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**Date:** 4th November 2013

Dear Mr Wilson

**Thames Tideway Tunnel (WW010001)**

**London Borough of Southwark's Response to Item 10 of the Examination Timetable (Unique Reference Number: 10018659)**

I enclose:

1. the Council's Written Representation, including an Executive Summary;
2. the Council's Local Impact Report, including:
  - (a) comments on the project-wide and site-specific Requirements contained in the draft Order submitted with the application,
  - (b) heads of terms for a section 106 agreement, and
  - (c) comments on the Code of Construction Practice (CoCP) submitted with the application;
3. the Council's response to the Examining Authority's first written questions, including answers to the various questions posed on the draft Order;
4. the current working draft of the Statement of Common Ground (SoCG) between the Council and the applicant, showing Council comments as at 4 November.

The Council was first supplied with a draft SoCG in mid June, responded in detail on structural issues in August, and received a redraft of the document on 15 October. The Council was due to meet the applicant on 24 October to discuss section 106

heads of terms (which would also have included items in the SoCG). However the meeting was cancelled by the applicant and has been rescheduled for tomorrow. With the Local Impact Report now complete, the Council expect to make progress on the SoCG, Requirements, CoCP and section 106 obligations in the near future.

Comments on the draft Order submitted with the application are included in the Requirements and CoCP sections of the Local Impact Report and the Council's answers to the ExA's first written questions. The comments of the Council on the draft Order that are not covered in these documents are set out in a Supplemental Table annexed to the Written Representation.

Please note that these submissions have been the subject of the council's Strong Leader decision making process and have been formally agreed by the Leader of the Council. The decision is subject to call-in and we will contact you again later this week to let you know when the decision is fully implementable.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Simon Bevan', written in a cursive style.

**Simon Bevan**  
**Director of Planning**

Thames Water Utilities Limited – DCO Application for the Thames Tideway Tunnel (PINS Ref WW010001)

London Borough of Southwark’s Response to Examining Authority’s First Written Questions issued 26 September 2013

(Unique Reference Number: 10018659)

WQ REF	TOPIC AREA	RESPONSE
<b>AIR QUALITY AND EMISSIONS</b>		
1.1	Air quality & odour agreements reached	<p>With reference to Doc 6.2.02 Appendix B1 the LPA responses have not been fully addressed in relation to the use of dust slides<sup>1</sup>, but LBS notes that the appropriate particulate monitoring regime will be agreed prior to commencement of construction. This should be included in Requirements for the DCO.</p> <p>In respect of the phase two consultation responses, the vehicle and plant emission criteria are not stipulated in respect of the years as shown in LBS's Local Impact Report (LIR). LBS disagrees that the monitoring of H<sub>2</sub>S should be reviewed after three years: it should be at the first major maintenance of the TTT, to demonstrate that BPM is being maintained and as part of the validation of the complaint procedure<sup>2</sup>.</p> <p>There is no automatic feedback mechanism in connection with complaints to the LBS in the Air Quality Management Plan complaint structure flow chart<sup>3</sup></p> <p>LBS would like to see ninety percent of all materials generated at the CW worksite to be transported via the River Thames.</p>
1.2	Site specific plans	These are to be included as part of the DCO requirements
1.4	CoCP best practice	The contractor should produce a report to show how they have performed against agreed indicators, which reflect the proposed Construction Environmental Management Plan (CEMP) and include the outcome of any complaint

<sup>1</sup> GLC Environmental Supplement No 19 1989 by W. Scharwz and

<sup>2</sup> Air Quality Management Plan Doc Ref 7.14 paragraph 5.2.1

<sup>3</sup> Air Quality Management Plan Doc Ref 7.14 Plate 5.1 page 24

		investigation on a regular basis. This report should be presented to the Community Liaison Meetings. This would be in addition to TW showing it has enforceable contractual mechanisms in place to ensure compliance by the contractor, with sufficient securing of its obligation to do so to LPAs.
1.5	Mitigation measures	<p>As set out at Part 3 of the LIR to address the following key issues:</p> <ul style="list-style-type: none"> <li>• There is a risk of significant air quality and dust impacts from construction works if appropriate mitigation is not secured, over and above the minor impacts that are predicted in the ES.</li> <li>• Further mitigation is needed though requirements and commitments in the CoCP, which are too generic at present. This includes the need for further monitoring of odour during the operation phase of the development.</li> <li>• There is no automatic feedback mechanism in connection with complaints to LBS in the Air Quality Management Plan</li> <li>• LBS requires that there is a cast iron commitment to ninety percent of all materials generated at the Chambers Wharf worksite to be transported via the River Thames in order to prevent air quality issues from increased traffic movements at CW.</li> <li>• Air quality impacts, when assessed in combination with other adverse impacts, will result in significant adverse affects upon the area surrounding the site, including residents and school children.</li> </ul>
<b>BIODIVERSITY, BIOLOGICAL ENVIRONMENT AND ECOLOGY</b>		
2.1	Appropriate Assessment	TW has submitted sufficient information in the Habitats Regulation Assessment No Significant Effects Report to form the basis of any Appropriate Assessment of the proposals. This has been confirmed by a “letter of comfort” from Natural England attached as Appendix E of the report.
2.14	Habit Loss to foreshore	TW should aim to minimise the impact of scouring to the foreshore as much as possible. Any negative impacts of development should first be reduced as much as possible through design, construction and management. Compensation could include replacement, enhancement, recreation or relocation of habitat or species. The type, quantity and quality of compensation should result in a net overall benefit to protected and priority species. Even where little biodiversity interest has been identified on a site, developers should aim to create features that will provide habitat for wildlife. The design of landscaping presents an obvious opportunity for enhancing biodiversity. However even where there are space constraints, there are many different ways habitat improvements can be achieved in cost effective ways. In this case marine green walls could be attached along the river to replace some of the habitat loss.

