

**THE TRANSPORT FOR LONDON (EAST LONDON TRANSIT 1b) COMPULSORY
PURCHASE ORDER 2009**

STATEMENT OF REASONS OF
TRANSPORT FOR LONDON

HIGHWAYS ACT 1980
ACQUISITION OF LAND ACT 1981

The Transport for London (East London Transit 1b) Compulsory Purchase Order 2009

STATEMENT OF REASONS

1. INTRODUCTION and STATUTORY POWERS AND FUNCTIONS OF THE ACQUIRING AUTHORITY

Overview

- 1.1 This is the Statement of Reasons ("the Statement") of Transport for London ("TfL") for making the Transport for London (East London Transit 1b) Compulsory Purchase Order 2009 ("the Order"). This is a non-statutory Statement provided in compliance with paragraphs 35 and 36 and Appendix R of the Circular 06/2004 *Compulsory Purchase and the Crichel Down Rules*.
- 1.2 Paragraph 35 of Circular 06/2004 advises that a Statement of Reasons should be as comprehensive as possible. In preparing the Statement, TfL has endeavoured to provide sufficient information in relation to each of the items identified in Appendix R of the Circular so that its reasons for making the Order can be properly understood.
- 1.3 This section of the Statement of Reasons provides a brief overview of the purpose of the Order and the contents of the Statement.
- 1.4 The purpose of the Order is to enable TfL to acquire land and new rights required for the construction and implementation of the section of Phase 1b of the East London Transit ("ELT") between the A13 and the Barking Riverside Development (a distance of 1.26km). For the purposes of this Statement, references to "the Scheme" are references to this section of the ELT Phase 1b ("ELT1b") only.
- 1.5 Barking Riverside will be a new sustainable community on a 350 acre site providing homes for up to 26,000 people (10,800 new homes), employment for between 1,500 and 3,000 people, community facilities, schools and shopping. The Barking Riverside scheme will regenerate a significant brownfield site in the London Borough of Barking and Dagenham and outline planning permission was granted in August 2007.
- 1.6 ELT will be a prioritised, modern bus transit service which will improve access to employment and leisure opportunities, retail and services for the local community in the Thames Gateway regeneration area. ELT will contribute to the

growth of sustainable transport in London and will encourage modal shift from the private car to public transport.

1.7 TfL considers that there is a compelling case in the public interest which justifies it seeking compulsory purchase powers under the Order in accordance with Circular 06/2004.

1.8 In this Statement:

Section 2 briefly describes the land over which compulsory purchase powers are sought ("the Order Land");

Section 3 identifies the powers under which the Order is made;

Section 4 sets out the background to the Scheme and describes it in more detail;

Section 5 sets out TfL's reasons and justification for making the Order;

Section 6 explains planning and transport policies relevant to the Scheme;

Section 7 sets out the planning position of the Scheme;

Section 8 describes the funding available for the Scheme;

Section 9 sets out TfL's understanding of the effects of the Order on owners and occupiers of the Order Land;

Section 10 states that there are no special considerations affecting the Order Land;

Section 11 sets out any views on the Scheme expressed by central Government and other agencies;

Section 12 sets out known obstacles to the implementation of the Scheme and how these will be overcome;

Section 13 sets out details of any related orders and applications;

Section 14 sets out any effects of the Order on easements and rights;

Section 15 sets out TfL's position on human rights affected by the Order; and

Section 16 provides a list of documents relevant to the Scheme and the Order together with arrangements for them to be inspected and contact details for further information.

Transport for London

- 1.9 TfL was created by the Greater London Authority Act 1999 (“the GLA Act”) as the strategic transport authority for Greater London. Under the GLA Act, the Mayor of London has a general duty “to develop and implement policies to promote and encourage safe, integrated, efficient and economic transport facilities and services to, from and within Greater London” (section 141). Section 173 provides TfL with the power to provide or secure the provision of such public passenger transport facilities and services. Section 154 requires TfL to exercise its functions for the purpose of facilitating the discharge of the general duty under section 141.
- 1.10 TfL is also the highway authority for GLA roads under section 1(2A) of the Highways Act 1980 (“the 1980 Act”).
- 1.11 The Order is made pursuant to a resolution of the Board of TfL made on 30 July 2008. In accordance with TfL’s Standing Orders, the Board gave approval in principle to the making of a compulsory purchase order to progress the Scheme, if it was required. The Board resolved to delegate the final decision as to whether to make an order and the final terms of any order, including the land and interests to be subject to the order, to the Managing Director of TfL Surface Transport and in his absence to TfL’s General Counsel.
- 1.12 The Managing Director of Surface Transport, David Brown, having been briefed by the project team, decided the final terms of the Order, including the land and interests to be subject to the Order and then authorised the sealing and making of the Order on 23rd February 2009.

2. THE ORDER LAND

- 2.1 The Order Land is situated between the A13 and the Barking Riverside Development in the London Borough of Barking and Dagenham.
- 2.2 The area is primarily industrial in nature and the highways within it carry a large number of HGVs and other industrial vehicles.
- 2.3 The Order Land is described in some detail in the schedule of land interests incorporated in the Order. Briefly, the Order Land comprises a number of parcels of land adjacent to River Road, Thames Road, Creek Road and Long Reach Road to allow for the widening of the highway and the reconfiguration of the junctions necessary for the Scheme. A construction compound and land required for access to it is included in the Order Land. A number of parcels are required in order to facilitate the stopping up, and in some cases provision, of private means of access.

