

**WRITTEN REPRESENTATIONS and
NOTIFICATION OF WISH TO MAKE REPRESENTATIONS AT A
COMPULSORY PURCHASE HEARING**

In relation to

An Application by Transport for London (TfL) for an Order granting Development Consent
for the proposed Silvertown Tunnel

Made on behalf of

- 1) Newable Property Developments Limited
- 2) Waterfront Studios Limited

**Written Representations and
Notification of wish to make Oral Representation at Compulsory Purchase Hearing
in relation to Application by TfL for an Order granting Development Consent for the proposed
Silvertown Tunnel**

Made on behalf of

- 1) Newable Property Developments Limited (Newable)**
- 2) Waterfront Studios Limited (Waterfront)**

THE PARTIES

Newable (previously GLE Property Developments Limited) is a private limited company (Company Registration No. 02470056) whose Registered Office is 10-12 Queen Elizabeth Street, London SE1 2JN. Newable has a leasehold interest in land that will be acquired under compulsory purchase powers sought by TfL under the DCO.

Waterfront is a private limited company (Company Registration No. 02470056) whose Registered Office is 10-12 Queen Elizabeth Street, London SE1 2JN. Waterfront has a leasehold interest in land and buildings that will be affected both by the works to construct the Silvertown Tunnel and its subsequent operation. Waterfront manages and operates the land in which Newable has an interest.

THE AFFECTED LAND

Waterfront holds a leasehold interest from the London Borough of Newham (LBN) in land and buildings situated to the north side of Dock Road/North Woolwich Road, known as Waterfront Studios ('the Studios'). The Studios comprise a business centre and arches under the Silvertown Way (A1/A11) and provide warehousing, offices and light industrial space, sublet to numerous small and medium sized enterprises.

Waterfront's interest in the Studios (Registered Title Nos. EGL455514 and EGL445359) is for a term of 99 years commencing 14 August 2002.

Newable holds a lease from LBN over land within the Order Limits, which is used as a car park for the Studios ('the car park'). The car park lies immediately to the west of the Studios within 30 metres of its main entrance and lies between Dock Road and Silvertown Way.

Newable holds the car park by way of a 10 year lease from LBN commencing on 14 August 2008 (Registered Title No. EGL549275). Newable has recently agreed terms with LBN for a new 10 year lease over the car park which will commence on 1 April 2017.

A plan showing the position of both the Studios and the car park is attached at Appendix 1.

THE EFFECT OF POWERS SOUGHT UNDER THE ORDER

TfL has developed proposals to construct a twin-bore highway tunnel (known as Silvertown Tunnel) within the safeguarded land and has applied to the Secretary of State under the Planning Act 2008 for an Order providing Development Consent to build, operate and maintain the tunnel.

A Draft Order includes provisions for TfL to compulsorily acquire the car park and refers to it, within The Order Book of Reference, as plot numbers 05-121, 05-134, 06-028, 06-029 and 06-031.

Consequently, if the Order is confirmed, Newable will suffer the loss of its compensatable leasehold interest in the car park. In addition, as the car park is essential to the efficient running of the Studios, the severance of the car park from the Studios will also injuriously affect the Studios.

The works to construct the Silvertown Tunnel will also impact upon and injuriously affect the Studios, as will the presence and use of the Silvertown Tunnel following its completion.

ENTITLEMENT TO COMPENSATION

In the event the land is acquired under the Order, Newable will be entitled to claim compensation for:

- 1) The Open Market Value of its leasehold interest in the car park.
- 2) Any injurious affection suffered to its interests in the Studios, as a result of either, the severing of the car park from the Studios, the execution of the Silvertown Tunnel works or the use of the Silvertown Tunnel following completion of the works.
- 3) Any disturbance or loss not directly based on the value of land arising from the compulsory acquisition of the car park.

MITIGATION

In an effort to mitigate against the loss Newable and Waterfront will suffer, Newable, Waterfront and TfL have been in dialogue over recent months in an effort to agree the following matters:

- 1) The provision of a temporary car park while the Silvertown Tunnel is constructed.
- 2) The provision of a permanent replacement car park following completion of the Silvertown Tunnel.
- 3) Ways to limit the impact of construction traffic on the Studios during the period of the Silvertown Tunnel works.
- 4) Ways to mitigate impact on the Studios including Access to the Studios during the period of the Silvertown Tunnel works.
- 5) Liaison, consultation and provision of information during the period of the Silvertown Tunnel works.

However, whilst a draft agreement dealing with these issues has been produced, at the current time the agreement has not been completed. Newable and Waterfront wish to retain their right to make oral representations at a compulsory purchase hearing if the agreement is not completed by the time of that hearing.

