



Department for  
Communities and  
Local Government



Department  
for Environment  
Food & Rural Affairs

Mr Phil Stride  
Thames Water Utilities Limited  
Thames Tideway Tunnel  
The Point, 37 North Wharf Road  
London  
W2 1AF

Your Ref: 100-CO-PNS-PINSP-000001

12 September 2014

Dear Sir,

**PLANNING ACT 2008: APPLICATION FOR THE PROPOSED THAMES WATER UTILITIES LIMITED (THAMES TIDEWAY TUNNEL) ORDER**

1. We are directed by the Secretary of State for Communities and Local Government and the Secretary of State for Environment, Food and Rural Affairs (the "Secretaries of State") to advise you that consideration has been given to:

- the report of the Examining Authority ("the ExA"), who conducted an examination into the application ("the Application") made on 28 February 2013 by Thames Water Utilities Limited ("the Applicant") under section 37 of the Planning Act 2008 ("the 2008 Act") for a development consent order ("the Order") under the 2008 Act for the Thames Tideway Tunnel ("the proposed development"); and
- representations received by the ExA and the Secretaries of State and not withdrawn in respect of the Application including those received following the close of the examination.

Department for Communities & Local Government  
Planning Casework Division  
Third Floor, Fry Building  
2 Marsham Street  
London  
SW1P 4DF

Tel: 0303 444 0000  
Email: [PCC@communities.gsi.gov.uk](mailto:PCC@communities.gsi.gov.uk)

Department for Environment, Food & Rural Affairs  
Customer Contact Unit  
7th Floor, Nobel House  
17 Smith Square  
London  
SW1P 3JR

Tel: 03459 33 55 77  
Email : [defra.help@defra.gsi.gov.uk](mailto:defra.help@defra.gsi.gov.uk)

2. The examination of the Application by the ExA began on 12 September 2013 and was completed on 12 March 2014. The examination was conducted on the basis of written evidence submitted to the ExA and evidence submitted and discussed at 43 hearings held between 11 November 2013 and 21 February 2014 and set out at Annex A to this letter.
3. All paragraph references, unless otherwise stated, are to the ExA's report ("The Report") and are in the form, for example, "ER 1.0". References to requirements are to the requirements in Schedule 3 of the Order.
4. Article 2 of the Infrastructure Planning (Waste Water Transfer and Storage) Order 2012 ("the 2012 Order") amended sections 14 and 29 of the 2008 Act to classify the construction in England of infrastructure for the transfer or storage of waste water with an expected capacity for the storage of waste water exceeding 350,000 cubic metres, as a 'Nationally Significant Infrastructure Project' ("NSIP"). The Thames Tideway Tunnel meets the criteria for classification as a NSIP (ER 1.2-1.3) and development consent is required before the proposed development can be commenced.
5. The Order would grant development consent for the construction and operation of a wastewater transfer and storage tunnel, known as the Thames Tideway Tunnel, a number of connection tunnels and other associated development and ancillary works. The Order would authorise works at 24 sites in London along the route of the tunnel, including works to construct interception structures at 16 combined sewage overflows, as well as other associated development. The Order would also authorise the Applicant to acquire land compulsorily and to use land temporarily, for the purposes of the proposed development.
6. Enclosed with this letter is a copy of the Report. The ExA's conclusions on the issues raised during the examination, and the reasons for these, are set out at the end of the chapter where these issues are discussed. The ExA sets out its conclusions on the case for development and the reasons for these at ER 18.66-18.82. Its recommendation is at ER 21.7.

### **Summary of the ExA's Recommendation**

7. The ExA recommended that the Secretaries of State make an Order granting development consent, in the form set out in appendix F of the Report.

### **Summary of the Secretaries of State's Decision**

8. **The Secretaries of State have decided under section 114 of the 2008 Act to make, with modifications, an Order granting development consent for the authorised project and other powers as set out in the Order.** This letter is the statement of reasons for the Secretaries of State's decision for the purposes of section 116 of the 2008 Act and the statement for the purposes of regulation 23(2)(d) of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2009 ("the 2009 Regulations"). The Secretaries of State can be assumed to agree with the conclusions of the ExA unless they have stated that they disagree.

9. The Secretary of State for Communities and Local Government has granted a certificate further to the provisions of sections 131 and 132 of the 2008 Act (as amended by the Growth and Infrastructure Act 2013) allowing the acquisition of open space land required for the proposed development without replacement (referred to further at paragraph 127).

### **Secretaries of State's consideration**

10. The Secretaries of State have fully considered:

- the Report, including the ExA's conclusions on the impacts of the proposed development, noting in particular that the ExA's greatest concerns relate to the construction phase (ER 18.81);
- the local impact reports submitted by 13 London Boroughs and the Mayor of London listed at Annex B to this letter; and
- the environmental information, including the Environmental Statement (ES) dated January 2013 which was submitted with the Application, along with changes and updates to the ES submitted on 14 February 2014 and 11 March 2014.

11. The Secretaries of State have also taken account of the representations made known to them in respect of the Application and all other matters which they think are both important and relevant to their decision.

12. The Secretaries of State's consideration of these matters is set out in the following paragraphs. Their consideration of the representations received after the close of the examination (i.e. after 12 March 2014) is also set out below.

13. The Secretaries of State agree with the ExA that the ES complies with regulation 2(1) of the 2009 Regulations. Overall they are satisfied that sufficient information has been provided for them to assess the environmental impact of the proposed development.

### Consideration of policy and legislation

14. The Report was prepared on the basis that the Secretaries of State's decision in relation to the Application is to be made under section 104 of the 2008 Act. The Secretaries of State agree with that approach. The Secretaries of State have considered the requirements in that section of the Act regarding the matters they must have regard to in deciding the Application.

15. The Secretaries of State agree with the ExA (ER 3.11) that the National Policy Statement for Waste Water ("the NPS") is the only National Policy Statement relevant to their decision on whether to grant the Order for the proposed development. The Secretaries of State have had regard to paragraph 2.6.34 of the NPS which requires them as decision makers to assess the Application for development consent on the basis that the national need for a Thames Tunnel has been demonstrated and that it is for the Applicant to justify the specific design and overall tunnel route that it is proposing.

16. The Secretaries of State are satisfied that the ExA has had full regard to the NPS in carrying out its examination and in reaching its findings and conclusions and making its recommendation.
17. With regard to the exceptions in section 104 sub-sections (4), (5) and (6) of the 2008 Act, the ExA considered (ER 21.6) whether deciding the Application in accordance with the NPS would: lead to the UK being in breach of any of its international obligations, including concerning protected sites and species or waste management, or be in breach of any duty imposed on the Secretaries of State by or under any enactment or be unlawful by virtue of any enactment. The ExA was not aware of any international obligations or other duties that would be breached if development consent were to be granted in accordance with the NPS by the Secretaries of State. Nor was the ExA aware of any other reasons why deciding to grant consent in this case in accordance with the NPS would be unlawful by virtue of any enactment. Having considered these matters, the Secretaries of State agree with these conclusions.
18. The Secretaries of State have had regard to their duties as decision-makers in exercising their functions. This includes the public sector equality duty set out in section 149 of the Equality Act 2010.
19. The Secretaries of State have also had regard to relevant legislation and policy, such as matters in the development plans for the London Boroughs and the London Plan, referred to by the ExA in the Report at ER 3.1-3.94 as well as policies listed elsewhere in the Report together with the following important and relevant policies:
- Noise Policy Statement for England; and
  - River Basin Management Plan for River Thames.
20. The Secretaries of State have also had regard to the following documents published since the close of the examination but have given them little weight for the purposes of their consideration of this Application:
- The Government response to the consultation on the review of the Nationally Significant Infrastructure Planning Regime (published April 2014)
  - London Infrastructure Plan 2050: A Consultation. Greater London Authority (July 2014)
  - Consultation on Amending the Water Industry (Specified Infrastructure Projects) (English Undertakers) Regulations 2013 (published July 2014)
  - New River Basin Planning Guidance for the period 2015 – 2021 (published July 2014)
  - Technical Consultation on Planning (published July 2014). (Amongst other things this consultation sets out proposals to streamline the consenting process for nationally significant infrastructure projects).

### Other considerations

21. The Secretaries of State have had regard to the implications of the recent High Court decision of *Redhill Aerodrome Ltd v Secretary of State for Communities and Local Government and others*. They are satisfied that this judgment does not raise any new important and relevant matters which are sufficient to affect their decision in this case and that there is no need to refer back to interested parties. This has been reflected in paragraph 143 in the 'Case for Development' section of this letter.

### **Representations and correspondence since the close of the examination**

22. The Secretaries of State have seen the following correspondence regarding consents and certificates granted to the Applicant (see paragraphs 123-134 of this letter): between the Department for Transport and the Applicant (dated 02/07/14), between the Department for Transport and Eversheds LLP on behalf of Transport for London (dated 02/07/14), between the Department for Culture, Media and Sport and British Telecommunications plc (dated 04/07/14), between the Department for Culture, Media and Sport and Vodafone Ltd (dated 04/07/14), between the Department for Culture, Media and Sport and the Applicant (dated 04/07/14), between the Applicant and the Department for Transport (dated 16/07/14), between British Telecommunications plc and the Applicant and the Department for Culture, Media and Sport (dated 18/07/14), between the Applicant and the Department for Culture, Media and Sport (dated 18/07/14), between Vodafone Ltd and the Applicant and the Department for Culture, Media and Sport (dated 18/07/14) and between Virgin Media and the Department for Culture, Media and Sport (dated 30/07/14). They consider that the matters raised in this correspondence are relevant but not important to their decision.
23. The Secretaries of State received representations after the close of the examination from: A. Rosenberg (dated 18/03/14), LB of Wandsworth (dated 19/03/14), the Applicant (dated 09/04/14 and 14/08/14), S. Lawes (dated 28/04/14), J. Ruddock MP (dated 29/04/14), D. Stewart (dated 09/06/14), M. Macleod MP (dated 16/06/14), G. Hands MP (dated 19/06/14), Pinsent Masons (for Cemex) (dated 27/06/14), D. Percival (dated 13/05/14 and 14/07/14), J & P Ahad (dated 28/07/14), A. Williams (dated 28/07/14), D. Morphet (dated 29/07/14), B. Osbourne (dated 29/07/14), Mayor of London (dated 30/07/14), Jones Day on behalf of Surrey Quays Ltd (dated 31/07/14), Councillor W. Harcourt of LB Hammersmith & Fulham (dated 04/08/14), Vodafone (dated 06/08/14), Eversheds on behalf of Transport for London (dated 14/08/14), British Telecommunications plc (dated 26/08/14) and K. Roll (dated 29/08/14).
24. Copies of these representations are available on request from the addresses at the foot of the first page of this letter. They are also available to view at:  
<http://infrastructure.planningportal.gov.uk/projects/london/thames-tideway-tunnel/>
25. The Secretaries of State have considered these representations and find that with regard to the representations from S. Lawes, J. Ruddock MP, D. Stewart, M. Macleod MP, G. Hands MP, Pinsent Masons (for Cemex), J & P Ahad, A. Williams, Vodafone and the Applicant they represent information which is both important and relevant to their

decision (see section 104(2)(d) of the 2008 Act), though they do not affect the Ministers' decision on whether or not to grant development consent.