2.4 The creation and acquisition of new rights are necessary to allow TfL to undertake works to improve or replace and maintain the road bridge over Mayes Brook and to undertake works in the Brook to enable such construction.

3. **USE OF ENABLING POWERS**

3.1 The London Borough of Barking and Dagenham (LBBD) is the local highway authority for the highways on which ELT will operate. To enable TfL to undertake the improvements necessary to enable ELT to operate, TfL and LBBD have entered into an agreement under section 8 of the 1980 Act. The agreement also provides for TfL to exercise powers of compulsory purchase.

3.2 The relevant powers of compulsory purchase are found in sections, 239, 240, 246, 250 and 260 of the 1980 Act.

4. **BACKGROUND AND DESCRIPTION OF THE SCHEME**

4.1 ELT together with the Greenwich Waterfront Transit comprise the Thames Gateway Transit planned to run through the hearts of development and regeneration areas linking them to town centres and the wider transport network.

4.2 The provision of ELT is a section 106 Town and Country Planning Act 1990 requirement of the Barking Riverside Development. The section 106 agreement for Barking Riverside includes a requirement for a northbound bus lane on River Road and for ELT to enter the western side of the site before 1,500 homes are occupied. The agreement also requires junction improvements at River Road/Thames Road, including the provision of a signalised junction with pedestrian crossing facilities before 2,000 homes are occupied. ELT1b is designed to deliver these and thus enable the continued regeneration of Barking Riverside.

4.3 The purpose of ELT is to provide a fully integrated public transport system that improves access to jobs and services in a key regeneration area. The network forms part of the Mayor's strategy to significantly expand the capital's transport system and enhance levels of public transport accessibility in areas outside central London.

4.4 ELT comprises two planned phases, being ELT1a and ELT1b. ELT will run from Ilford to Dagenham Dock via Barking Town Centre. Each ELT phase will improve the level of bus priority along the route. The section of ELT1b from Barking Town Centre to the A13 will run along the same route as ELT1a and there is no need to acquire any land to accommodate ELT1b on this shared section of road. Work on ELT1a is intended to commence in 2009. ELT1a will be complete before construction of ELT1b commences. TfL intends to have the whole of ELT fully functional by 2012.

- 4.5 An existing bus service (number 387) serves the Creekmouth industrial area. This is planned to be re-routed and the new ELT1b priority service will serve much of the old 387 route between Barking Station and the new Barking Riverside Development, but will continue into the Development and on newly constructed busways segregated from the highway.
- 4.6 The broad detail of the works required for the Scheme is set out below. Further details of the Order Land on a plot by plot basis are in section 9 of this Statement.

River Road (south of the A13)

- 4.6.1 River Road will be widened by the construction of new highway. The widened River Road will be capable of accommodating designated north and southbound bus lanes.
- 4.6.2 As a result of the road widening, works will be necessary in relation to the bridge over Mayes Brook.
- 4.6.3 Widening is required to the east of River Road, adjacent to the Lyon Business Estate, to avoid the pumping station (on the west). South of Mayes Brook, the widening continues to the west of River Road, with no further widening proposed to the east.

River Road (south of Bastable Avenue)

- 4.6.4 Widening continues down the western side of River Road, with designated northbound and southbound bus lanes provided. Within the widened highway, land will be used for footway and carriageway construction along with landscaping along the periphery.
- 4.6.5 The current line of immature trees will be replaced by new trees to the west. The Scheme will include a thorough replanting programme, including maintenance, to compensate for the loss of vegetation. River Road will be realigned at the junction with Thames Road.

Thames Road

- 4.6.6 A slight widening of the carriageway will be required along Thames Road, but this can be accommodated within the existing highway boundary. A designated bus lane will be provided on the westbound carriageway (towards Barking Town Centre). The parking of cars on Thames Road will be prohibited to accommodate the westbound bus lane.
- 4.6.7 The junction of Thames Road and River Road will be reconfigured to create a signalised junction. To facilitate this, a number of parcels of

land surrounding the junction are required. Access to Cromwell Business Park is being altered through the Side Roads Order to accommodate the reconfigured junction.

4.6.8 It is proposed to restrict parking along Thames Road (between River Road and Creek Road) by way of a traffic management order. This will facilitate the inclusion of a westbound bus lane within the existing highway.

4.6.9 The junction of Thames Road with Creek Road and Radford Way will be remodelled to accommodate the ELT1b service. Land will be required on the corners of Thames Road and Creek Road to accommodate the altered junction.

Creek Road

4.6.10 The whole of Creek Road is proposed to be designated as public transport and access only. It is proposed to restrict parking along this section of the route by way of a traffic management order.

Long Reach Road

4.6.11 The section of Long Reach Road running from its junction with Creek Road to the Barking Riverside development is proposed to be designated as public transport and access only. Land will be required on the north eastern corner of Creek Road and Long Reach Road where the existing carriageway will be widened to accommodate buses.

4.7 The ELT vehicles will incorporate:

- environmentally-friendly engines, using the latest commercially viable technology;
- next stop announcements;
- modern design seats;
- features to assist people with disabilities such as handrails, coloured bell-pushes and wheelchair ramps; and
- an air circulation system.

4.8 ELT stops are to be located close to existing and likely future developments along the route, with consideration to total journey time, including boarding time and on-bus journey time. The location of each stop has been reviewed to ensure that it is in the most convenient place for passengers and so that buses can get

right up to the kerb to let passengers on and off easily. ELT services and other buses to common destinations will serve the same stops for easy connections.

