

**A SCHEME TO EXTEND DOCKLANDS LIGHT RAILWAY TO LONDON CITY
AIRPORT AND NORTH WOOLWICH**

TRANSPORT AND WORKS ACT 1992

TOWN AND COUNTRY PLANNING ACT 1990

PLANNING (LISTED BUILDINGS AND CONSERVATION AREAS) ACT 1990

**PUBLIC INQUIRY INTO APPLICATIONS BY DOCKLANDS LIGHT RAILWAY
LIMITED**

**FOR CONFIRMATION OF THE DOCKLANDS LIGHT RAILWAY
(SILVERTOWN AND LONDON CITY AIRPORT EXTENSION) ORDER and**

**FOR A DIRECTION THAT PLANNING PERMISSION BE DEEMED TO BE GRANTED FOR
THE SCHEME and**

**FOR LISTED BUILDING CONSENT TO ALTER THE SETTING OF SILVERTOWN
WAR MEMORIAL - A GRADE II LISTED BUILDING**

Inspector: JE Coyne

**Dates of Public Inquiry 17, 18, 24, 25, 26 31 Octobe
and 1, 2, 3 November 2000**

Reference: TWA/00/APP/3

(Reproduced LCYCC by OCR 02/04/02)

SECTIONS 7 AND 8 : CONCLUSIONS AND RECOMMENDATIONS

7.0 CONCLUSIONS

Having regard to all the foregoing considerations I have reached the following conclusions, references being given in parentheses to earlier paragraphs of this report where appropriate.

7.1 DLR have amply demonstrated they have the capacity and expertise to develop and operate, a successful light rail system in the Docklands area of East London. The growth in the network infrastructure and the numbers of passengers carried, from 8million in 1993/94 to 39million expected in 2001 is a clear indication of their success and experience [3.2]. No criticism or complaints were expressed by any objector about the existing DLR system [6.0].

7.2 The need for an extension of the network to serve the Airport has been established beyond doubt and no objector has argued otherwise. The Airport does not have the benefit of a reliable public transport service. Passengers rely heavily on taxis, private cars and shuttle buses using a congested highway network [3.5] [3.6]. The number of air passengers has grown from 200,000 to 1.39million per year between 1987 and 1999 and by 2020 it could be 4.47million [3.4]. The Airport is growing in importance as a link between the business community of London and other European capitals [3.4].

7.3 The extension scheme now proposed would serve not only the business community and other users of the Airport [3.9] but also those who live and work in the southern Royal Docks area. The proposed scheme would bring new links to education, employment and leisure facilities in other parts of London by connecting an efficient and reliable transport system into the main London transport systems whilst avoiding the congested road network [3.14] [3.16] [3.19]. Travelling times would be significantly reduced [3.9] [3.14].

7.4 I accept the premise that the provision of a high quality transport system acts as a catalyst for new investment in an area of social deprivation and encourages the process of regeneration [3.15] [3.19] [3.22] [3.23] [4.0]. The area south of the Royal Docks which the proposed scheme would serve is a deprived area containing many vacant or derelict sites [3.15]. I am satisfied the proposed scheme would provide an opportunity to speed up the regeneration of the area, encouraging the provision of new jobs, housing and other facilities [3.20] [3.31]. No objector has claimed that the proposed scheme would not be a focus for regeneration and comprehensive redevelopment of the area.

7.5 A wide range of authorities, public and private, with responsibility for and commitment to regeneration of the Thames Gateway and the area of Royal Docks in

particular, have expressed freely their support for the proposed scheme and the Council and other local authorities have included relevant policies in their respective UDPs [3.23] [3.24] [3.25] [4.0]. The Council, in its second Deposit Draft, supported the principle of the preferred route to the extent that it included proposals for demolishing the existing Drew Road Primary School to make way for the proposed scheme, and providing its replacement as part of a mixed development on an area of open space identified in the draft UDP [3.23]. The Council's Interim Transport Plan 2001/02 also refers to the proposed scheme and the current Transport Plan includes an application for the funding necessary for the section of the scheme between the Airport and North Woolwich [3.24]. Many objectors expressed their support for the principle of the proposed scheme despite their concerns and reservations about its impact on their specific interest [6.3] [6.5] [6.61]. The local community, in their responses to consultation on alternative routes expressed overwhelming support for the proposed scheme (including the extension to North Woolwich) [3.8]. The 41 letters in support of the proposed scheme are from a mix of public and private organisations and from individuals living in the area [4.0].