		This should be secured in the Requirements.
<b>COMPULSORY ACQUISITION</b>		
<b>4.17</b>	Compensation and re-housing	LBS considers that as the current noise insulation or temporary re-housing offered by the applicant is inappropriately subject to the affected person submitting the required information, this could result in many affected persons not claiming or being unsuccessful in their claims and therefore failing to secure the required mitigation. The Noise Insulation and Temporary Re-Housing Scheme should require TW to offer and promote mitigation to affected persons where monitoring identifies they qualify for insulation/re-housing. The Scheme also needs to be adequately secured by Requirement – at present that does not seem to be the case. Further, please see LIR Part 3.
<b>4.18</b>	Judgement on human rights	LBS considers that TW's approach to the provision of necessary mitigation where significant adverse impacts have been identified is unacceptable. Further, please see response to WQ 4.17, above.

<p><b>4.85-4.90</b></p>	<p>Shad Thames justification sought from TW for scope and details of CP</p>	<p>Below are reasons why the proposed works should be done under the Highways Act with LBS as the highway authority.</p> <p>The proposal to turn the section of Shad Thames from its junction with Gainsford Street northwards to its junction with Maguire Street from the existing one-way system to a two way system for an unspecified period of time would have a serious adverse impact on this section of the road. Shad Thames has a narrow carriageway width and the one-way section has an average width of 4 metres. This would not be wide enough to allow two vehicles to pass each other safely. This means that to achieve a two-way system the carriageway would have to be widened by reducing the footway width on one or both sides.</p> <p>Even the current two-way section between Jamaica Road and Gainsford Street is not wide enough for two heavy duty vehicles to pass each other safely as it is on average 4.5 metres wide. This means that the carriageway would need to be widened to accommodate two-way construction traffic. A two-way carriageway for construction traffic requires at least a 5.5 metre wide carriageway.</p> <p>Widening the Shad Thames would entail relocation or diversion of utility services. It would also require the relocation of the existing highway drainage gullies that are currently located at the edge of the carriageway, on both sides. The gullies would have to be moved back to their original location once construction works have finished.</p> <p>The character of this road would also be adversely affected by such works and it would be imperative for LBS to have oversight to ensure reinstatement would be done according to its guidelines and under its supervision, via an agreement under S278 Highways Act 1980. If LBS retains control then it would be able to carry out the relevant safety audits and scrutinise the proposed drawings to safeguard the interests of all highway users particularly pedestrians as the footway widths would have to be reduced. LBS would also ensure residents' interests are taken into account before, during and after construction has long finished.</p> <p>TW proposes to close the street for an unspecified period to enable work on the pumping station. The closure would result in turning the current one-way section of Shad Thames into a two-way system. As has been detailed above, the problems with this need LBS to co-ordinate and if Maguire Street has CA that would mean LBS would not have control over the impact of any changes on it. The road closure can still be achieved without a CA.</p>
<p><b>4.91-4.96 and</b></p>	<p>CW and EP justification sought from TW for scope and details of CP</p>	<p><b>CA sought for East Lane, Chambers Street and Loftie Street</b></p> <p>The proposal to have a CA for Chambers Street and Loftie Street does not have merit and LBS requires to retain control over these areas. Although LBS maintains that CW is not an appropriate site for the TTT proposals, in the</p>

4.100		<p>event the DCO is granted (which is strongly opposed and not accepted), the proposed route to the site from the A200 Jamaica Road via Bevington Street and back the same route would be suitable for construction vehicles as both streets are wide enough.</p> <p>Suspension of parking as proposed at the junction of Chambers Street and Bevington Street to accommodate the swept paths for construction vehicles would not be a problem as parking spaces are available in the area. Indeed these bays are currently suspended due to construction work in both streets. Both streets are used by other developers as through roads and if they were not to be within the control of LBS current and future developers within the area could be put at an unfair and unnecessary disadvantage if these roads were made unavailable to them by TW.</p> <p>As these are important through roads within the area, it is imperative that LBS retain control and use of these be available for access to all who need it. This would not jeopardise access for TW to their site given the widths of these roads.</p> <p>Loftie Street has not been proposed as an access route and it is not made clear why a CA would be required for it, unless it is to do with overhead cranes, in which case LBS can manage these through the relevant licensing process. The proposed access and egress would both be in Chambers Street. Loftie Street is a narrow road with on street parking on one side, any lane or road closure would adversely affect residents not only of Loftie Street but Bermondsey Wall E as well, which would be outside the CA.</p> <p><b>East Lane</b> is an adopted highway, no proposed works or its use as part of a diversion route has been put forward therefore we are not sure why TW would want to have it under CA. If it is for diversion traffic then a CA would not be necessary as this can be easily arranged by LBS.</p> <p><b>Earl Pumping Station</b>The proposed route is suitable for construction traffic. Only three parking bays on Croft Street at its junction with Chilton Grove would need to be suspended and this should have no adverse impact to residents as there are adequate parking spaces within the area. Therefore there is no reason whatsoever for a CA for any of the roads. Any traffic management required for temporary diversion of traffic should be easily implemented under existing highway RRTA procedures with LBS facilitating these as the highway authority.</p>
<b>DESIGN LANDSCAPE AND VISUAL INTEREST</b>		
5.1-5.6	Visual context, impact and scale parameters	Please see LIR at Part 3 on Townscape and Visual Impact for CW and Parts 4 -6 for Earl Pumping Station (EPS),

		Shad Thames (ST) and Blackfriars Bridge Foreshore (BBF) sites.
<b>DCO DRAFTING</b>		
<b>6.1</b>	Definition and description	A2 and Pts 1 – 2 Schedule 1 (a) Not applicable (b) No – LBS requires description of CW as a reception site and not a main drive site.
<b>6.2</b>	Reference to APFP Regulations 2009	Yes
<b>6.3</b>	Reference to PA08 amendments	Yes
<b>6.4</b>	Reference to ExA/Panel	Yes
<b>6.5</b>	Reference to SoS making DCO	Yes, given changes to the proposals
<b>6.6</b>	Reference to deemed ML provision in PA08	Yes, with consequential amendments throughout DCO
<b>6.7</b>	Reference to MCCA09	Yes
<b>6.8</b>	Reference to MCCA09 amendments	Yes
<b>6.9</b>	Maintenance of authorised project	(a) The definition of "maintain" on p 5 is too wide, it is neither justified nor necessary as it goes far beyond the concept of maintenance and would catch complete replacement of the project. (b) The power to maintain is set out in A5 and throughout the main body of the DCO. The words "remove", "clear", "reconstruct", "decommission", "demolish", "replace" and "improve" should be deleted. All of these works should be

