnel mitigation could avoid much of the intervention within the building. Where there is plaster hidden behind suspended ceiling, and where loose pieces would be removed to avoid falling, there would be some loss of historic fabric. However only at-risk items would be removed, and in view of their hidden nature, there would be only limited merit in conservation *in situ*. As a result their loss is justifiable. [2.22 2nd bullet, 2.23]
- 8.84 The cantilevered staircase is a fine construction and contains significance through its architectural presence including the balustrade, its history, and through the quality of the construction. If harm was to befall the staircase, that harm would be substantial. The original proposal, retained in the listed building consent application, is to attach braces. Although this is not now considered necessary, the facility to do so is kept as a precaution.

The intervention proposed to 1-6 Lombard Street results in temporary and limited harm and serves to avoid the risk of greater harm or permanent loss. The less than substantial harm would be outweighed by public benefits.

- 8.85 St Mary Abchurch is the subject of a Faculty Licence application but it is appropriate to consider it here as it is a listed building. At the time of writing the result of that application is not known, and so there remains the possibility of the need to dis-apply the jurisdiction, as referred in representation from the Bishop of London. ^[2.24-2.26]
- 8.86 There would be some temporary works visible within the main body of the church, to windows and possibly to monuments, and this would have an adverse impact on the enjoyment of the building but not its operation. Other works to the roof structure would, in part, make good existing shortcomings and in part safeguard against movement causing problems. This and the work to the tower would not be visible to users of the church and would prevent damage. The harm by reason of any intervention that would not otherwise be likely under routine maintenance and repair is limited and the public benefits of The Scheme outweigh them in this case also.
- 8.87 In each case the proposal accords with the aims of the Development Plan policies insofar as applicable to a listed building consent application, and the proposals preserve the buildings, their settings and the features of special architectural or historic interest which they possess, as required by section 16(2) of the 1990 Act. There is no objection from Historic England. ^[3.10, 4.91, 5.21]

Conditions to be attached to Listed Building Consents (Matter 16)

- 8.88 As with the deemed planning permission, a five year time limit for commencement is reasonable to avoid the need to restart a lengthy process if there were to be delay at any stage. Additional detailed information should be submitted for approval prior to commencement, although the nature of the work to be undertaken to date is reasonably comprehensive. A requirement to remove temporary works within six months of monitoring showing that ground movement has effectively ceased is essential to ensure that the architectural and historic significance of the listed buildings is fully restored, both where seen and elsewhere. A report summarising the actual ground movements occurring would allow a proper record to be kept. ^[4.76]
- 8.89 Arising from concern that the condition requiring all making good to match existing adjacent work might be imprecise, two further conditions have been devised, one each for Mansion House and 1-6 Lombard Street linking the works to the respective Heritage Statement drawings and details approved pursuant to condition 2 in each case.

8.90 The conditions are necessary to preserve the significance of the buildings and to control the works, and satisfy the tests in paragraph 224 of the NPPF and as advised in the online Planning Practice Guidance. The resulting conditions and the reasons for them are as set out in Appendix E. ^[5.21]

Any other relevant matters raised at the Inquiry (Matter 17)

8.91 In addition to the two buildings that are the subject of listed building consent applications, and St Mary Abchurch, the subject of a Faculty application, there are other designated and undesignated heritage assets in the area of the works.

8.92 The other listed buildings that were the subject of assessments, but which were found to not require works, and those which were the subject of listed building consent applications which were subsequently withdrawn would all be safeguarded through in-tunnel mitigation and monitoring, and the statutory requirement to have regard to their preservation would be met. ^[2.18-2.21, 2.23]

8.93 The Bank Conservation Area would be adversely affected by the use of the Whole Block Site as a construction site with a gap in the streetscene for longer than would be the case with the over site demolition and redevelopment that has already been granted planning permission. There would be a prominent break in the otherwise tightly developed street frontages along King William Street and Cannon Street, as well as the narrow lanes either side. There would be some adverse effect on the setting of St Mary Abchurch and other nearby listed buildings. However, all this would be temporary and the relocation of the façade of the architecturally attractive and historic, but unlisted, 20 Abchurch Lane into a better relationship with the church and yard, would counter much of the harm. ^[2.1, 2.4, 2.8, 2.28, 4.51]

