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19 July 2007

Dear Sirs,

**TRANSPORT AND WORKS ACT 1992
TOWN AND COUNTRY PLANNING ACT 1990
APPLICATIONS FOR THE PROPOSED DOCKLANDS LIGHT RAILWAY (CAPACITY
ENHANCEMENT AND 2012 GAMES PREPARATION) ORDER AND FOR DEEMED
PLANNING PERMISSION**

1. I am directed by the Secretary of State for Transport to say that consideration has been given to the report of the Inspector, Mr N R Taylor BSc CEng MICE, MIHT, who held a public inquiry between 20 February and 7 March 2007 into the applications made by your clients, Docklands Light Railway Limited ("DLRL"), for :

a. the Docklands Light Railway (Capacity Enhancement and 2012 Games Preparation) Order ("the Order") to be made under sections 1, 3 and 5 of the Transport and Works Act 1992 ("the TWA"); and

b. a direction as to deemed planning permission for the development provided for in the Order, to be issued under section 90(2A) of the Town and Country Planning Act 1990.

2. The Order, if made, would authorise platform extensions at four Docklands Light Railway ("DLR") stations on the Poplar to Stratford line and at seven DLR stations on the Poplar to Beckton line, together with associated works, to enable the operation of 3-car trains. It would also authorise works at the Delta Junction to increase the operational capacity of the railway. The proposed Order includes provision, amongst other things, for the permanent or temporary acquisition of land; the carrying out of street works; the stopping up or diversion of rights of way; and the temporary closure of inland waterways at Canary Wharf.

3. A copy of the Inspector's report is enclosed. His conclusions are set out in section 8 of his report and his recommendations are at section 9.

Summary of the Inspector's recommendations

4. The Inspector recommended that the Order be made, with the modifications in inquiry document DLR/INQ/36; and that deemed planning permission be granted for the

development proposed in the Order, subject to the conditions set out in document DLR/INQ/38.

Summary of the Secretary of State's decisions

5. For the reasons given in this letter, **the Secretary of State has decided to make the Order, with modifications, and to direct that planning permission be deemed to be granted, subject to the conditions set out in Annex 1 to this letter.**

Secretary of State's consideration

6. Careful consideration has been given to all the arguments put forward by, or on behalf of, the parties. The Secretary of State's consideration of the Inspector's report is set out in the following paragraphs, with the relevant paragraph numbers of the report given in brackets for ease of cross-reference.

Procedural matters

7. The Inspector was satisfied that there had been adequate consultation with the public and key stakeholders in developing the proposals (8.3). With regard to the complaint by the SS Robin Trust about DLRL's failure to deliver the proofs of evidence within the specified timetable, he concluded that the objector was not disadvantaged (8.4-8.6). The Secretary of State agrees with the Inspector.

The aims and objectives of, and the need for, the proposed capacity enhancements

8. The Inspector noted that the trend of increasing passenger levels since the DLR opened was forecast to continue, such that any spare capacity on DLR trains would be close to being absorbed by 2010. In addition, the DLR was a key part of the transport plans for the 2012 Olympic and Paralympic Games and the proposed works would provide necessary capacity for the route between central London and the Olympic venues (8.8). The aims and objectives of the scheme were, accordingly, to reduce passenger congestion, to provide additional capacity for the Olympic and Paralympic Games, and to facilitate regeneration of Docklands (8.9). The Inspector concluded that there was a clearly demonstrated need for increased capacity on the DLR network in the future, that the aims and objectives for the scheme were appropriate, and that the scheme would deliver them (8.10-8.11, 8.117).

9. The Secretary of State agrees with the Inspector, for the reasons given by the Inspector in his report, that a need for the capacity enhancements that this scheme would deliver has been clearly established.