		<p>subject to further consenting if they occur. In respect of works outside the DCO limits, A50(2) also deems TW to be the highway authority for the purposes of S10(2) and S24 TCPA 1990, meaning that no consent is required for works carried out under those provisions. This should be deleted.</p> <p>(c) The reference to "authorised project" means that A5 works will be confined to works subject to the EIA but a comment in the Explanatory Memorandum to this effect would be useful for clarity.</p>
<b>6.10</b>	CP Limits of Deviation	LBS supports the constraint of deviations to the DCO limits (or as per an agreement under the DCO).
<b>6.11</b>	CP Limits of Deviation	LBS supports the constraint of deviations to the DCO limits (or as per an agreement under the DCO).
<b>6.12</b>	CP Limits of Deviation	LBS supports the constraint of deviations to the DCO limits (or as per an agreement under the DCO).
<b>6.13</b>	Defence against statutory nuisance claims	Disapplication of S82 EPA 1990 should be restricted to noise nuisance only as per A7, Sch1 of the Model Provisions. A7(1)(b): Replace "or" with "and". Any requirement approving noise attenuation should be approved by the relevant LPA and SoS. Delete A7(c)-(d): The limited qualification applied here goes far beyond the statutory requirements that would otherwise apply, in particular the concept of best practicable means.
<b>6.14</b>	Benefit of the DCO	Yes – definition of "special administrative DCO" is required for clarity.
<b>6.15</b>	Transferring the Benefit of the DCO	Yes – consent should be required for ALL transfers of the benefit of the DCO, whether to an infrastructure provider or another transferee. This is necessary as the covenanting strength of transferees will be of concern to LPAs in the context of S106 obligations.
<b>6.16</b>	Transferring the Benefit of the DCO	Yes – please also see response to WQ 6.15, above.
<b>6.17</b>	Street Works	Schedule 4 should not apply to the DCO limits and specific reference to streets where works are required should be retained. The undertaker shall not be permitted to execute any works that require the breaking up of any part of the highway that is maintained at public expense unless he has consulted Southwark Council Networks Management Departments and given prior notification of the works as set out the New Roads and Street Works Act (the "Act"), C.o.P for Co Ordination and the London Permit Scheme (LoPS) as set out in the Traffic Management Act 2004.
<b>6.18</b>	Street Works Outside the DCO limits	This should be deleted. TW offers no justification for this wide ranging power. It is not included in the Model Provisions. No works should be permitted unless carried out and co ordinated as per the Act. They should specify the streets where works are required.

		<p>In addition, the following should be deleted: A10(5) and A50(2) – these deem TW to be the highway authority for the purposes of certain highway works under Pt 3 NRSWA 1991 and S10(2) and S24 TCPA 1990, meaning that no consent is required for works carried out under those provisions.</p> <p>Delete A11(2)-(3). This is not contained in the Model Provisions.</p>
<b>6.19</b>	Street Works Outside the DCO limits	Agree that further information is required but LBS position is that, generally, TW should not be given powers in respect of activities and/or land outside the DCO Limits. No works should be permitted unless carried out and co-ordinated as per the Act.
<b>6.20</b>	Temporary Stopping Up	<p>Generally speaking, there are no provisions within current legislation to permit Temporary Stopping Up and LBS position is that any temporary closure of public highway should be done so by means of the Highways Act 1980</p> <p>If the Article is to be retained, reasonable vehicular and delivery access should be provided. Also delete text in A15(4)(b) "not be unreasonably withheld" as the street authority will be subject to public law duties of reasonableness; also provisions for appeal of decisions on discharge of requirements will apply.</p>
<b>6.21</b>	Traffic Regulations	No - deemed consent is not reasonable or necessary. Delete A18(8) as these provisions (copied from tram or rail project provisions) are not appropriate for a tunnelling and sewer project and TW offer no detailed justification for their use.
<b>6.22</b>	Discharge of Water	No - deemed consent is not reasonable or necessary. Delete A19(8) as similar deemed consent provisions have already been rejected as draconian by PINS on other projects.
<b>6.23</b>	Protective Works	If the ExA concludes that these works amount to CP, all relevant statutory CP requirements must be adhered to by TW in terms of any additional consultation and the availability of compensation to affected persons. Further, please see above response to WQ 6.1 on broad definition of "maintenance" which is relevant to A20.
<b>6.24</b>	Remedial Works	Note: This repeats provisions under A20 in respect of remedial works and it appears reasonable from LBS perspective to include access to land and buildings.
<b>6.25</b>	Removal of Human Remains	Yes. There is a potential for human remains to be present at CW. There are Roman burials at Cherry Gardens, just to the east of the site. There have also been finds of other human remains in the foreshore. At Earl Pumping Station, there is not evidence for burials in the area and the work is not on the foreshore. At Shad Thames, it is unlikely.
<b>6.26</b>	Removal of Human	No

	Remains	
<b>6.27</b>	Removal of Human Remains	Yes – see above
<b>6.28</b>	Felling or lopping of Trees	Recommend liability/consents for protected trees dealt with under A26.
<b>6.29</b>	TPOs	Yes
<b>6.30</b>	Acquisition of land limited to subsoil 9+m beneath surface	Yes
<b>6.31</b>	Temporary use of land to carry out the authorised project - temporary nature of use	Further controls are required to ensure that beyond the land specified in the DCO, possession is only taken where it is truly temporary. As currently drafted the temporary nature refers to the length of the project but this could mean possession for some significant time in practice. In these circumstances, TW should be obliged to acquire the land. This would most fairly be achieved by giving those with interests in the land the right to require TW to acquire the land where possession would be for more than a certain time period- we suggest 1 year and amendment to A34(9) accordingly.
<b>6.32</b>	Temporary use of land to carry out the authorised project – temporary nature of use	Please see response to WQ 6.31 above.
<b>6.33</b>	Temporary use of land to carry out the authorised project – CP requirements	Please see responses to WQ 6.9 and WQ 6.31 above.
<b>6.34</b>	Temporary use of land to maintain the authorised project – CP requirements	LBs question whether these powers are required, given TW will be able to exercise powers under the Water Industry Act 1991? To the extent they will be included in the DCO, please see response to WQ 6.9 above.

