

# Statement of Common Ground between Transport for London and Thames Water

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# Silvertown Tunnel

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# 1. Introduction

## 1.1 Purpose of the document

1.1.1 This Statement of Common Ground (SoCG) is submitted to the Examining Authority in relation to the application by Transport for London (TfL) under section 37 of the Planning Act 2008 (the Act) for an order granting development consent for the construction of the Silvertown Tunnel (“the Scheme”).

1.1.2 The aim of this SoCG is to provide a clear record of the issues discussed and the current status of those discussions. The SoCG can be used as evidence of these discussions in representations to the Examining Authority as part of its examination of the DCO application.

## 1.2 Parties to this Statement of Common Ground

1.2.1 This Statement of Common Ground (SoCG) has been jointly prepared by TfL and Thames Water. It sets out matters which are agreed between both parties, as well as matters which are not agreed and matters which are under discussion.

## 1.3 Structure of the Statement of Common Ground

1.3.1 This SoCG comprises six sections:

**Section 1** is an introduction to the SoCG and the Scheme;

**Section 2** provides an overview of consultation to date between TfL and Thames Water;

**Section 3** provides a summary of the main areas and topics covered by this SoCG;

**Section 4** provides a list of matters agreed;

**Section 5** provides a list of matters still under discussion;

**Section 6** provides a list of matters not agreed; and

**Section 7** contains the parties’ signatures.

## 1.4 The proposed scheme

- 1.4.1 The Scheme involves the construction of a twin bore road tunnel providing a new connection between the A102 Blackwall Tunnel Approach on Greenwich Peninsula (Royal Borough of Greenwich) and the Tidal Basin roundabout junction on the A1020 Lower Lea Crossing/Silvertown Way (London Borough of Newham). The Silvertown Tunnel will be approximately 1.4km long and will be able to accommodate large vehicles including double-deck buses. It will include a dedicated bus, coach and goods vehicle lane, which will enable TfL to provide additional cross-river bus routes.
- 1.4.2 The Scheme also includes the introduction of free-flow user charging at both the Blackwall Tunnel (northern portal located in London Borough of Tower Hamlets) and the new Silvertown Tunnel. This measure is proposed to manage traffic demand and support the financing of the construction, maintenance and operation of the Silvertown Tunnel.
- 1.4.3 On the north side, the tunnel approach road connects to the Tidal Basin Roundabout, which will be altered to create a new signal-controlled roundabout linking the Silvertown Way, Dock Road and the Lower Lea Crossing. Dock Road will be realigned to accommodate the new tunnel and approach road. On the south side, the A102 will be widened to create new slip road links to the Silvertown Tunnel. A new flyover will be built to take southbound traffic exiting the Blackwall Tunnel over the northbound approach to the Silvertown Tunnel. The Scheme includes minor changes to Tunnel Avenue including the removal of the bus-only gate allowing access for all vehicles between Blackwall Lane and Ordnance Crescent. The Boord Street footbridge over the A102 will be replaced with a pedestrian and cycle bridge.
- 1.4.4 New portal buildings will be located close to each tunnel portal to house the plant and equipment necessary to operate the tunnel.
- 1.4.5 Main construction works could commence in late 2018 and will last approximately 4 years with the new tunnel opening in 2022/23. A Tunnel Boring Machine (TBM) will be used to bore the main tunnel sections under the river with shorter sections of cut and cover tunnel at either end linking the bored sections of the tunnel to the portals. The proposal is to erect and launch the TBM from specially constructed chambers at Silvertown and Greenwich Peninsula where the bored sections and cut and cover sections of the tunnel connect. The main construction worksite will be located at Silvertown, utilising the existing barge facilities at Thames Wharf along with a new temporary jetty

for the removal of spoil and delivery of materials by river. A secondary worksite will be located adjacent to the alignment of the proposed cut and cover tunnel on the Greenwich Peninsula.

**1.5 Introduction to Thames Water Utilities Limited (TWUL)**

1.5.1 TWUL is water and sewerage undertaker for the Thames region, which includes the location of the Silvertown Tunnel. TWUL has a number of strategic assets in the project area that will need to be diverted or relocated. TWUL also has a significant number of other water and waste water apparatus in the project area that may be impacted by the Proposal. TWUL also has easements and other rights in land which will be affected by the Proposal.

1.5.2 TWUL holds a freehold interest in the following plots as identified in the Book of Reference (4.3) and Statement of Reasons (4.1). The tables detail these holdings and outline the stated purpose of land acquisition:

1.5.3 Table – outline of land interests and plots

<b>Source in application documents</b>	<b>Plot ref.</b>	<b>Description</b>
Statement of Reasons (p.242)	05-033 06-078	Riverside sewer outfall and river wall of Dock Road, with hardstanding and access off Tidal Basin Road.