7.6 A range of national, regional and local government policies designed to develop integrated transport systems with land use planning, light rail systems and reduced numbers of motorised journeys gives further impetus to the need for the proposed scheme and identifies the contribution it would make to improving public transport, improving access to the Airport and aiding the regeneration of the Thames Gateway area [3.22]. I am in no doubt that the proposed scheme takes full account of these policies and Government guidance and is fully in accord with them. One objector did suggest that a rail system was unnecessary and an improved bus based service would suffice to serve the Airport [6.11.1]. That objector was concerned about the specific impact of the proposed scheme on his premises but produced no evidence in support of that view.

7.7 With regard to the route selected for the proposed scheme, this emerged from a study of three options [3.7] [3.8] [Deposit Docs. DLR/C/12, C/16 and DLRD/1] The selected route was found to provide the strongest regeneration effects, to make the greatest contribution to traffic reduction, to be the most beneficial in terms of the environmental impact and would show a positive benefit to cost ratio [3.8]. The choice of route overall has not been seriously challenged. One objector, a resident in Parker Street, suggested the eastern route would be more viable and direct and avoid impact on housing [6.7.1]. However there was no other evidence supporting that claim and I am satisfied that the comprehensive study of alternatives has produced the best route even though it would inevitably have adverse effects on particular properties.

7.8 The method of calculating the likely traffic impact of the proposed scheme [3.32] and the results of the assessments made [3.33] [3.34] have not been challenged by any objector and I accept the DLR estimate that the proposed scheme would reduce Airport related road traffic by between 18% and 21% by 2020 [3.33]. Development opportunities created by the scheme would however attract increased traffic on certain links [3.34] but overall I believe the proposed scheme will ease traffic congestion for users of the Airport, and on North Woolwich Road and other busy roads in the area and accordingly improve public transport services generally. There will inevitably be quite significant adverse

impacts during the construction period [3.39] [3.40] but in my view the level of impact would be acceptable and focussed more on the use of specific premises. (These effects are identified in my consideration of specific objections [6.01]. Access to all premises would be maintained and any likely interruption would be discussed in advance with property owners/occupants [3.39] [6.0]. Delays may result, probably in the Dock Road area, where traffic would be one-way during the construction period and on-street parking would be reduced [3.40]. The journey to the Airport may take up to 1.5minutes longer [3.39]. However these effects are temporary and in the context of the overall scheme they are in my view relatively insignificant and acceptable.

7.9 It was following the study of route options that DLR took the decision to extend the scheme beyond the Airport to North Woolwich [3.8]. DLRs funding arrangements for the proposed scheme up to the Airport are in place to the extent that Government grant has been offered and the concessionaire selected to construct and operate it would be expected to fund the construction works with availability payments or staged capital payments from DLR, with the possibility of further grants from European sources. [3.21] I have no reason to doubt that the proposed scheme would be capable of attracting the necessary funding and that DLR or their concessionaire could fund the development and construction of the scheme and meet their obligations in respect of statutory compensation payments. However DLR's commitment to the section between the Airport and North Woolwich appears at this stage to be conditional upon securing further Government funding, for which the necessary application has been made, in consultation with the Council [3.21]. DLR are confident the application would be successful as the section in question meets all the criteria for securing Transport Plan funding to the same extent, if not more so, as the section between Canning Town and the Airport [3.21]. A decision is expected in the early spring. However should the application not be successful or should DLR for any other reason decide not to proceed with the section to North Woolwich, the Order as drafted would contain powers to undertake work and powers of compulsory acquisition of land and rights which would not be justified in the circumstances. The Order would accordingly require significant modification. I have not pursued further the implications of such a situation and my consideration of the draft Order and my recommendations on it are made on the assumption that DLR would receive the necessary grant and would be committed to the fill scheme up to and including King George V station at North Woolwich.

