Report to the
Secretary of State for Transport
by Alan Boyland BEng(Hons) DipTP CEng MICE MCIHT MRTP
an Inspector appointed by the Secretary of State for Transport
Date: 9 December 2013

TRANSPORT AND WORKS ACT 1992

APPLICATION FOR:

THE CROSSRAIL (PADDINGTON STATION BAKERLOO LINE CONNECTION) ORDER 2013

Date of Inquiry: 12 November 2013
Ref: DPI/X5990/13/18
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ABBREVIATIONS IN THIS REPORT

<table>
<thead>
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<th>Abbreviation</th>
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<tr>
<td>BLC</td>
<td>Bakerloo Line Connection (the Order Scheme)</td>
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<tr>
<td>CRL</td>
<td>Crossrail Ltd</td>
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<tr>
<td>EMR</td>
<td>(Crossrail) Environmental Minimum Requirements</td>
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<tr>
<td>ES</td>
<td>Environmental Statement</td>
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<tr>
<td>LUL</td>
<td>London Underground Ltd</td>
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<tr>
<td>PRACT</td>
<td>Paddington Residents’ Active Concern on Transport</td>
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<td>RMG</td>
<td>Royal Mail Group Ltd</td>
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CASE DETAILS

- The Order would be made under Sections 1 & 5 of the Transport and Works Act 1992 and is known as the Crossrail (Paddington Station Bakerloo Line Connection) Order 20[ ].
- The draft Order was published on 29 February and 5 & 8 March 2012, and there were 3 objections outstanding to it at the commencement of the Local Inquiry.
- The Order would authorise Crossrail Limited to construct and maintain a passenger subway linking the proposed Crossrail Station at Paddington, authorised to be constructed under the Crossrail Act 2008, to the London Underground Bakerloo Line platforms. For these purposes the Order would confer powers, compulsorily or by agreement, to acquire land and rights in land and to use land.

The Order would also apply provisions of the Crossrail Act 2008 through section 48 of that Act, which permits any order promoted pursuant to the Transport and Works Act 1992 which relates to a proposed extension of Crossrail, or to the provision of a railway facility connected with Crossrail, to apply for any provision of the Act, with any modifications necessary, or provide for any provision of the Act to have effect as if the extension were part of Crossrail. In this way, the provisions in the Crossrail Act relating to the power to stop up streets, and execute street works, the carrying out of alterations to the highway and other miscellaneous ancillary matters would be applied to the works authorised by the Order.

In addition a number of protective provisions for the benefit of protected undertakers, as provided for in the Crossrail Act 2008, would be applied to such undertakers affected by the works authorised by the Order.

Summary of Recommendation: That the Order be made with modifications.

1. **PREAMBLE**

   **The Objections and Representations**

1.1 There were 4 objections to the Order. One of these, by National Grid [OBJ/1], was withdrawn by letter dated 6 August 2013. The remaining 3 objections, by Royal Mail Group (RMG) [OBJ/2], Westminster City Council [OBJ/3] and Muirgold Ltd and Hilton London Paddington (‘Muirgold and Hilton’) [OBJ/4] still stood at the opening of the Inquiry.

1.2 Following agreement between RMG and Crossrail Ltd (CRL), the objection by the former was withdrawn by letter dated 12 November 2013. The objection by Muirgold and Hilton was withdrawn by letter the same day, and that by Westminster City Council was withdrawn by email on 14 November.

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1 OBJ/2/2
2 OBJ/4/2
3 OBJ/3/4
1.3 Representations were also made by Paddington Residents’ Active Concern on Transport (PRACT)\(^4\) [REP/1] and, in support, by Heathrow Airport Ltd [SUPP/1].

**The Inquiry**

1.4 The Inquiry opened on 12 November 2013. I dealt with the usual preliminaries and procedural matters. Crossrail confirmed that all the statutory requirements had been complied with\(^5\), and this was not disputed.

1.5 I then heard submissions for CRL, RMG and PRACT. CRL and RMG advised that negotiations between them had reached an advanced stage and that it was hoped that agreement would shortly be reached such that RMG would be able to withdraw its objection. After an adjournment of some 2½ hours it was indicated orally that the objection was withdrawn and that RMG would take no further part in the Inquiry. Withdrawal of the objection was, as indicated above, confirmed in writing later that day.

1.6 Representatives of Westminster City Council, who were attending as observers only, confirmed that withdrawal of the Council’s objection would be confirmed in writing, but for procedural reasons within the Council this could not be done until 14 November. Withdrawal of Muirgold and Hilton’s objection was, as indicated above, confirmed in writing.

1.7 PRACT indicated that in the light of further information from CRL it no longer pursued its remaining concerns regarding the scheme.