26. The important and relevant issues raised in the representations received after the close of the examination included the following matters:

#### Correspondence from the Applicant

27. The Applicant wrote to the Secretaries of State on 14 August 2014 to provide an update on an agreement with river regulators, on agreements with stakeholders, on changes required to protective provisions in the Order and to the deemed Marine Licence, and corrections needed to four plans which would need to be reflected in Schedule 2 to the Order. The Secretaries of State consider that although important and relevant to their decision they do not affect the decision whether or not to grant development consent. These are all minor, non-material, changes which only relate to the parties that the Applicant has been in discussion with and has reached agreement with. Since those parties are aware of the changes that are relevant to their interests and the Secretaries of State do not consider that there are any other interested parties who would be affected by these proposed changes they do not think that there is any need to refer back to interested parties on any of these. All of the changes sought in the 14 August letter have been accepted by the Secretaries of State and are reflected in the Order made.

#### Air Quality

28. The independent Deptford air quality surveys contained within representations from J. Ruddock MP / S. Lawes agree with the findings of the Applicant that Deptford's current air quality has pollutants in excess of EU targets. The Report states that the construction phase of the tunnel will add to pollution levels in Deptford (ER 5.14). The ExA conclude that this increase will not be substantial (ER 5.17) and the Secretaries of State agree with this and are content that the impact is acceptable.

#### Vibration effects on buildings

29. Representations from Mr D. Stewart and Ms M. MacLeod MP noted the concerns of the management of British Grove Studios regarding groundborne vibration from tunnelling close to the foundations of 20 British Grove potentially leading to ground settlement. The management were concerned that this could affect the structural integrity of the waterproof lining of the building's basement walls. The Secretaries of State note the likely incompleteness of the assessment of potential impacts on 20 British Grove (ER 12.126-12.127 and letter from Mr D. Stewart of 09/06/14) but consider that the potential for a significant adverse impact from vibration is outweighed by the unlikely nature of any structural damage and the existence of monitoring, remediation and compensation arrangements for any damage or disruption caused by settlement (ER 19.420 and Application documents APP191 and APP135).

#### Site specific concerns

30. Representations raised general concerns about the impact of construction of the proposed development at various work sites. The impacts of construction have been

examined in detail for each construction site and consideration of these matters can be found within the relevant sections of this letter.

31. Although both important and relevant, these matters do not raise any new issues and do not affect the decision of the Secretaries of State. Hence, they do not consider that it is necessary to consult interested parties on these matters.

### **Main issues in the examination**

32. The Secretaries of State's conclusions in respect of the main issues in the examination are detailed in the paragraphs that follow.

#### Air Quality

33. The Secretaries of State are satisfied that all reasonable steps have been taken by the Applicant to control any odours that could arise from the construction and operation of the proposed development (ER 5.17). The Secretaries of State agree with the ExA's overall conclusions in respect of air quality considerations (which includes matters related to dust and odour) that the proposed development will not lead to any new breaches of national air quality limits or result in any substantial changes to air quality in the area (ER 5.17). In their consideration, as the anticipated impacts are minor they have not given them significant weight in reaching their decision, as recommended by the ExA (ER 5.18).

#### Biodiversity, biological environment and ecology

34. The Secretaries of State agree with the ExA's conclusions (ER 6.59) that the proposed development is unlikely to cause significant harm to nationally designated sites or any protected species. The Secretaries of State also agree that potential effects on aquatic ecology will be mitigated by provisions in the Deemed Marine Licence (ER 6.60). Protective provisions in Schedule 16 and requirements in Schedule 3 of the Order provide for mitigation for terrestrial sites. With regard to the permanent loss of aquatic habitat to accommodate acceptable structures, the Secretaries of State consider that the need to achieve acceptable design solutions in sensitive areas, such as an inter-tidal terrace, and the creation of an inter-tidal area at the River Wandle, will compensate for habitat loss (ER 6.62).
35. The ES identified no significant adverse effects in respect of the Sites of Interest for Nature Conservation at King George's Park, Falconbrook Pumping Station, Deptford Church Street, Beckton Sewage Treatment Works and Carnwath Road Riverside work sites. The Secretaries of State agree with the ExA's overall conclusion that the construction of the proposed development avoids significant harm to biodiversity in accordance with the NPS (ER 6.66) by the use of mitigation measures. The Secretaries of State note that the project will result in improved river water quality in the River Thames which will have beneficial effects on fish and on invertebrate density and abundance (ER 6.67).

36. Accordingly, in reaching their decision on the proposed development, the Secretaries of State attach significant weight to the benefits to aquatic ecology during the operational phase of the project, as recommended by the ExA (ER 18.70).
37. The detailed environmental examination required by the Conservation of Habitats and Species Regulations 2010 and the 2009 Regulations are dealt with at paragraphs 93-96 of this letter.

#### Coastal / River change

38. The Secretaries of State agree with the ExA's conclusions that the Applicant has carried out modelling to predict impacts on estuarine processes and brought forward satisfactory mitigation measures (ER 7.14-7.15). These mitigation measures include scour and accretion monitoring arrangements and trigger levels for remedial action in accordance with the requirements of the NPS, and they will be secured through the Four-Way Legal Agreement between the Applicant and the river regulators and through protective provisions and requirements in the Order and conditions on the Deemed Marine Licence (ER 7.16).
39. The Secretaries of State agree with the ExA's conclusion that the Deemed Marine Licence and protective provisions in the Order would provide appropriate controls in relation to works in the river and that coastal and river change is not a matter that should attract significant weight in the decision as to whether or not to make the Order (ER 18.12).

#### Design, landscape and visual impact

40. The Secretaries of State agree with the ExA that the parameter plans, indicative and illustrative drawings and design principles for the proposed development strike the right balance between certainty and flexibility and accept that the design detail will be appropriately controlled by requirements in the Order in accordance with the NPS (ER 8.83).
41. The Secretaries of State agree with the ExA's view that during construction the proposed development will have widespread significant adverse visual effects. They also agree with the ExA's conclusion that the Applicant has sought to minimise visual impacts through mitigation measures as required by the NPS but that, because of the scale and nature of the works, these could only partially mitigate the adverse effects (ER 8.84). As stated in the NPS and by the ExA, the Secretaries of State acknowledge that the construction of a major infrastructure project in a mature urban environment will have temporary adverse visual effects of this kind. The nature and extent of the impacts are weighed in the balance against the benefits of the proposed development in paragraphs 140-141 of this letter (see also ER 8.90).
42. With regard to the permanent works, the Secretaries of State agree with the ExA that the Applicant has described the approach to securing good design in the Design and Access Statement and they note that the design, including the common approach to street level features, has attracted support from the Historic Buildings and Monuments Commission



for England and the Design Council CABE. The Secretaries of State also agree that the Applicant has demonstrated good design in terms of siting relative to existing townscape character and vegetation, in accordance with the NPS (ER 8.85). They accept the ExA's view that those sites with indicative designs will contribute to making attractive, usable, durable and adaptable places in accordance with the NPS and note that there are safeguards in place for those that are still illustrative (ER 8.86).

43. The Secretaries of State note the significant adverse visual effects that have been identified at one site (Chelsea Embankment Foreshore) in respect of the permanent works, but they agree with the ExA that the adverse townscape effects at that site will be minimised through appropriate siting, design and landscaping, in accordance with the NPS (ER 8.87). The Secretaries of State do not consider that the adverse visual effects at Chelsea Embankment Foreshore outweigh the benefits of the proposed development (ER 8.88). They further agree with the ExA that elsewhere the evidence indicates that the townscape and visual impacts of the permanent works will be negligible or beneficial (ER 8.89).
44. The Secretaries of State also agree with the ExA that the Applicant has considered the functionality of the design and has addressed operational and safety matters as required by the NPS. The Secretaries of State therefore agree with the ExA's overall conclusion that, on balance, design, landscape and visual impact in relation to the permanent works are not matters that should attract significant weight in the decision as to whether or not to make the Order (ER 8.91 and 18.17).

#### Flood risk and climate change

45. The Secretaries of State agree with the ExA's assessment that the Applicant has taken into account the NPS requirements for flood risk management, that the Sequential and Exception Tests have been applied and met, and that the design of the proposed development has taken into account the potential impact of climate change (ER 9.25). The Secretaries of State also note that the ExA's assessment is agreed by the Environment Agency. The Applicant carried out a flood risk assessment for each site which was included with the Application. In response to the ExA's request the Applicant also prepared and submitted a flood defence assets interpretive report which addressed concerns in relation to the absence in the original Application of a project-wide risk assessment.
46. The Secretaries of State agree with the ExA that the site specific assessments adequately take account of local flood management policies. Whilst most sites in the proposed development are in flood zones 3a or 3b and at risk from flooding, the Secretaries of State agree with the ExA that the design of the above-ground infrastructure has properly taken into account the predicted flood levels and is resilient to flooding as required by the NPS (ER 9.26).
47. Having regard in particular to the Statements of Common Ground with the Environment Agency and Canal and Rivers Trust, requirements and the protective provisions for the Environment Agency in the Order, the Secretaries of State agree with the ExA's conclusion that the proposed development has properly taken into account flooding and

climate change and that this is not a matter that should attract significant weight in the decision as to whether or not to make the Order (ER 18.18).