4.9 Stops will have brand new shelters, which will include the following features:

- Large shelters providing protection from the wind and rain;
- Design and lighting aimed at improving the waiting environment during the day and at night;
- Robust materials and more effective maintenance regimes making them safer if damaged and quicker to repair; and
- Information screens at key stops to let passengers know when the next service is due.

4.10 ELT services will:

- Run 24-hour services, seven days a week.
- Run initially, at least every ten minutes Monday to Saturday at peak times, every 15 minutes inter-peak in the evenings and Sundays, and every 30 minutes at night. The service frequency will increase as demand increases in line with the occupation of homes in the Barking Riverside Development;
- Have the same fares as standard bus services in London with all valid passes accepted including Oyster; and
- Require passengers to buy their tickets before they get on the bus to speed up boarding and deliver faster journey times.

4.11 In May 2007, TfL conducted a public consultation on the route options for ELT1b. Following consultation, Route Option B was chosen from the four possible routes. The public consultation report was published in May 2008.

4.12 The most popular option emerging from the consultation responses was Option A. Following legal advice and detailed consideration of this option, TfL decided to progress Option B instead for the following reasons:

4.12.1 it can be constructed at a lower capital cost than Option A and represents better value for money;

4.12.2 Option A required the acquisition of open space whereas Option B requires only land which is part of, or adjacent to, public highway;

4.12.3 Option B avoids the duplication of service and therefore enables better access for passengers;

4.12.4 Option B provides for a number of additional highway and junction improvements which would in any event have had to be delivered independently had any of the other options been chosen; and

4.12.5 Option B has a lower impact on residential amenity.

5. **JUSTIFICATION FOR MAKING THE ORDER**

5.1 ELT1b will improve public transport in the area for all users and in particular will provide the new residents of, and employees working at, the Barking Riverside Development with a transport link to Barking Town Centre reducing reliance on the private car and allowing access to employment and leisure opportunities.

5.2 According to the 2001 Census, 45.3% of the Borough's population travel to work by car or van with only 10.6% using bus, minibus, coach, taxi or cab.

5.3 The Order Land is required for highway widening, junction improvements, the stopping up and re-provision of private means of access and construction compounds. TfL has designed the Scheme with the intention of keeping land acquisition requirements to a minimum.

5.4 River Road is being widened to create northbound and southbound bus lanes. The provision of bus lanes will substantially improve journey times for not only the ELT vehicles, but for all other vehicles able to use the bus lane (which includes other buses, both public and private, police and emergency service vehicles, cycles and taxis).

5.5 The following junctions are being improved as part of the Scheme in order to allow the ELT buses to safely make turns at these locations:

5.5.1 Thames Road/River Road;

5.5.2 Thames Road/Creek Road;

5.5.3 Creek Road/Long Reach Road; and

5.5.4 River Road/Bastable Road.

5.6 Vehicles other than buses (particularly HGVs) will benefit from the junction improvements.

5.7 ELT will assist in the delivery of a number of strategic priorities including:

5.7.1 improving accessibility to jobs, services, workforce and potential customers for the current and future population and businesses of the local area by providing a quick, reliable transit route from the new Barking Riverside Development to Barking Town Centre;

- 5.7.2 improving access to the wider transportation network by providing integrated links with existing and planned transport modes by linking ELT1b stops to the planned DLR extension to Dagenham Dock. The route will also provide access to the District Line and National Rail stations at Barking for residents of Barking Riverside;
- 5.7.3 supporting a modal shift to increase the use of the TfL transportation network in the Thames Gateway area through providing a quicker, cheaper alternative to driving in the Thames Gateway region;
- 5.7.4 improving security along the ELT1b route through the installation of CCTV cameras and by improving the urban realm; and
- 5.7.5 reducing emissions from vehicles in London and minimising transport impacts on the environment - ELT vehicles will have environmentally friendly engines, using the latest commercially viable technology.

6. **PLANNING POLICY**

National Planning Policy Guidance

- 6.1 Planning Policy Guidance (PPG) and Planning Policy Statements (PPS) set out the Government's national policies on different aspects of land use planning in England. The national planning policy statements most relevant to the principle of the Scheme are Planning Policy Statement 1: Delivering Sustainable Development (July 2005) and Planning Policy Guidance 13: Transport (20 April 2001).

Planning Policy Statement 1: Delivering Sustainable Development (PPS1)

- 6.2 PPS1 sets out the overarching planning policies on the delivery of sustainable development through the planning system. Development proposals should adopt the strategic principles outlined in PPS1 to ensure they are sustainable. In particular, proposals should:
 - (i) improve people's quality of life, promote social cohesion and encourage inclusion;
 - (ii) contribute to sustainable economic development;
 - (iii) protect and enhance the natural and historic environment;
 - (iv) ensure high quality development through good and inclusive design and the efficient use of natural resources; and

- (v) ensure that development supports existing communities and contributes to the creation of safe, sustainable, liveable and mixed communities with good access to jobs and key services for all members of the community.

Planning Policy Guidance 13: Transport (PPG13)

- 6.3 PPG13 sets out the Government's objectives to integrate planning and transport to:
 - (i) promote more sustainable transport choices;
 - (ii) promote accessibility to jobs, shopping, leisure facilities and services by public transport, walking and cycling; and
 - (iii) reduce the need to travel, especially by car.
- 6.4 PPG13 encourages local planning policy to protect sites and routes which could be critical in developing infrastructure to widen transport choices for both passenger and freight movements. There is a general presumption against promoting car use in urban areas. Instead, planning policy should promote alternatives including public transport, walking and cycling.