1.8 In the circumstances no party called any witnesses to give evidence, though those for CRL were all available to address any questions by me if necessary and their submitted evidence still stands.

1.9 To enable this Report to reflect fully positions of all the parties, including formal withdrawal of the Council’s objection which was duly received, I adjourned the Inquiry on 12 November until 6pm on 14 November, at which time it was closed in writing by way of an email to the parties on my behalf from the Planning Inspectorate.

1.10 I made unaccompanied visits to view the Order lands and their surroundings (including the Paddington mainline and Bakerloo Line stations) from public places on the day prior to the Inquiry, and in the evening peak period on 12 November. I made a further visit to the Crossrail Paddington Station box construction site and the Royal Mail Group building at 31 London Street, accompanied by representatives of CRL, Westminster City Council and PRACT on 13 November 2013.

**The Order**

1.11 At the Inquiry CRL submitted a revised draft Order\(^6\) together with a ‘tracked changes’ version\(^7\) indicating the amendments made to the Order applied for, and a schedule of amendments\(^8\).

\(^4\) A consortium of 4 residents’ associations covering most of the former London Borough of Paddington.

\(^5\) CRL/INQ/3

\(^6\) CRL/INQ/6

\(^7\) CRL/INQ/5
1.12 The application for the Order did not include a request for a Direction regarding deemed planning permission, as is common practice in such cases. At the Inquiry CRL confirmed that in this instance such permission is not required as the scheme is within the ambit of the planning permission deemed by s.10(1) of the Crossrail Act 2008. This was not challenged.

**This Report**

1.13 In this report I set out the case for CRL as put in submissions at the Inquiry (including oral submissions) and, briefly as it is available in full, the written evidence. I then set out my conclusions on the Order and my recommendation. Lists of appearances and Inquiry documents are appended.

2. **DESCRIPTION OF THE ORDER LAND AND ITS SURROUNDINGS**

2.1 The Order land is shown on the Works and Land Plan submitted with the application, and described in the Environmental Statement (ES) and Non-Technical Summary.

2.2 Briefly, it comprises:

- an irregular strip from the Crossrail Station at Paddington beneath Eastbourne Terrace, which is currently under construction, running generally eastwards beneath Macmillan House, the concourse of Paddington Mainline Station, Arrivals Road and London Street, to the London Underground Bakerloo Line Paddington Station beneath Praed Street (subsoil more than 9 metres below the surface only);
- the former Royal Mail building at 31 London Street including an underground electricity sub-station and tunnels (for temporary possession only); and
- Small areas of public road and footways in London Street, of the station entrance at London Underground Paddington Station, and private footway in Arrivals Road, Paddington Station.

3. **THE CASE FOR THE APPLICANT (CROSSRAIL LIMITED)**

*The material points were:*

**Introduction**

3.1 The Crossrail project needs no introduction. It is among the most significant infrastructure projects to be undertaken in the United Kingdom. It will benefit the travelling public through improved journey times across London, ease congestion and offer better connections. When it opens, Crossrail will increase London’s rail-based transport network capacity by 10 per cent.

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8 CRL/INQ/4
9 Based on opening submissions CRL/INQ/9 and closing submissions given orally
10 Plan CRL1-XRL-T2-DDA-B071-00020 Rev. P01 in tab 9 of the Application documents
11 CD/1.12 vol.1 section 2
12 CD/1.13 section 2
13 Based on opening submissions (CRL/INQ/1), closing submissions made orally and evidence as indicated.
Through the new transport links and significant development being delivered, Crossrail will support regeneration across the capital with economic forecasts suggesting the project will add up to £42 billion to the economy.\textsuperscript{14}

3.2 The Crossrail Act 2008 (‘the 2008 Act’) authorises the construction and operation of the Crossrail project. Crossrail is sponsored by the Secretary of State for Transport and Transport for London. CRL has been appointed to deliver the Crossrail project. A specific Sponsor requirement is that an interchange is provided between the London Underground Bakerloo and the Crossrail stations at Paddington. Paddington is the only location on the Crossrail route where a direct interchange with the Bakerloo line is possible.