Consistency with national, regional and local planning and transport policies

10. The Inspector concluded that the scheme would be consistent with relevant national, regional and local planning and transport policies (8.13; 8.17; 8.19; 8.117). He considered that, in improving public transport infrastructure in the Thames Gateway area, the scheme would support national policy objectives which place emphasis on reducing motorised journeys and encouraging alternative means of travel that have less environmental impact (8.12-8.13). At the regional level, the scheme accorded with

transport policies in the adopted London Plan, which seek to improve transport capacity, particularly where needed in areas designated for development and regeneration, including those served by the DLR (8.14; 8.17). The Inspector also noted that the scheme complied with policies included in the emerging alterations to the London Plan, and that there was support for improvements to the DLR in the London Thames Gateway Development and Investment Framework, the Mayor's Transport Strategy and the Olympic Transport Plan (8.16). With regard to local policy, he noted that the Unitary Development Plans adopted by the London Boroughs of Newham and Tower Hamlets both included policies aimed at improvements to public transport such as the scheme would provide (8.18-8.19).

11. The Secretary of State agrees with the Inspector, for the reasons the Inspector gives, that the scheme is supported by a wide range of adopted planning and transportation policies at all levels.

Main alternatives

12. The Inspector noted that a number of options had been considered in the development of the scheme which could have provided some increase in capacity. He agreed with DLRL that none of them would achieve the step change which would be required to meet future demand (8.20-8.21).

13. In terms of the station works, the Inspector concluded that the proposals contained in the Order application represented the best option, taking account of the increased cost, disruption, land take, operational difficulties or risk during construction that the alternatives would involve (8.22). He was satisfied that a comprehensive set of alternatives had been considered for improving Delta Junction and that the rejected options were eliminated for sound reasons. He concluded that the Order proposals offered the best compromise at that site, which was restricted by adjoining development and physical constraints (8.27).

14. The Secretary of State agrees with the Inspector, for the reasons the Inspector gives, that the Order proposals have clear advantages over the other options considered by DLRL.

Transportation, regeneration, environmental and socio-economic benefits

15. The Inspector considered that the cost estimates for the scheme were soundly based, that the economic case for its implementation was robust, and that even if the proposed Crossrail project were to proceed DLRL's scheme would produce a sound economic return (8.34).

16. The Inspector considered that the scheme would enhance transport capacity for some of the most deprived communities in the country and would support the wider regeneration of East London. It would also be likely to contribute to social inclusion through improved accessibility to work, education and health and social services (8.36). The Inspector concluded that the scheme would have overall transportation, regeneration and socio-economic benefits to the local communities of the area. In his view, these benefits would significantly outweigh the short-term impacts of construction noise and traffic (8.38).

17. The Secretary of State agrees with the Inspector, for the reasons the Inspector gives, that the proposed scheme would provide substantial transportation, regeneration and socio-economic benefits, and that the economic case for it is robust.

The case for compulsory purchase powers

18. The Inspector was satisfied that all of the land in respect of which DLRL had applied for compulsory acquisition and use powers (whether permanent or temporary) for the purposes of the scheme was required to secure the scheme's implementation. He was further satisfied that the acquisition would not be premature and that the scheme was not likely to be blocked by any impediment to implementation (8.45). He concluded that there was a compelling case for acquisition in the public interest and that this justified interfering with the human rights of those with an interest in the land affected (8.120).

19. The Secretary of State agrees with the Inspector, for the reasons the Inspector gives, that all of the proposed compulsory acquisition powers in the Order are justified and that there is a compelling case in the public interest for giving those powers. She is satisfied that the relevant criteria for granting compulsory purchase powers, as set out in ODPM Circular 06/2004, are met.

The power to acquire new rights over land

20. The Inspector accepted DLRL's case that there should be a protection zone to protect the safe, efficient and economic operation of the DLR against unacceptable third party activities and to facilitate the maintenance of the railway. He agreed also that the proposed extent of the protection zone was reasonable and noted that consultations with affected land owners had been carried out in accordance with Circular 06/2004. He accordingly concluded that the power to impose restrictive covenants on the land referred to in article 23 of the Order was justified (8.46-8.47).

21. The Secretary of State agrees with the Inspector that it is appropriate in the circumstances of this case to authorise DLRL to establish a protection zone by way of imposing restrictive covenants. She notes that this would help to minimise the extent of land acquisition (4.126) and that the Order provides for compensation to be payable to landowners affected by such covenants.