### Historic environment

48. The Secretaries of State agree with the ExA that there will be no significant harm to archaeological assets and that the proposed mitigation measures through the Overarching Archaeological Written Scheme of Investigation to record any findings during construction and the various Site-Specific Archaeological Written Schemes of Investigation for approval by the relevant local planning authority would be an appropriate and practical response to the particular circumstances of this proposed development (ER 10.23). In reaching their conclusion the Secretaries of State have had particular regard to the Historic Buildings and Monuments Commission for England's agreement to the procedures (ER 10.135).
49. The Secretaries of State note the predicted effect on heritage assets through settlement resulting from shaft excavation and tunnelling at some locations, but agree with the ExA that having regard to the mitigation proposed through the Code of Construction Practice as secured by requirement PW6 in the Order, it is unlikely that these operations would cause material harm to the significance of the heritage assets (ER 10.136).
50. The Secretaries of State agree that there would be widespread adverse effects to the settings of the heritage assets during the construction phase, including to conservation areas and to designated heritage assets of the highest significance. The Secretaries of State further agree that the effects on the setting of heritage assets during the construction phase are minor to moderate adverse and in NPS terms less than substantial (ER 10.138-10.139). The Secretaries of State agree with the ExA that the existence of the legal agreements between the Applicant and the Diocese of Southwark means that mitigation measures have been adequately secured (ER 10.140).
51. As regards the permanent physical effects on above ground heritage assets, and on their setting, the Secretaries of State agree with the ExA that there will be changes to the historic environment in London with residual impacts remaining after mitigation (ER 10.141). Where adverse effects are predicted, for instance to a conservation area, a heritage asset or their setting, the Secretaries of State agree that the approach in the Order and the site-specific requirements for approval of works to designated heritage assets and protective works during construction and the design proposals for the proposed development, will offer significant mitigation (ER 10.129-10.130 and 10.143). The Secretaries of State therefore consider that the residual adverse effects will not amount to substantial harm to or loss of the significance of a listed building, a conservation area or a registered park and garden. This includes the historical significance of Sir Joseph Bazalgette's river wall and its group value when taken together with other elements of his original sewerage system at various sites, including at Victoria Embankment Foreshore (ER 10.92). The Secretaries of State agree with the ExA that there would not be substantial harm to the significance of the Palace of Westminster World Heritage Site or the Tower of London World Heritage Site (ER 10.144 and 18.20).

52. The Secretaries of State have had regard to the statutory duties in the Infrastructure Planning (Decisions) Regulations 2010 and the presumption in favour of the conservation of designated heritage assets and requirement for clear and convincing justification for any such loss in paragraph 4.10.13 of the NPS. The Secretaries of State therefore have given considerable importance and weight to the desirability of preserving affected heritage assets or their setting. In weighing the harm against the public benefit of the development, they have recognised that the greater the harm the greater the justification needed. The Secretaries of State agree with the ExA that the harm in relation to heritage assets is a matter which weighs against making the Order (ER 18.21).

#### Land use, including regeneration and open space

53. The Secretaries of State agree with the ExA's overall assessment of the proposed development's use of previously developed land and also agree that the Applicant has sought to minimise the use of land that has not been previously developed (ER 11.111).

54. The Secretaries of State agree that proposed works at Barn Elms and King George's Park would amount to inappropriate development in Metropolitan Open Land. In line with policy 7.17 of the London Plan, the strongest protection should be given to London's Metropolitan Open Land and inappropriate development refused, except in very special circumstances, giving the same level of protection as in the Green Belt. The Secretaries of State agree with the ExA that the degree of harm to openness at Barn Elms and King George's Park is relatively minor. However, in line with the NPS they attach substantial weight to this harm (ER 11.112). The Secretaries of State also agree that inappropriate development in Metropolitan Open Land is a matter that weighs significantly against making the Order (ER 11.120 and 18.71) and assess whether very special circumstances exist to justify this development at paragraph 143 of this letter.

55. The Secretaries of State give particular consideration to the likely impact of construction at Deptford Church Street and King Edward Memorial Park and agree with the ExA that the use of these spaces during construction, albeit temporary, would be a serious loss to these communities (ER 11.115) and is an important factor weighing against making the Order (ER 18.25). The Secretaries of State agree with the conclusions of the ExA (ER 20.242) suggesting the addition of requirement KEMPF18 to the Order to restrict Saturday morning working at King Edward Memorial Park in recognition of the particular circumstances of this being an area deficient in open space (ER 11.43), the importance to the local community and that Saturday mornings are times that the park is likely to be well used. This respite is agreed to be a valuable element in the overall mitigation strategy (ER 11.55-11.56).

56. The Secretaries of State agree that the addition of new public realm and public open space at a number of sites would be a benefit that weighs significantly in favour of making the Order (ER 11.120 and 18.70).

57. The Secretaries of State agree with the findings and conclusions of the ExA on Safeguarding Wharves and the potential effects on planned regeneration (ER 11.73-11.78). They also agree that although some development would be precluded or

delayed by the proposed development, including some affordable housing, there is no evidence this would have a significant impact on strategic housing delivery (ER 11.118-11.119 and 18.27) and this should not attract significant weight against making the Order (ER 18.67).

#### Noise and disturbance

58. The Secretaries of State agree with the ExA's overall conclusion (ER 18.30) that noise and disturbance impacts during the construction of the proposed development weigh against consenting to the development. This is on the basis of the impacts from construction noise and vibration that would be experienced by local communities from a proposed development of this nature and scale. It also takes into account that some of the noise and disturbance aspects of the environmental impact assessment were not as comprehensive as desirable (notwithstanding the overall adequacy of the ES).
59. With regard to the available information on noise impacts, the Secretaries of State note and agree with the ExA's findings that noise impacts on external living spaces such as gardens have not fully been taken into account, that a revised assessment of waterborne noise impacts on houseboats was lacking by the close of the examination period (ER 12.342), and that noise impacts at King Edward Memorial Park (ER 12.176) and on the upper floors of a new development at Chambers Wharf (ER 12.146) may have been understated. The Secretaries of State also note the likely incompleteness of the assessment of groundborne vibration impacts on 20 British Grove and the recording studio equipment within the property (ER 12.126-12.127 and post-examination correspondence received from British Grove Studios referred to in paragraph 29 of this letter). These factors all add to the Secretaries of State's view that noise and disturbance impacts associated with the construction of the proposed development weigh against consenting to the development.
60. The Secretaries of State agree with the ExA about the need for further baseline ambient noise monitoring (ER 12.295-12.296) and note the Applicant's commitments in this respect in the relevant Code of Construction Practice Part B for some sites. The Secretaries of State are content with the wording recommended by the ExA in requirement PW19 in the Order and would encourage the parties to ensure that the agreed ambient noise monitoring arrangements are practicable.
61. With regard to the noise mitigation within the Applicant's proposals, the Secretaries of State agree with the ExA that these consist of the on-site noise mitigation offered by the Applicant in the Code of Construction Practice parts A and B and the requirement in the Order which secures compliance with the Code of Construction Practice (PW6) and the Applicant's non-statutory off-site mitigation and compensation policy, which the Secretaries of State agree will be secured through a unilateral undertaking required by article 60 of the Order to be in place before development commences. When local authorities decide applications for consent under section 61 of the Control of Pollution Act 1974 it is possible for them to attach conditions to the consent which limit or qualify the consent and/or limit its duration.

62. The Secretaries of State agree that a restriction on Saturday working at King Edward Memorial Park Foreshore, secured through a site-specific requirement in the Order (KEMPF18) is an appropriate addition to the overall approach to mitigation given the particular circumstances at this site, which are set out at paragraph 55 of this letter. The Secretaries of State agree that similar restrictions are not required at other sites due to the nature of the affected receptors and given the existing restrictions set out in the Code of Construction Practice (secured by requirement PW6 in the Order) including restrictions on the types of activities that can take place on Saturdays and on heavy goods vehicle movements.
63. The Secretaries of State are of the view that setting noise limits can sometimes be appropriate but note that suitable project-wide or site-specific noise limits were not before the ExA at the conclusion of the examination (ER 12.259). The Secretaries of State consider that more effective protection would be afforded to the local community if noise limits were agreed, where appropriate, when the project is at a later stage when there is more certainty about the noise impact likely to be caused. The Secretaries of State note that the section 61 Control of Pollution Act 1974 consent process provides a mechanism for noise limits to be secured. Any noise limits agreed would need to be practicable and be consistent with the types of limit previously set for major construction projects in London. The Secretaries of State agree with the ExA that vibration limits are not required in the Order, for the reasons they set out (ER 12.262).
64. The Secretaries of State note that the trigger levels for noise insulation follow the informative guidance in the relevant British Standard. The Secretaries of State agree that the Order needs to provide for lower than otherwise trigger values for temporary rehousing for residential properties where noise insulation cannot reasonably be installed to bring it in line with the Applicant's revised off-site mitigation policy (Application document APP 210.01) as recommended by the ExA (ER 12.307 and 20.217). The Secretaries of State agree with the wording put forward by the ExA in requirement PW17 of the Order in this regard.
65. The Secretaries of State have inserted new wording in the Order to clarify that the time limits for trigger values for airborne noise also apply to trigger values for temporary rehousing, as per paragraph 4.2.6 of the Applicant's revised off-site mitigation policy (Application document APP 210.01).
66. The Secretaries of State note that the ExA amended requirement PW17 of the Order to refer to construction noise levels being monitored (where appropriate) from eligible façades with windows to 'habitable rooms'. The Secretaries of State further note the definition of habitable rooms contained in the Building Regulations Approved Document F: Ventilation 2010 Edition (as amended 2013). The Secretaries of State consider that this Building Regulations definition is similar to definitions used in the Noise Insulation Regulations 1975 (as amended) and the The Noise Insulation (Railways and Other Guided Transport Systems) Regulations 1996 (as amended), to which the Applicant's revised off-site mitigation policy refers, and that it provides helpful clarity that multi-purpose rooms such as kitchen-diners and studio rooms are within scope of the definition of a habitable room. The Secretaries of State consider that this definition is proportionate and takes account of modern living patterns on the one hand but also

reflects that certain types of rooms (for example those solely used as a utility or bath room) have traditionally been regarded as much less noise-sensitive environments. The Secretaries of State have therefore added additional wording to requirement PW17 in the Order to clarify the definition of habitable rooms accordingly.