The London Plan (consolidated with Alterations since 2004)

- 6.5 The London Plan is the spatial development strategy for Greater London setting out an integrated social, economic and environmental framework for the future development of London. Generally the London Plan supports increasing public transport capacity and requires that proposed new development in East London is supported by improvements to transport infrastructure.
- 6.6 Chapter 3C is entitled "Connecting London - improving travel in London". Policy 3C.1 supports improvements to public transport capacity and accessibility where they are needed and especially in areas designated for development and regeneration, such as the Thames Gateway and Opportunity Areas (including Barking Reach where the Barking Riverside Development is located).
- 6.7 Policy 3C.3 states that Opportunity Areas (which are listed at policy 2A.2 and which include Barking Reach), particularly in East London should be supported by improved public transport. The policy also refers to the Mayor's support for access to and within town centres and their residential hinterlands and between town centres by, amongst other things, new bus transit schemes.
- 6.8 Policy 3C.9 further supports the provision of additional public transport capacity and states that the Mayor will work with strategic partners to increase public transport capacity by up to 50% during the plan period (i.e. up to 2020).

- 6.9 Table 3C.1 lists transport infrastructure projects supported by the London Plan, including the ELT project. ELT is also shown on map 3C.2 along with other light transit schemes in London then proposed.
- 6.10 Policy 3C.19 promotes improved conditions for buses and states that UDP policies should actively promote and give priority to the continued development of the bus network including the allocation of road space and high levels of road priority required for buses and for ensuring good bus access to town centres, major developments and residential areas.
- 6.11 Chapter 5C relates to the sub-region of North East London, which includes Barking and Dagenham. Policy 5C.1 includes the following as strategic priorities for the sub-region:
- 6.11.1 to deliver the London element of the Government's priority for the Thames Gateway for development, regeneration and transport improvement;
 - 6.11.2 to plan for and secure the necessary financial resources to deliver planned transport infrastructure for the sub-region including local schemes that improve public transport. The East London Transit scheme is listed as a particular priority.
- 6.12 The need for further significant improvements in transport accessibility in East London is recognised at paragraph 5.66. Paragraph 5.90 states that implementation of ELT will be necessary to support the level of development planned for Barking Riverside.
- 6.13 ELT is referred to as key transport infrastructure in the Mayor's East London Sub-Regional Development Framework (May 2006).

The Mayor's Transport Strategy (second revision published in July 2006)

- 6.14 The Mayor's Transport Strategy sets the policy framework for transport in London. The policies within the Transport Strategy are integrated with the land use policies contained within the London Plan.

LBBU Unitary Development Plan (adopted 17 October 1995)

- 6.15 The LBBU UDP policies set out below have been saved by direction of the Secretary of State dated 18 September 2007.
- 6.16 Strategic Policy X states that the Council will seek to retain, extend and improve the provision, integration and use of public transport systems within and throughout the Borough in order to encourage the use of public transport.

- 6.17 Chapter 10 of the UDP sets out the Council's policies on Transportation and Movement. The importance of public transport is acknowledged. The delays caused to buses by congestion at major junctions are recognised. Improvements to the quality and quantity of public transport services are supported. The Council states its desire for a new light transit system to connect the Borough with the Docklands Light Railway and to serve the proposed development at Barking Reach (i.e. Barking Riverside).
- 6.18 In policy T7, the Council refers to exclusive bus lanes and bus priority measures. Policy T8 recognises the need for new bus routes to and from Barking Reach.

LBBB Emerging Policy

- 6.19 LBBB adopted its Local Development Scheme (LDS) in March 2008. The LDS states that the Core Strategy will be adopted in August 2009. A Preferred Options Report for the Core Strategy was produced by LBBB in March 2007. The Local Development Framework Spatial Vision is set out in the Preferred Options Report. Part of the Vision is enhancing the quality of life for residents of the Borough by providing a greater choice in accessible and affordable public transport. ELT is specifically identified as one of the initiatives to achieve the Vision. The need to put in place the transport infrastructure to accommodate economic development and regeneration is recognised in the Report. ELT is again specifically identified as a key project in this respect.
- 6.20 Policy CM4 relates to Strategic Transport Links. As policy CM4 is only at Preferred Options stage, a number of alternative versions are listed. All alternatives of the policy include ELT in the list of projects to improve overall accessibility to, from and within the Borough.
- 6.21 LBBB's Local Implementation Plan (LIP) for transport guides the way the Council looks after and improves transport in the Borough from 2006 to 2011. The LIP was approved by the Mayor of London in 2007. The LIP identifies a number of strategic transport schemes that are considered necessary, particularly to meet development and regeneration objectives in a sustainable way. ELT is included in the list of such projects. ELT is also listed as one of the main elements of LBBB's Movement Strategy.
- 6.22 LBBB's support of ELT is stated in the LIP at paragraph 5.173 - "*the Council will support the implementation of ELT in the borough through its role and powers as a statutory planning authority and highways authority*". The LIP also includes the Council's support of segregated alignments for ELT.

Other LBBB Documents

- 6.23 LBBB's "Urban Renaissance" Regeneration Strategy (2001-2006) states that securing improvements to a variety of transport modes is a key driver in

regeneration. Both the Regeneration Strategy and the LIP note the poor north-south connections in the Borough and the need to allow residents to access opportunities south of the A13.

- 6.24 There is recognition in the Strategy of the need for the Council to work with TfL in relation to the first phases of ELT.

Government Reviews and Other Documents

The documents referred to below are not adopted policy, but are proposals and reviews which contain general statements which can be applied to the Scheme.