1.5.4 Table – outline of purposes of acquisition

<b>Source in application documents</b>	<b>Plot ref.</b>	<b>Purpose of acquisition</b>
Statement of Reasons (p.)	05-033	Temporary possession of land to provide working space and construction compounds to facilitate construction of the Silvertown Tunnel, the new Dock Road and the temporary jetty.

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Statement of Reasons (p.)	06-078	Temporary possession of land for improvement of Tidal Basin Roundabout and Tidal Basin Road.
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1.5.5 TWUL also holds a significant number of access rights, utilities apparatus, and benefits from easements across the project area. Some of these are listed in the Book of Reference (4.3), but are too numerous to detail in this statement.



## 2. Record of engagement undertaken

### 2.1 Key meetings

2.1.1 A summary of the key meetings and correspondence that has taken place between TfL and Thames Water is outlined in the table below.

<b>Date</b>	<b>Form of correspondence</b>	<b>Key outcomes and points of discussion</b>
02.10.15	TfL issues Section 42 notification to TWUL.	Notified TWUL of statutory consultation.
27.01.16	Meeting between TWUL and TfL (Atkins).	TfL outlined the scheme and its potential impact on TWUL.  Broadly discussed diversions to utilities. Both parties happy with plans, subject to further surveying work.
05.07.16	Meeting between TWUL and TfL (Atkins).	TfL provided an update on the DCO process.  Discussed a draft proposal for protective provisions.  Discussed works and diversions to utilities. Further technical work required.
13.07.16	TfL sent plans to TWUL and C3 application.	
22.08.16	Email from TWUL to TfL/Atkins	TWUL provided a draft copy of its comments on the DCO and protective provisions and Settlement Calculations to TfL and Atkins.
23.08.16	Telephone conference between TWUL and Atkins	TWUL advised of its intention to submit objections to the

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		DCO. The need to survey TW sewers to confirm connectivity.
23.08.16	TfL issued technical note.	Regards diversions to utilities and drainage facilities.
30.08.16	TWUL submitted relevant representation.	TWUL notes that it does not object to the scheme in principle, but raises concerns regarding the protection of TWUL assets, access rights, and the protection of a headwall in land to be temporarily occupied (see point 1.5.2 of this statement).
05.10.16	Meeting between TWUL and TfL (Atkins).	Discussed DCO progress, diversions and drainage, C3 application, and the river wall on the TWUL land holding.
10.10.16	Email from TfL's lawyers to TWUL's lawyers	TfL provide initial comments on TWUL representations
02.11.16	Email from TWUL's lawyers to TfL's lawyers	TWUL provide further information in relation to its representations

2.1.2 Further meetings are to be scheduled to ensure that TWUL and TfL have provided for a mutually agreeable level of protective provisions and asset protection.

## 3. Topics contained within this SoCG

### 3.1 Topics included in SoCG

3.1.1 The following key topics discussed with TWUL are included in this Statement of Common Ground.

3.1.2 Matters agreed:

- TWUL does not object to the principle of the scheme.

3.1.3 Matters still under discussion:

- Connections and discharges to the public sewer system.
- Protective works around TWUL utilities apparatus.
- DCO Article 32 and TWUL as a statutory utility.
- Stopped up streets and DCO Article 32(7).
- Definitions, including of apparatus.
- Future installation of new apparatus.
- Protection of a headwall on land to be temporarily occupied.
- Acquisition of land and rights in land required for retention and maintenance of retained apparatus.
- Notice period for infrastructure works.
- Provision of rights and facilities in non-TfL land for the purpose of alternative apparatus and use of statutory undertakers' powers.
- Notification of works undertaken by TfL.
- Consent to work on TWUL apparatus
- Scope of protection zone.
- Arbitration procedures.
- Notice for works impacting apparatus.

- Costs, expenses and charges incurred by TWUL.
- Betterment and apparatus issues.
- Indemnity provision.

3.1.4 Matters not agreed:

- None.

## 4. Matters agreed

Ref	Description of matter	Details of agreement	Record of agreement
<b>4.1 Matters agreed</b>			
4.1.1	General Scheme.	TWUL does not object to the principal of the Silvertown Tunnel Scheme.	Relevant representation dated 30.08.16.

