

**TRANSPORT & WORKS ACT 1992: PROPOSED TRANSPORT FOR LONDON
LONDON OVERGROUND BARKING RIVERSIDE EXTENSION ORDER**

**TOWN & COUNTRY PLANNING ACT 1990: REQUEST FOR DEEMED
PLANNING PERMISSION**

Proposal: The proposed order, if made, would authorise Transport for London to construct and maintain an extension to the London Overground Gospel Oak to Barking line from Barking station to a new station at Barking Riverside in the London Borough of Barking & Dagenham.

The proposed development comprises construction of a new section of railway and remodelling existing tracks which form part of Network Rail's Essex Thameside (Tilbury Loop) Line. The new section would commence at a junction with that line and be built partly on a viaduct passing below the bridge at Renwick road before rising and turning south to pass over existing Network Rail tracks and Choat Road to access a new elevated terminus station at Barking Riverside.

The proposed Order would authorise compulsory acquisition and temporary use of land, temporary and permanent stopping of streets and ancillary matters. And in connection with the application a direction is sought under section 90(2A) of the Town & Country Planning Act 1990.

APPLICANT: Transport for London

PRE-INQUIRY MEETING: held at 2 pm on Thursday 8TH September 2016 at Barking Learning Centre, 2 Town Square, Barking IG11 7NB

INQUIRY DATE: TUESDAY 18 OCTOBER 2016

INSPECTOR'S NOTES OF PRE-INQUIRY MEETING (para 17 revised 19/9)

Introduction:

1. The scheme is promoted under the Transport & Works Act 1992, the Town & Country Planning Act 1990 and the Acquisition of Land Act 1981 with the Order and application for a direction to be determined by the Secretary of State for Transport. The Inquiry would as far as possible follow the procedures of the Transport & Works (Inquiries Procedure) Rules 2004.
2. The Inspector, introduced himself as Mr Peter Robottom MA (Oxon) DipTP MRTPI MCMi, appointed by the Secretary of State for Transport to hold the Inquiry and report with recommendation to him. A Programme Officer

had been appointed to assist him in the administration of the Inquiry and he is Mr Graham Groom of Persona Associates. Mr Groom will be heavily involved in the organisation of the Inquiry, but will take no part in the decision making process. He can be contacted on 01403 217799 or at Persona Associates, 1st Floor, Bailey House, 4-10 Barttelot Road, Horsham RH12 1DQ; email: grahamgroom@personaassociates.co.uk over any queries. He will be the channel for any communications with me.

3. Copies of these notes of the PIM will be sent to all parties who have made representations or subsequently expressed an interest in attending the Inquiry. A copy will also be placed on deposit together with the promoter's statement of case at (1) Barking Learning Centre, 2 Town Square, Barking, Essex IG11 7NB; (2) Thames View Library, Bastable Avenue, Barking, Essex IG11 OLG; (3) Rivergate Centre, Minter Road, Barking, Essex IG11 0FJ ;(4) Bircham Dyson Bell LLP, 50 Broadway, London SW1H 0BL and on the Inquiry website at <http://barking-riverside.persona-pi.com>

Promoter

4. The promoter of the scheme is Transport for London. They will be represented by Andrew Tait QC, instructed by Bircham Dyson Bell LLP, solicitors, 50 Broadway, London SW1H 0BL. The current intention is to call six witnesses:
 1. Christopher Porter, Transport Planning Manager, TfL (Scheme development and justification)
 2. John Rhodes, Director, Quod (Planning)
 3. Chris Abrehart, Chief Engineer, Atkins (Engineering)
 4. Paul White, Technical Director, Atkins (Environment)
 5. Richard Bland, Director, Mott MacDonald (Transport), and
 6. Ian Cunliffe, Director, Ardent Management (Land & Property)

Supporters

5. Mr Viral Desai of Barton Willmore indicated that Barking Riverside Limited would intend to appear in support of the application. Mr Tim Martin of the London Borough of Barking & Dagenham indicated that his Council would also intend to appear in support of the application.