Likely impact on local residents, businesses, visitor attractions and the environment; and proposed mitigation measures

- *Effects of revised stopping pattern of southbound DLR services from Bank*

22. The Inspector considered that the major long term effect of the scheme would be the impact of the revised stopping pattern of southbound DLR services from Bank to Canary Wharf and beyond. DLRL's proposed track layout changes at Delta Junction would mean that trains travelling southbound from Bank would not be able to stop at West India Quay station during the weekday peak periods (8.52-8.53). The Inspector was satisfied that no acceptable alternative for the proposals at Delta Junction would permit southbound trains from Bank to stop at West India Quay when using the grade separated

link. He was also satisfied that, without this link operating during the peak period, the capacity of the junction would be exceeded by 2010 (8.61).

23. The Inspector accepted DLRL's assessment of the increased journey times that would result for passengers wishing to travel to West India Quay (8.53-8.58). Whilst he acknowledged that this would cause some inconvenience to some passengers, he considered that this impact would be limited by the relatively few numbers affected by the change and by the number of options available to complete journeys from Bank to West India Quay, all of which would involve journey times of not more than a few minutes over existing times (8.62).

24. With regard to the concerns of the SS Robin Trust about the safety, lighting and signing of pedestrian routes from Westferry, Poplar, and Canary Wharf Stations, the Inspector noted that there were options for travelling to West India Quay from Bank during peak times which would not involve walking from alternative stations (8.64). The Inspector agreed with DLRL that the provision of a footbridge linking Canary Wharf and West India Quay stations would not represent good value for money and he did not recommend that this be pursued (8.65).

25. Bearing in mind that the peak periods for businesses at West India Quay were largely outside the periods within which southbound services from Bank would not be stopping at West India Quay Station, the Inspector considered that the impacts on local businesses and on the SS Robin Trust's operations were likely to be limited. He concluded that the likely impact on passengers using West India Quay had been minimised as far as practicable and that the benefits in terms of reduced congestion on this part of the DLR outweighed that likely impact (8.66-8.67; 8.118).

26. The Secretary of State agrees with the Inspector, for the reasons the Inspector gives, that the likely impact of the revised stopping pattern on passengers and on the businesses served by West India Quay station would be limited, and that any adverse impacts would be outweighed by the wider benefits for the DLR which would flow from the Delta Junction improvements.

- *Other long-term impacts*

27. The Inspector concluded that operation of the scheme would not give rise to significant long-term impacts in terms of noise or vibration, nor would it impact on local air quality or on pedestrian or vehicular access to properties (8.50-8.51). Regarding impacts on the built environment, he considered that the scheme would be likely to have a slight-to-moderate impact on the townscape, but that the design of the scheme would mitigate this to the effect that it would not be significant (8.68). He was satisfied that appropriate safeguards had been included to offer adequate protection to the Grade I listed Banana Dock Wall (8.69). The Inspector concluded that, with the proposed mitigation measures in place, there would be no significant impact on the built environment (8.70; 8.121).

28. The Inspector considered that the impact on archaeological remains would not be significant (8.71) and that there would be no significant long-term impact on other development proposals for which planning permission had been granted, or for which applications had been made (8.72). He was satisfied also that there would be no significant impact on wildlife (8.116).

29. The Secretary of State agrees with the Inspector, for the reasons the Inspector gives, that the scheme would have no significant long-term impacts in respect of any of the above matters.

- *Short-term impacts*

30. The Inspector noted that, in terms of short term impacts during construction, there would be the potential for noise impacts and there would be some dust emissions (8.74). He considered that the measures within DLRL's Code of Construction Practice ("CoCP"), agreed with the local authorities, would ensure that, where residual noise and vibration impacts might occur during construction, they would be relatively short-lived and would be an unavoidable consequence of necessary works. He considered, similarly, that mitigation measures in the CoCP would mean that dust impact would only very occasionally cause nuisance at surrounding properties. He concluded that any residual short-term noise and dust disturbance created would be acceptable, taking account of the overall benefits that the scheme would provide (8.75; 8.99; 8.119).

