

THAMES GATEWAY BRIDGE
PUBLIC INQUIRY

STATEMENT OF CASE

BARKING RIVERSIDE LTD

BY SPECIAL DELIVERY

Ms Linda Smart
Department for Transport
Local Authority Orders
Citygate
Gallowgate
Newcastle Upon Tyne
NE1 4WH



Our Ref: 13647/A1/KB.ag

23 March 2005

Dear Ms Smart

TOWN AND COUNTRY PLANNING ACT 1990 - SECTION 77
TOWN AND COUNTRY PLANNING (INQUIRIES PROCEDURE) (ENGLAND) RULES 2000
("THE 2000 RULES")
APPLICATIONS BY TRANSPORT FOR LONDON FOR PLANNING PERMISSION FOR A
PROPOSED THAMES GATEWAY BRIDGE LINKING THE A13/A406 IN BECKTON TO THE
A2016 EASTERN WAY, THAMESMEAD (Your Ref: APP/G5750/V/05/1174146 &
APP/E5330/V/05/1174147

Please find enclosed **SIX** copies of our Statement of Case, which is submitted on behalf of Barking Riverside Ltd.

In accordance with your letter dated 25 February 2005, we have also sent **ONE** copy of our Statement of Case to all of the statutory parties.

If you require additional copies, please do not hesitate to contact myself on 0207 446 6888.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Kerry Brewerton'.

PP **KERRY BREWERTON**
Senior Planner

cc: Tiffen Land Ltd
Pillar (Beckton) Ltd
London Development Agency
Secondsite Property Holdings Ltd
Port of London Authority
Kennet Properties Ltd
Environment Agency
Docklands Light Railway
EDF Energy Plc
Thames Water Ltd
East London Waste Authority



Certificate No. FB 29687

Town Planners • Environmental Consultants
Architects • Master Planners • Project Services

Contact: Lee Newlyn, Christopher Brett, Iain Painting, Les West, Mark Hendy,
Iestyn John, Justin Kenworthy, Alesdair Mackenzie

A list of partners can be inspected here and at our associated offices in:
Bristol Cambridge Edinburgh Leeds Reading Solihull West Malling (Kent)

FINAL

THE THAMES GATEWAY BRIDGE
PART OF RIVER THAMES AT
GALLIONS REACH, LONDON SE28

LAND BETWEEN RIVER THAMES
AND A2016 EASTERN WAY,
THAMESMEAD, SE28

STATEMENT OF CASE
Submitted on behalf of Barking
Riverside Ltd

22 March 2005

PART OF RIVER THAMES AT GALLIONS REACH, LONDON SE28

**LAND BETWEEN RIVER THAMES AND A2016 EASTERN WAY,
THAMESMEAD, SE28**

THE THAMES GATEWAY BRIDGE

STATEMENT OF CASE

**PREPARED ON BEHALF OF
BARKING RIVERSIDE LIMITED**

GoL Ref. : LRP 13/E5330/0/51
PINS Ref.: APP/G5750/V/05/1174146 & APP/E5330/V/05/1174147

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Ref: 13647/A5/IP/ag
Date: 22 March 2005

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1.0 INTRODUCTION

- 1.1 This statement is submitted on behalf of Barking Riverside Ltd, a joint venture formed between English Partnerships and Bellway Homes Ltd, to promote the regeneration of Barking Riverside, at Barking Reach. Barking Reach is identified as an opportunity area in the adopted London Plan and identified in the Communities Plan. The site is therefore an integral part of the Government's aspiration for the regeneration of the Thames Gateway and will make a considerable contribution to providing much needed new residential dwellings as part of a new sustainable mixed use community.
- 1.2 This part of the Thames Gateway, occupying the north bank of the Thames, is identified as London Riverside, which runs from the River Roding in the west to Rainham marshes in the east. The area is bisected by the A13 and the C2C mainline rail line. The proposed Thames Gateway Bridge will land immediately to the west at Beckton and will connect into the strategic road network via the A406 (north circular) and in turn, the A13.
- 1.3 Barking Riverside, located within the London Borough of Barking and Dagenham, is the subject of a current planning application, which was registered on 30 December 2004, for 10,800 new residential dwellings, three new schools, commercial and other social and community uses, open space and related infrastructure.
- 1.4 It is our view that our client, due to the nature and scale of the proposals, has a material interest in any scheme that is considered to be of regional and national significance and the considerations of the First Secretary of State in respect thereof.
- 1.5 We note the statement of Richard Caborn MP of 16 June 1999, setting out the criteria by which applications will be considered for call-in. Paragraph 2 of the Government Office for London letter dated 19th January 2005 confirms that it is the First Secretary of State's view that the **'proposals may conflict with national and regional policies on important matters'**. By definition, it is our view that in considering the merits of the proposal, the First Secretary of State will therefore have regard to the regional and national implications of the proposal, which will include the relationship of the scheme to other initiatives in this part of the Thames Gateway.