7.10 The Environmental Impact study addressed a range of issues but it appears to me that those of any real substance and likely to have a negative impact would be visual/landscape and noise/vibration. I have already made reference to the positive advantages, the long-term effects on regeneration of the area, on traffic and transport and on Airport usage. Any issues raised relating to impact on ecology, [3.41] water resources,[3.44] air quality [3.49] or contaminated land [3.51] have been resolved. Discussions with the Environment Agency have led to additional protective provisions being suggested for inclusion in the draft Order [6,2.1]. Adherence by DLR and their concessionaire to the planning conditions proposed to be attached to the Direction, the COCP and the availability of other statutory controls should avoid any negative effects and no outstanding objector is concerned by any such issues. The only

archaeology/conservation issue raised was the impact of the proposed scheme on the Silvertown War Memorial. I have dealt with that separately in Section 5.0 and conclude that Listed Building Consent should be given on the conditions stated.

7.11 The likely effects of noise and vibration have concerned a number of objectors. The railway would run close to residential premises in Bradfield Road, Camel Road and east of the Airport [3.53] and close to some industrial premises on the south side of North Woolwich Road. However the potential for significant impact is reduced, firstly by the high ambient noise level in the area created by the Airport, road traffic and industrial activity; [3.54] secondly by the noise insulation already installed in a number of residential properties [3.55] and thirdly by the type of railway operated by DLR and the application of their own Noise Policy [3.56]. DLR are committed to meeting their own Noise Policy standards [3.61] and they and their concessionaire would be bound by the suggested planning conditions attached to the Direction, which would be enforceable by the Council. These include a requirement to engage a consultant to study likely, noise levels and vibration resulting from the scheme and to identify the requirements for location of noise barriers and other remedial measures to meet the Noise Policy standards. I believe the standards proposed by DLR [3.57] represent good environmental standards and are in line with those recommended in PPG24, which offers guidance to planning authorities when planning new housing near existing noise sources [3.58]. The appropriate standards can be achieved by sensitive use of noise barriers [3.61] [3.62] [3.63]. No objector at the inquiry raised concern about noise. I am satisfied that the mechanisms built into the draft Order and proposed planning conditions would provide effective protection from the impact of noise and vibration resulting from the proposed scheme and give the Council firm control.

7.12 Noise created during construction works is understandably, a further cause for concern and I accept it would not be possible to exclude the impact totally. However night-time working and noise levels would be controlled by the Council under the proposed planning conditions [3.75] [6.2.8] and the COCP [3.43] would impose various mitigation measures [3.68] [3.70]. Any residual noise at any specific location would extend for a relatively short period of time and existing noise insulation in residential property would also mitigate the impact [3.70].

7.13 Concerns were raised specifically about the possible impact of noise and vibration on residential properties in Barrier Point [6.111] and Bradfield Road [6.21]. More general concern was expressed by residents of Camel Road about the environmental impact of the proposed scheme [6.7]. None of these objectors pursued their objections further at the inquiry. Carlsbergs, occupants of commercial premises, who did attend, indicated they were no longer concerned about noise [6.6]. I accept that if DLR adhere to their Noise Policy, observe the various mitigation measures in the COCP during the construction phase and observe the planning conditions, the level of noise and vibration would not have a significant impact on residential property. Overall, any residual impacts would be far outweighed by the positive benefits that would flow from the completed scheme for the greater good of the area as a whole.

7.14 The detailed design of the proposed scheme has not yet been undertaken. This would follow approval of the scheme in principle on the making of the Order and the appointment by DLR of their concessionaire [3.10]. However DLR have provided illustrative sketches and photographs [3.74) of other sections of their network to indicate the standard of design that can be achieved. They would have regard to the guidance contained in the Royal Fine Arts Commission Circular on Design of Light Railways [3.12]. The Council as the local planning authority would have responsibility for approving the design and external appearance of the structures and buildings and landscaping by the planning conditions attached to the Direction [3.63]. In my view this is the critical safeguard and I would be confident the Council would exercise its powers effectively, having regard to the visual implications of the scheme for residents, occupants of premises and users of the highway system. A modern, well designed light railway need not be intrusive. The area currently presents a rather run-down and neglected appearance and the proposed structures and stations, sensitively designed, could form the catalyst for a modern, stylish redevelopment of the area.