Putting Passengers First - The Government's proposals for a modernised national framework for bus services (Department for Transport) (December 2006)

- 6.25 In the foreword to this document, the then Secretary of State for Transport, Douglas Alexander MP, said that the Government has recognised "the crucial role of the bus sector" and have "made it a priority to increase bus patronage by giving the travelling public what they need and deserve: more reliable, efficient and cost-effective bus services".
- 6.26 The document goes on to say that "buses are the backbone of the country's public transport system" (page 10) and have a fundamental role to play in delivering the Department for Transport's key objectives which underpin this aim: improving accessibility, reducing casualties, respecting the environment and supporting the economy (page 12).

The Future of Transport: A Network for 2030 (July 2004)

- 6.27 This White Paper looked at the factors that will shape travel, and transport networks, over 30 years and set out how the Government will respond to these pressures. The Prime Minister's foreword recognised the need for better bus services in urban areas and the link between a good transport system and a strong economy is stressed throughout the document.
- 6.28 The need for bus services which are reliable, flexible, convenient and tailored to local needs is recognised and the need to make better use of buses to help reduce congestion and tackle social exclusion is acknowledged.

The Eddington Transport Strategy (December 2006)

- 6.29 Sir Rod Eddington was asked to advise the Government on the long-term links between transport and the UK's economic productivity, growth and stability, within the context of the Government's commitment to sustainable development.

6.30 The report explains the key role played by the UK's transport networks in sustaining the UK's productivity and competitiveness and considers that the strategic economic priorities for long term transport policy are growing and congested urban areas.

6.31 In particular, the report states that it is in the UK's urban areas "that bus services have the potential to be a fundamental part of the transport network's contribution to the success of those places, whilst delivering on environmental and social objectives." (page 54)

7. **PLANNING POSITION**

7.1 In relation to the widening works, TfL will be relying upon the permitted development rights granted to local highway authorities by Part 13 of the Town and Country Planning (General Permitted Development) Order 2005 (GPDO). The widening works cover less than 1 hectare and do not therefore fall within Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 and are not therefore EIA development.

7.2 The necessary resurfacing works (which also involve the alteration of the camber of the road) do not require planning permission, because they do not constitute "development" as defined by section 55 of the Town and Country Planning Act 1990.

7.3 The construction compounds required as part of the Scheme are permitted development under Part 4, Class A of the GPDO.

7.4 LBBD have confirmed in a letter to TfL dated 20 August 2008 that the works are not Schedule 2 development.

7.5 "Welbeck Wharf", of which plots 2/1, 2/2, 2/3, 2/4, 2/5, 2/6 form a small part, is a safeguarded wharf. The purpose of the safeguarding, which has policy support in the London Plan, is to protect the wharf from development which could jeopardise its cargo-handling capacity. TfL has ensured through the use of vehicle tracking software that sufficient HGV circulation space around the current buildings remains; TfL also believes there is ample space for the accommodation for HGVs on the site. Therefore, TfL is confident that the acquisition of a strip of land will not affect the viability of Welbeck Wharf as a working wharf and is seeking support of this view from the Greater London Authority ("GLA"). Discussions with the GLA are currently taking place.

8. **FUNDING**

8.1 TfL has secured £18.5 million from the Community Investment Fund (Round 2) (CIF2) for the Scheme. The CIF2 bid was made in May 2008 and the funding

confirmed by an announcement by the Minister for Housing and Planning on 26th November 2008. The Scheme is the subject of a funding agreement made between Department of Communities and Local Government (CLG) and TfL dated 20th November 2008.

- 8.2 TfL's business case calculates that the funding requirement for the Scheme is £20.6 million, which means £2.1 million is required in addition to the CIF2 award. This sum will be provided by TfL and BRL.
- 8.3 The Scheme's estimates of costs and benefits have been scrutinised by the Department for Transport and approved by the Department as being based on a viable and robust business case.
- 8.4 Many of the business case benefits arise from journey time improvements for passengers when compared to a "do nothing" option. The number of passengers increases with the number of homes occupied at the Barking Riverside Development. Full build-out of the housing development is dependent on a defined list of transport provisions including ELT1b, some junction improvements, and an extension to the Docklands Light Railway network through the site.
- 8.5 Using TfL's Business Case Appraisal methodology (covering a 30 year period) the ELT1b's benefits (at current values) under various scenarios at 1,500, 4,000, and 10,800 homes were calculated.
- 8.6 Until the ELT1b service is operating, the Barking Riverside Development can only have 1,500 homes occupied. At this level of housing the ELT1b business case sensitivity tests show a good benefits-to-cost ratio ("BCR") of 1.6:1.
- 8.7 Under the section 106 agreement until the DLR extension is operational (or LBBB agrees otherwise) no more than 4,000 homes can be occupied. The Business case for 4,000 homes without the DLR extension indicates a very healthy BCR of 2.2:1 representing good value for money.
- 8.8 If 10,800 homes are constructed, the BCR is 3:1.

9. **THE ORDER LAND AND EFFECTS ON OWNERS AND OCCUPIERS**

- 9.1 Plots 1/1, 1/7 and 1/10 comprise landscaped area, access road and the river bed and banks of Mayes Brook. They are required to provide access for construction vehicles and contractors to undertake works for the widening or replacement of the bridge over Mayes Brook. TfL is not aware of any likely effects on, the owners of these plots.
- 9.2 Plot 1/2 comprises a further section of the river bed and banks of Mayes Brook. Rights to construct and maintain in perpetuity a bridge deck over this plot are

sought. The existing bridge is located within plot 1/5 and rights to strengthen or replace the existing bridge deck are being sought. A new or widened bridge is required to accommodate ELT buses. It is not thought that the creation and acquisition of these rights will have any impact on their owner, LBBB.