31. The Inspector considered that the potential impact on pedestrian and vehicular access to properties and visitor attractions during construction would not be significant (8.76). He was satisfied also that the proposed road closures would not impose an unacceptable restriction on access for emergency vehicles (8.78). Given the scale of the proposals at the Delta Junction, he considered it inevitable that there would be some disruption to traffic. However, in his view, the likely impacts would be kept to an absolute minimum and he concluded that they would not be of such significance that they would outweigh the scheme's benefits (8.81).

32. As regards the short-term impacts of the scheme on the provision of postal services, access to tidal defences and other development proposals, the Inspector considered that none would be significant (8.82-8.87). He also concluded that the proposed work sites were appropriate in terms of both location and size (8.88).

33. The Secretary of State agrees with the Inspector that, with DLRL's proposed mitigation measures in place, the scheme would have no unacceptably harmful short-term impacts on local residents and businesses or on the wider environment.

34. For the purposes of section 14(3AA) of the TWA, the Secretary of State considers that the main measures to avoid, reduce and, if possible, remedy any major adverse environmental effects are those set out in the attached planning conditions and in the CoCP. She is satisfied that the proposed mitigation measures will reduce the adverse environmental impacts of the scheme to an acceptable level. To the extent that some residual adverse effects on the environment may remain, she is satisfied that these will be significantly outweighed by the long-term benefits of the scheme.

Statutory Undertakers

35. The Inspector noted that one objection, that of National Grid Gas (NGG), remained at the conclusion of the Inquiry (8.90). His views on the four modifications to the Order that had been requested by NGG are set out below (8.91).

- As regards the request that a test of reasonableness should be applied to any requirement by DLRL for apparatus to be moved, the Inspector considered that the Order already contained all the necessary procedures to safeguard the concerns of NGG in this respect, including provision for arbitration (8.93).
- He did not consider that there was a sound case for requiring NGG approval of contractors carrying out works on its apparatus since DLRL's contractors would be obliged to comply with all statutory obligations as if the works had been carried out by DLRL (8.94).
- The Inspector noted that Health and Safety Executive (HSE) guidance did not make any reference to the requirement of an exclusion area around gas pipes when works were undertaken in their vicinity and he considered that the Order should not be modified in this respect (8.95).
- He agreed with DLRL that it was unnecessary to extend the Order provisions as to the payment of NGG's expenses to include connection charges, on the basis that these costs were already covered (8.96).

36. Accordingly, the Inspector did not recommend the modifications to the Order that were proposed by NGG (8.97). The Secretary of State agrees with the Inspector's conclusions on these points, for the reasons given above.

Planning Conditions

37. The Inspector noted that the suggested planning conditions included in Appendix A of inquiry document DLR/INQ/38 reflected discussions that had taken place with the relevant local planning authorities (8.100-8.101). Having considered these conditions against the advice set out in DOE Circular 11/95, "The Use of Conditions in Planning Permissions", the Inspector concluded that they were all necessary, relevant, enforceable, precise and reasonable and met the tests set out in the Circular (8.102-8.105).

38. Subject to some further amendments described below, the Secretary of State agrees with the Inspector that the planning conditions set out in Appendix A to document DLR/INQ/38 are appropriate and should be attached to the direction as to deemed planning permission. The amendments that she intends to make are as follows:

- to delete the definitions of "bridge works" and "the local planning authority" which she considers to be unnecessary; to add a new definition of "access arrangements at stations" to reflect the change of wording in condition 2(e) (see below); and to delete the last paragraph of the introduction as there are no references to "articles" in the conditions and "the scheduled works" are already defined by reference to the Order;
- in condition 2, to insert a requirement that the siting of any electricity sub-station should be reserved for approval by the local planning authority to ensure suitable control over its detailed positioning; and to require the design of access arrangements at stations (rather than a station access and inclusion statement) to be similarly approved in writing by the local planning authority; and

- in condition 11, to insert an express requirement that the Green Travel Plan shall be implemented, in order to ensure enforceability of this condition.

39. In addition, the Secretary of State proposes to make some minor drafting changes to help clarify the effect of some conditions. The conditions which the Secretary of State intends to impose are set out in Annex 1 to this letter.