Objectors

6. Mr Peter Seaborn of Mills Reeve on behalf of DB Cargo UK Ltd indicated that they anticipated calling two witnesses against the proposal and Mr Tim Earl of Montagu Evans on behalf of Legal & General also indicated that they anticipated calling two witnesses against the proposal.
7. Ms Alice Cook of Nabarro LLP on behalf of Barking Power indicated that one or 2 witnesses were anticipated as being called against the proposal.
8. The Inspector drew attention to the strategic planning objection from Mr Ridley that had been echoed at least in part in other comments including those from Labour Members of the GLA and LB Bexley. He indicated that if Mr Ridley did not appear at the Inquiry to put forward his arguments, then the Inspector would wish to explore these issues in order to ensure that the matters on which the Secretary of State wishes to be informed, as set out in the circulated Statement of Matters, are fully addressed. He had noted that the ES, including consideration of alternatives (BRE/A17/1), does not address the justification for continuing the new construction on viaduct to an elevated station at Barking Riverside when a future prospective extension to Thamesmead and Abbey Wood was proposed to be in tunnel and could be provided as early as the 2030s (BRE/D31). Also that the references in the Design and Access Statement (BRE/A17/5) only briefly refer to the permeability and accessibility possibilities enabled by the extension being on a viaduct structure.

Statement of Matters

9. As referred to in the previous paragraph, these have been published by the Secretary of State for Transport pursuant to Rule 7(6) and for ease of reference a copy is appended to these notes. The Inquiry will cover all the matters referred to. This does not preclude the Inspector from hearing evidence on other matters that may be relevant nor determine the order of proceedings.

The Inquiry venue

10. The Inquiry venue will be **CEME, Marshway, Rainham, Essex RM13 8EU** with the Inquiry opening at **10 am on Tuesday 18 October 2016**. The venue is served by the 174 bus route from Dagenham Heathway station on the District underground line. TfL indicated that if there was demand a shuttle bus could be provided from Dagenham Dock station, the nearest Network Rail station on the Tilbury Loop Line.

The Inquiry Programme

11. In order to expedite proceedings, it was agreed that the case for the promoter would be heard first in full with only questions of clarification to each of the witnesses followed by the case for supporters. The case for objectors would follow with relevant witnesses for the promoters recalled to give rebuttal evidence if appropriate and to be available for cross-examination on the whole of their evidence.
12. In the light of time estimates, canvassed at the meeting, the following preliminary timetable was established:
 - Day 1 & Day 2 -Tuesday 18 October and Wednesday 19 October: Openings and the case for the Order
 - Day 3 -Thursday 20 October am: the case for supporters
 - Day 3 -Thursday 20 October pm: the case for Barking Power
 - Day 4 - Friday 21 October: The combined case for DB Cargo UK and Legal & General
 - Day 5 -Tuesday 25 October: The case for any other objectors
 - Day 6 - Wednesday 26 October: Closing(s) and Accompanied Site Inspection – the latter being required if Compulsory Acquisition objections remain outstanding, otherwise unaccompanied site inspections may suffice with views of the site from public highways and railways.
13. Representatives of both Barking Power and DB Cargo/Legal and General indicated that negotiations were continuing with TfL and that their objections might be withdrawn. In which case the programme for days 5 & 6 would be brought forward into Days 3 & 4, with only an accompanied site visit, if required, taking place in the second week. If further objectors, such as Mr Ridley, do indicate a wish to appear to Mr Groom or at the opening of the Inquiry, it would be necessary to vary this provisional programme accordingly. Mr Groom will endeavour to arrange a detailed programme within this outline to hear those who wish to be heard in order to minimise necessary attendance time at the inquiry and convenience for participants.
14. The Inquiry would normally sit between 10 am and 5 pm with a lunch break of around 1 hour between 1 pm and 2 pm. TfL indicated that there is a café in the venue. Brief breaks may be provided mid-morning and mid-afternoon at appropriate points in the proceedings, but generally every effort would be made to conclude a party's or witness's case before adjournments.