- 9.3 Plot 1/3 is required for a construction compound and access for the duration of the works. Plot 1/3 is currently used for parking by W E Deane, the occupier of Mayesbrook House. TfL are in discussions with the occupier's agents as to how best to minimise the impact on the occupier's business. Once construction is completed, TfL would be prepared to sell the land back to the current owner assuming that an agreement cannot be reached allowing TfL to temporarily occupy the land under the present ownership.
- 9.4 Plot 1/4 is part of the embankment of Mayes Brook and plot 1/8 forms part of the verge of the access road into Lyons Business Park. Both are required for the widening of River Road. TfL does not believe that the acquisition of this plot will have any significant effect on its owner.
- 9.5 Plots 1/9 and 1/10 comprise part of a private road used by the occupiers of Lyon Business Estate to access their units.
- 9.6 Plot 1/9 is required for the widening of River Road. TfL does not believe that the acquisition of this plot will have any significant effect on its owner. Under the Sides Road Order, plot 1/9 will be re-provided as public highway (see section 13 of this Statement for further details on the Side Roads Order).
- 9.7 Plot 1/10 will be required to provide TfL with access to the construction compound (plot 1/3) and to enable TfL to undertake works to the existing road to ensure it is capable of bearing construction vehicles. TfL would wish to obtain this land by agreement, however should it be necessary to implement the Order with respect to this land, TfL will ensure that occupiers of Lyon Business Park have access to their properties throughout the construction period.
- 9.8 To allow for the positioning of a bus stop, it will be necessary to stop up the private means of access to Unit 13c River Road which is at plot 1/12. TfL will be providing an alternative access to this property and to allow TfL to construct this new access, plot 1/11 has been included in the Order. TfL hope however to reach agreement with the owner to allow temporary possession of the land so that the Order does not have to be implemented in respect of these plots. Alternatively, once the works have been completed, TfL could transfer the land back to the owner if required.
- 9.9 Plot 2/2 is required for the widening of River Road to the west. The land currently forms part of an industrial site owned by Arcelor SSC UK Barking Limited. This site is currently unoccupied and for sale.

- 9.10 Plot 2/2 includes part of an unoccupied building which will have to be demolished to facilitate the widening of River Road. Plot 2/1 comprises the remainder of the building and its immediate curtilage and is required to facilitate its safe demolition. Once the demolition works have been completed, TfL would be able to transfer the land back to the owner if required. Alternatively it is hoped that arrangements can be put in place with the owner so that the Order does not need to be implemented with respect to plot 2/1.
- 9.11 The widening of River Road requires the removal of a number of immature trees located within plot 2/2. Plots 2/3, 2/4, 2/7 and 2/8 are required to enable the replanting of those trees. All this land currently forms part of the industrial site owned by Arcelor SSC UK Barking Limited.
- 9.12 An electricity substation is located within plot 2/5 required for the widening of River Road. Plot 2/6 is required to enable the chamber to be re-located. TfL's engineers have been in discussions with EDF, the owner of the substation, about the relocation.
- 9.13 A body shop/repair business and a haulage company operate from 27 River Road/1 Thames Road (plots 2/9 and 2/10). The works to the Thames Road/River Road junction require demolition of a part of a building on the site of 27 River Road/1 Thames Road. Following discussions with the owner and surveying works it has been established that it is possible to demolish only those parts of the building lying within plots 2/9 and 2/10 leaving the remainder of the building intact. TfL would like to come to agreement with the owner in respect of plot 2/9 to avoid having to implement the Order over this plot.
- 9.14 Land is required permanently from 29/31 River Road (plot 2/11) in order to undertake junction improvements. A laundry business currently operates from this site. TfL have met with the occupiers of this property and have explained the impact of the Scheme.
- 9.15 Plots 3/1, 3/2, 3/3 and 3/4 are required for the widening of River Road.
- 9.16 The widening of River Road in this location will require the demolition of Elizabethan House. The business carried on at Elizabethan House will have to be relocated. TfL is not aware of any significant infrastructure associated with this business which could not be relocated. TfL have met with the owners of Elizabethan House and have explained the impact the Scheme will have on their property.
- 9.17 For safety reasons, access to the Cromwell Trading Centre over plot 3/7 must cease and a wall or fence will be constructed on plots 3/7 and 3/8. TfL hope however to reach agreement with the owner to allow temporary possession of the land so that the Order does not have to be implemented in respect of these plots.

- 9.18 Occupiers of Cromwell Trading Centre will instead be provided with access over plots 3/5 and 3/6.
- 9.19 Plot 3/4 includes a small part of land connected with Unit 8, Cromwell Trading Estate. Unit 8 is currently unoccupied. TfL have been in contact with the owner of this property through his agent and hope to secure agreement rendering the use of compulsory purchase powers unnecessary. Plot 3/9 is required for mitigation works.
- 9.20 Plots 4/1 and 4/2 comprise two small strips of land adjacent to the highway. They are required to enable junction works. TfL does not consider there will be any significant effects on owners or occupiers of these plots.
- 9.21 To allow for junctions works, it is also necessary to relocate a telecommunications mast located at plot 4/4 by moving it 2 metres to the back of the footway. TfL have been in discussions with the affected operator, Vodafone, who have given their in-principle approval for the relocation of the mast. Plot 4/3, which will become highway, has been included in the Order for the purposes of this relocation and junction improvement.
- 9.22 TfL have been liaising with affected land owners and occupiers for a number of months and hope to come to agreements with as many as possible in order to avoid implementation of the Order in respect of their land.
- 9.23 In as many cases as possible, TfL will strive to keep businesses trading from their current location.