67. The Secretaries of State agree with the additional wording included by the ExA in requirement PW17 to reflect the Applicant's revised off-site mitigation policy (Application document APP 210.01) which states that houseboats located by Putney Embankment Foreshore, Kirtling Street/Heathwall pumping station and Chambers Wharf will be treated differently with respect to trigger values for off-site mitigation eligibility. The Secretaries of State have added to this to ensure that trigger values for temporary rehousing where noise insulation cannot reasonably be installed in houseboats, shall be the same as the trigger values for noise insulation, mirroring the approach taken with other residential properties.
68. With the amendments to the Order made by the ExA and the further changes made by the Secretaries of State as outlined above, the Secretaries of State are satisfied that the mitigation is acceptable in accordance with paragraph 4.9.11 of the NPS.
69. With regard to the NPS aims in paragraph 4.9.9 relating to noise, the Secretaries of State disagree with the ExA's assessment (ER 12.357) that the proposal has not met the first NPS aim of avoiding significant adverse impacts on health and quality of life from noise. The Secretaries of State recognise how the ExA came to their view that there was not compliance with the first aim given their opinion (set out in ER 12.329-12.334 and 12.348) on the way in which the requirements of the NPS should be considered by decision-makers, but the Secretaries of State disagree with that view.
70. The Secretaries of State consider that the three NPS aims at paragraph 4.9.9 should be considered only after the full impact of the proposed development, including any on-site and off-site mitigation, has been taken into account. From the context of paragraph 4.9.13 it is clear that off-site mitigation is part of the means available to an Applicant to manage the noise impacts including cases where noise impacts are of such a magnitude that they necessitate compulsory purchase in order to gain consent for what might otherwise be unacceptable development.
71. In relation to whether the proposed development therefore meets the first of the NPS aims at paragraph 4.9.9. (i.e. avoid significant adverse impacts on health and quality of life), the Secretaries of State note the Applicant's commitment to develop Trigger Action Plans for premises which would be expected to experience significant adverse impacts and the commitment to offer noise insulation and/or temporary re-housing if trigger levels are exceeded. They further note the commitment for lower trigger values for temporary rehousing in certain special cases such as for night-shift workers, vulnerable persons and relating to certain community facilities. Where noise insulation is not feasible the trigger value for temporary rehousing will be set at the same level as for noise insulation. The Secretaries of State are content that the trigger levels as specified in requirement PW17 of the Order as revised are appropriate.

72. The Secretaries of State therefore consider the Applicant's proposals have succeeded in avoiding significant adverse impacts on health or quality of life as a result of the proposed development.

73. In reaching this view the Secretaries of State have considered wider Government policy on noise. The National Planning Policy Framework, the National Planning Practice Guidance on noise and the Noise Policy Statement for England are all clear that noise management should be determined in the context of sustainable development including the environmental, economic and social benefits of the proposal.

74. Therefore, notwithstanding their concerns about the incompleteness of the noise and disturbance assessment noted in paragraph 59, the Secretaries of State:

- Disagree with the ExA's views and consider that the proposed development meets the first NPS aim of avoiding significant adverse impacts on health and quality of life (ER 12.357);
- Agree with the ExA's assessment (ER 12.357) that the proposed development meets the second NPS aim of mitigating and minimising adverse impacts on health and quality of life (NPS paragraph 4.9.9);
- Agree with the ExA's assessment (ER 12.357) that the proposal meets the third NPS aim of contributing to improvements to health and quality of life through effective management and control of noise where possible (NPS paragraph 4.9.9);
- Agree with the ExA's finding that, even with the wide range of mitigation secured the proposed development would result in noise and vibration impacts at many work sites during the construction phase (affecting mainly residential premises but also non-residential premises, public open space and amenities (ER 12.178)), which are undesirable. These impacts are a matter that weighs against consenting to the development and the Secretaries of State have taken this into account in their overall consideration of the Application in paragraphs 145-151.

75. Despite the difference of approach between the Secretaries of State and the ExA the two approaches both lead to the same conclusion that the Order should be made. On the basis of what is secured in the Order and otherwise proposed by the Applicant and the information available to them, the Secretaries of State's view is that the residual adverse impacts will not be significant. The ExA's view is that although the impacts are significant, the Order can be made notwithstanding non-compliance with the first bullet point of NPS paragraph 4.9.9, because the off-site mitigation does much to mitigate these and the matters weighing in favour of making the Order outweigh the matters weighing against.

76. The Secretaries of State consider the effect of residual noise impacts on the ability to satisfy the NPS aim on socio-economic factors at paragraph 79 of this letter.

### Socio-economic effects

77. The Secretaries of State agree with the ExA that there will be displacement of business and amenity impacts on businesses at some of the sites affected by the proposed development (ER 13.19 and 13.25) and note that the statutory compensation will provide mitigation (ER 13.26). The Secretaries of State accept that these impacts will cause some adverse impacts on employment. However, they consider that the proposed development will also create an increase in employment opportunities and that this would be a significant socio-economic benefit (ER 13.83). Overall, the Secretaries of State consider that the contribution to the economy of the proposed development to be a major benefit at the project-wide level.
78. The Secretaries of State agree with the ExA's conclusion that both the ES and the Health Impact Assessment understate the likely effects on amenity and quality of life at some of the sites and that there would be some adverse effects on amenity in relation to schools, open spaces, businesses and community facilities (ER 13.83-13.86). The importance of this to the consideration of the drive site strategy is set out in the rationale for the selection of work sites section of this letter.
79. The ExA considered that there were gaps in the proposed mitigation for the impacts of noise and that because construction noise is an important component of the assessments in relation to amenity, health and well-being, they cannot be satisfied that the package of mitigation put forward by the Applicant in respect of these matters is satisfactory (ER 13.88). Nevertheless, with the changes to the Order the ExA put forward they ultimately concluded that the mitigation package was adequate to meet the noise mitigation requirements of the NPS (ER 12.353). With the further amendments to the Order proposed by the Secretaries of State (see paragraphs 152-160), and for the reasons set out in paragraph 61-74 of this letter, the Secretaries of State have concluded that the noise mitigation measures secured are adequate.
80. Accordingly, and in considering paragraph 4.15.12 of the NPS, the Secretaries of State are of the opinion that the overall package of mitigation measures relevant to amenity, health and well-being (air quality, traffic, visual impacts and loss of open space, as well as noise) is acceptable.
81. In reaching their conclusion the Secretaries of State have considered the Applicant's equality impact assessment. It is considered that the Application meets the requirements of the NPS in this regard.

### Traffic, travel and transportation

82. The Secretaries of State agree with the ExA that the proposed development will substantially comply with the transport policies set out in the NPS, which require the consideration and mitigation of transport impacts. They note that the Application was accompanied by a Transport Assessment and Transport Strategy, which was retitled the River Transport Strategy during the examination. This will ensure that the majority of the excavated material arising from construction of the main tunnel will be transported by river, as will most other bulk construction materials required and arising at sites adjoining



the river. The Secretaries of State also agree with the ExA that requirements in the Order will generally ensure that during construction appropriate measures are taken to regulate traffic generated at each construction site and avoid unacceptable impacts on the highway network (ER 14.33).

83. The Secretaries of State note that the Applicant had proposed to replace the London Permit Scheme, which provides for the co-ordination of works carried out by utility companies and others affecting the highway in Greater London, with a bespoke scheme during the development period. However, at the close of the examination, agreement had not been reached between the Applicant and some of the highway authorities involved on the terms of a revised scheme. The Secretaries of State did not receive details of an agreed bespoke scheme before reaching their decision. They note the Applicant's concerns about the potential impact of the London Permit Scheme on the timely completion of the proposed development and the applicability of the scheme for a project of this size. However, the Secretaries of State agree with the ExA that the London Permit Scheme is an established successful scheme and that the risk of any delays as a result of the scheme is small (ER 14.20-14.21). They also consider that it would still be open to the Applicant to seek agreement on a bespoke scheme after the Order is made and seek a change to the made Order if necessary.
84. In the absence of an agreed alternative, on the basis of the information available to them the Secretaries of State therefore agree with the ExA's recommendation that the Order should be modified to maintain the London Permit Scheme (ER 14.34).
85. The Secretaries of State agree with the ExA that, overall, the proposed development could give rise to a range of impacts on London's transport infrastructure during the construction phase of the project and note that it is generally accepted that the effects during the operational phase would not be significant. They also agree with the ExA that the proposal to use river transport will reduce the impacts on the highway network and that the evidence indicates that other impacts could be sufficiently and appropriately mitigated, which would be secured by requirements and other measures (ER 14.35 and 18.39).
86. With regard to the River Transport Strategy, the Secretaries of State agree with the ExA's recommendation that requirement PW15 in the Order should be corrected to provide for the fill material used to construct the cofferdam at Chambers Wharf to be transported by river (ER 14.11).
87. The Secretaries of State therefore agree with the ExA's conclusion that the proposed development will not result in any residual effects on the surrounding transport infrastructure in such a way that they should attract more than limited weight (ER 14.36 and 18.40).

