

## **Transport and Works Act 1992**

### **Transport and Works (Applications and Objections Procedure) (England and Wales) Rules 2006 – Rule 10(6)**

#### **LONDON OVERGROUND (BARKING RIVERSIDE EXTENSION) ORDER**

#### **REQUEST FOR DIRECTION UNDER SECTION 90(2A) OF THE TOWN AND COUNTRY PLANNING ACT 1990**

To: The Secretary of State for Transport, c/o TWA Orders Unit,  
General Counsel's Office, Department for Transport, Zone 1/18,  
Great Minster House, 33 Horseferry Road, London SW1P 4DR

Transport for London (TfL) hereby seeks, pursuant to rule 10(6) of the above-mentioned rules, a direction from the Secretary of State under section 90(2A) of the Town and Country Planning Act 1990 that planning permission, so far as it is required, be deemed to be granted for the development sought to be authorised by the Order now being applied for within the various limits provided for in the draft Order and the accompanying deposited plans and sections.

- 1** The proposed development comprises construction of a new section of railway and remodelling of existing tracks which form part of Network Rail's Essex Thameside (Tilbury Loop) Line. The new section of railway would commence at a junction with the existing Essex Thameside (Tilbury Loop) Line and be built partly at grade and partly on a viaduct, passing below the bridge at Renwick Road before rising onto a new viaduct and turning south to pass over existing Network Rail tracks and Choats Road to access a new elevated terminus station at Barking Riverside.
- 2** The proposed development is located in the London Borough of Barking and Dagenham.
- 3** Notice on property owners and occupiers affected by the proposed development has been given by way of service of notices under Rule 15 of the above-mentioned rules and the other publicity required by those rules.
- 4** The following aspects of the proposals contained in the draft Order are or may be development requiring planning permission under section 57(1) of the Town and Country Planning Act 1990 as follows:

Proposals	Draft Order
The scheduled works:	Article 4 and Schedule 1
Miscellaneous ancillary works:	Article 4
Highway alterations and improvements:	Article 4, 6 to 11 and Schedule 2
Changes of use:	Article 4, 21, 28, 29 and Schedule 1 and Schedule 5

- 5** Further particulars of items currently identified as forming elements or possible elements of development proposed are contained in Appendix 1 to this request.
- 6** The direction sought is one of deemed planning permission to be granted for the whole development and for each element of it and, in response to rule 10(6)(c) of the above-mentioned rules, with some details in respect of scale, external appearance, siting and landscape being reserved for subsequent approval by the Local Planning Authority to the extent and in the manner set out in conditions to the direction. Attached as Appendix 2 to this request are draft conditions which the applicant wishes to propose.
- 7** An Environmental Statement also accompanies this application.

## APPENDIX 1

### ELEMENTS OF THE DEVELOPMENT OR POSSIBLE DEVELOPMENT

#### In the London Borough of Barking and Dagenham

##### A – Railway, supporting structure, plant and equipment

1. Construction of a railway extension commencing at Barking East junction to end of track at Barking Riverside station.
2. Construction of overhead electrification structures, installation of track, signalling, communications equipment, plant, electrical and mechanical equipment.
3. Railway realignment and modification through marshalling yard between Alfred's Way and Renwick Road.
4. Formation of a new bridge across Choats Road and viaduct structure to carry new railway.
5. Formation of a ramp including retaining walls and bridge abutment to carry new railway.

#### In the London Borough of Barking and Dagenham

##### B – Station

1. Construction of an elevated terminus station at Barking Riverside and associated retail facilities.

#### In the London Borough of Barking and Dagenham

##### C – Highway Works

1. Works to the highway at Renwick Road and Choats Road.
2. The creation of new access to Barking Riverside Station in the vicinity of Renwick Road and River Road.
3. Realignment of the access road connecting Box Lane and the railway freight terminal.
4. Relocation of Choats Road width restriction.