10. SPECIAL CONSIDERATIONS AFFECTING THE ORDER LAND

- 10.1 Other than land over which various statutory undertakers have rights which is described above, there are no special considerations affecting the Order Land.

11. VIEWS OF CENTRAL GOVERNMENT AND OTHER AGENCIES

- 11.1 CLG has demonstrated its support for the Scheme by granting the CIF2 award. The Department for Transport has assessed the scheme from a transport perspective for CLG and deemed it worthy of Government funding.
- 11.2 London Thames Gateway Development Corporation (LTGDC) is supporting ELT1b as a key enabler for Barking Riverside which is integral to its London Riverside Programme designed to reinvigorate neglected Thames frontage. Its emphasis is on providing a new quality of life appropriate to the 21st Century. Well located schools and health centres will serve new and existing residents.
- 11.3 The Homes and Communities Agency ("HCA") is the Government's national housing and regeneration agency delivering high quality, sustainable growth in England. They do so by developing a portfolio of strategic sites and acting as the

government's advisor on brownfield land. The HCA is in partnership with Bellway Homes to fund, develop and deliver the Barking Riverside Development.

- 11.4 LBBB fully supports the Scheme and approval to the route alignment was given by the Council's Executive and Assembly on 30 September and 8 October 2008 respectively. LBBB has an ambitious regeneration programme which, over the next 20 years, will revitalise town centres and industrial areas. The programme includes widespread environmental improvements, and enhancements to the public transport links.

12. **KNOWN OBSTACLES TO THE IMPLEMENTATION OF THE SCHEME**

- 12.1 There are no known obstacles to the scheme.

13. **RELATED ORDERS AND CONSENTS**

- 13.1 To facilitate the stopping up of private means of access (in some cases re-provision and in others setting back the access) to Lyon Business Estate, Katella Trading Estate, Cromwell Trading, 1 Thames Road/27 River Road, the industrial site to the west of River Road and unit 13c River Road so as to allow for the necessary highway widening and junction works, TfL has made the Transport for London (River Road) (Side Roads) Order 2009. The Statement of Reasons accompanying the Side Roads Order contains further detail justifying the use of powers under the 1980 Act to allow for such stopping up.
- 13.2 Before the Scheme can be implemented, a number of traffic management orders (TMOs) under section 6 of the Road Traffic Management Act 1994 will be made in order to, for example, regulate parking along the route and designate part of the highway as bus lane.
- 13.3 It is not possible, or indeed desirable, to make these TMOs at this stage in the Scheme's evolution. It is not possible to make TMOs in respect of highway which does not yet exist. As a TMO must state the date on which it comes into force and it is not possible to state such a date with accuracy at the present time it will not be possible to make TMOs until the construction works are complete or very well-advanced.
- 13.4 The terms of an agreement under section 101 of the Local Government Act 1972 have been agreed between TfL and LBBB. The agreement will be sealed shortly. Under the agreement, TfL will be responsible for the making of the necessary TMOs subject to LBBB's approval.
- 13.5 TfL will be entering into agreements under section 58 of the New Roads and Street Works Act 1991 ("NRSWA 1991") with relevant statutory undertakers. Scheme works approvals will also be necessary under the Traffic Management Act 2004. CDM Constructions Health and Safety plan approvals will be required

from LBBB. It will also be necessary to enter into agreements under sections 54, 55 and 74 of NRSWA 1991 with LBBB.

14. EFFECT ON EASEMENTS AND RIGHTS ETC

14.1 In the event that the Order is confirmed, TfL will implement the Order by means of Notices to Treat and Notices of Entry or by General Vesting Declaration (GVD). Easements and private rights over land will be overridden (subject to compensation) in so far as they would otherwise interfere with the construction or operation of the scheme.

14.2 Mortgages and rent charges are to be dealt with in accordance with sections 14 to 17 and section 18 of the Compulsory Purchase Act 1965.

15. HUMAN RIGHTS ISSUES

15.1 The Human Rights Act 1998 requires (amongst other things) that every public authority must act in a manner which is compatible with the Convention for the Protection of Human Rights and Fundamental Freedoms ("the Convention").

15.2 Relevant parts of Article 1 of First Protocol of the Convention provide: -

"Every natural or legal person is entitled to peaceful enjoyment of his possessions" and "[no] one shall be deprived of his possessions except in the public interest and subject to the conditions provided for by law and by the general principles of international law ..."

15.3 Relevant parts of Article 8 of the Convention provide:

"(1) Everyone has the right to respect for his private and family life, his home and his correspondence. (2) There shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interest of...the economic well-being of the country..."

15.4 The Order has been made pursuant to sections 239, 240, 246 and 250 of the 1980 Act which authorises TfL to acquire land compulsorily subject to following the procedures laid down by the Acquisition of Land Act 1981. TfL considers that there is a compelling case in the public interest that the Order Land be acquired in order to achieve the purposes described in this Statement. If the Secretary of State agrees with TfL that there is a compelling case in the public interest, he may confirm the Order. If the Order is confirmed, compensation may be claimed by persons whose interests in land have been acquired or whose possession of land has been disturbed. In the circumstances, if the Order is confirmed, the compulsory acquisition of the Order Lands will not conflict with Article 1 of the First Protocol or Article 8 of the Convention.