#### Water quality and resources

88. The Secretaries of State agree with the ExA's conclusion (ER 15.29) that the Application meets the requirements of the Water Framework Directive as set out in the NPS. The

Secretaries of State consider that the Applicant has also had regard to the aims of the River Basin Management Plan for the River Thames.

89. The Secretaries of State agree with the ExA's conclusion (ER 15.30) that adverse impacts will be mitigated and on that basis have concluded that no further requirements are needed. In reaching this view the Secretaries of State have in particular had regard to the Updated Statement of Common Ground between the Applicant and the Environment Agency (Application document APP215.03) and the protective provisions and requirements in the Order, such as requirement PW13.
90. The ES identifies significant beneficial effects on surface water quality during the operational phase of the project and the resultant contribution towards meeting the EU Urban Waste Water Treatment Directive and the Water Framework Directives. The Secretaries of State therefore agree with the ExA's conclusion (ER 18.41) that the beneficial effects are a key consideration weighing in favour of making the Order.

### Other matters

#### *Environmental statement and environmental impact assessment*

91. The Secretaries of State note the submissions made by interested parties about the adequacy of the environmental information and the ExA's conclusions on some of the impacts identified in the ES (ER 16.22-16.34). The Secretaries of State agree with the ExA that these matters do not mean that the ES is inadequate (ER 16.29-16.34) and they consider that the ES complies with the 2009 Regulations.
92. The ExA's conclusions on some of the impacts identified in the ES are addressed elsewhere in this letter, including the sections on air quality (paragraph 33), noise and disturbance (paragraphs 58-76), traffic, travel and transportation (paragraphs 82-87) and the rationale for the selection of work sites and drive strategies (paragraphs 105-122).

#### *Habitats Regulations Assessment*

93. The Applicant undertook a project level assessment in relation to the Conservation of Species and Habitats Regulations 2010 which resulted in a Habitats Regulations Assessment: No Significant Effects Report (dated January 2013) being submitted with the Application (ER 16.38-16.39 and 16.62). Furthermore, information was supplied by the Applicant and other parties in response to ExA questions and the consultation on the Report on the Implications for European Sites (dated 21 January 2014) (ER 16.40-16.59). The Secretaries of State agree with ExA that the Applicant has complied with the above Regulations and the advice reflected in the NPS (ER16.69).
94. The Secretaries of State, as the Competent Authority for the purposes of the Conservation of Species and Habitats Regulations 2010, have had full regard to the contents of the Applicant's No Significant Effects Report, the Environmental Statement as defined at the close of examination and in the Applicant's draft Order, Statements of Common Ground between the Applicant and Natural England, the Marine Management Organisation, the Environment Agency and the Port of London Authority, and the

Applicant's Route map to Mitigation, alongside the Report on the Implications for European Sites published by the ExA and the representations of the Interested Parties in relation to the implications of the proposed application project for European sites (ER 16.63).

95. The Applicant's No Significant Effects Report concluded that the proposed development was not likely to have a significant effect on any European sites, either alone or in combinations with other projects and plans (ER 16.39). There was no substantive disagreement with this by Interested Parties (ER 16.42). Natural England, the Environment Agency, the Port of London Authority and the Marine Management Organisation agreed with this report (ER 16.51-16.59).
96. As a result of considering the above, the Secretaries of State have concluded that an appropriate assessment is not required as the proposed development was not likely to have a significant effect on any European sites, or on any Ramsar sites, either alone, or in combination with other projects or plans (ER 16.66 and 18.47).

#### *Common law nuisance and statutory nuisance*

97. The Secretaries of State have considered aspects of these matters including noise and disturbance and nuisance mitigation in paragraphs 58-76 of this letter.
98. Article 7 (defence to proceedings in respect of statutory nuisance) in the draft Order was amended during the examination and constrained to the project's construction period and the period for other authorised activities related to the project (ER 16.79). The ExA was satisfied that the version of article 7 it recommended had broad agreement, was proportionate, and addressed the main practical concerns. The Secretaries of State agree with the conclusions of the ExA as set out in ER 16.79 and 18.50.

#### *Hazardous substances and safety*

99. The Secretaries of State agree with the ExA's comments at ER 16.81-16.82 and 18.51. Having had regard to section 3.7 in the NPS, they concluded that there are no matters before them with regard to such controls and consents, which significantly weigh against making the Order. The Secretaries of State have addressed the other relevant consents sought by the Applicant elsewhere in this letter, including paragraph 39.

#### *Pollution control and other environmental regulatory regimes*

100. The Deemed Marine Licence is addressed in paragraphs 34-39 of this letter. The Secretaries of State note that the Applicant has engaged with the relevant parties on these matters and that the engagement has resulted in these matters being addressed in Statements of Common Ground (SoCG) and a legal agreement (ER 16.86). The Secretaries of State also note that by the close of the examination, the Environmental Permitting Regulation permits were under consideration (ER 15.14). In view of the SoCG, the legal agreement, submissions made during the examination, and the ExA's conclusions on these matters, the Secretaries of State are content that there are no overriding outstanding matters in this regard which weigh against approving this Application.

### *Security considerations*

101. The ExA consider that security, resilience to emergencies and safety matters were adequately addressed by the examination (ER 16.119 and 16.123). In view of the Order before them, the Design Principles (Application document APP 206.01), the Code of Construction Practice and the submissions made during the examination, the Secretaries of State are satisfied that security issues have been adequately addressed by the Applicant and there are proposals in place which deliver an appropriate level of security during the construction and operation of the proposed development. They also note that these matters will be further addressed in the Construction Environmental Management Plan and the health, security, safety and environment standards.
102. With regard to Schedule 16 Part 7 in the Order, the Secretaries of State note that, for the most part, the Applicant and the City of London Corporation were able to agree on the wording of the protective provisions for the benefit of the City of London Corporation. They were unable to agree on the inclusion of wording to secure bridges identified within paragraph 2 in the City of London protective provisions (ER 16.120 and 20.277). The Secretaries of State agree with the ExA's conclusion and recommendation at ER 20.278 to include paragraph 4(4) in Schedule 16 Part 7 of the Order as recommended by the ExA.

### *Waste Management*

103. There were several submissions on this matter including the Excavated Material and Waste Commitments document, the Code of Construction Practice, the requirements in the Order and the submissions made by the Applicant and the parties including that of the Mayor of London. In view of these submissions the Secretaries of State agree with the ExA that there are effective proposals for managing waste arising from the decommissioning, and demolition, of existing infrastructure and excavated materials and waste arising during the operational period (ER 16.146-16.150). They also agree with the ExA that the terms of the recommended Order ensures that waste is properly managed on and off site.
104. NPS paragraph 4.14.6 requires the Secretaries of State to consider the effectiveness of the Applicant's proposals for managing waste arising from the decommissioning of the proposed development. The ExA state that waste from decommissioning of the proposed development is not dealt with (ER 16.133). The Applicant does not anticipate decommissioning of the project infrastructure (ES, Volume 1, paragraph 2.2.97-2.2.98 and Volume 2, paragraph 2.4.29). In referring to decommissioning traffic, including the transportation of waste from decommissioning, the ExA concluded that the Applicant's approach towards decommissioning was "reasonable and appropriate given the nature of the project, its anticipated life and the uncertainties as to the timing, nature and scale of any decommissioning work required" (ER 14.3). The Secretaries of the State are content that waste management at the decommissioning stage could be properly addressed when there is greater certainty about decommissioning. As such, the Secretaries of State consider that the absence of proposals for the management of

waste during decommissioning of the proposed development does not significantly weigh against making the Order.

### Rationale for the selection of work sites and drive strategies

#### *Carnwath Road Riverside*

105. The Secretaries of State accept that the ExA's examination revealed limitations with this site, particularly in terms of noise from river transport (barges) and amenity impacts during construction (ER 17.141), for a period of six years with 29 months of night time working (ER 17.57).
106. In evaluating the use of river transport, the Secretaries of State have balanced the availability of a safeguarded wharf at this site (ER 17.139) and mitigation proposed for noise impacts on residential properties (ER 17.76) with the potential negative impacts over a wider range of local residents and the local road network, were the commitment to river transport not made through requirement PW15 (ER 17.78), and find in favour of using river transport. The Secretaries of State give no weight in making their decision to any proposed future application for acrylic noise barriers on the river wall in front of the properties, since these are outside the limits of land to be acquired or used and not secured by the Order (ER 17.75). The Secretaries of State conclude that mitigation measures offered by the Applicant (ER 17.72-17.75) will alleviate adverse impacts during construction so that the residual impacts on quality of life and health from noise are not significant and the NPS aims on noise have been met (see paragraph 74 of this letter), and therefore too much weight is given by the ExA to these impacts.
107. The Secretaries of State note that mitigation for this site is secured by requirements CARRR2 and PW15 as well as article 60 (ER 17.71). Further, the Secretaries of State agree that the alternative to this site considered by the ExA may result in different adverse impacts (ER 17.112-17.116 and 17.137) and that an alternative drive strategy is not feasible (ER 17.118-17.131, 17.134 and 17.138). The Secretaries of State conclude, in agreement with the ExA, that the Applicant has justified the use of Carnwath Road Riverside (ER 17.140).

#### *Chambers Wharf*

108. The ExA concluded that the Applicant had not justified the use of Chambers Wharf as a drive site, which weighed against making the Order (ER 18.65). The Secretaries of State disagree with the ExA and conclude, on balance, that the selection of Chambers Wharf as a drive site is justified. This is for the following reasons.
109. The Secretaries of State consider that the intensity and duration of impacts on residential receptors during the construction period (six years with 33 months of night time working) (ER 17.154), weighs significantly against making the Order (ER 17.186, 17.196 and 18.71). However, the Applicant has offered a wide-ranging package of measures which would substantially mitigate these adverse impacts and which are secured by requirements CHAWF1, PW15 and by unilateral obligations in favour of LB Southwark (ER 17.157, 17.169-17.175, 17.179-17.181 and 18.81). The Secretaries of State note the ExA's reference to the Applicant's statement on further opportunities to

explore additional mitigation measures through the Community Liaison Working Group (ER 17.182). These were not before the ExA and are not secured in the Order, or a matter which in any way informs the Secretaries of State's decision.