1.6 The bridge forms part of the Mayor of London's strategic transport strategy for London and this part of the Thames Gateway. A number of considerations arise when considering the merit of the proposal, both in principle and detail which can be summarised on two levels:

- Matters of Principle: Is the provision of such a bridge consistent with the broad aspirations of national, regional and local policy.
- Matters of Detail: If so, is the proposed bridge, in terms of design, siting, form, function, construction and operation, acceptable and appropriate?

1.7 For example, the principle of a bridge link could be supported by the First Secretary of State; but the actual scheme could not. We wish to state that our client supports the principle of improving strategic transport links with London and that of a new river crossing between Beckton and Thamesmead. We also note that the application is a 'hybrid' application, with certain elements reserved for later determination, including the design of the bridge.

1.8 The Secretary of State's letter of 19th January 2005 set out some 8 issues that he wished to review through the local inquiry process. We presume that the evidence submitted by the local planning authorities and the applicant will address these matters.

1.9 It is our respectful submission that the strategic merits of the proposal when assessed against the matters set out in the 19th January 2005 letter should be considered having regard to the following matters:

- The method of assessment of likely significant environmental impacts, both within the site and off-site, including cumulative impacts.
- The identification of such cumulative impacts.

- The conclusions reached as to the acceptability of those impacts, with or without mitigation, and the means of ensuring implementation of such mitigation.
- The relationship of the scheme and the First Secretary of State's consideration thereof, to other initiatives within this part of Thames Gateway.
- The timing and delivery of the bridge and its relationship to the Mayor's wider transport initiatives and the relationship to development proposals within this part of Thames Gateway.
- The need for, method, and conclusions of any other necessary or appropriate assessments undertaken to assess the impact of the scheme, including any undertaken in accordance with the relevant habitat regulations, the reliance placed upon and consideration given to land outside of the application boundary or applicant's control.
- The compatibility of the scheme with other schemes and development proposals within this part of the Thames Gateway.

1.10 It is our client's intention to submit evidence as appropriate in respect of the identified matters having regard to the above criteria. At present, we have not had sight of the Local Planning Authorities' statements of case or indeed their evidence. Once these have been received, we will be able to advise the First Secretary of State in more detail the nature of our evidence and whether we wish to appear at the Inquiry or rely upon written submissions.

1.11 However, in accordance with the provisions of Rule 6, we summarise our position at the current time in respect of the 8 matters below.

2.0 THE DEVELOPMENT PLAN

- 2.1 We agree that the proposals, not just the bridge itself, but the principle of the bridge and its relationship to other urban regeneration and transport initiatives and its cumulative impact needs to be considered in light of the requirements of the development plan. We are intrigued by the issue of prematurity, having regard to S838(5) of the Planning and Compulsory Purchase Act 2004, which requires that in the event of any conflict between the documents that comprise the development plan, priority should be given to the most recently published or adopted document. In such circumstances, can a scheme, in accordance with the London Plan, be deemed to be premature in terms of an emerging UDP or LDD?

3.0 TRANSPORT

- 3.1 Our client supports the principle of a new river crossing, aiding as it would cross-river regeneration. Our client also supports the promotion within the proposed scheme of new public transport initiatives such as East London Transit (ELT) and Greenwich Waterfront Transit (GWT). It is our position that full allowance should be made for ELT as a strategic transport initiative and the strongest commitment possible should be given as to timing and delivery.
- 3.2 Whilst the priority is to encourage non-car based modes of travel, the regeneration of this part of Thames Gateway will give rise to car-based trips. The underlying objective must be to encourage alternative means (i.e. by supporting ELT) but also to ensure that those car-based trips that do arise are efficient and safe. The consideration of the merit of the scheme needs to identify the proportion of trips (car based) made across the bridge, which are new as opposed to rerouted, more efficient journeys. A balance must be struck between the use of congestion as a means of encouraging modal shift and initiatives to improve the efficiency of vehicular movements and hence reduce pollution as well as improving connectivity.
- 3.3 The assessment of the likely impact of the scheme upon the road network is one based on modelling scenarios. The modelling undertaken needs to be sufficiently robust to enable proper assessment of the likely effects. Sensitivity testing can serve

as a means of identifying potential future effects arising from changes in scenarios and assumptions.