8.94 The existing situation at Bank Station is recognised as causing harm to the character and appearance of the conservation area. The benefits of The Scheme to the City and the presentation of the station entrances far outweigh the harm caused by the temporary gap in the townscape, as provided for in paragraph 134 of the NPPF and the requirements of paragraph 132 of that document. The test in section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 that special attention be paid to the desirability of preserving or enhancing the character or appearance of the conservation area is met. ^[4.77]

8.95 The Laurence Pountney Hill Conservation Area is unlikely to be affected by the works.

8.96 The unlisted former King William Street Station would be adversely affected by the breaking through of the Arthur Street worksite shaft and by activities associated with tunnelling works. Although I was not able to visit, it appears that later alterations have reduced the significance of this undesignated heritage asset. A condition attached to the deemed planning permission would

require a method statement and photographic recording. Features of most significance are to be retained. Where harm would be caused it is reasonable to conclude that the benefit to the safe and efficient operation of the present underground network brought about by the works, outweighs the effect on the historic remains of this station. [2.3, 2.9, 2.18, 2.9, 4.77]

Overall Conclusions

- 8.97 In view of the above findings, I conclude that the Order is justified on its merits and that there is a compelling case in the public interest for making it. The Scheme accords with policy at all levels, and there is strong support from the London Boroughs that lie along the route of the Northern Line or whose population would make use of Bank Station. There are no objections to the principle of upgrading the capacity of the station and the benefits to the City and wider London economy have been demonstrated. Adverse effects are limited in extent or duration and can be mitigated. These effects are clearly outweighed by the substantial benefits. There is harm to the character and appearance of the Bank Conservation Area, but this is temporary and limited, and in line with paragraph 134 of the NPPF is outweighed by public benefits.
- 8.98 There is no evidence of substance of any impediments to the implementation of The Scheme and with the funding assured there is every prospect of it going ahead without delay. It is reasonable to maintain the provision to dis-apply the Faculty Licence regime as a safeguard against delay and the architectural, historic or religious interests of the listed St Mary Abchurch would not be undermined by this provision. I therefore conclude that the Order as modified should be made.
- 8.99 I conclude that deemed planning permission should be granted for the works that would be authorised by the Order, subject to the conditions as set out in Appendix D.
- 8.100 The listed building consents required to deliver The Scheme have been reduced in number and likely scope, and are temporary interventions for the wellbeing of the buildings and their architectural or historic significance. In the case of the stained glass window to Mansion House there is some benefit resulting in making good previous damage not caused by The Scheme.
- 8.101 I conclude that listed building consents should be granted for the works to Mansion House and 1-6 Lombard Street, subject to conditions in Appendix E.

9. RECOMMENDATIONS

Recommendations to the Secretary of State for Transport

- 9.1 I RECOMMEND that;

- a) The London Underground (Bank Station Capacity Upgrade) Order 201[] be made subject to the modifications as incorporated in the revised draft Order at LUL/12b and listed in the Schedule of Amendments to the draft Order at document LUL/12d.
- b) A Direction be made granting deemed planning permission for the works authorised by the Order, subject to the conditions set out in Appendix D to this Report.

Recommendations to the Secretary of State for Communities and Local Government

9.2 I RECOMMEND that;

- a) Listed building consent be granted for adjustment and enhancement of existing internal structural ties; temporary removal for specialist repair/conservation of a section of stained glass from the eastern window of the Egyptian Hall and installation of a temporary replica panel; and consolidation of vulnerable decorative plaster in the principal and second floor reception rooms in the north and central areas of the building at Mansion House, Mansion House Street, London EC4N 8BH in accordance with application Ref 14/00912/LBC, dated 9 September 2014, and subject to the conditions as set out in Appendix E to this Report.
- b) Listed building consent be granted for the consolidation of decorative plaster to ceiling/dome within the ground floor restaurant and temporary strengthening of cantilevered stair through the use of fixed props at 1-6 Lombard Street, London EC3V 9AA in accordance with application Ref 14/00914/LBC, dated 9 September 2014, and subject to the conditions as set out in Appendix E to this Report.

Bridget M Campbell

INSPECTOR