<b>6.35</b>	Temporary use of land to maintain the authorised project- liabilities and consents outside the DCO limits	We agree that further information is required but LBS position is that, generally, TW should NOT be given powers in respect of activities and/or land outside the DCO Limits. Please also see response to WQ 6.15 above.
<b>6.36</b>	Terms of CP Compensation	CP compensation code should apply in the usual way.
<b>6.37</b>	Disregards for CP Compensation	Disregards should apply from the date of the DCO
<b>6.38</b>	Terms of CP Set-Off for Retained Land	CP compensation code should apply in the usual way.
<b>6.39</b>	CP Set-Off Disregards	CP compensation code should apply in the usual way.
<b>6.40</b>	No double recovery	Yes
<b>6.41</b>	CP of part of certain properties - compensation for compliance with notice requirements	The DCO should reflect the Compensation Code.
<b>6.42</b>	Statutory Undertakers – Protective Provisions	Yes
<b>6.43</b>	Apparatus and rights of statutory undertakers in stopped-up streets	Yes – to clarify that this does not enable TW to extend the area of land affected. LBS position generally is that TW should not be given powers in respect of activities and/or land outside the DCO Limits.

<b>6.44</b>	Time Limit for CP Powers		A 3 year limit on CP powers should apply to reflect the time period allowed to implement the DCO, particularly in Chambers Wharf where it already owns a proportion of land required for the project.
<b>6.48</b>	Rights over/under streets and city walkways		Several public roads and footways will be affected according to the CP Book fo Reference for LBS (application document 4.3.12). Generally, LBS considers that: <ul style="list-style-type: none"> <li>• any acquisition of land should be limited to subsoil 9+m beneath surface (as per response to WQ 6.30 above); and</li> <li>• further controls are required to ensure that beyond the land specified in the DCO, possession is only taken where it is truly temporary. As currently drafted the temporary nature refers to the length of the project but this could mean possession for some significant time in practice. In these circumstances, TW should be obliged to acquire the land. This would most fairly be achieved by giving those with interests in the land the right to require TW to acquire the land where possession would be for more than a certain time period- we suggest 1 year and amendment to A34(9) accordingly.</li> </ul>
<b>6.49</b>	Rights over/under streets and city walkways		Yes – air and oversailing rights should be offered the same level of protection as underground structures. Please also see response WQ 6.48above.
<b>6.50</b>	Application of Landlord and Tenant law		Delete A48 - This is highly unusual.
<b>6.51</b>	Safeguarding Exemptions	-	Provision should be made for exempt applications, consistent with the provisions applying under the existing Safeguarding Direction and which are already being implemented by LBS.
<b>6.52</b>	Safeguarding Consultation Period	-	No – LBS requires a consultation response from TWbefore granting consent for other development within the Safeguarding Zone.
<b>6.53</b>	Safeguarding Consultation Period	-	Yes – the consultation period should run from the date of issue rather than the date of receipt of the consultation notice.
<b>6.54</b>	Discharge of requirements		No – deemed consent provisions should be deleted. Similar deemed consent provisions have already been rejected as draconian by PINS on other projects and provisions can be made for an appeal if the decision is not within a specific time period.

<b>6.55</b>	Discharge of requirements	No – Please see suggested amendments in LBS comments on CoCP Parts A and B in LBS' LIR.
<b>6.56</b>	Certification of Plans	A prescribed list is required for clarity and is likely to be compiled by TW for the purposes of complying with the article in any event.
<b>6.57</b>	Certification of Plans – Reference to Sch 2	Yes – please see response to WQ 6.56 above.
<b>6.58</b>	References to SoS	Yes
<b>6.59</b>	Arbitration	No – President of the Institute of Civil Engineers is only an appropriate arbitrator for construction- related matters. Issues of value should be considered by a valuation professional and a QC for legal matters.
<b>REQUIREMENTS/COCP</b>		
<b>6.60</b>	Requirements	LBS's views on discharging authorities are contained within its draft Requirements, which form part of its LIR. In addition, the definition of "local planning authority" in the DCO Requirements should be changed to enable LPAs to input into decisions on activities in other LPA areas which impact on their own areas (i.e. LBS should be able to participate in decisions affecting Southwark which relate to works within the BBF and EPS sites).
<b>6.66</b>	Deemed consent	Please see response to WQ 6.54 above. Deemed consent provisions should be deleted.
<b>6.67</b>	Discharge requirements of	An eight week period should be provided for all requirement types, both major and minor. Both types of application could require consultation with statutory consultees and other third parties as appropriate and sufficient time is therefore necessary to carry out this consultation (21 days) and determine the application. It is also not acceptable for consultees to be limited to only those named in the specific requirement. Provision should also be included for the time period to be extended with the written agreement of the applicant.
<b>6.69</b>	Charging Schedule	The fee for a minor detailed requirement should accord with the fee charged by the relevant local planning authority for the discharge of a normal planning condition. For LBS this is currently £97 but may increase by the time applications are made to discharge the requirements. For major detailed requirements, the fees outlined in the Schedule do not reflect the amount of consideration and work that will be required for many of these applications. In order to do so a fee of £500 per application would be appropriate for such submissions to better reflect the costs incurred by the LPA.
<b>6.70</b>	Refund of Discharge	This should be deleted and the usual payment provisions should apply – no refund on discharge fees should be available considering the resource requirement on LPA's will exist regardless and given there is an appeal process for non-determination.