3.3 It is helpful to put Paddington Station in context. Paddington Station comprises a number of core elements built around the strategic mainline railway terminus serving long distance high-speed trains to west and south-west England and south Wales. It is also a terminus for suburban trains to west London and the Thames Valley as well as services to Heathrow Airport.\textsuperscript{15}

3.4 In addition, Paddington is served by four London Underground lines through three distinct stations: the deep level Bakerloo line station, the sub-surface Circle and District lines, each with their own entrances and ticket halls and linked by subway to a shared ticket hall in the Network Rail ‘lawn’ area, and the separate Hammersmith & City and Circle line sub-surface station. Paddington is not served by the Central Line but the short walk to Lancaster Gate tube station is taken by many commuters heading for the West End or the City. The development of Paddington since 1838 has been piecemeal. Further development at this station is complex and has a number of constraints as explained in CRL’s written evidence.\textsuperscript{16}

3.5 Crossrail Paddington is to be a flagship station, constructed as a sub-surface box structure beneath Eastbourne Terrace and Departures Road. The new station is under construction and will be operational in December 2018.\textsuperscript{17}

3.6 This Transport and Works Act Order application seeks power to construct and maintain the Paddington Station Bakerloo Line Connection (BLC), a passenger subway in the City of Westminster linking the Crossrail station currently under construction to the London Underground Bakerloo Line platforms at Paddington Station.\textsuperscript{18}

3.7 The Order scheme requires revised limits of deviation in plan and elevation for an altered subterranean scheme from those conceived at the Parliamentary Stage of the 2008 Act. The Order also seeks the permanent siting of two air cooling units and to acquire temporarily a building owned by the RMG at 31 London Street as a construction site.\textsuperscript{19}

\textsuperscript{14} CRL/1/1 para 2.1.1
\textsuperscript{15} CRL/1/1 para 2.1.7
\textsuperscript{16} Ibid & CRL/1/1 section 2.2
\textsuperscript{17} CRL/1/1 section 2.5
\textsuperscript{18} CRL/1/1 section 2.6
\textsuperscript{19} CRL/1/1 section 2.6 & 2.7
3.8 The Secretary of State has set out the matters about which he particularly wishes to be informed for the purposes of his consideration of this application. All these matters are fully addressed in the proofs of evidence provided on behalf of CRL, and dealt with briefly here.

Aims and Need for the Passenger Subway

3.9 The key aim of the BLC is to manage and encourage passenger interchange with Crossrail services. The sponsors of Crossrail estimate that 11.5 million passengers would use this connection annually. The interchange between Crossrail and the Bakerloo line would result in improved journey times and reduced congestion across the network and avoid the transfer of passenger demand elsewhere on the London Underground network.20

3.10 The 2008 Act already authorises the construction and operation of a passenger subway linking Crossrail to the Bakerloo Line. The Sponsor has advised that the passenger demand figures and the compelling cost benefit analysis support the need and justification for the BLC. The connection must be operational for the Stage 3 opening in December 2018 when Crossrail will serve the Central London area.21

3.11 This Order is required because it is not possible due to engineering constraints to deliver the link within the limits of deviation contemplated in the 2008 Act. The 2008 Act scheme or the reference scheme was based on a shallow tunnel. This scheme had to be discounted due to the predictions of ground loss and significant settlement impact on the Grade 1 listed Brunel Train Shed and disruption of Network Rail operations and passenger flows on the concourse, and critically due to the residual risk of the collapse of the tunnel face and consequential risk to construction workers and the travelling public.

3.12 The preferred deep tunnel scheme was arrived at following a process of Value Engineering. Its preferential features, and the need to seek powers through the Order because the deep tunnel fell outside the limits of deviation of the 2008 Act, are set out in Mr Judd’s evidence.22

3.13 The proposed scheme cannot be delivered without a suitable worksite. The Order scheme therefore seeks the temporary acquisition of 31 London Road as this is needed as a worksite to construct the Bakerloo Line Connection.23

The Main Alternative Options

3.14 A wide ranging review of options for the Bakerloo Line Connection (BLC) was undertaken, as set out in Mr Judd’s evidence. Alternative shallow tunnel options were considered, but ultimately all had to be discounted and the deep tunnel method was determined to be the only solution which avoided the significant impacts associated with the shallow tunnel options. The only option is a deep tunnel, and the Order scheme was determined upon as the engineering solution to the challenge of constructing a link which minimises the impacts on existing structures and operations and delivers the BLC in

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20 CRL/1/1 sections 3.1 & 3.4
21 CRL/1/1 section 3.3
22 CRL/2/1 sections 5 & 6
23 CRL/1/1 section 3.8
accordance with the wider Crossrail objective of Phase 3 opening in December 2018\(^{24}\).

3.15 CRL’s evidence also sets out the main alternative options considered for the work site and the justification for Option G which is the Order site. An optioneering process, which considered a number of options, was undertaken. These are examined in CRL’s evidence, Environmental Statement and Statement of Case. The site initially selected by CRL was ‘Option B’ which was the London Street/Winsland Mews site. The owners of 31 London Street objected to Option B and instead advanced ‘Option G’ which involved the use of its own building for two construction shafts, prior to planned redevelopment of the building. This proposed option had a number of benefits which include the reduction of the timescale of the construction period, the reduction of the need for the diversion of major utilities and associated traffic management measures and the reduction of potential noise impacts. CRL agreed to use this location instead of Option B as it represented the optimum location for the construction site\(^{25}\).