Adequacy of the Environmental Statement

40. The Inspector was satisfied that DLRL's Environmental Statement (ES) had been properly drawn up, that the statutory procedural requirements had been complied with, and that it was adequate (8.108). The Secretary of State agrees with the Inspector that the ES complies with the relevant legal requirements and provides her with sufficient information to assess the likely environmental impacts of the proposals. She confirms that, in reaching her decisions, she has complied with the requirements of paragraphs (a) and (c) of section 14(3A) of the TWA about consideration of the ES.

Funding

41. The Inspector noted that funding had already been secured from Transport for London (TfL) for the Delta Junction works, the platform extensions on the Stratford route, the platform extensions between Poplar and Canning Town and the upgrade works at Prince Regent station (8.109). DLRL was also progressing the securing of funding from TfL for the remaining section of the scheme (8.10). The Inspector concluded that the costs of the project had been estimated on the best information available, and that funding for a major part of the scheme was already assured as far as possible at this stage. Given the support of the Mayor and the TfL Board, he considered it reasonable to infer that the proposals were reasonably capable of attracting the remaining funding required. (8.111) The Secretary of State agrees with the Inspector. She is satisfied that, if approval is given, there is no reason to expect that the project would not be implemented within a reasonable time frame.

Changes to the draft Order

42. The Inspector was satisfied that none of the changes that DLRL had proposed to the Order, as set out in documents DLR/INQ/3 and DLR/INQ/36, represented a substantial change to the original application draft and, therefore, that no action was required under section 13(4) of the TWA. Given also that these changes had largely been as a result of negotiations with objectors and statutory undertakers, the Inspector concluded that they should be included in the Order in the event of it being made (8.112-114). The Secretary of State agrees with the Inspector that the proposed changes do not amount to a substantial change in the proposals and should be included in the Order. The further changes she proposes to make to the Order, and the reasons for those changes, are explained at paragraph 46 below.

The Inspector's Overall Conclusions

43. In summary, the Inspector concluded that there was a clearly demonstrated case for the scheme. It would support regeneration in some of the country's most deprived

communities, as well as supporting the Olympic and Paralympic Games, and would offer good value for money (8.117). He considered that the adverse impacts of the scheme in construction and operation would be minimised (8.118-8.119) and that there was a compelling case for conferring on DLRL the compulsory acquisition powers needed for the scheme (8.120). He concluded overall that the likely impacts of the scheme, taken individually or together, would not outweigh the benefits that the scheme would provide (8.122). He accordingly recommended that the Order be made as modified by the changes set out in the revised draft at document DLR/INQ/36, and that deemed planning permission be granted, subject to the conditions set out in DLR/INQ/38 (9.1).

Secretary of State's overall conclusions and decisions

44. For the reasons given in this letter, the Secretary of State has concluded that the case for authorising the proposed capacity enhancements to the DLR is a strong one. She is satisfied that the very clear transportation, regeneration and socio-economic benefits that the scheme would bring, including its importance in relation to the transport plans for the Olympic and Paralympic Games, outweigh significantly the limited adverse impacts. She is therefore satisfied that it would be in the public interest to make the Order and to grant the deemed planning permission applied for.

45. Accordingly, the Secretary of State has decided to make the Order as recommended by the Inspector, but subject also to the modifications described below, and to direct that planning permission be deemed to be granted, subject to the conditions set out in Annex 1.

46. The modifications to the Order which the Secretary of State intends to make, in addition to those proposed by DLRL and set out in inquiry document DLR/INQ/36, are as follows:-

- to amend article 9 (stopping up of streets and extinguishment of rights) so that the term "designated highway" is used in place of the term "designated airspace";
- to remove from article 40(1) (application of landlord and tenant law) the wording "or the right to operate the same" which she considers to be unnecessary, as the Order would not authorise DLRL to transfer its operational powers by way of a lease;
- to amend paragraph 3(3)(c) of Schedule 11 (for protection of the Environment Agency) so as to remove the ambiguity of this provision as drafted in the application version of the Order; and
- to make miscellaneous minor drafting amendments which do not affect the substance of the Order.