6.71	Secretary of State	LBS' position is that Sos discretion should not be fettered and that normal appeal provisions should apply.
6.74	CoCP Comments	The Appendices to LBS' LIR contain a Joint Borough wide response on the CoCP and LBS comments on CoCP Part B which are currently under discussion with TW.
6.76	Decisions	The relevant LPA should be involved in any decision on what is reasonable and practicable in its area. The Appendices to LBS' LIR contain a Joint Borough wide response on the CoCP and LBS comments on CoCP Part B which are currently under discussion with TW.
6.77	Contractor	There ought to be provision in the DCO obliging the applicant or its successors to take action to secure compliance by contractors, which allows enforcement by the appropriate local planning authority against the applicant or its successor if they fail to do so. LBS' LIR contains a Joint Borough wide response on the CoCP and the LBS comments on CoCP Part B which are currently under discussion with the Applicant.
6.85	Earl Pumping Station	LBS considers that details provided to date, including plans, are insufficient to enable full assessment of impacts by LPAs and further information has been requested. Details are also required to be approved by LBS under the suggested Requirements set out in LBS' LIR.
<b>HISTORIC ENVIRONMENT</b>		
8.1	Pre-construction site-specific evaluation and field - testing	TW have not provided suitable detail or adequate recommendations to secure a suitable sequence of consultation and approval of documentation for archaeological evaluation and further archaeological works. TW have submitted draft materials relating to site specific WSIs and these are due to be discussed towards the end of November.
8.2	Further information about site-specific schemes of archaeological investigation	No detail has been received concerning these matters.
8.3	Preservation of heritage assets	By not undertaking an archaeological evaluation on site at CW to inform the use of the site or the location of the shaft the applicants are unable to demonstrate the preservation in situ of heritage assets should they be present on site. The applicants have made no provision to achieve preservation in situ should heritage assets of such significance be encountered on site through fixing the locations of major impacts, such as the shaft at CW, so preservation in situ of significant buried heritage assets within the footprint of this feature will not be possible.
<b>NOISE DISTURBANCE</b>		
11.2 (a)	Extent of agreements	<ul style="list-style-type: none"> <li>It is agreed that significant impacts would result as described in the ES, but this assessment does not extend far enough in assessing the overall effects of noise and disturbance upon the surrounding area. The overall</li> </ul>

		<p>impacts would be greater than set out in the ES.</p> <ul style="list-style-type: none"> <li>• Noise levels in the ES should be provided for all phases of the construction process.</li> <li>• It is difficult to properly assess the impacts of noise without having details of committed layouts for each phase of the construction process. Without agreement of these there is risk that additional noise impacts would result.</li> <li>• There is too much uncertainty in the proposals to properly assess the full impacts of noise and vibration.</li> <li>• The ES does not cumulatively assess the full effect of six years of noise impacts upon the surrounding area.</li> <li>• The ES does not properly assess the impact of noise upon the learning conditions of pupils at local schools located in close proximity to the site.</li> <li>• Significant impacts would result from HGV movements and these impacts would be intensified should there be even a small decrease in the proportion of spoil removed by barge.</li> <li>• It is agreed the significant vibration impacts would result but these could be yet greater due to the uncertainty about vibration methods.</li> <li>• The TTT noise insulation and temporary re-housing policy is not currently acceptable as it sets criteria at levels which are too low. This policy, when agreed, also needs to be imposed through an enforceable requirement or s106 provision.</li> <li>• No assessment is made of the impacts upon schools should windows be open (for example during the summer months)</li> <li>• Significantly better mitigation is required through requirements, the CoCP and s106 provisions.</li> </ul>
<b>11.2 (b)</b>	Ambient noise levels	LBS does not only look at the $L_{Aeq}$ levels, but will also consider the $L_{A MAX}$ and $L_{90}$ values for the same timeframe. This is because the $L_{Aeq}$ values will mask the variation in the ambient noise levels. At nighttime the baseline would be improved if the $L_{Aeq 5min}$ were provided.
<b>11.2 (c)</b>	Base level assessment	LBS does not consider that the information given in the ES can be used as a base level for the assessment of the impact of noise on residential and other receptors, as all the information has not been presented and the cumulative

		effects of six years of construction has not been taken into account for the site.
<b>11.7-11.8</b>	Screening and noise impacts	<p>The data presented does not provide the assumptions used in the calculations and the program and the site layouts are only indicative. The values given are for a certain phase, not all the different phases.</p> <p>There are too many components of the programme that depends on the contractors discretion within the CoCP. Further, see comments in LBS' LIR on the CoCP Part B.</p>
<b>11.9</b>	Plan for each site showing location and type of noise mitigation	See LBS' LIR for comments on the applicant's noise and vibration assessment generally.
<b>11.18</b>	Assessment for schools	LBS has concerns about the impact of the TTT proposals on local schools. Comments on this are provided in LBS' LIR- please see Part 3 and the LIR Appendices.
<b>11.26</b>	Noise insulation and re-housing	<p>The Noise Insulation and Temporary Re-housing Policy (NITRP) submitted as part of the application appears to follow the model of similar NITRP for other projects in Southwark. However, the detailed wording needs to be amended and it needs to be attached to either a suitably wording requirement or provision of the s106 agreements.</p> <p>In terms of the NITRP wording, LBS requires:</p> <p>(a) that in paragraph 3.1.7a the words “or for a period of 3 or more nights (22:00 – 07:00) of working in any 7 consecutive nights” are inserted between “...fifteen consecutive days” and “or alternatively during 40 days.....” within the noise insulation criteria.</p> <p>b) in paragraph 3.1.8a the words “or for a period of 3 or more nights (22:00 – 07:00) of working in any 7 consecutive nights” to be inserted between “...fifteen consecutive days” and “or alternatively during 40 days.....” within the re-housing criteria.</p> <p>c) within the Glossary of the NITRP an entry for the term “lightweight building” used when referring to special cases.</p> <p>d) in respect of "Construction Groundborne Noise Criteria for Temporary Rehousing that A building will be eligible where the structure - borne noise due to the construction works measured or predicted at a representative point within the building exceeds the following criteria</p> <p>40 dB <math>L_{A MAX S}</math> between 19:00 - 07:00</p>

