



Department for Transport

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Dear Sirs,

TRANSPORT AND WORKS ACT 1992: APPLICATION FOR THE PROPOSED NETWORK RAIL (NORTHUMBERLAND PARK LEVEL CROSSING AND COPPERMILL LANE LEVEL CROSSING CLOSURE) ORDER AND DEEMED PLANNING PERMISSION

1 I am directed by the Secretary of State for Transport (“the Secretary of State”) to say that consideration has been given to the application made on 22 March 2016 by your clients Network Rail Infrastructure Limited (“NR”) for–

- (a) the Network Rail (Northumberland Park Level Crossing and Coppermill Lane Level Crossing Closure) Order (“the Order”) to be made under sections 1 and 5 of the Transport and Works Act 1992 (“TWA”); and
- (b) a direction as to deemed planning permission for the development provided for in the Order, to be given under section 90(2A) of the Town and Country Planning Act 1990 (“the planning direction”).

2 The Order and the planning direction would authorise NR to construct a new step-free pedestrian footbridge across the West Anglia Main Line (“WAML”) Railway in the vicinity of Northumberland Park station in the London Borough of Haringey and to demolish the existing footbridge within the station. The Order would also authorise NR to close the level crossings at Northumberland Park station and at Coppermill Lane in the London Borough of Waltham Forest; to extinguish rights of way over the level crossings and over the existing footbridge on the north side of the Northumberland Park level crossing; and to create a right of way over the new footbridge.

Summary of the Secretary of State’s Decision

3 For the reasons given in this letter, **the Secretary of State has decided to make the Order with modifications and to give the planning direction subject to the conditions set out in Annex 1 to this letter.**

The Order application

4 In making this application, NR complied with the publicity requirements of the Transport and Works (Applications and Objections Procedure) (England and Wales) Rules 2006 (“the 2006 Rules”). This included serving copies of the application and the accompanying documents on the persons specified in the 2006 Rules and making the documents available for public inspection. As also required by the 2006 Rules, NR displayed and published notices giving information about the application and how to make representations and served notice on those whose rights over land would be extinguished under the Order.

5 In response to the application, the Secretary of State received one objection from Royal Mail on the grounds that the proposals in the Order might adversely affect its operational and statutory duties to collect and deliver mail. Following internal consultation, Royal Mail withdrew its objection on 23 August 2016. The application is therefore unopposed

6. NR did not include an environmental statement with the Order application because the Secretary of State had decided on 15 September 2015 under rule 7(13) of the 2006 Rules that an environmental impact assessment was not required in relation to the proposals in the Order.

Purposes of the Order

7. The proposals in the Order are part of the wider WAML Capacity Enhancement project. The project is intended to provide additional capacity and improved service frequency into Stratford and London via the Lea Valley Line so as to address the demand arising from industrial and residential development in the area. Additional capacity along this line would be achieved by constructing a third track between Lea Bridge and Angel Road stations. NR considers that the Order is necessary to ensure that it can close Northumberland Park and Coppermill Lane level crossings, implement the WAML Capacity Enhancement project, and provide a safe rail corridor for the public and rail users.

Secretary of State’s consideration and decision

8. The Secretary of State has considered the information contained in the Order application. In terms of the benefits of the proposals in the Order, the Secretary of State acknowledges that the safety of both rail users and members of the public would increase because, following the closure of the level crossings, pedestrians and vehicles would be required to cross the railway by bridge or underpass. He notes in this context the conclusion of the Transport Assessment (“TA”) submitted with the Order application that the level crossing closures were unlikely to have a significant impact on pedestrian and cyclist connectivity.

9. As regards the wider project benefits, the Secretary of State notes that the proposed new track layout to be provided under the WAML Capacity Enhancement project would accommodate two additional trains per hour in each direction between Stratford and Angel Road. This would benefit passengers by enabling more frequent, faster and better

connected services. It would also reduce passenger crowding on the trains, cater for future growth in passenger numbers and provide operational flexibility in times of disruption.

10. The Secretary of State notes that, in terms of adverse impacts, the closure of the Northumberland Park level crossing would require vehicular traffic to divert via one of three alternative routes, the shortest of which is about 1.2 kilometres. The TA concluded that the closure of this level crossing would not have a severe impact on the local transport networks. Although there could be increased traffic congestion for short periods within the vicinity of the crossing during football match events, this could be addressed by alternative traffic management strategies. The closure would also result in some diversion of buses using the Marsh Lane depot.

11. The Secretary of State notes that the Coppermill Lane level crossing has been unused for many years. The extinguishment of rights of way over that crossing would therefore not affect any traffic, which would continue to use the existing underpass at Coppermill Lane.

12. With regard to the demolition of the existing footbridge within Northumberland Park station and the construction of the new footbridge, the Secretary of State has received no evidence to suggest that these items of development would have any significant adverse environmental effect. He is satisfied that any disturbance as a result of these activities would be adequately controlled and mitigated through the conditions which he intends to attach to the planning direction and under the Control of Pollution Act 1974. The Secretary of State is satisfied also that, subject to some minor drafting changes in the interests of clarity and consistency, the conditions attached to the request for the planning direction meet the tests in Planning Practice Guidance, Use of Conditions 21a-003-20140306 and in paragraph 206 of the National Planning Policy Framework.