47. The Secretary of State is of the opinion that these changes will not make a substantial change in the proposals.

48. The letter conveying the planning direction will issue shortly, at the same time as the Order is made, following publication of a notice of the determination in the London Gazette.

Notice under section 14 of the TWA

49. This letter constitutes the Secretary of State's notice of her determination to make the Order, with modifications, for the purposes of section 14(1)(a) and section 14(2) of the TWA. Your clients are required to publish newspaper notices of the determination in accordance with section 14(4) of the TWA.

Challenge to decisions

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

Distribution

51. Copies of this letter and the Inspector's conclusions and recommendations are being sent to those who appeared at the inquiry.

Yours faithfully,

Ellis Harvey

Head of TWA Orders Unit

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

In these conditions, unless the context otherwise requires:-

“access arrangements at stations” means works to provide pedestrian and vehicular access at stations in accordance with the DLR Capacity Enhancement and 2012 Games Preparation Project Design and Access Statement dated 4 January 2007 (included in Inquiry document DLR/8/2);

“building” means any structure or erection, or any permanent gate, fence, wall or other means of enclosure, above the surface of the ground, but does not include any plant or machinery;

“Code of Construction Practice” means the Code of Construction Practice agreed by the London borough of Tower Hamlets and the London borough of Newham in November 2006 (inquiry document CD/A19);

“Development” means development for which provision is included in the Order;

“Environmental Statement” means the documents of that description submitted with the application for the Order on 2nd August 2006;

“the deposited plans” and “the scheduled works” have the meanings given in the Order;

“the Order” means the Docklands Light Railway (Capacity Enhancement and 2012 Games Preparation) Order 200[];

“the relevant limits” means the limits shown marked “Limits of Deviation” and “Limits of Land to be Acquired or Used” on the deposited plans within which, under the deemed planning permission to which these conditions relate, the development concerned may be carried out; and

“stage” means a defined section of the Development, the extent of which has been submitted to and approved in writing by the local planning authority.

Conditions

1. Time Limits

The Development shall be commenced no later than the expiration of five years beginning with the date that the Order comes into force.

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

2. Design, external appearance and materials

No individual stage of Development shall be commenced until, for that particular stage, details of the following have been submitted to and approved in writing by the local planning authority:-

- (a) the siting, design, appearance and materials for any electricity sub-station;
- (b) the design, appearance and materials for any station works;
- (c) the siting, formation, laying out or alteration of any pedestrian and/or cycling route;
- (d) permanent fencing or other means of enclosure;
- (e) the design of access arrangements at stations.

The Development shall be carried out in accordance with the approved details.

Reason: To enable reasonable and proper control to be exercised over aspects of the detailed design of the Development.

3. Landscaping scheme

No individual stage of Development shall be commenced until a hard and soft landscaping scheme for that particular stage, incorporating ecological enhancement, mitigation and compensatory measures, has been submitted to and approved in writing by the local planning authority. Details of hard landscaping shall be provided for all land subject to development within the relevant limits. Each such scheme shall include precise details and where appropriate samples relating to the following:-

Hard landscaping proposals

- (a) proposed finished ground levels;
- (b) vehicle and pedestrian access, parking and circulation areas;
- (c) hard surfacing materials;
- (d) proposed and existing functional services above and below ground (e.g., drainage, power and communications cables, and pipelines);
- (e) minor structures (e.g. street furniture, cycle stands, recycling/refuse or other storage units, signs and lighting); and
- (f) retained historic landscape features and proposals for restoration, where relevant,

Soft landscaping proposals

- (a) schedules and plans of proposed planting, noting species, planting sizes and proposed numbers/densities; and
- (b) written specifications (including cultivation and other operations associated with plant and grass establishment).

Implementation timetables shall be provided for each scheme.

Reason: In order to provide a suitable setting for the proposed development in the interests of visual amenity and to protect and enhance the local environment.