**Consistency with Policy**

3.16 The Order scheme is entirely consistent with, and supported by, policy at a national, regional and local level. Mr Herbert’s evidence addresses this matter in detail\(^{26}\).

**Interface between the scheme and other development proposals the area**

*Royal Mail Group’s redevelopment proposals*

3.17 The Order scheme has a satisfactory and compatible interface with the RMG development proposal. In terms of the development proposal, it is plain that there is a substantial amount of work to be done by RMG before any planning permission is likely to be forthcoming. It is necessary to meet the requirement of Westminster City Council to integrate a permanent London Underground ticket hall and vertical circulation in the building’s basement. It is unlikely that any proposals for the comprehensive redevelopment of 31 London Street would be in a position to proceed for several years having regard to the timescales involved. The RMG has not contradicted this assessment by CRL nor is it suggested that it is any further along in meeting Westminster City Council’s requirements\(^{27}\).

3.18 The Order works would not have any unacceptable affect on the RMG proposals nor on the existing infrastructure. Any impact is likely to be minimal based on the assessments undertaken to date. CRL has proposed mitigation on the limited information to date of RMG’s nascent scheme based on the proposed Interface Control Document. In accordance with Crossrail practice, it is proposed that this document would control the interface of the schemes. The assessment of potential damage to the Mail Rail tunnels due to the construction of the BLC indicates minimal to no damage.

\(^{24}\) CRL/2/1 section 4  
\(^{25}\) CRL/2/1 sections 7-9  
\(^{26}\) CRL/3/1 sections 2 & 3  
\(^{27}\) CRL/1/1 paras 8.4.1-3; CRL/2/1 section 12; CRL/3/1 paras 4.3.2-3 & 4.3.8-13
Bakerloo Ticket Hall

3.19 London Underground Ltd (LUL) has confirmed that the BLC scheme is complementary to its emerging proposals to expand the capacity of the Bakerloo Line ticket hall at Paddington. The concerns of PRACT in this respect have been amply met.

Paddington Mainline Station

3.20 The scheme would provide relief from the large number of passengers expected to interchange between Crossrail and the Bakerloo Line, who would otherwise have to use the concourse of the mainline station. No significant works are proposed within the station, and construction impacts upon it would be minimal. National Rail has expressed support for the Order scheme.

The likely environmental impacts of the scheme and mitigation measures

3.21 No significant environmental impacts are anticipated.

3.22 There are no highway or traffic reasons why the scheme should not be approved. Mr Fulcher’s evidence addresses the impacts identified and demonstrates that none of the effects are significant save the removal of a motorcycle parking bay. This has been mitigated by the identification of replacement parking. The proposed traffic management arrangements would not have any impact on vehicular access to the hospital and CRL has committed not to implement its powers under article 6 of the Order. There would be no impact on RMG’s ability to deliver or collect mail. The Crossrail Environmental Minimum Requirements (EMR) provide controls on deliveries and the need for liaison with highway authorities and other regulators as necessary.

3.23 CRL has reached agreement with Westminster City Council on all matters, and the Council retains no objection to the Order scheme. PRACT has also confirmed that it retains no objection in respect of the matters that have been resolved with the City Council.

3.24 There would be no significant noise impacts arising from the construction works or HGV movements. The location of the worksite within the RMG building would contain much of the noise and other impacts arising from this temporary element of the scheme. Construction noise would be monitored and mitigated as necessary. The chiller units would be enclosed and would not cause any significant permanent noise impacts. Details of the enclosure would be agreed with Westminster City Council, and LUL is being encouraged to relocate its nearby existing adjacent units.

3.25 The Order scheme would be constructed in accordance with the Crossrail Environmental Minimum Requirements (EMR). These set out the controls to

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28 CRL/1/1 para 8.4.4; CRL/1/2 appx 1; CRL/2/1 paras 12.15-18
29 CRL/1/1 appx 1; CRL/2/1 paras 12.19-20
30 CRL/1/1 section 8.5; CRL/5/1 para 3.3.6
31 CRL/4/1; CRL/5/1 para 3.3.6
32 CRL/1/1 para 8.5.2; CRL/5/1 paras 3.2.12-15 & 3.3.6
manage and monitor environmental impacts during construction, to ensure that impacts assessed in the Crossrail Environmental Statement (ES) are not exceeded. Further specific mitigation measures would be implemented.

3.26 Measures would be in place to protect the façade of the RMG building at 31 London Street, which is considered to be a building of townscape merit, from damage of structural significance during the BLC works. Westminster City Council is satisfied with the terms of the agreement entered into with CRL that it would supply the Council with method statements for works that might directly affect the façade. No mitigation measures are likely to be required in respect of the effects of ground settlement on the Grade 1 listed train shed, but this would be monitored. Mr Birt’s evidence addresses these issues in detail.