		<p>or 45 dB L<sub>A MAX S</sub> between 07:00 - 19:00 and / or vibration limit of 1.0 mm.s<sup>-1</sup> PPV</p> <p>for a period of 10 or more days in any 15 consecutive periods between 07:00 - 19:00 or a period of 3 or more periods between 19:00 - 07:00 hours of working in any 7 consecutive periods of 19:00 - 07:00 hours or for a total of periods exceeding 40 in any six consecutive months."</p> <p>g) LBSI does not agree with paragraph 4.1.1 in respect of the timing of the letter not prior to obtaining a consent under s61 of the Control of Pollution Act 1974 from the LPA. The LPA would want the noise insulation package to be installed before the relevant works are commenced to any property where the predicted noise levels exceed the relevant trigger levels. Also note that the draft Requirements proposed by LBS - set in the LBS LIR - will set required noise levels, with s61 notices being used for any permitted departure from those levels only.</p>
11.37	Mitigation for schools	Please see response to WQ 11.18 above
<b>OTHER MATTERS</b>		
12.5	Locations for site visit	<p>Given the very close proximity of sensitive receptors to the CW site and the impacts resulting from the proposed use of this site as a drive site, the Council requests that the ExA visits the following private buildings/locations in order to familiarise itself with their layout and to understand the potential impacts resulting from the proposed works:</p> <ul style="list-style-type: none"> <li>• Flats within Axis Court and Luna House adjoining the western boundary of the site.</li> <li>• Properties backing onto Loftie Street and in Fountain Green Square which overlook the eastern boundary of the site.</li> <li>• Properties on Bevington Street, adjacent to the vehicular access route, including Wrayburn House.</li> <li>• Riverside Primary School.</li> <li>• St Michaels Secondary School.</li> </ul> <p>LBS will be pleased to liaise with Planning Inspectorate staff in order to organise access to these properties and sites.</p>
<b>POLICY</b>		
13.1	Policy context	<b>National policy</b>

		<p>The Planning policy context as set out in the Planning Statement refers to the “need” for the project as identified in the National Policy Statement on Wastewater.</p> <p>As set out in section xx of LBS' Written Representation (WR), LBS considers that a proper assessment of the locational options for dealing with London's sewerage problem including the alternatives to the preferred route for the tunnel now proposed in the DCO has not been carried out. LBS considers that there is no compliant SEA which adequately assesses the cumulative impacts of the development or evaluates the positive and negative impacts of the preferred tunnel scheme against other reasonable alternatives. Any assessment that has been done is out of date and is not an adequate basis for lawful decision making in relation to the DCO.</p> <p>Given the failure to adequately address the requirements of the SEA Directive and the Aarhus Convention, it is considered that DEFRA should re-consult on the NPS showing proper assessment of reasonable alternatives including TTT route selection. This could be done in parallel with any re-consultation on other changes to the DCO application. Another possible alternative in the DCO application process may be to give no weight to the NPS.</p> <p>Furthermore the Planning Assessment makes no reference to the National Planning Policy Framework which sets out the Government's planning policies for England and how these are expected to be applied. Whilst it is noted that the NPPF does not contain specific policies for nationally significant infrastructure projects, the NPPF states that NSIPs should be determined in accordance with the decision-making framework set out in the Planning Act 2008 and relevant national policy statements for major infrastructure, as well as any other matters that are considered both important and relevant - which may include the National Planning Policy Framework.</p> <p><b>Regional policy</b></p> <p>The Planning Assessment makes only limited reference to the London Plan. This approach is inconsistent and fails to recognise the strategic importance of the cumulative impacts of the project across London as a whole.</p> <p><b>Local Policy</b></p> <p>The Planning Assessment, Appendix S fails to correctly identify the planning designations on the CW site and makes only limited reference to a few select policies that make up the council's development plan. Further detail on the local policies that are applicable to the site are set out in LBS' LIR at Part 3.</p> <p>The Planning Assessment, Appendix R fails to correctly identify the planning designations on the Shad Thames Pumping Station site and makes only limited reference to a few select policies that make up the council's development plan. Further detail on the local policies that are applicable to the site are set out in LBS' LIR Part 5 and referred to in further detail throughout the LIR.</p>
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<b>SITE SELECTION AND DRIVE STRATEGIES</b>		
<b>14.1-14.8</b>	Site Selection	<p>LBS considers that:</p> <ul style="list-style-type: none"> <li>• TW failed adequately to assess reasonable alternatives to the selected tunnel route;</li> <li>• TW's site selection methodology is opaque and flawed;</li> <li>• there are unacceptable impacts on CW under the TTT proposals;</li> <li>• CW should be used as a receptor site only and not as a drive site;</li> <li>• Abbey Mills Pumping Station is a better drive site for the same tunnel route; and</li> <li>• in the event a DCO is granted for CW to be used as a drive and a receptor site, significant mitigation and Section 106 obligations will be required.</li> </ul> <p>Please see detailed submissions on site selection and drive strategies set out in LBS' WR.</p>
<b>14.22-14.31</b>	Tunnel Drive Strategy	Please see response to WQs 14.1-7 above.
<b>SOCIO-ECONOMIC EFFECTS</b>		
<b>15.14</b>	LBS further detail on schools impact	<p>of the LIR sets out LBS' concerns regarding the impacts of the proposals upon local schools and the education of local children. In summary, LBS is very concerned that:</p> <ul style="list-style-type: none"> <li>• Whilst noise and vibration effects have been considered for St Michaels School, they have not been properly considered for either Riverside or St Josephs Schools.</li> <li>• pupils of the schools are not considered as having a high level of sensitivity to impacts from the proposed works but instead a medium level of sensitivity as stated in the Environmental Statement. The Environmental Statement underplays the proximity of the schools to the application site and construction traffic routes (particularly Riverside and St Michaels' Schools), the need for windows to be opened during warmer periods, the importance of education to a child's life and the need for a quiet and undistruptive atmosphere to enable concentration levels and a suitable learning environment.</li> <li>• The application fails does not recognise the potentially significant impacts of a lengthy six year period (or more) on the educational career of children.</li> </ul>