7.15 Only Carlsbergs of those objectors who attended the inquiry raised the issue of the visual impact of the scheme and I refer to that specific objection in paragraphs 7.21 and 7.22. Impact can be softened by appropriate landscaping and the type of noise barriers. The immediate impact of the scheme may be significant but I believe it would gradually be accepted and appreciated as a feature of the local landscape even where there are close-up views. The scheme affords the opportunity to create something visually appealing which would outweigh the immediate impact on individuals or specific premises.

7.16 In my view a strong case for the proposed scheme has been established, taking a broad view of the area south of the Royal Docks as a whole. I have considered each of the outstanding objections not pursued at the inquiry and the responses of DLR to them [6.7 to 6.32] and I am not persuaded that any of the concerns expressed would justify not proceeding with the proposed scheme.

7.17 I have reached the same conclusions with regard to each of the 4 objections which were pursued at the inquiry. Regarding the representations of the Open Spaces Society, I do not accept that Barrier Park is yet open space. The development is not complete and it is not land used by the public for recreation [6.3.13]. It is not disputed that Plot No. 188 is public open space [6.3.12]. DLR argue that it would in part be replaced by the new Drew Road School play area which will also be community open space [6.3.10] and if compulsory acquisition of Plot No. 188 has to be pursued, Special Parliamentary Procedure under Section 19 of the Acquisition of Land Act 1981 would follow [6.3.12]. (Unless a certificate is obtained from the Secretary of State that suitable exchange land is available).

7.18 This matter may or may not be resolved by the appropriation of the open space land to education purposes by the Council. There is uncertainty about how Plot No. 188, would be made available but I have considered the situation without prejudice to such an appropriation, or the use of Special Parliamentary Procedure, or an application to the Secretary of State for a certificate concerning suitable exchange land. DLR and the

Council have agreed that replacement of the school is a matter independent of the Order [6.3.11]. However, having regard to the overall benefits of the proposed scheme and the replacement of an outdated primary school and the fact that the emerging UDP contains a policy designating the existing school site and Plot No. 188 for the replacement school, an urban park and Airport related uses, [6.3.11] I am persuaded that despite the effect of the proposed scheme on Plot No. 188 the scheme should proceed and the Order made.

7.19 The Association of Island Communities is concerned that the proposed scheme could dilute the existing service to Lewisham [6.4.1]. Even if it did it would not in my view justify not proceeding with the proposed scheme because of the overall advantages of the scheme. However, there is no evidence that the Lewisham service would in fact be reduced nor would I accept that no part of the services provided on the DLR network should ever be adjusted. Much will depend on how future developments proceed and what demands are made on DLR Their service is flexible and can be adjusted to meet demand and capacity [6.4.3]. This uncertainty does not make the need for the proposed scheme any less persuasive.

7.20 The Water Ski Club objection is that the site being offered for temporary use whilst the proposed scheme is being constructed is unsatisfactory. The club accepts the principle of the proposed scheme and the need for temporary relocation. The temporary site offered may well be affected by noise and other disturbance during the construction period but whether that would cause clients not to use the club while temporarily relocated is far from certain. The club director admitted the level of the problem was uncertain [6.5.3]. Many of the current users are from the local community or are employees of the Airport and alternative facilities are some distance away [6.5.7]. However the temporary site the club would prefer to use would also be affected to a greater or lesser extent by the construction works and would also be further away from the club's boats. The club has shown its resilience in surviving an earlier period of closure [6.5.1] and I do not therefore accept that the impact on the club would be necessarily terminal. Certain mitigation measures would be available [6.5.6] and the compensation code should meet any short-term losses resulting from the temporary move.

7.21 Carlsbergs' objections have essentially been reduced to the four issues identified in paragraph 6.6.2. DLR have made proposals to relocate the diesel tank [6.6.6] which could well be satisfactory [6.6.2]. The concern about electricity supplies being cut would appear to be met if DLR or the concessionaire ensure that this could only happen when the supply is switched and adequate advance warning is given to Carlsbergs and the timing is agreed [6.6.6]. The front office building, not currently in use, [6.6.2] would however be affected by the close proximity of the railway viaduct. Carlsbergs are not concerned about noise, which in any event, would be reduced by appropriate noise barriers. They are more concerned about adequate access to the building frontage for repair and maintenance work [6.6.2]. The use of a "cherry-picker" type lift or scaffolding, or a roof cradle may offer solutions [6.6.6]. There are similar situations within the DLR network where use of a building has continued despite close proximity to the railway viaduct [6.6.6]. The situation could be addressed under the compensation code and I do not believe that it would warrant not proceeding with the scheme.