**Adequacy of the Environmental Statement**

3.27 The Environmental Statement for the Order scheme has been completed in accordance with the relevant Regulations and includes the requisite information.

**Compelling case in the public interest and funding**

3.28 There is a compelling case in the public interest for this Order scheme. The compulsory acquisition and use of the land is required by CRL in order to secure the satisfactory implementation of the scheme.

3.29 The scheme is fully funded by the Crossrail sponsors (the Secretary of State for Transport and Transport for London), within the overall budget of £14.8 billion for the Crossrail project as a whole.

**Any substantive changes to the draft Order**

3.30 No substantive changes to the draft Order are proposed. The minor amendments proposed address minor typographical and other errors only.

**Outstanding objections**

3.31 There are no outstanding objections. Agreement has been reached with National Grid, RMG, Westminster City Council, and Muirgold and Hilton London Paddington, resulting in withdrawal of their objections.

3.32 PRACT’s objections (sic) were greatly limited by the opening of the Inquiry, being reduced to two issues only. The first relates back to the interaction between the works to be done by CRL and the works to be undertaken in due course by LUL. Mr Walton for PRACT has produced a note of a meeting.

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33 CRL/1/1 para 8.6.1; CRL/5/1 paras 3.3.2-6
34 CRL/2/1 paras 12.7-12
35 CRL/INQ/8 tab 8
36 CRL/1/1 section 8.6; CRL/2/1 paras 12.7-12; CRL/5/1 para 3.3.6 & section 4
37 CRL/5/1 sections 2 & 3
38 CRL/1/1 sections 2 & 3
39 CRL/1/1 para 2.1.5 & section 6
40 CRL/INQ/4 & 5
41 Inspector’s note: Strictly, PRACT did not formally object; it expressed a number of concerns.
he attended with Mr Crabtree of LUL\textsuperscript{42}. While the latter does not agree with the synopsis of the meeting, he did action paragraph 7.1 of the note and has confirmed the compatibility of the Order scheme with the later LUL works in the light of the revised drawings\textsuperscript{43}.

3.33 As to the second issue, Mr Judd has confirmed that the settlement impact of the existing Bakerloo Line station escalator shaft would remain within its safe working stresses under all temporary and permanent BLC construction scenarios. He also confirms that CRL is working with LUL to minimise the risk of station closure. There is no planned closure of the escalator. An Emergency Preparedness Plan would be a contractual requirement to ensure public safety and minimise disruption to the travelling public in the event of an unplanned closure\textsuperscript{44}. In the circumstances, PRACT’s concerns ought reasonably to be allayed.

3.34 Indeed, PRACT confirmed at the end of Inquiry that it had no remaining issues with the scheme. Even in respect of the risk from ground movements to operation of the escalator, while the group would ideally have liked a cast-iron guarantee it recognised that this was unrealistic. It was satisfied with the assurances it had received regarding the strict safeguards that would be in place and that it would be kept up to date with the emerging position in the unlikely event of any emergency provision having to be made.

3.35 It is notable that the Order scheme is supported by Network Rail\textsuperscript{45} and that London Underground Ltd has no objection to it.

\textbf{Conclusions}

3.36 All objections to the Order have been overcome, and it meets all policy tests. There is a compelling need in the public interest for the Order scheme, for temporary use of the RMG building as a worksite and for the acquisition of land.

3.37 The Order scheme is manifestly in the public interest. Any interference with private rights is decisively outweighed by the compelling case in the public interest for this Scheme.

3.38 The Secretary of State is respectfully requested to make the Order, subject to the proposed amendments.

\textbf{4. THE CASE FOR THE SUPPORTER (HEATHROW AIRPORT LTD)}

\textit{The material points were:}

4.1 The Bakerloo Line is an important link for passengers travelling to and from Heathrow Airport, linking the airport with central London via Paddington. Heathrow supports construction of the new link, but wishes that the

\textsuperscript{42} REP/1/4
\textsuperscript{43} CRL/1/2 appx 1; CRL/2/1 paras 12.15-18
\textsuperscript{44} CRL/2/1 paras 13.1-8
\textsuperscript{45} CRL/1/2 appx 2
Bakerloo Line platforms be kept open at least until the opening of Crossrail to Paddington in 2018.  

5. **THE CASE FOR PRACT**  
**(PADDINGTON RESIDENTS’ ACTIVE CONCERN ON TRANSPORT)**

*The material points were:*

5.1 The objective of the link is supported. The design is regarded as ‘brilliant’; it overcomes concerns about the initial proposal involving a construction shaft in London Street which might have obstructed ambulances en route to the A&E at St Mary’s Hospital in South Wharf Road. The proposed use of two shafts within the Royal Mail building is welcome for that reason and because it would speed up construction.