110. As set out in paragraph 74 of this letter the Secretaries of State consider that the residual impacts on quality of life and health from noise associated with the proposed development are less than significant. This reflects the fact that the Applicant has offered a wide-ranging package of mitigation measures which would also substantially mitigate the adverse impacts on the community at Chambers Wharf.
111. On the basis of their approach to the first NPS aim on noise the ExA concluded that the selection of Chambers Wharf as a drive site was not justified and that they needed to look at alternative drive sites (ER 17.209-17.274) to see whether significant adverse impacts from noise and vibration could be avoided. However, for the reasons set out in paragraphs 69-73 of this letter, the Secretaries of State conclude that significant adverse noise impacts at Chambers Wharf have been avoided. The Secretaries of State therefore conclude that there is no need for them to consider whether an amended scheme could achieve similar benefits but with less harm, and therefore any further consideration of a reversed drive strategy and alternative drive sites is unnecessary. Further weighing in the balance is the significant weight given by the Secretaries of State to the opportunity to wholly use river transport at Chambers Wharf (ER 17.288), complying with the test at NPS paragraph 4.13.10. Further, for the reasons set out in this letter as a whole, the Secretaries of State consider that this Application accords with the NPS and that the harm is not such that it outweighs the benefits of the application.
112. Overall, the Secretaries of State consider that the tests in the NPS in relation to site selection have been met and that, whilst the impacts at Chambers Wharf will be adverse and of long duration, on balance, the Order should be made with Chambers Wharf as a drive site.

#### *Deptford Church Street*

113. The Secretaries of State accept that the ExA's examination revealed limitations with this site, particularly in terms of loss of open space in an area of deprivation and in respect of noise impacts on St Joseph's Roman Catholic Primary School and on St Paul's Church, for a period of three and half years during construction (ER 17.309 and 17.358).
114. The Secretaries of State acknowledge that the ExA consider the loss of open space at this site to be a matter weighing against making the Order (ER 18.25, 18.71, 18.77 and 18.80). They agree with the ExA, that Crossfield Amenity Green is not surplus to requirements and that even the temporary period in which it will be used as a work site will represent a serious loss to the community (ER 17.356). However, the Secretaries of State agree with the ExA that the impact will be mitigated (ER 17.315-17.317, 17.319, 17.322 and 17.335) and the adverse impact on the landscape will be reversed (ER 17.356). They also note that it will be open to the local authority to secure with the Applicant through the consent process under section 61 of the Control of Pollution Act

1974, additional mitigation measures in the form of noise enclosures (ER 17.321), to help minimise noise impacts predicted on receptors (ER 17.320).

115. The Secretaries of State agree that the alternative sites considered (ER 17.338-17.353) offer no less significant impacts, (ER 17.350, 17.353 and 17.357), that the need for, and benefits of, the project overall outweigh the adverse effects and the temporary loss of open space, and are satisfied that impacts are mitigated as far as practicable since some disruption is unavoidable in a project of this scale (ER 18.81).

#### *King Edward Memorial Park Foreshore*

116. The Secretaries of State accept that the examination revealed limitations with this site, particularly in terms of loss of open space and noise and amenity impacts in a borough with limited open space (ER 17.440) with an adjacent school (ER 17.439), for a period of three and half years of construction (ER 17.370).

117. The Secretaries of State agree with the ExA that the loss of the open space during construction will be a serious loss to the local community and that this space cannot be said to be surplus to requirements (ER 17.442). They also agree that this is an important factor weighing against making the Order (ER 18.25). However, the Secretaries of State agree with the ExA that mitigation will be secured (ER 17.372, 17.382-17.387, 17.389, 17.406 and 17.442), and note the agreements committed to by the Applicant, to improve play facilities in the locality during construction and landscaping in King Edward Memorial Park which are secured by a section 106 agreement (ER 17.391). Further, they agree with the ExA and regard as a benefit the permanent provision of additional open space created on the foreshore structure in a borough which has so little (ER 17.405 and 18.70).

118. In considering amenity impacts, the Secretaries of State have considered the ExA's proposal to include in the Order a requirement to restrict Saturday working, through requirement KEMPF18 (ER 17.392 and 17.444). As explained at paragraphs 55 and 62 of this letter, the Secretaries of State agree with the proposal. They also note that it will be open to the local authority to make, if it wishes, additional agreements with the contractors through the consent process for section 61 of the Control of Pollution Act 1974 (ER 17.393).

119. Balancing the fact that alternative sites and connection options considered by the ExA in relation to this site (ER 17.410-17.436) offer no less significant impacts (ER 17.443), the commitment to river transport (secured by requirement PW15) (ER 17.374) and the need and benefits of the project as a whole, the Secretaries of State agree with the ExA and consider that the case for this site has been made out by the Applicant.

#### *Barn Elms*

120. The Secretaries of State agree with the conclusion of the ExA that the selection of a work site at Barn Elms and a CSO interception site at Putney is justified (ER 17.453).

### *Putney Embankment Foreshore*

121. The Secretaries of State agree with the conclusion of the ExA that the worksite at this location should be west of Putney Bridge, as per the application (ER 17.464).

### *Conclusions on selection of work sites and drive strategies*

122. The Secretaries of State agree with the ExA's conclusion in ER 18.69 that the NPS has been complied with, thereby weighing significantly in favour of making the Order; that the overall tunnel route proposed by the Applicant has been justified (ER 17.28 and 17.466) and that the Applicant has justified its specific design and site selection decisions (ER 17.466, 17.468 and 18.60). The Secretaries of State disagree with the ExA (ER 17.469) and conclude that the selection of Chambers Wharf as a drive site is justified, although they agree that the adverse nature and duration of impacts at that site weigh against granting development consent.

### Compulsory acquisition and related matters

123. The Secretaries of State have considered the compulsory acquisition powers sought by the Applicant against the conditions concerning compulsory acquisition in sections 122 and 123 of the 2008 Act, and have taken into account the cases of the objectors set out at ER 19.92-19.419. They agree with the ExA that the legal interests in all plots described and set out in the book of reference and on the land plans would be required in order to implement the proposed development (ER 19.3-19.16, 19.264 and 19.443): that the national need for this infrastructure has been demonstrated in the NPS (NPS paragraph 2.6.34 and paragraph A1.3 and ER 3.14); that it represents a significant public benefit for which there is a compelling case in the public interest (ER 19.445); that the need to secure the land rights required to construct the development within a reasonable timescale represents a significant public benefit (ER 19.444); that the Applicant has shown that all reasonable alternatives to compulsory acquisition have been explored (ER 19.43-19.50) and that the private loss to those affected has been appropriately mitigated (ER 19.444).

124. With regard to section 104(3) of the 2008 Act, the Secretaries of State conclude that the Application is overall in accordance with the NPS, and they agree with the ExA that, on balance, development consent should be granted (ER 18.82), for the reasons set out in the Case for Development and Secretaries of State's Conclusions and Decision sections of this letter. The Secretaries of State consider that these matters are relevant in weighing up the public benefits of the Application against the adverse impacts, including the private loss to those affected by the compulsory acquisition of land.

125. The Secretaries of State agree that there is an established regulatory regime for funding the project (including compulsory acquisition costs and non-compulsory acquisition compensation and project costs) and therefore it is reasonable to conclude that funding would be made available. They agree with the ExA that the resource implications of possible acquisition resulting from a blight notice, and other non-statutory measures such as discretionary re-housing and off-site mitigations have also been taken into account in relation to funding (ER 19.431-19.439 and 19.444).



126. They also agree with the ExA that the requirements of Article 1 of the First Protocol, Article 6, and Article 8 of the European Convention on Human Rights, as codified into UK law by the Human Rights Act 1998, have been met for the reasons given at ER 19.423-19.430 and 19.444. They accordingly agree with the ExA that there is a compelling case in the public interest for granting the Applicant compulsory acquisition powers in respect of the compulsory acquisition land as shown on the Land Plans (ER 19.445). The Secretaries of State therefore agree with the ExA that the conditions for compulsory acquisition are met (ER 19.20 and 19.443-19.445) and that this would be in accordance with the NPS.

#### *Open space land*

127. The ExA referred at ER 19.51-19.57 to open space land required for the proposed development. In the letter referred to at paragraph 9 above, the Secretary of State for Communities and Local Government has granted a certificate dated 1 September 2014 further to the provisions of sections 131 and 132 of the 2008 Act (as amended by the Growth and Infrastructure Act 2013) allowing the acquisition of open space land without replacement. Accordingly, the Order is not subject to Special Parliamentary Procedure.

#### *Telecommunications operators*

128. With regard to the four licensed telecommunications operators referred to at ER appendix E6, paragraph 11, and Vodafone, also a licensed telecommunication operator, the Secretaries of State are satisfied under section 138(4)(a) of the 2008 Act, that extinguishment of the rights of, and/or removal of the apparatus of, such operators, is necessary for the purposes of carrying out the proposed development and hence that articles 28-34, which authorise such extinguishment and/or removal, may be included in the Order. The Secretary of State for Culture, Media and Sport has given his consent in a letter dated 2 September 2014 under section 138(4)(b) of the 2008 Act to the inclusion of those provisions in relation to British Telecommunications plc's rights/apparatus.

#### *Transport operators*

129. With regard to the five licensed transport operators referred to at ER appendix E3, paragraph 35, the Secretaries of State are satisfied under section 138(4)(a) of the 2008 Act, that extinguishment of the rights of, and/or removal of the apparatus of, such operators, is necessary for the purposes of carrying out the proposed development and hence that articles 28-34, which authorise such extinguishment and/or removal may be included in the Order. The Secretary of State for Transport has given his consent in a letter dated 6 August 2014 under section 138(4)(b) of the 2008 Act to the inclusion of those provisions in relation to Network Rail's rights/apparatus.