4. Implementation and maintenance of landscaping

- (a) Hard and soft landscaping works shall be carried out in accordance with the approved schemes and implementation timetables to a reasonable standard in accordance with the relevant recommendations of appropriate British Standards or other recognised codes of good practice.
- (b) Any tree or shrub planted as part of the approved landscaping scheme that, within the period of five years after planting is removed, dies or becomes, in the opinion of the local planning authority, seriously damaged or seriously diseased shall be replaced in the first available planting season with a specimen of the same species and size as those originally planted unless the local planning authority gives its written consent to any variation.

Reason: To ensure the provision, establishment and maintenance of a reasonable standard of landscaping in accordance with the approved schemes.

5. Highway accesses

No individual stage of Development shall be commenced until, for that particular stage, details of the siting, design and layout of any new permanent or temporary means of access to a highway to be used by vehicular traffic serving part of the Development, or of the permanent alteration of any existing means of access to a highway used by vehicular traffic serving part of the Development, have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Reason: To ensure highway safety.

6. Surface water drainage

No individual stage of Development shall be commenced until, for that particular stage, details of the surface and foul water drainage system have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Reason: To ensure that adequate drainage facilities are in place.

7. Contaminated land and groundwater

No individual stage of Development shall be commenced until a scheme to deal with the contamination of any land, including groundwater, within the relevant limits likely to cause significant harm to persons, pollution of controlled water or the environment has, for that particular stage, been submitted to and approved in writing by the local planning authority.

The scheme shall include an investigation and assessment report which shall identify the extent of any contamination and the remedial measures to be taken to render the land fit for the intended purpose, together with a management plan which sets out long-term measures with respect to contaminants remaining on site.

Remediation shall be carried out in accordance with the approved scheme.

Reason: To ensure that any necessary remedial action is undertaken in relation to any contaminated land.

8. Archaeology

No individual stage of Development shall be commenced until, for that particular stage, a written scheme for the investigation of areas of archaeological interest has been submitted to and approved in writing by the local planning authority. The written scheme shall provide for:-

- (a) archaeological advice to ensure the safeguarding of the Grade I listed 'Banana Wall' at West India Quay, during trial excavations and while any works are carried out in close proximity to the Wall;
- (b) a review of the archaeological potential at each station and construction worksite, where below ground works are proposed, once the depth and extent of those works has been confirmed;
- (c) the undertaking of an archaeological watching brief, wherever ground works are to be undertaken at any location identified as having archaeological potential;
- (d) the preparation of an archaeological report, setting out procedures for protection, recording or preservation of items of archaeological interest; and
- (e) the submission of a final report on the findings and conclusions of the studies.

Development shall proceed only in accordance with the approved scheme.

Reason: To ensure adequate protection and recording of archaeological remains.

9. Code of Construction Practice

Construction works shall be undertaken in accordance with the agreed Code of Construction Practice, unless otherwise agreed in writing by the London Borough

of Tower Hamlets or London Borough of Newham in respect of their relevant areas.

Reason: To ensure the satisfactory construction of the development in a way which protects the environment and local amenity.

10. Noise at stations

No alterations or additions to a public address system at any station shall be made unless a certificate has been obtained from an appropriately qualified environmental noise consultant, approved in writing by the local planning authority, and has been supplied to the local planning authority. The certificate shall confirm that the alterations or additions have been designed and specified to minimise the risk of disturbance to local residents. The specified noise control measures shall be installed prior to testing and commissioning of the public address system at any station.

Reason: To protect the amenity of local residents.

11. Green Travel Plan

No individual stage of the Development shall be commenced until details of a Green Travel Plan for the contractor's workforce, including means of travel to site and any parking to be provided, have been submitted to and approved in writing by the local planning authority. Thereafter the Plan shall be implemented.

Reason: To minimise impact on local roads.

12. Approval under these conditions

With respect to any condition which requires the Development to be carried out in accordance with the details approved by the local planning authority, the approved details shall be taken to include any amendments that may subsequently be approved in writing by the local planning authority.

Reason: To ensure that there is flexibility for the developer and the local planning authority to agree amendments to details previously approved.

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 from 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 three 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 shall 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 or the decision to give the direction as to deemed planning permission is advised to seek legal advice before taking any action.