Statements of Common ground

15. Given the short time before the date specified by the Secretary of state for submission of statements of evidence, namely 20 September 2016, it was not considered realistic to consider preparation of separate Statements of Common Ground, but the Inspector asked that the Inquiry be presented with a clear statement of the position regarding each parcel of land identified for Compulsory Acquisition or temporary possession. Mr Tait indicated that the evidence of TfL would contain this information.

Submission of Evidence

16. The Inspector saw no reason to seek to vary the date set by the Secretary of State for submission of statements of evidence, namely **Tuesday 20 September 2016**. The representatives of DB Cargo UK and Legal & General sought a deferment by 2 weeks of submission of their statements of evidence because TfL had only recently sent them new information that was being studied. TfL resisted such a lengthy delay as it would make production of any rebuttal evidence ahead of the Inquiry impossible, this being envisaged as required 3 weeks after the submission of initial statements of evidence. TfL evidence would be including updates to the Flood Risk Assessment that should satisfy the Environment Agency's objection, a report on Mayoral consideration and a statement concerning strategy for river crossings.
17. The Inspector ruled that the submission date of **Tuesday 20 September 2016 should stand for all parties other than DB Cargo UK and Legal & General who must submit their statements of evidence no later than Tuesday 27 September 2016. Rebuttal evidence should be submitted no later than Tuesday 11 October 2016**. Summaries should be provided wherever statements of evidence exceed 1500 words.
18. All documentation should be clearly identified with the name of the party at the top and a consecutive reference number for all documents submitted by that party (for example TfL1, TfL2 etc). Evidence and supporting documents should be sent to the Programme Officer at Persona Associates.

Peter G Robottom

Inspector

15 September 2016

**TRANSPORT AND WORKS ACT 1992: PROPOSED LONDON OVERGROUND
(BARKING RIVERSIDE EXTENSION) ORDER**

**TOWN AND COUNTRY PLANNING ACT 1990: REQUEST FOR DEEMED
PLANNING PERMISSION**

TRANSPORT AND WORKS (INQUIRIES PROCEDURE) RULES 2004

STATEMENT OF MATTERS

This statement relates to the public inquiry to be held into the applications made by Transport for London (“TfL”) for:

- (i) the above Order under the Transport and Works Act 1992 (“TWA”); and
- (ii) a direction as to deemed planning permission for the development for which provision is included in the above Order.

This statement sets out in accordance with rule 7(6) of the Transport and Works (Inquiries Procedure) Rules 2004 the matters about which the Secretary of State for Transport particularly wishes to be informed for the purposes of his consideration of these applications. The matters are as follows:

- 1. The aims of, and the need for, the proposed extension of the Gospel Oak to Barking line from Barking station to a new station at Barking Riverside in the London Borough of Barking and Dagenham (“the scheme”).**
- 2. The main alternatives considered by TfL and the reasons for choosing the proposals comprised in this scheme.**
- 3. The justification for the particular proposals in the draft TWA Order, including the anticipated transportation, environmental and socio-economic benefits of the scheme.**
- 4. The extent to which proposals in the TWA Order are consistent with the National Planning Policy Framework, the London Plan and with sub-regional and local planning and transport policies.**
- 5. The likely environmental impacts of constructing and operating the scheme.**
- 6. The likely impacts of constructing and operating the scheme on traffic and on the operation of businesses in the area, including:**
 - a) impacts on redevelopment proposals in the area;**
 - b) effects on utility providers’ apparatus and networks;**
 - c) impacts on existing surface and sub-surface assets; and**
 - d) the effects on the UK national railway network.**

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

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

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

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

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

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

11. TfL’s proposals for funding the scheme.

Notes

It should be noted that whilst the above matters appear to the Secretary of State, from the evidence so far available, to be the principal ones that need to be addressed. This statement does not preclude the inquiry Inspector from hearing evidence on any other matters that he may consider relevant to the consideration of the application. In addition this statement does not pre-determine the order in which issues are to be addressed at the inquiry, nor does it imply any order of importance.

**TWA Orders Unit
Department for Transport**

10 August 2016