130. Further, with regard to Network Rail, referred to at ER appendix E3, paragraphs 32-34, the Secretary of State for Transport is satisfied that land, used for the purposes of carrying on the undertakers' undertakings and which is authorised to be acquired by the Applicant under articles 28-34 of the Order, can be purchased and not replaced without serious detriment to the carrying on of the undertakings. The Secretary of State for Transport has issued a certificate dated 6 August 2014 to that effect under section 127(2)(b) of the 2008 Act.

### *Energy operators*

131. With regard to the three licensed energy operators referred to at ER appendix E5 paragraph 12, the Secretaries of State are satisfied that extinguishment of the rights of, and/or removal of the apparatus of, such operators, is necessary for the purposes of carrying out the proposed development and hence that articles 28-34, which authorise such extinguishment and/or removal may be included in the Order. The Secretary of State for Energy & Climate Change has given his consent in a letter dated 16 July 2014 under section 138(4)(b) of the 2008 Act to the inclusion of those provisions.

### *Environment Agency*

132. With regard to the Environment Agency, referred to at ER appendix E4 paragraph 11, the Secretary of State for Environment, Food and Rural Affairs is satisfied that land used for the purposes of carrying on the undertakers' undertaking and which is authorised to be acquired by the Applicant under articles 28-34 of the Order, can be purchased and not replaced without serious detriment to the carrying on of the undertaking. The Secretary of State for Environment, Food and Rural Affairs has issued a certificate dated 17 July to that effect under section 127(2)(b) of the 2008 Act.

### *Overall conclusion on compulsory acquisition and related matters*

133. The Secretaries of State agree with the ExA that the condition in section 122(2) of the 2008 Act is met (ER 19.443). The Secretaries of State agree with the ExA (ER 19.20) and are satisfied that the condition in section 123(2) of the 2008 Act is met.

134. They are satisfied that, for the reasons summarised in ER 21.4, there is a compelling case in the public interest for the compulsory acquisition powers sought in respect of the compulsory acquisition land shown on the land plans (as amended) (ER 19.444-19.445 and 21.5). Accordingly, the Secretaries of State agree that the condition in section 122(3) of the 2008 Act is met.

### **Safeguarding**

135. The Secretaries of State agree with the ExA that, on balance, it is appropriate to include the safeguarding provisions as drafted by the Applicant in article 52 the Order (ER 20.173), although they do not agree with the ExA's reasons for recommending inclusion of this article.

136. The Secretaries of State consider that the provisions in article 52 are physically more specific than those included in the Directions served on the affected local planning authorities on 15 March 2013 in relation to the Thames Tideway Tunnel Project. Unlike those Directions, the provisions in article 52 would ensure safeguarding after completion of construction, for the lifetime of the project. Given the proposed lifetime of this project the Secretaries of State consider that including safeguarding provisions in the Order would be appropriate in this case and provide the Applicant with certainty in relation to such provisions.

137. The Secretaries of State have identified the need to remove duplication and possible confusion in relation to safeguarding provisions during the construction of the project. Accordingly, the Directions served on 15 March 2013 will be revoked when the Order comes into force.

### **The case for and against development**

138. For the reasons given in this letter the Secretaries of State consider that the following matters although important and relevant **do not have significant weight in the decision whether or not to make an Order granting development consent for the proposed development:** air quality, coastal and river change, visual impact in relation to permanent works, flood risk and climate change, use of previously developed land, loss of open space (other than at Deptford Church Street and King Edward Memorial Park Foreshore), regeneration, traffic, travel and transport, hazardous substances, pollution control, security and waste management.

139. The Secretaries of State have come to this view based on the scale and nature of the impacts, the steps the Applicant has taken to minimise adverse impacts, for example through design, mitigation, compensation and agreements, and the accordance with the NPS and other relevant policies and legislation, as outlined above in paragraphs 32-137.

140. The Secretaries of State consider that **the following matters significantly weigh against granting consent to the proposed development:** visual impacts during construction, adverse impacts on / harm to heritage assets, inappropriate development within Metropolitan Open Land, loss of public open space at Deptford Church Street and King Edward Memorial Park Foreshore during construction, noise and disturbance and associated adverse effects on amenity, health and well-being, particularly at Chambers Wharf, during construction and adverse socio-economic effects resulting from displacement of businesses and amenity impacts on businesses during construction.

141. With regard to visual impacts during construction, these will be minimised through mitigation measures but because of the scale and nature of the works these will only partially mitigate the adverse effects. However, on balance, the Secretaries of State consider that the benefits of the proposed development are sufficient to outweigh the temporary adverse effects.

142. With regards to the harm to heritage assets, the NPS contains a presumption in favour of the conservation of designated heritage assets and the greater the negative impact on the significance of the affected designated heritage asset, the greater the benefits that will be needed to justify approval. The Secretaries of State have had regard to this, and the duties set out in regulation 3 of the Infrastructure Planning (Decisions) Regulations 2010. The Secretaries of State therefore have given considerable importance and weight to the desirability of preserving affected heritage assets or their setting. They have concluded that there is a clear and convincing justification for any loss in that the overall harm by the permanent above ground works can be characterised as less than significant in NPS terms and the impacts on the settings of the heritage assets during the construction phase are temporary. Furthermore the Secretaries of State agree that the

benefits of the proposed development are sufficient to outweigh the harm to the heritage assets, whether considered individually or collectively.

143. With regard to development within Metropolitan Open Land the Secretaries of State conclude that inappropriate development within Metropolitan Open Land at Barn Elms and King George's Park although relatively minor in both locations, attracts substantial weight against making the Order. In assessing the harm to Metropolitan Open Land the Secretaries of state have given consideration to the implications of the recent High Court judgment of *Redhill Aerodrome Ltd v. Secretary of State for Communities and Local Government and others* but do not consider that it raises any new important and relevant matters sufficient to affect the decision in this case. The Secretaries of State agree that the benefits of the proposed development are sufficient to clearly outweigh the harm by reason of inappropriateness and any other harm whether to Metropolitan Open Land or otherwise and so very special circumstances exist to justify development in Metropolitan Open Land.

144. With regard to the selection of Chambers Wharf as a drive site, the Secretaries of State conclude that, on balance, the selection of Chambers Wharf as a drive site is justified but recognise that the intensity and duration of impacts during the construction period weigh against granting development consent.

145. Therefore with regard to the important and relevant matters weighing significantly in favour of not granting consent to the proposed development, the Secretaries of State place particular emphasis on:

- The adverse noise impacts during construction and the associated impacts on amenity, health and well-being of local communities. This is based on the duration and intensity of adverse impacts experienced at many work sites, but particularly at Chambers Wharf
- Loss of open space at Deptford Church Street and King Edward Memorial Park Foreshore during construction
- Harm to affected heritage assets or their setting resulting from the development which include assets of the highest significance.

146. The Secretaries of State consider that the following matters in favour of granting consent to the proposed development are important and relevant and should be accorded significant weight:

- Benefits to ecology of the River Thames and Tidal Tributaries Site of Interest for Nature Conservation during the operational phase of the project
- Provision of new public realm and public open space during the operational phase of the project
- Socio-economic benefits resulting from generation of employment during the construction phase
- Improved river recreational opportunities resulting from improved water quality during the operational phase of the project

- Improved river water quality and the resultant contribution towards meeting the Urban Waste Water Treatment Directive and the Water Framework Directive during the operational phase of the project.

147. In weighing the matters for and against making the Order, the Secretaries of State have had regard to the recognition in the NPS (paragraph 1.4.4) that the sustainability effects of new waste water NSIPs need to be considered within the context of their 'mature urban environment' and that because of their setting, adverse visual effects and noise disturbance are likely to occur during the construction phase. The Secretaries of State have therefore taken this into account and considered the route and sites of the proposed development, with its 24 proposed work sites in London, in close proximity to existing development, often including high density housing.

148. Additionally the Secretaries of State have taken the following factors into account in weighing the matters for and against making the Order:

- Most of the adverse impacts occur during the expected (up to) six year construction phase only, with far lesser adverse impacts likely during the operational phase of the project, and the harm overall would be significantly outweighed by the benefits from the proposed development which has an expected design life of 120 years
- The NPS and the obligation in section 104(3) of the 2008 Act to decide an application in accordance with it (subject to any exceptions that apply in sub-sections 104(4) to (8))
- The changes made to the Order by the Secretaries of State as set out in paragraph 152-160 of this letter.

### **The Secretaries of State's Conclusions and Decision**

149. For the reasons given in this letter, the Secretaries of State therefore conclude that on balance there is a good case for making an Order granting development consent for the proposed development and that this case is not outweighed by the likely adverse impacts of the development as mitigated by the proposed terms of the Order and related legal agreements.

150. The Secretaries of State have therefore decided to accept the ExA's recommendation at ER 21.7 to make the Order granting development consent on the basis of the provisions set out in the draft Order proposed by the ExA, subject to the modifications outlined in paragraph 152-160 of this letter.

151. They confirm that, in reaching this decision, they have had regard to the local impact reports referred to in paragraph 10 above, and to all other matters which they consider are both important and relevant to their decision, including the NPS and those policy and strategy documents identified as relevant, as required by section 104 of the 2008 Act. The Secretaries of State confirm for the purposes of regulation 3(2) of the 2009 Regulations that they have taken into consideration the environmental information as defined in regulation 2(1) of those Regulations.