		<ul style="list-style-type: none"> <li>• Whilst the ES includes a high level assessment of the impacts upon the <i>amenity</i> of the schools (missing out noise impacts on Riverside and St Josephs Schools), the application does not consider in any detail or depth, the impacts of the construction works upon the learning environment and experience of children at the schools including impacts upon concentration, reading, memory and attention.</li> <li>• The impacts from noise are likely to be very significant.</li> <li>• During examination times, disturbance from construction noise and vehicular activity will be most acute for pupils sitting the exams and could have far reaching consequences should a pupil's performance be adversely affected. It is therefore essential that the noisiest construction activities are programmed so they do not occur during school examinations.</li> <li>• The application does not properly assess the effects of air quality impacts on health of school children.</li> <li>• Failure to assess cumulative effects on school children living in the neighbourhood. Many school children also live within the vicinity of the site and so will not only be affected at school, but will also be affected at home and play in the local area. In assessing the impacts on school children, consideration should be given to the overall cumulative impact rather than looking individually at each specific impact in isolation. Taking the overall impacts into account, the most acute impact will result for the pupils at Riverside Primary School where impacts from noise, air quality, visual, and highway safety will all result.</li> <li>• There is increased risk from the uncertainty of scope of works. The likelihood of these impacts is increased through the uncertainty provided in the application details on the details of construction works and vehicle movements and the inadequacy of the mitigation proposed within the application. The use of illustrative drawings makes it very difficult to properly predict and mitigate against the various impacts of the development as there is so much uncertainty on what the actual construction proposals will entail.</li> <li>• Finally, the impact of the scheme upon the learning environment of children would be significantly reduced if the scheme was amended so that CW becomes solely a receptor site. As Abbey Mills is not located in such close proximity to local schools, its use as a drive site will have significantly less impacts on local education.</li> </ul>
<p><b>15.15-15.17</b></p>	<p>Applicant's assessment, mitigation and monitoring</p>	<p>LBS considers that insufficient detail has been provided about site layout proposals and that – to the extent information about site layout is provided – the proposals are too flexible. This will impact on the assessment of noise impacts on surrounding receptors.</p> <p>LBS also considers that noise and other impacts at St Michael's College and Riverside Primary School have been</p>

		understated in the application. Please see LBS LIR and Written Representation for further information on these points , including external advice received.
<b>TRAFFIC, TRAVEL, TRANSPORTATION</b>		
<b>16.1</b>	Effects in relation to spoil waste management and disposal	Please see LBS' LIR for comment, including in relation to transportation proposals .Please also see LBS WR for submissions on potential barge strategy at Abbey Mills.
<b>16.5</b>	Detail of extent of agreements reached	<p>Full details of LBS assessment of the traffic and transport implications of the proposal on sites affecting Southwark are included within the LIR. Summary of the areas of agreement and disagreement are set out below:</p> <p>1. Chambers Wharf</p> <p><i>Matters agreed</i></p> <ul style="list-style-type: none"> <li>• Assessment years, inclusion of committed developments, selection of modelling tools, peak hours selected, operational phase findings.</li> </ul> <p><i>Matters not agreed</i></p> <p><i>Site suitability</i></p> <ul style="list-style-type: none"> <li>• CW is not suitable as a drive site due to the severe traffic impacts that will result, particularly during any disruption to river access.</li> <li>• In this respect, CW would be more suitable as a receptor site only, as traffic impacts would be more manageable.</li> </ul> <p><i>Transport assessment</i></p> <ul style="list-style-type: none"> <li>• TW's assessment of transport impacts is incomplete and does not acknowledge the serious impacts that will result from the proposals.</li> <li>• Traffic on local streets will increase significantly, distorting the planned function of the local road network.</li> </ul>