7.22 Carlsbergs are also concerned to ensure that access to their premises would be maintained during the construction period [6.6.2]. Their operations would be seriously affected by the one-way system proposed on Dock Road if other traffic caused obstructions. DLR or their concessionaire will have some control over construction vehicles and it would be a matter for the Council and the police to act in relation to others. There can be no absolute guarantees that obstructions would not happen. DLR have offered an undertaking to Carlsbergs to indemnify them in respect of any losses suffered as a result of the construction of the scheme [6.6.3] and I believe that in the circumstances it is a reasonable approach to a perceived problem which may not in fact arise.

7.23 I have considered carefully all the issues raised in the outstanding objections. There will inevitably be some (but not significant) impact at specific locations and weighed against the benefits overall which would result, I have no hesitation in recommending that the proposed scheme should proceed. It has evolved following protracted studies since 1997 [3.5] of the implications and after consultations with the Council, English Partnership, London Development Agency, English Heritage, the Airport, the local community and others [3.8] [3.18]. There is widespread support for the scheme, even from some objectors concerned with the particular impact on themselves. The scheme accords with all relevant national, regional and local plans and Government guidance. I am satisfied it would meet the stated objectives of facilitating regeneration of the area and increasing opportunities for jobs, housing, leisure and education. It offers improved public transport while reducing traffic congestion on the highway network and will be of immeasurable benefit to Airport users.

7.24 The route selected has not been challenged. It is environmentally more beneficial than the others that were considered and offers a positive benefit in relation to cost. I am satisfied that the land and rights included in the draft Order, for compulsory acquisition if necessary, are the minimum reasonably required. The modifications proposed to the draft Order, the proposed planning conditions and the Book of Reference have not been challenged and are the result of wide consultations.

7.25 I have examined fully the likely effects of the proposed scheme on the area in general and on particular properties and I am satisfied that it would not compromise good environmental standards. There would be no ecological impact and the setting of the one Listed Building would be significantly enhanced. I am further satisfied that the proposed scheme would be financially viable, subject to the reservation expressed in paragraph 7.9 in relation to the outstanding grant for the section between the Airport and North Woolwich.

8.0 RECOMMENDATIONS

The Order

8.1 I recommend that the Docklands Light Railway (Silvertown and London City Airport Extension) Order 200~. be made as drafted, subject to the modifications contained in Annex A(I) and Annex A (2) hereof

The Book of Reference

8.2 I recommend that the Book of Reference be modified by including the modifications shown on the copy included in Annex C (1) and the Book of Reference so modified and included in Annex C(2) be certified by the Secretary of State as the Book of Reference for the purposes of the Order

The Direction

8.3 I recommend that the application by DLR for a Direction under Section 90 (2A) of the Town and Country Planning Act 1990 be granted, subject to the modifications of Appendix I of the application contained in Annex D hereof and subject to the modifications of the conditions in Appendix 2 of the application to be attached to the Direction contained in Annex B(2) hereof

The Listed Building Consent

8.4 I recommend that Listed Building Consent be granted to alter the setting of Silvertown War Memorial in accordance with the application made on 16 May 2000 subject to the following conditions:

8.4.1 Time Limit

That the work permitted by this consent shall be done not later than 5 years from the date of this consent.

- Reason
To comply with the requirements of Section 18(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

8.4.2 Detailed Approval of the Works

Before the works permitted by this consent are begun their siting, design and external appearance and details of all the materials to be used shall be submitted to the local planning authority for approval and the works shall be carried out in accordance with any approval given or with any subsequent variation in writing of such approval by the local planning authority.

- Reason
To allow reasonable and proper control to be exercised over the detail of the works

I have the honour to be, Sir
your obedient servant

J. E Coyne