## **Amendments to the Order**

152. The Secretaries of State have decided to make the following modifications to the form of the Order recommended by the ExA as outlined below.
153. Paragraph 1(g) of article 61 has been removed because the Secretaries of State consider that this wording is insufficiently precise.
154. Article 62 has been amended to make it clear that the definition of the Secretary of State is for the purposes of the provisions of this Order.
155. Schedule 1 has been amended to clarify the status of certain works comprising associated development the status of which was unclear from the draft Order recommended by the ExA.
156. Requirement PW17 in Schedule 3 has been modified, to include additional wording in paragraph 2.1 so as to clarify the definition of habitable rooms (see paragraph 66 of this letter), to make clear that where noise insulation cannot reasonably be installed in any residential properties (including houseboats and not just 'special cases – residential') the trigger values for temporary rehousing are the same as for noise insulation, and to clarify the distinction between special cases – residential and houseboats. Requirement PW17 has also been amended to make clear that the time periods for trigger values set out in the Applicant's revised off-site mitigation and compensation policy document apply to both noise insulation and temporary rehousing.
157. The ExA added requirement KEMPF18 in Schedule 3 such that the standard working hours set out in the Applicant's Code of Construction Practice Part B do not include 08.00 to 13.00 hours on Saturdays in relation to the King Edward Memorial Park Foreshore worksite, for the reasons set out in paragraph 55 of this letter. The Secretaries of State have amended the definition of "CoCP Part B" in requirement PW1 to reflect this.
158. The definition of the "scour and mitigation strategy" in the Deemed Marine Licence (in Schedule 15), to be submitted under Condition 8, has been modified to make clear that this has to be in accordance with the principles set out in the Four Way Legal Agreement (ER 7.6-7.12) as subsequently varied by the parties, as set out in the post-examination representation from the Applicant dated 14 August 2014.
159. Paragraph 8 of part 6 of Schedule 16 has been deleted so as to be with consistent with the removal of paragraph 7 of article 43 as recommended by the ExA.
160. The Secretaries of State have also decided to make various minor drafting changes which do not materially alter the effect of the Order, including changes to conform with current practice for Statutory Instruments (e.g. modernisation of language and gender neutrality), changes in the interests of clarity and consistency (e.g. in relation to footnotes), and changes to ensure that the Order has the intended effect.

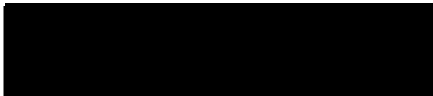
## **Challenge to Decision**

161. Information regarding the right to challenge the legality of the Secretaries of State's decision is set out in the note attached as Annex C to this letter.

## **Publicity for Decision**

162. The Secretaries of State's decision on the Application and their reasons for deciding it are being published as required by section 116 of the 2008 Act and regulation 23 of the 2009 Regulations.

Yours faithfully,



**Lindsay Speed**

Authorised by the Secretary of State to sign on their behalf

**Department for Communities and Local Government**



**Sarah Fairbrother**

Authorised by the Secretary of State to sign on their behalf

**Department for Environment, Food and Rural Affairs**

## ANNEX A

### TYPES AND LOCATIONS OF HEARINGS HELD BETWEEN 11 NOVEMBER 2013 AND 6 FEBRUARY 2014 WITH REGARDS TO THE PROPOSED THAMES TIDEWAY TUNNEL DURING THE EXAMINATION STAGE

<u>Hearing Type</u>	<u>Date</u>	<u>Location</u>
<b>Issue Specific Hearing</b>	11 Nov 2013	America Square Conference Centre, Tower Hill
<b>Issue Specific Hearing</b>	12 Nov 2013	America Square Conference Centre, Tower Hill
<b>Issue Specific Hearing</b>	13 Nov 2013	America Square Conference Centre, Tower Hill
<b>Issue Specific Hearing</b>	14 Nov 2013	America Square Conference Centre, Tower Hill
<b>Issue Specific Hearing</b>	15 Nov 2013	America Square Conference Centre, Tower Hill
<b>Open Floor Hearing</b>	19 Nov 2013	Grange Tower Bridge Hotel, Tower Hill
<b>Open Floor Hearing</b>	20 Nov 2013	The Worx, Parsons Green
<b>Open Floor Hearing</b>	21 Nov 2013	The Ahoy Centre, Deptford
<b>Open Floor Hearing</b>	22 Nov 2013	Glaziers Hall, London Bridge
<b>Open Floor Hearing</b>	23 Nov 2013	The Queen Elizabeth II Centre
<b>Issue Specific Hearing</b>	26 Nov 2013	America Square Conference Centre, Tower Hill
<b>Issue Specific Hearing</b>	27 Nov 2013	America Square Conference Centre, Tower Hill
<b>Compulsory Acquisition Hearing</b>	28 Nov 2013	America Square Conference Centre, Tower Hill
<b>Compulsory Acquisition Hearing</b>	29 Nov 2013	America Square Conference Centre, Tower Hill
<b>Compulsory Acquisition Hearing</b>	03 Dec 2013	America Square Conference Centre, Tower Hill
<b>Compulsory Acquisition Hearing</b>	04 Dec 2013	America Square Conference Centre, Tower Hill



<b>Compulsory Acquisition Hearing</b>	05 Dec 2013	America Square Conference Centre, Tower Hill
<b>Compulsory Acquisition Hearing</b>	06 Dec 2013	America Square Conference Centre, Tower Hill
<b>Compulsory Acquisition Hearing</b>	10 Dec 2013	Glaziers Hall, London Bridge
<b>Compulsory Acquisition Hearing</b>	11 Dec 2013	Glaziers Hall, London Bridge
<b>Compulsory Acquisition Hearing</b>	12 Dec 2013	Glaziers Hall, London Bridge
<b>Compulsory Acquisition Hearing</b>	13 Dec 2013	Glaziers Hall, London Bridge
<b>Compulsory Acquisition Hearing</b>	17 Dec 2013	Glaziers Hall, London Bridge
<b>Compulsory Acquisition Hearing</b>	18 Dec 2013	Glaziers Hall, London Bridge
<b>Compulsory Acquisition Hearing</b>	19 Dec 2013	Glaziers Hall, London Bridge
<b>Compulsory Acquisition Hearing</b>	20 Dec 2013	Glaziers Hall, London Bridge
<b>Compulsory Acquisition Hearing</b>	14 Jan 2014	Glaziers Hall, London Bridge
<b>Compulsory Acquisition Hearing</b>	15 Jan 2014	Glaziers Hall, London Bridge
<b>Compulsory Acquisition Hearing</b>	16 Jan 2014	Glaziers Hall, London Bridge
<b>Compulsory Acquisition Hearing</b>	17 Jan 2014	Glaziers Hall, London Bridge
<b>Issue Specific Hearing</b>	20 Jan 2014	Glaziers Hall, London Bridge
<b>Issue Specific Hearing</b>	21 Jan 2014	Glaziers Hall, London Bridge
<b>Issue Specific Hearing</b>	22 Jan 2014	Glaziers Hall, London Bridge
<b>Issue Specific Hearing</b>	23 Jan 2014	Glaziers Hall, London Bridge
<b>Issue Specific Hearing</b>	24 Jan 2014	Glaziers Hall, London Bridge
<b>Compulsory Acquisition</b>	27 Jan 2014	Glaziers Hall, London Bridge

## Hearing

<b>Compulsory Acquisition Hearing</b>	28 Jan 2014	Glaziers Hall, London Bridge
<b>Open Floor Hearing</b>	29 Jan 2014	St Paul's Shadwell
<b>Open Floor Hearing</b>	30 Jan 2014	Hurlingham and Chelsea School, Putney
<b>Open Floor Hearing</b>	03 Feb 2014	Glaziers Hall, London Bridge
<b>Issue Specific Hearing</b>	04 Feb 2014	Glaziers Hall, London Bridge
<b>Open Floor Hearing</b>	05 Feb 2014	Ahoy Centre and Deptford Lounge, Deptford
<b>Issue Specific Hearing</b>	06 Feb 2014	Glaziers Hall, London Bridge
<b>Resumption of adjourned Issue Specific Hearing on noise and vibration.</b>	20 Feb 2014	Glaziers Hall, London Bridge
<b>Resumption of adjourned Issue Specific Hearing on DCO and related matters.</b>	21 Feb 2014	Institution of Civil Engineers, Westminster

## ANNEX B

### LOCAL IMPACT REPORTS SUBMITTED BY LOCAL AUTHORITIES & THE MAYOR OF LONDON DURING THE EXAMINATION STAGE OF THE THAMES TIDEWAY TUNNEL PROPOSAL

<u>Local Authority</u>	<u>Date Published</u>	<u>Report</u>
London Borough of Hounslow	18 Oct 2013	Local Impact
London Borough of Ealing	23 Oct 2013	Local Impact
London Borough of Newham	23 Oct 2013	Local Impact
Mayor of London	01 Nov 2013	Local Impact
London Borough of Lambeth	04 Nov 2013	Local Impact
London Borough of Hammersmith and Fulham	06 Nov 2013	Local Impact
London Borough of Tower Hamlets	06 Nov 2013	Local Impact
London Borough of Lewisham	06 Nov 2013	Local Impact
London Borough of Richmond Upon Thames	06 Nov 2013	Local Impact
Westminster City Council	06 Nov 2013	Local Impact
City of London Corporation	06 Nov 2013	Local Impact
Wandsworth Borough Council	07 Nov 2013	Local Impact
London Borough of Southwark	07 Nov 2013	Local Impact
Royal Borough of Kensington and Chelsea	07 Nov 2013	Local Impact

## ANNEX C

### LEGAL CHALLENGES RELATING TO APPLICATIONS FOR DEVELOPMENT CONSENT ORDERS

Under section 118 of the Planning Act 2008, an Order granting development consent, or anything done, or omitted to be done, by the former Infrastructure Planning Commission, the Planning Inspectorate or the Secretaries of State in relation to an application for such an Order, can be challenged only by means of a claim for judicial review. A claim for judicial review must be made to the high court during the period of six weeks from the date when the Order is published or if later, the date on which the statement of reasons for making the order is published. In this case, the Thames Tideway Tunnel Order as made is being published on the same date as this letter on the Planning Inspectorate website at the following address:

<http://infrastructure.planningportal.gov.uk/projects/london/thames-tideway-tunnel/>

**These notes are provided for guidance only. A person who thinks they may have grounds for challenging the decision to make the Order referred to in this letter or anything done, or omitted to be done, by the former Infrastructure Planning Commission, the Planning Inspectorate or the Secretaries of State in relation to the application for this Order, is advised to seek legal advice before taking any action. If you require advice on the process for making any challenge you should contact the Administrative Court Office at the Royal Courts of Justice, Strand, London WC2A 2LL (0207 947 6655).**