3.4 The merit of the proposals in transport and highways terms must also be assessed having regard to the wider strategic initiatives in this part of the Thames Gateway and other regional centres and the commitment of TfL to other improvements to other parts of the strategic road network and public transport initiatives such as ELT.

3.5 It is our case that the likely effect of the scheme upon traffic generation and maximising non-car based travel is likely to be a function of the detailed operation (tolling and traffic management of the scheme) and the commitment given to ELT, GWT and other transport initiatives, as it is the principle of the scheme.

4.0 NOISE AND AIR POLLUTION

4.1 In terms of operational impacts, similar considerations arise in terms of assessment and mitigation as set out above under transport.

4.2 In terms of construction impacts, detailed consideration needs to be given to the form and content of any Code of Construction Management, which can serve to minimise construction impacts and ensure effective mitigation.

5.0 FLORA AND FAUNA

5.1 The scheme needs to be based on a full and proper assessment of the likely effects upon flora and fauna, including habitats. Any mitigation, both short term and long term, must be capable of delivery and ought not jeopardise nor impinge upon the delivery and implementation of other regeneration initiatives in this part of the Thames Gateway.

6.0 DESIGN

- 6.1 We support the objective of securing a landmark design. The demands of traffic safety, plus operational requirements of the Port of London Authority and London City Airport need to be considered alongside the desire for excellence in design.
- 6.2 We note that the detailed design of the bridge is not for determination at this stage and is a reserved matter. Accordingly, the issues to be considered at this stage is whether sufficient certainty exists that a high quality design will result, that the controls recommended will ensure realisation of the design objectives and finally, whether the fixing and determination of certain elements at this stage (i.e. horizontal and vertical alignments) will undermine or facilitate the delivery of high quality design.

7.0 WIDER REGENERATION IMPACTS

- 7.1 As stated above, our client supports the principle of a new river crossing at Beckton to Thamesmead, the objective of enhancing strategic connections and the strategic road network as part of an overall, integrated transport strategy, to facilitate the regeneration of this part of Thames Gateway. The merit of the proposals must be considered having regard to the wider aspirations for Thames Gateway and London Riverside, including the commitment to deliver East London Transit. The aim of the bridge as a TfL sponsored scheme ought to be to facilitate, in combination with other TfL schemes (A13 ELT and GWT) and other public transport projects (DLR), and support the delivery of the regeneration of the Thames Gateway. The application should be assessed on this basis.

8.0 CONDITIONS

- 8.1 As set out above, the merit of the scheme is likely to be product of its execution and operation as much as principle. A number of conditions and obligations will be required. Such conditions and obligations should also ensure that any mitigation identified in the Environmental Statement is realised. Any such conditions and

obligations must meet the requirements of statute and case law, and we are particular mindful *Smith* and *Gillespie*.

- 8.2 We would welcome the opportunity of commenting upon the proposed list of conditions and any s106 agreement/undertaking or similar agreement. We have reviewed the proposed conditions attached to the Greenwich committee report and would question whether all of the conditions comply with recent case law.

9.0 OTHER MATERIAL CONSIDERATIONS

- 9.1 We will make further comment once we have reviewed the applicant's and the respective local authorities' statements of case and/or evidence.

10.0 SUMMARY AND CONCLUSIONS

- 10.1 As stated above, our client supports the principle of a new river crossing between Beckton and Thamesmead, as part of an integrated transport strategy to facilitate the regeneration of this part of Thames Gateway. It is our respectful submission that the merits of scheme need to be considered having regard to a number of criteria and issues, as set out above, notably the scope and form of the technical assessments, including the ES, the identification of wider cumulative impacts, the delivery of the Mayor's wider transport strategy (e.g ELT) and the various conditions and obligations required to control operation and ensure delivery of any mitigation measures.
- 10.2 Upon review of the applicant's submissions and those made by the respective local authorities, we shall adduce evidence as necessary, in respect of the above, to address any outstanding matters.