5.2 Give the agreement between CRL and Westminster City Council, PRACT no longer pursues matters covered by that agreement. Nor, in the light of new information on the interaction between the link and future improvements of surface to platform access at the Bakerloo Line station at Paddington, are the issues previously raised on this topic pursued further.

5.3 The only other matter outstanding at the opening of the Inquiry was the maintenance of escalator access to the Bakerloo Line throughout the construction process. The only access is via two escalators, up and down, and a central fixed staircase. Ground movement during construction of the link might necessitate emergency closure of the escalators, and hence of the station itself, which would be very disruptive to the public.

5.4 However, it is recognised that it would be unrealistic to impose an absolute requirement not to close the escalators, and that the contractor would be subject to stringent requirements including an emergency plan. Also CRL has undertaken to keep Westminster City Council and PRACT fully informed on plans to deal with any such eventuality. Accordingly, PRACT is satisfied that this issue is resolved.

(The Report continues on the next page)
6. **CONCLUSIONS**

**Introduction**

6.1 With the withdrawal of all the objections to the Order and the effective resolution of the issues raised by Paddington Residents’ Active Concern on Transport (PRACT), the case for Crossrail Ltd (CRL) is uncontested.\[1.1-1.2, 3.34, 5.2-5.4.\]

6.2 In that context I turn now to address briefly the matters on which the Secretary of State has asked me particularly to inform him for the purposes of his consideration of the application.

**Matter 1: The aims and need for the proposed passenger subway**

6.3 The Crossrail project is authorised by the Crossrail Act 2008. The Bakerloo Line Connection (BLC) is an integral part of that project. In summary it would facilitate interchange between the Crossrail and Bakerloo Line stations at Paddington by an estimated 11.5 million passengers annually.\[3.2, 3.9-3.10.\]

6.4 The Order is required because it is not possible to construct the link within the Limits of Deviation authorised by the Act, and because it is necessary to acquire temporarily the Royal Mail Group (RMG) building in London Street for use as a work site.\[3.11-3.13.\]

**Matter 2: The main options and the justification for the particular proposals in the Order**

6.5 A number of shallow tunnel options, including the scheme included in the 2008 Act, were considered but discounted because of predicted ground settlement. This would potentially have resulted in significant impacts on the Grade I listed Brunel Train Shed, and on Network Rail operations and passenger flows in the concourse of the mainline station. It is undisputed that the selected deep tunnel option is the only one that, with mitigation, would avoid such impacts and could be delivered in the required timescale.\[3.11, 3.14.\]

6.6 A number of options for the necessary work site were considered. RMG objected to the option initially chosen by CRL, and suggested use of its own building in London Street. This has a number of benefits over the other options and nothing has been put forward to counter CRL’s acceptance that it represents the optimum location.\[3.15.\]

**Matter 3: Consistency with the National Planning Policy Framework, Mayoral Plans and Strategies for London and the City of Westminster’s planning policies**

6.7 It is undisputed that the BLC scheme is consistent with the planning policies in all of the above.\[3.16.\]

\[52\] In these conclusions references thus \[1.5\] are to previous paragraphs on this Report.
Matter 4 : The interface between the scheme and other development proposals in the area, including:

(a) Royal Mail Group’s re-development proposals for their building at 31 London Street; and

(b) the compatibility of the scheme with proposals by London Underground Ltd (LUL) to expand the capacity of the Bakerloo Line ticket hall at Paddington.

6.8 With the withdrawal of the objections by RMG and Westminster City Council, it is undisputed that there would be no significant adverse effects on the former’s proposals for the redevelopment of its building \[3.17, 3.18\]. The Council’s withdrawal and LUL’s confirmation effectively endorse CRL’s position that the Order scheme is compatible with proposals to expand the capacity of the ticket hall at the Bakerloo Line station \[3.19\].

6.9 I have seen nothing to suggest that any other development proposals in the area would be adversely affected.

Matter 5 : The likely environmental impacts of the scheme, including:

(a) the impacts of constructing the scheme on built heritage and the streetscape;

(b) the effects of constructing the scheme on traffic and transport in the vicinity, including access to St Mary’s Hospital, impacts on vehicular and pedestrian movements, the temporary removal of parking spaces and impacts on the delivery or collection of mail; and

(c) the effects of noise as a result of constructing and operating the scheme.

Built Heritage and Streetscape

6.10 Almost all of the permanent scheme would be underground \[2.2, 3.7\]. The only designated built heritage asset potentially significantly affected is Grade I listed Brunel Train Shed forming part of Paddington mainline station. As I have already indicated, with the proposed mitigation the Order scheme would avoid significant impacts on this structure, hence the building and its special historical interest would be preserved \[3.11, 3.14, 3.26\].