		<ul style="list-style-type: none"> <li>• The traffic sensitive nature of the proposed site will require significant restriction of lorry movements to protect vulnerable pedestrians and cyclists.</li> <li>• Data presented to assess the impact on vulnerable road users, particularly pedestrians, appears flawed.</li> <li>• Insufficient analysis has been carried out on the impact on the strategic road network during any period of 'all by road' construction.</li> <li>• Sensitivity tests assume that river access will always be available for 11 months in any 12 month period, but possible derogations to the Transport Strategy could allow for a longer period of 'all by road' operation.</li> <li>• The methodology used to interpret the results of modelling work carried out serves to underplay real impacts on construction routes.</li> <li>• No analysis of the practical viability of the site, particularly under the 'all by road scenario', is presented.</li> <li>• Poor journey time reliability on the strategic road network means that 'just in time' arrival at the site for construction traffic is unrealistic.</li> <li>• The feasibility of CW as a construction site when river transport is unavailable is unproven.</li> </ul> <p><i>Mitigation / s106</i></p> <ul style="list-style-type: none"> <li>• Proposals to mitigate the impacts of proposed works are insufficient and should include, as a minimum:</li> <li>• Minimum of 90% of materials relating to CW to be transported by barge, with any derogations to be authorised by the council.</li> <li>• Further work is required to understand the likely impact on pedestrians and cyclists in the area and to provide adequate mitigation for this impact.</li> <li>• Further work is required to establish the routes pupils currently take to school and to identify improvements to those routes.</li> <li>• No foreseeable mitigation short of suspension of works would be adequate to address the local impacts of any period of 'all by road' construction.</li> </ul>
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		<p>Further, please see LBS' LIR for detailed comments. .</p> <p>2. Shad Thames</p> <p><i>Matters agreed</i></p> <ul style="list-style-type: none"> <li>• Assessment years, extent of study area, development case, inclusion of committed developments, data collection and modelling approach.</li> </ul> <p><i>Matters not agreed</i></p> <p><i>Transport assessment</i></p> <ul style="list-style-type: none"> <li>• Proposed changes to road network operation in the vicinity of the site will have a detrimental effect on pedestrians, local access and the character of the area.</li> </ul> <p><i>Mitigation / s106</i></p> <ul style="list-style-type: none"> <li>• Proposals to mitigate the impacts of proposed works are insufficient.</li> <li>• Proposed changes to the operation of the highway would require costly and disruptive works to re-locate utility services.</li> </ul> <p>Further, please see LIR at Part 5 plus LIR Appendices in respect of Requirements and CoCP.</p> <p>.</p> <p>3. Earl Pumping Station</p> <p>Matters agreed</p> <ul style="list-style-type: none"> <li>• Assessment years, selection of modelling tools, peak hours selected, operational phase findings.</li> </ul> <p>Matters not agreed</p> <p><i>Transport assessment</i></p>
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		<ul style="list-style-type: none"> <li>• The proposed site is located in an area undergoing significant development which will increase pressure on the local road network and this has not been fully considered.</li> <li>• The proposed construction routes have a high level of recorded collisions involving pedestrians and cyclists and this has not been properly considered.</li> <li>• Impacts from the site need to be considered in conjunction with those from the proposed drive site at CW – both share the same construction route.</li> <li>• Planned changes to the strategic road network providing access to the site, including Cycle Superhighway Route 4 (CS4), need to be evaluated.</li> </ul> <p><i>Mitigation / s106</i></p> <ul style="list-style-type: none"> <li>• Proposals to mitigate the impacts of proposed works are insufficient.</li> <li>• The Lower Road gyratory prevents direct access to the site. The project will need to support the planned removal of the gyratory.</li> <li>• The project will need to support the delivery of Cycle Superhighway Route 4 and minimise the interaction between construction traffic and cyclists.</li> </ul> <p>Further, please see LIR at 4 plus LIR Appendices in respect of Requirements and CoCP.</p> <p>4. Blackfriars Bridge Foreshore</p> <p><i>Matters agreed</i></p> <p>N/A</p> <p><i>Matters not agreed</i></p> <p><i>Transport assessment</i></p> <ul style="list-style-type: none"> <li>• Construction traffic from the site will have an adverse effect on congestion, safety, air quality and noise pollution in Southwark and this has not been fully considered.</li> </ul>
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		<ul style="list-style-type: none"> <li>• The cumulative effects of such traffic together with that from significant developments along the construction route corridor, e.g. at Elephant and Castle, have not been considered.</li> </ul> <p><i>Mitigation / s106</i></p> <ul style="list-style-type: none"> <li>• It is essential that LBS is consulted and involved with any matters relating to this site, including requirements and planning obligations.</li> </ul> <p>5. Project wide assessment / Transport strategy</p> <p><i>Matters agreed</i></p> <p>N/A</p> <p><i>Matters not agreed</i></p> <ul style="list-style-type: none"> <li>• The Transport Strategy does not provide sufficient guarantees that the target for transport by river will be achieved and allows for indefinite 'all by road' operation if river transport becomes uneconomic.</li> <li>• The Transport Strategy proposes that derogations to the planned strategy may be made without the Highway LPA's consent.</li> <li>• The cumulative impact on the strategic road network under any 'all by road' scenario is not adequately assessed.</li> <li>• Increased volumes of HGVs will have far reaching impact on a wide range of road users, well beyond the immediate vicinity of proposed project sites.</li> <li>• The impact of a large number of additional HGV movements as a result of any 'trigger' event will exacerbate existing congestion on Jamaica Road and Lower Road.</li> <li>• Sensitivity testing assumes that disruption to river access will not occur for longer than one month in any twelve month period, but derogations in the Transport Strategy do not guarantee this minimum.</li> <li>• Given the very serious impacts on strategic routes it is not considered that allowing any period of 'all by road'</li> </ul>
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		<p>operation would be responsible, particularly during peak hours when large numbers of cyclists are present.</p> <ul style="list-style-type: none"> <li>• No proper assessment of the impact on bus journey times has been carried out.</li> <li>• Under the proposed Transport Strategy public accesses and rights of way are not secured and the co-ordination of activities, including for emergency access and other development sites not assured.</li> <li>• The proposals would allow the applicant to make fundamental changes to highway operation and layout with only the requirement to consult the council. These functions can and should be carried out by the council under the provisions of the Highways Act 1980.</li> </ul> <p><i>Mitigation / s106</i></p> <ul style="list-style-type: none"> <li>• Proposals to mitigate the impacts of proposed works are insufficient.</li> <li>• Further work is required to understand the likely impact on the strategic road network of ‘all by road’ construction.</li> <li>• Further work is required to assess the viability of works sites under ‘all by road’ operation.</li> <li>• A full assessment of the impact of the proposals on CS4.</li> <li>• Amendments to the Transport Strategy to ensure that the commitment to river transport is robust and to limit any period of ‘all by road’ construction.</li> <li>• Amendments to the Transport Strategy to ensure that the relevant Highway Authorities are able to exercise their statutory powers to limit adverse impacts from works sites.</li> </ul> <p>Further, please see LIR at Part 6, plus LIR Appendices in respect of Requirements and CoCP.</p>
<b>POLICY – STATEMENT OF COMMON GROUND, LAND USE, REGENERATION AND OPEN SPACE</b>		
<b>S9.1</b>	Policy Table for each site	Please see Section 3.17 of LBS Statement of Common Ground.