THE ASSURANCES SOUGHT BY NEWABLE AND WATERFRONT

The assurances sought by Newable and Waterfront under the agreement are:

- 1) TfL will construct a temporary car park for the benefit of Newable and Waterfront, providing at least 47 car parking spaces, for use during the period of the Silvertown Tunnel construction works. The temporary car park will be situated not more than 400 metres from the front entrance of the Studios. The temporary car park will be constructed prior to TfL acquiring Newable's interest in the car park under the Order, to an agreed specification.
- 2) Following completion of the Silvertown Tunnel construction works TfL will construct a permanent replacement car park for the benefit of Newable and Waterfront, providing at least 47 car parking spaces. The permanent replacement car park will be located within 100 metres of the front entrance to the Studios. The permanent replacement car park will be constructed prior to TfL requiring Newable/Waterfront to give up its use of the temporary car park under the Order, to an agreed specification.
- 3) During the Silvertown Tunnel construction works, TfL will ensure that the number of HGV movements on North Woolwich Road, directly attributable to the construction of the tunnel, will be no more than the number of movements at the present time.

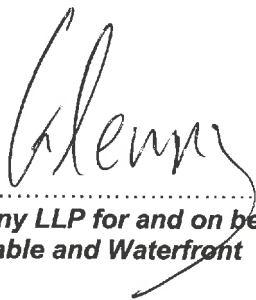
- 4) TfL must provide, as part of its detailed design, reasonable vehicular and pedestrian access to a further car park directly adjacent to the Studios (but which lies outside of the Order limits) from the portion of Dock Road realigned by TfL as authorised by the Order.
- 5) TfL, Newable and Waterfront will liaise with each other in respect of the Silvertown Tunnel works and TfL must keep Newable and Waterfront informed as to timings and programming of the works.
- 6) TfL must use reasonable endeavours to require its contractor to minimise traffic using any site entrance to the Silvertown Tunnel construction site within 100 metres of the front entrance of the Studios.
- 7) TfL must provide a draft copy of the Construction Traffic Management Plan to Newable and Waterfront for comment a reasonable time prior to submission to the Local Planning Authority.
- 8) TfL must have due regard to any reasonable representations made by Newable or Waterfront in respect of the Construction Traffic Management Plan.
- 9) At least 14 days before applying for consent to temporarily stop up, alter or divert any part of North Woolwich Road, Dock Road and the underpass beneath Silvertown Way in the vicinity of the Studios, TfL must provide details of the proposed application to Newable and Waterfront and must have due regard to any reasonable representations made by them in respect of the application.
- 10) TfL must procure that Newable and Waterfront are offered membership of the Community Liaison Group to be created in accordance with the Code of Construction Practice.

In principle agreement has been reached between Newable, Waterfront and TfL in relation to these assurances.

In addition to the above, Waterfront is also seeking agreement from TfL that it will meet the costs of relocating the current main entrance to the Studios away from the Silvertown Tunnel construction site (the entrance is approximately 10-20m from the boundary of the construction site) to mitigate the impacts of the construction works. The construction works will undoubtedly cause significant noise and dust, adversely impacting on the Studios and could lead to tenants exercising their break clauses and Waterfront suffering a loss. Tenants of the Studios are on 3 month 'rolling' break clauses so Waterfront is very concerned that tenants could start to leave very quickly before mitigation works could be carried out. Waterfront considers that the temporary relocation of the front entrance to the dock side would partially mitigate against those losses.

REQUEST OF THE EXAMINING AUTHORITY

Newable and Waterfront request that the Examining Authority does not confirm powers of compulsory acquisition over the car park until TfL has entered into an agreement providing the assurances they seek.






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**Glenny LLP for and on behalf of
Newable and Waterfront**

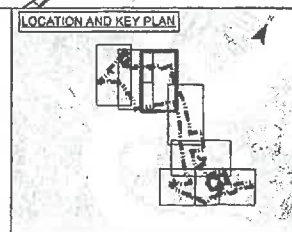


KEY
 CAR PARK
 STUDIOS

FOR CONTINUATION SEE SHEET 4


FOR CONTINUATION SEE SHEET 6

KEY
 Proposed Order Limits for Application for Development Consent
 Change in Order Limits since Consultation
 Local Authority Boundary



0	CM	CM	BJ	30/03/2016
Rev	Drawn / Des	Checked	Approved	Date
Description				

Drawing Status: **WORK IN PROGRESS**



Client: Transport for London

Project Title		SILVERTOWN TUNNEL			
Drawing Title					
Changes to Order Limits since Consultation					
Sheet 5 of 7					
Scale: 1:250	Designed / Drawn	Checked	Approved	Authorised	
Origin: A1	Date: 05/04/2016	Date: 05/04/2016	Date: 05/04/2016	CM	BJ
Drawing number: TR010021 - X X		First Issue			