6.11 The only new above ground permanent features would be 2 chiller units to be sited adjacent to the wall on the southern boundary of London Street near, I saw, some existing similar units. These units would be modest in size, and set within an enclosure. In my view their impact on the streetscape would be negligible, and if it proves possible to move the existing LUL chillers this would be beneficial in visual terms \[3.24\].

6.12 It is now undisputed that the London Street façade of the RMG building would be protected from damage of structural significance during temporary use of the building as a worksite for the Order scheme. In the short term there would be adverse impacts on the setting of the façade through the introduction of a temporary loading bay and hoardings in front of the building, but I consider that its value as a building of townscape

53 ES vol.1 (CD/1/12) sections 7.8 & 7.10 also refer
merit would be preserved after the construction phase \[3.26\] 54. The ES records that the loading bay and hoardings would also adversely affect the character and appearance of the Bayswater and Paddington Conservation Area mainly through temporary changes in the setting of this building \[3.26\] 55. However, the effects would be temporary and not significant for the long-term heritage significance of the area as a whole, which would therefore be preserved.

**Traffic and Transport**

6.13 CRL’s evidence that after mitigation there would be no significant adverse effects on traffic and transport in the vicinity, including access to St Mary’s Hospital, or in respect of vehicular and pedestrian movements, the temporary removal of parking spaces and impacts on the delivery or collection of mail is now undisputed \[3.33-3.34\].

**Noise**

6.14 During the construction phase the noise-generating activities apart from loading on London Street would be underground or contained within the RMG building. In the operational phase the (permanent) chiller units would be enclosed and so would not be significant in noise terms. Indeed, if the existing LUL units could be relocated to within the same enclosure there would be a benefit in this respect. I have seen nothing to suggest that there would be significant temporary or permanent adverse effects in terms of noise \[3.24\].

**Matter 6 : The measures proposed by CRL for mitigating any adverse impacts of the scheme, including:**

(a) the Crossrail Environmental Minimum Requirements;
(b) the measures to protect the façade of the Royal Mail Group Building during construction;
(c) any measures required to protect the Paddington Station train-shed or other structures against settlement during construction;
(d) any measures to avoid, reduce or remedy any major or significant adverse environmental impacts of the scheme; and
(e) whether, and if so to what extent, any adverse environmental impacts would still remain after the proposed mitigation.

6.15 It is undisputed that construction in accordance with the Crossrail Environmental Minimum Requirements (EMR) would ensure that impacts assessed in the Crossrail ES were not exceeded \[3.25\]. Further mitigation measures would be implemented \[3.25\]. CRL’s evidence that no significant unmitigated environmental impacts are anticipated is uncontested \[3.21\].

6.16 CRL’s proposals for protection of the façade of the RMG building are undisputed. The same applies to its evidence that no mitigation measures are likely to be required in respect of the effects of ground settlement on the Grade 1 listed train shed, though this will be monitored \[3.26\].

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54 ES (CD/1.12) vol.1 para 7.10.13 also refers
55 CD/1/12 vol.1 paras 7.10.3-5
Matter 7: The adequacy of the Environmental Statement, and whether the statutory procedural requirements have been complied with.

6.17 The ES for the Order scheme supplements the overall Crossrail ES. I have taken into account the information in the submitted ES together with the further information provided in evidence for the Inquiry. The totality of this comprises the environmental information before the Secretary of State. The adequacy of the information in terms of content and procedure is unchallenged, and I am satisfied that it meets the relevant requirements [3.27]. It is undisputed that CRL has complied with all the statutory requirements [1.4].

Matter 8: Whether there is a compelling case in the public interest for conferring on CRL powers compulsorily to acquire and use land for the purposes of the scheme; and whether the land and rights in land for which compulsory acquisition powers are sought are required by CRL in order to secure satisfactory implementation of the scheme.

6.18 CRL’s submissions that there is a compelling case in the public interest for this Order scheme and that the compulsory acquisition and use of the land is required in order to secure the satisfactory implementation of the scheme are unchallenged [3.28]. I concur with both.

Matter 9: CRL’s proposals for funding the scheme.

6.19 I have seen or heard nothing to cast doubt on the evidence of Crossrail that the Order proposals are fully funded within the overall funding for the Crossrail project as a whole [3.29].

Matter 10: The purpose and effect of any substantive changes proposed by CRL to the draft TWA Order and whether anyone whose interests are likely to be affected by such changes has been notified.

6.20 No substantive changes are proposed. Amendments to address minor typographical and other errors in the draft Order were submitted at the Inquiry, together with a copy of the draft Order as thus amended, but I am satisfied that these would not affect anyone’s interests [3.30].