15.5 Relevant parts of Article 6 provide that:

“In determining his civil rights and obligations ... everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law.”

15.6 The proposals have been extensively publicised and persons likely to be affected by them have had an opportunity to make representations in so far as the Order is concerned, any owner, lessee or occupier of land included in the Order will have the opportunity to make an objection and to appear before a person appointed by the Secretary of State before a decision is made whether or not the Order should be confirmed.

16. **DOCUMENTS AND FURTHER INFORMATION**

16.1 The documents set out in the following paragraph are available for public inspection during normal office hours at:

16.1.1 Thames View Library, Sue Bramley Community Centre, Bastable Avenue, Barking, IG11 0LG;

16.1.2 London Borough of Barking and Dagenham’s Town Hall, 1 Town Square, Barking, IG11 7LU; and

16.1.3 Transport for London, Palestra, 197 Blackfriars Road, London SE1 8NJ.

16.2 The documents are:

16.2.1 The Order and Order Map

16.2.2 This Statement of Reasons

16.2.3 A copy of the Transport for London (River Road) (Side Roads) Order 2009 and accompanying plan

16.2.4 Planning Policy Guidance Note 13 (Transport) (March 2001)

<http://www.communities.gov.uk/documents/planningandbuilding/pdf/155634.pdf>

16.2.5 Planning Policy Statement Note 1 (Delivering Sustainable Development) (January 2005)

<http://www.communities.gov.uk/documents/planningandbuilding/pdf/planningpolicystatement1.pdf>

- 16.2.6 Extracts from the London Plan (consolidated with Alterations since February 2004) (policy 3C.1, 3C.3, 3C.9, 3C.19, 5C.1 and paragraphs 5.66 and 5.90).
- <http://www.london.gov.uk/thelondonplan/thelondonplan.jsp>
- 16.2.7 Mayor's Transport Strategy (July 2006)
- http://www.london.gov.uk/mayor/strategies/transport/trans_strat.jsp
- 16.2.8 Extracts from the London Borough of Barking and Dagenham UDP (1995) (strategic policy X, chapter 10, policies T7 and T8)
- <http://www.lbbd.gov.uk/8-leisure-envir/planning/unitary-development-plan/plan-udp-details.html>
- 16.2.9 London Borough of Barking and Dagenham Preferred Options Core Strategy (CM4)
- <http://www.lbbd.gov.uk/8-leisure-envir/planning/local-dev-framework/pdf/core-strategy/core-strategy-summary.pdf>
- 16.2.10 London Borough of Barking and Dagenham Local Implementation Plan (2007) (Paragraph 5.173)
- <http://www.barking-dagenham.gov.uk/8-leisure-envir/planning/local-implementation/lip-menu.html>
- 16.2.11 LBBD's "Urban Renaissance" Regeneration Strategy (2001-2006)
- <http://www.barking-dagenham.gov.uk/5-work/regeneration/riverside/southdag/pdf/regen-s-dag-renaissance.pdf>
- 16.2.12 East London Sub-regional Development Framework
- <http://www.london.gov.uk/mayor/planning/srdf/docs/east-srdf.pdf>
- 16.2.13 Putting Passenger First - The Government's proposals for a modernised national framework for bus services (December 2006)
- <http://www.dft.gov.uk/pgr/regional/buses/secputtingpassengersfirst/>
- 16.2.14 The Future of Transport: A Network for 2030 (July 2004) (Extracts)
- <http://www.dft.gov.uk/about/strategy/whitepapers/fot/>

16.2.15 The Eddington Transport Strategy: The case for action: Sir Rod Eddington's advice to the government (December 2006)

<http://www.dft.gov.uk/about/strategy/transportstrategy/eddingtonstudy/>

16.3 TfL reserves the right to introduce such additional documents as may be relevant to any public inquiry in respect of the Order and will endeavour to notify the public inquiry and any statutory third parties of any such documents as soon as possible prior to the opening of such public inquiry.

16.4 Owners and tenants of the properties affected by the Order and other interested parties who wish to discuss matters with TfL should contact TfL by post at Transport for London, Surface Transport Communications, Stakeholder Engagement, Level 11 - Zone G2, Palestra, 197 Blackfriars Road, London SE1 8NJ, by email at elt@tfl.gov.uk or by telephone on 0800 587 2068.

17. **CONCLUSION**

17.1 ELT1b is a modern bus transit service which will improve access to employment, retail and leisure opportunities and other services for the residents of the London Borough of Barking and Dagenham. Together with ELT1a, ELT1b is an essential link between the Barking Riverside Development and Barking Town Centre to the extent that the greater part of that development cannot be constructed unless ELT1b is constructed.

17.2 ELT1b vehicles will be modern, environmentally friendly and accessible, running at frequent, regular intervals. ELT stops will provide a comfortable waiting environment with information screens at key stops.

17.3 Land is required to widen roads along which ELT vehicles will run allowing the provision of bus lanes and the reconfiguration of junctions. TfL has endeavoured to keep the land required for the Scheme to a minimum and is involved in discussions with owners and occupiers of affected land to understand and, where possible, resolve their concerns.

17.4 ELT1b is funded largely by central Government (mainly via CLG and the CIF2 award, which is now managed by the HCA) and is supported by planning and transport policy. It has the full support of the London Borough of Barking and Dagenham.

17.5 There are no major impediments to the scheme.

February 2009