13. The Secretary of State has concluded from the foregoing that the benefits of the proposals in the Order taken with the wider benefits of the WAML Capacity Enhancement project would significantly outweigh the limited adverse impacts of closing the Northumberland Park and Coppermill Lane level crossings. For the purposes of section 5(6) of the TWA, he is satisfied that, in relation to the public rights of way that would be extinguished, either an alternative right of way will be provided or the provision of an alternative is not required. He notes further that, as regards the extinguishment of any private right of way over the level crossings, compensation would be payable if any person suffered loss as a result.

14. The Secretary of State is satisfied for all the reasons given in this letter that it is in the public interest to authorise the proposals in the Order application. He has, therefore, decided to make the Order, subject to a number of minor drafting amendments which do not make a substantial change in proposals such as would require notification to affected persons under section 13(4) of the TWA; and to give the planning direction, subject to the conditions set out in Annex 1 to this letter.

Notice of determination

15. This letter constitutes the Secretary of State's notice of his determination to make the Order for the purposes of section 14(1)(a) and section 14(2) of the TWA. Your clients

are required to publish a notice of the determination in accordance with section 14(4) of the TWA.

Challenge to decision

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

Yours faithfully,

Fiona Walshe

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

INTERPRETATION

In the following conditions:

“the development” means the development authorised by the Order;

“the local planning authority” means the London Borough of Haringey;

“Network Rail” means Network Rail Infrastructure Limited;

“the new footbridge” means the footbridge described in article 3(1) of the Order;

“the Order” means the Network Rail (Northumberland Park Level Crossing and Coppermill Lane Level Crossing Closure) Order [2016]; and

“the planning drawings” means the drawings listed in Schedule 2 to the request for deemed planning permission submitted with the Order application on 22nd March 2016.

Time limit for commencement of development

1. The development must commence before the expiration of 5 years from the date on which the Order comes into force.

Reason: To set a reasonable time limit for the commencement of the development.

Implementation in accordance with planning drawings

2. The development must be carried out in accordance with the planning drawings.

Reason: To ensure compliance with the approved plans and for the avoidance of doubt.

Materials and finishes

3. No development is to commence until details of the external materials and finishes included in the development have been submitted to and approved by the local planning authority.

Reason: To ensure that the development provides an acceptable quality of built environment and for consistency with Policy SP11 of the Haringey Local Plan 2013 and Saved Policy UD3 of the Haringey Unitary Development Plan 2006.

Code of construction practice

4.(a) No development is to commence until a Code of Construction Practice and the relevant plans and assessments referred to in paragraph (b) have been submitted to and approved by the local planning authority.

(b) Part B of the Code of Construction Practice must include the following plans and assessments:

- an external communications plan;
- a pollution prevention and incident control plan;
- a waste management plan, including a materials management plan;
- a traffic management plan;
- a nuisance management plan;
- a noise and vibration plan, including a construction methodology assessment; and
- a dust risk assessment in accordance with the GLA SPG Control of Emissions at Demolition and Construction Sites.

Reason: To protect the amenity of local residents and the quality of the local environment by ensuring the mitigation of construction effects.

Demolition

5. No demolition is to commence until written details of the management of the demolition of the existing footbridge within Northumberland Park station, including the management of dust arising from such demolition, has been submitted to and approved by the local planning authority.

Reason: To protect the amenity of local residents and the quality of the local environment.

Landscape design

6. No development is to commence until a Landscape Design has been submitted to and approved by the local planning authority, which is to include as appropriate:

- proposed finished ground materials;
- hard surfacing treatments and materials;
- operational vehicle access areas;
- pedestrian access and circulation areas, including interface of the development with public rights of way;
- any minor structures and above ground housing, including signage and lighting;
- details of boundary treatments and fencing;
- details of any existing trees and planting;
- details of any existing trees to be retained with measures for their protection during construction;

- location, number, species, size and planting density of any proposed planting; and
- implementation timescales for all landscaping works.

Reason: To ensure the acceptability of the landscaping design in the interests of visual amenity of the area consistent with Policy 7.21 of the London Plan 2011, Policy SP11 of the Haringey Local Plan 2013 and Saved Policy UD3 of the Haringey Unitary Development Plan 2006.

CCTV and security lighting

7. Before the new footbridge is opened for use by the public, a scheme showing full details of a closed-circuit television surveillance system and security lighting is to be submitted to and approved by the local planning authority.

Reason: To ensure that the proposed development achieves an appropriate level of security having regard to Policy 7.3 of the London Plan 2011, Policy SP11 of the Haringey Local Plan 2013.

Approval and implementation of these conditions

8. Where under any of these conditions the approval of the local planning authority is required, that approval must be given in writing. The development must be carried out in accordance with any such approval, or any subsequent revisions that have been submitted to and approved by the local planning authority.

END.

RIGHT TO CHALLENGE ORDERS MADE UNDER THE TWA

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

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

Any such challenge may be made, by application to the High Court, within the period of 42 days beginning with the day on which notice of this determination is published in the London Gazette as required by section 14(1)(b) of the TWA. This notice is expected to be published within 3 working days of the date of this decision letter.

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

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

A person who thinks they may have grounds for challenging the decision to make the Order and to give the planning direction is advised to seek legal advice before taking any action.