Overall conclusion

6.21 For the above reasons, I conclude that the Order should be made subject to the amendments submitted.

7. RECOMMENDATION

7.1 That, subject to modification per amendments set out in Inquiry documents CRL/INQ/4 and CRL/INQ/5, the Crossrail (Paddington Station Bakerloo Line Connection) Order 20[ ] be made.

Alan Boyland
Inspector
APPENDIX A : APPEARANCES

FOR CROSSRAIL LIMITED:

Saira Kabir Sheikh  Of Counsel, instructed by Juliet Clark of Eversheds LLP, One Wood Street, London EC2V 7WS

She called no witnesses

FOR THE ROYAL MAIL GROUP LTD:

Tim Comyn  Of Counsel, instructed by Oksana Price of Bircham Dyson Bell LLP, of 50 Broadway, London, SW1H 0BL

He called no witnesses

FOR PRACT (PADDINGTON RESIDENTS’ ACTIVE CONCERN ON TRANSPORT):

John Walton  Hon. Secretary

He called no witnesses
APPENDIX B : DOCUMENTS LIST

Transport and Works Order and Related Application Documents

CD/1.1 Application Apr 2013
CD/1.2 Draft Order Apr 2013
CD/1.3 Explanatory Memorandum Apr 2013
CD/1.4 Statement of Aims Apr 2013
CD/1.5 Consultation Report Apr 2013
CD/1.6 List of all Consents, Permissions or Licences Apr 2013
CD/1.7 Funding Statement Apr 2013
CD/1.8 Estimate of Costs Apr 2013
CD/1.9 Works and Land Plan incorporating Location Plan & Sections Apr 2013
CD/1.10 Book of Reference Apr 2013
CD/1.11 ES Scoping Opinion Apr 2013
CD/1.12 Environmental Statement (Volumes 1 and 2) Apr 2013
CD/1.13 Non-Technical Summary (Volume 3) Apr 2013
CD/1.14 Crossrail Statement of Case Jul 2013

Legislation

CD/2.1 Transport and Works Act 1992
CD/2.2 Transport and Works (Inquiries Procedure) England and Wales Rules 2004
CD/2.3 Transport and Works (Model Clauses for Railways and Tramways) Order 2006
CD/2.4 Transport and Works (Applications and Objections Procedure) (England and Wales) Rules 2006
CD/2.5 Crossrail Act 2008 (Chapter 18)

Planning and Transport Policy Documents

CD/3.2 White Paper The Future of Transport – A Network for 2030 Jul 2004
CD/3/3 White Paper The Future of Rail Jul 2004
CD/3.4 Eddington Transport Study Dec 2006
CD/3.5 Department for Transport, Delivering a Sustainable Railway Jul 2007
CD/3.8 Mayor’s Transport Strategy – Executive Summary May 2010
CD/3.9 City of Westminster Core Strategy Jan 2011
CD/3.11 National Planning Policy Framework Mar 2012

Scheme Project Development Documents

CD/4.1 Crossrail Environmental Minimum Requirements Jul 2008
CD/4.2 Sponsors Requirements Mar 2010
CD/4.3 Review of Construction Risks and Drivers for Deletion Nov 2010
CD/4.4 Construction Shaft Options Report Aug 2012
CD/4.5 Minutes of meetings with Royal Mail Group Plc  
CD/4.6 Chiller Location Plant  
CD/4.7 Crossrail Programme  
CD/4.8 Proposed Traffic Management Layout Plan  

**Crossrail Evidence**

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<td>CRL/1/1</td>
<td>Proof of Evidence of Danny Trup – Strategic Context</td>
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<td>Appendices to Proof of Evidence of Danny Trup</td>
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<td>CRL/1/3</td>
<td>Summary Proof of Evidence of Danny Trup Oct 2013</td>
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<tr>
<td>CRL/2/1</td>
<td>Proof of Evidence of Roger Judd – Engineering Detail</td>
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<td>CRL/2/4</td>
<td>Roger Judd rebuttal of Royal Mail Group evidence</td>
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**Crossrail Inquiry Submissions**

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<td>Clean version of amended draft Order 12 Nov 2013</td>
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<td>Key Plans (x 2) and Limits of Deviation/land to be acquired or used 8 Nov 2013</td>
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<td>CRL/INQ/8</td>
<td>Updates on objections 11 Nov 2013</td>
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<td>CRL/INQ/9</td>
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**Representation in Support**

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**Other Representations**

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<td>REP/1/4 PRACT Note of meeting with LUL on 2 October 2013</td>
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**Objector withdrawals** (during Inquiry)

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<td>14 Nov 2013</td>
<td>OBJ/3/4 Westminster City Council [OBJ/3] (email &amp; unsigned copy of legal agreement between the Council and Crossrail Ltd)</td>
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