## **In the London Borough of Barking and Dagenham**

### **D – Other works: main worksites, accommodation works, demolition, reinstatement, landscape etc**

1. Use of land at Barking East Junction, land between the A13 Alfred's Way bridge and the Renwick Road bridge and land at locations near Renwick Road, Choats Road and River Road for worksites including construction-related buildings and structures, material handling and storage and other ancillary operations, demolition, etc.
2. Modifications to the attenuation ponds.
3. Relocation of wildlife.
4. Realignment and remodelling of existing freight marshalling yard.
5. Demolition of an existing building at the east end of the marshalling yard.
6. Diversion of Network Rail's down through siding.
7. Diversion of car terminal siding.
8. Provision of an electrical sub-station in the land to the north-east of the bridge at Renwick Road.
9. Demolition of the former British Railway's engine shed and adjacent office buildings.
10. Modifications to existing railway signalling, electrification equipment and cable routes adjacent to Network Rail and HS1 tracks.
11. Diversion of Footpath 47.
12. Re-grading of ground adjacent to and below the proposed railway viaduct.

## **In the London Borough of Barking and Dagenham**

### **General Items**

1. Diversion, relocation and protective works to services, plant and other apparatus and equipment belonging to statutory undertakers, utility companies and others to facilitate the construction of the railway and other works along the full length of the proposed railway.
2. Relocation and/or provision of new road traffic signs, street lighting and carriageway lane markings at various locations along the route of the proposed railway.
3. Formation of areas of hard and soft landscape works at various locations adjacent to the proposed railway and associated works.
4. Creation and use of temporary access for construction traffic.
5. Any other ancillary works that are necessary or expedient in the carrying out of the development.

## **APPENDIX 2**

### **TOWN AND COUNTRY PLANNING ACT 1990**

#### **LONDON OVERGROUND (BARKING RIVERSIDE EXTENSION) ORDER**

##### **Draft/CONDITIONS ATTACHED TO THE DIRECTION AS TO DEEMED PLANNING PERMISSION DATED [                      ]**

In these conditions, unless the context otherwise requires—

“Barking Riverside Extension Design and Access Statement” means the document of that title submitted with the application to the Order;

“the Code of Construction Practice (Part A)” means the document of that title comprising Appendix A4.2 of Volume 3 of the Environmental Statement, subject to any subsequent amendment to it agreed by the Local Planning Authority;

“a Code of Construction Practice (Part B)” means a document of that title, whose contents must be in accordance with the specification set out in the Code of Construction Practice (Part A);

“the Development” means the works authorised by the Order;

“the Environmental Statement” means the document of that title submitted with the application for the Order;

“Local Planning Authority” means the London Borough of Barking and Dagenham;

“the Order” means the London Overground (Barking Riverside Extension) Order 201[ ];

“the Planning Direction” means the direction as to deemed planning permission for the Development issued under s.90(2A) of the Town and Country Planning Act 1990;

“the Relevant Limits” means the limits within which the Development may be carried out; and

“Stage” means a defined part, section or stage of the Development, the extent of which has been submitted to, and approved by, the Local Planning Authority,

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

## **Time limits for commencement of development**

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

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

## **Code of Construction Practice (Part A)**

- 2** Construction of the Development shall be carried out in accordance with the provisions of the Code of Construction Practice (Part A), or any amendments to it as may be approved by the Local Planning Authority.

*Reason: In the interests of amenity.*

## **Code of Construction Practice (Part B)**

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

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

## **Detailed design approval**

- 4** Works relating to Barking Riverside Station shall not commence until details of the layout, scale and external appearance of the station have been submitted to, and approved by, the Local Planning Authority.

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

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

## **Landscape works**

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

### *Hard landscape proposals*

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

### *Soft landscape proposals*

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

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

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

## **Contaminated land**

- 6** No Stage of Development which may disturb contaminated land with the potential likely to materially harm persons or pollute controlled waters or the environment shall commence until a scheme, for that Stage, to deal with contamination has been submitted to and approved by the Local Planning Authority. The scheme shall include—
- a) a description of the Stage concerned;
  - b) the results of an investigation and assessment to identify the extent of contamination at that relevant site, including both onsite and offsite sources; and
  - c) where required, details of the proposed remediation measures and how they will be undertaken.

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

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

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

### **Highway access**

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

*Reason: To ensure highway safety.*

### **Approval and implementation under these conditions**

Where under any of these conditions the approval (which shall be taken to include any agreement or consent) of the Local Planning Authority is required to any matter, that approval shall be given in writing. Where under any condition the Local Planning Authority may approve amendments to details submitted and approved, such approval must not be given except in relation to changes where it has been demonstrated to the Local Planning Authority that the approval sought is unlikely to give rise to any materially new or materially different environmental effects from those assessed in the Environmental Statement.

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