

THAMES GATEWAY BRIDGE
PROPOSED PLANNING OBLIGATION
REPORTING REQUIREMENTS

- 1 TFL proposes a multi-lateral agreement (or, in the alternative, a unilateral undertaking or a series of unilateral undertakings) whereby certain off-site measures would be secured in association with the Scheme, if it were to proceed. That agreement or undertaking ("the Obligation") would be a material matter which should be reported to the Secretaries of State.

- 2 ODPM Circular 05/2005 (INQ/10) sets out the tests to be applied in determining the need for planning obligations. In this case, it would particularly assist the Inspector for TFL to provide the following evidence with regard to the necessity of the Obligation to make the proposed development acceptable in planning terms:
 - i) Evidence of the necessity to make the proposals acceptable for each measure included in the Obligation;
 - ii) Evidence that each measure proposed would be effective in dealing with the corresponding need identified in 2 (i) above;
 - iii) Evidence that each measure would be taken if the Scheme were implemented and that there is no impediment;
 - iv) Evidence that explicitly identifies the full operational implications of each proposed measure;
 - v) Evidence that all measures proposed have been included in the overall assessments of the scheme;
 - vi) Evidence that each proposed measure would be consistent with the development plan and other relevant policy or legislation; and,
 - vii) Evidence that all necessary measures are included in the Obligation.

- 3 Examples of necessity in the context of this note and, in particular, 2 (i) above, are as follows:
 - i) To satisfy Government policy;
 - ii) To satisfy development plan policy;

- iii) To enable the requirements of Part 2 of the Traffic Management Act 2004 to be met; or
 - iv) Perhaps other matters.
- 4 Having considered the draft Agreement (TfL/22), the Inspector has the following initial questions:
- i) If any of the measures to be covered by the Agreement is not necessary to make the proposals acceptable, is it argued that such a measure should have any bearing on any grant of planning permission? If so, on what basis?
 - ii) Is there a need to refer in the recitals and the interpretation clause to the amendments to the various applications and Orders?
 - iii) Should the interpretation clause define the Orders and Scheme by reference to any form of Order and Scheme approved by the Secretary of State?
 - iv) To what extent would the Agreement as drafted meet the requirements of paragraphs B54 and B55 of ODPM Circular 05/2005?

M Ellison
J Watson
12 October 2005