## 5. Matters still under discussion

**5.1 NB: TfL responded by email on 10 October 2016 to the points raised by Thames Water in their relevant representation. TWUL provided further information about its representations by email to TfL on 2 November 2016. Further discussions will take place with a view to reaching agreement on those points, including the protective provisions contained in the DCO. These points are summarised below:**

Ref	Description of matter	Details of discussion	Record of discussions
<b>5.2 Issues relating to the Silvertown Tunnel DCO articles and provisions</b>			
5.2.1	Connections and discharges to the public sewer system.	TWUL seeks comfort that Article 14 does not override the need for TfL to comply with sections 106 and 118 of the Water Industry Act 1991 (WIA), which prevent inappropriate connections/discharges being made to the public sewer system that could result in damage to the sewer network and environment. TWUL also believes that Article 14 is inconsistent with WIA.	Relevant representation dated 30.08.16.
5.2.2	Protective works around	TWUL notes that Article 29(6) may excuse TfL from removing protective works around undertakers'	Relevant representation

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	<p>TWUL utilities apparatus.</p>	<p>apparatus. It considers this unacceptable if such measures have an adverse impact on TWUL’s ability to comply with its statutory obligations, on the full operation of the assets or cause TWL to incur additional future expense.</p>	<p>dated 30.08.16.</p>
<p>5.2.3</p>	<p>DCO Article 32 and TWUL as a statutory utility.</p>	<p>TWUL expressed concern that the definition of ‘statutory utility’ (Article 32) does not include TWUL. In order to ensure it can continue to comply with its statutory obligations, TWUL requests the protection of Article 32, which limits TfL’s powers under Article 9.</p>	<p>Relevant representation dated 30.08.16.</p>
<p>5.2.4</p>	<p>Stopped up streets and DCO Article 32(7).</p>	<p>TWUL notes that Article 32(7) refers to section 85 of the New Roads and Street Works Act 1991. It suggests that Section 85 should not apply to stopped up streets, as they are no longer streets.</p>	<p>Relevant representation dated 30.08.16.</p>
<p><b>5.3 Issues relating to Schedule 13 and protective provisions</b></p>			
<p>5.3.1</p>	<p>Definitions</p>	<p>TWUL notes that Schedule 13 2(c)-(d) does not reflect all the apparatus and accessories that are/could be vested in TWUL, and which therefore need to be protected under the DCO.</p>	<p>Relevant representation dated 30.08.16.</p>

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5.3.2	Future installation of new apparatus.	In order to ensure that it can comply with its statutory obligations, TWUL states that Article 4(1) should permit TWUL to lay new apparatus.	
5.3.3	Protection of retained apparatus	Article 5 should require TfL to obtain consent before acquiring, extinguishing or overriding interests in land required for the retention/maintenance of apparatus.	Relevant representation dated 30.08.16.
5.3.4	Protection of headwall on temporarily acquired land.	TWUL owns a headwall in land to be temporarily occupied by TfL. TWUL seeks assurance that this will be protected under the DCO.	Relevant representation dated 30.08.16.
5.3.5	Notice period for infrastructure works.	TWUL considers that the notice period in 6(2), 8(1) and 8(5) is insufficient to arrange potentially significant infrastructure works.	Relevant representation dated 30.08.16.
5.3.6	Provision of rights and facilities for alternative apparatus in non-TfL land and use of statutory undertakers' powers.	TWUL objects to sub-paragraph 6(3). 'TWUL's powers are not unlimited, and TWUL should not be obliged to use its powers to obtain rights and facilities for the benefit of TfL, where it has failed to make sufficient provision within the DCO.'	Relevant representation dated 30.08.16.
5.3.7	Notification of works undertaken by TfL.	6(5): TWUL suggests that TfL must not carry out work on TWUL apparatus without prior written consent. To do so could prejudice TWUL's ability to comply with	Relevant representation dated 30.08.16.



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		its statutory obligations.	
5.3.8	Scope of protection zone.	6(7): TWUL notes that the protection zone should be at least 600mm.	Relevant representation dated 30.08.16.
5.3.9	Arbitration procedures.	7(2)(b): TWUL notes that the arbitrator should ensure that facilities and rights are no less favourable to TWUL than its existing rights, and must have regard to TWUL's ability to fulfil its statutory obligations.	Relevant representation dated 30.08.16.
5.3.10	Notice for works impacting apparatus.	8(1): TWUL suggests that notice must be given for any works authorised by the DCO that could impact TWUL apparatus and not just those carried out under 6(2).	Relevant representation dated 30.08.16.
5.3.11	Costs, expenses and charges incurred by TWUL.	9(1): TWUL suggests that TfL should repay to TWUL all expenses, costs and charges reasonably incurred.	Relevant representation dated 30.08.16.
5.3.12	Betterment and apparatus issues.	9(3) and (4): TWUL requests more clarity as to what does not amount to betterment in relation to TWUL specific apparatus.	Relevant representation dated 30.08.16.

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5.3.13	Indemnity provisions.	10: TWUL suggests that this section does not give TWUL parity with the indemnity provisions afforded to other undertakers under the DCO.	Relevant representation dated 30.08.16.
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## 6. Matters not agreed

6.1 There are no matters not agreed in this SoCG.

## 7. Agreement

Signed	
Name	
Position	
Company	
Date	
Signed	
Name	
Position	
Company	
Date	