

Examination of the proposed Thames Tideway Tunnel

London Borough of Southwark (Ref. 10018659)

Further written submissions (13th January 2014)

1. Introduction

1.1 This submission responds to Item 16 of the timetable for the examination of the application. It incorporates the following elements:

- Summary update of the council's case to take account of further information provided by the applicant since previous submissions on 2nd December (Section 2).
- Responses to the ExA's second round of written questions (Section 3).
- Update on the status of the following application documents (Section 4):
 - A) Statement of Common Ground
 - B) Project Wide Requirements
 - C) Site Specific Requirements for Chambers Wharf
 - D) Code of Construction Practice A (Project Wide)
 - E) Code of Construction Practice B (Chambers Wharf)
 - F) Draft Development Consent Order
 - G) S106 agreement (Chambers Wharf)
- Copies of the Council's mark ups of documents (A) to (F) above, as appendices.

1.2 For brevity, this submission, as far as possible, does not repeat points and evidence already provided in the council's previous submissions, namely:

- Local Impact Report and Written Representations submitted on 4th November 2013,
- Oral evidence given at the issues specific hearings on 12th and 15th November,
- Written summary of oral evidence given at these hearings submitted on 26th November, and
- Further written submissions submitted on 2nd December 2013.

1.3 A separate submission has also been made on 13th January 2014 in relation to arrangements for the site visit at Chambers Wharf.

2. Updated summary of council's case to take account of further information provided by the applicant

2.1 For the most part, the council's case has not significantly changed from that made in previous written submissions and hearings.

2.2 The key headline issues for Southwark remain:

- The impacts at Chambers Wharf as a drive site are wholly unacceptable and cannot be adequately mitigated.
- An alternative site is available to drive the tunnel at Abbey Mills, with far less impact.
- At Shad Thames, Earl Pumping Station and Blackfriars Bridge Foreshore, the mitigation proposed is insufficient to prevent and mitigate the harmful impacts resulting from the construction works.

2.3 In its written submissions of 2nd December 2013 (APP31.02) and through other information provided, the applicant has proposed changes to the application and elaboration of existing aspects including measures seeking to mitigate impacts arising from the proposals. These include:

- No night time movement or loading of barges
- Transporting tunnel lining segments by river
- Low vibration piling
- Noise attenuation
- Lorry movements outside school opening/closing times
- Community Liaison Working Group
- NEWT clause
- Noise Insulation and Temporary re-housing policy

Many of these proposals are subject to exceptions in certain circumstances.

2.4 Whilst further detail needs to be provided by the applicant on each of these issues, the council has the following initial comments:

2.5 ***No night time movement or loading of barges at Chambers Wharf***

The applicant's proposal to have no night-time movement or loading of barges at Chambers Wharf between 22:00 and 8:00 (Paras 2.2.9 to 2.2.17 of Doc. APP31.02 dated 2nd December 2013) is, in principle, a positive step. If properly implemented it would reduce the levels of night time noise from the site. However the council has concerns and reservations as set out below:

- The hours proposed would still allow for barge operations in the evening up to 22:00 and every day in the morning from 8:00 am, including Sundays. As proposed this would be for seven days week with no respite. The impacts from noise and disturbance would therefore remain significant. For example, children going to bed earlier in the evening and those doing shift work would still be affected. The levels of disturbance during the day time

and evening would also be exacerbated and intensified, particularly through the increased intensity of barge loading.

- The restriction on night time movements is not guaranteed. As proposed it will be subject to possible derogations which, in the council's opinion, would lead to a strong likelihood that there still would be some night time barge movements. As noted in the Bureau Veritas report, a single barge movement in the night time would result in significant noise impacts.
- If barges are to be excluded at night the time restriction should be 20.00hrs at the latest in order to offer more meaningful mitigation. On Sundays and Bank Holidays barge movements should not commence until 10:00hrs.
- Even if there are no night time barge movements, there is still significant potential for noise from the movement and processing of spoil at night time. The excavated material will be in the form of a slurry. This will then be transferred to the slurry processing plant where the water will be separated. The final stage of this process is filter pressing where the water will be squeezed out (it is not totally dry but the water content is sufficiently reduced for transport and re-use). The resulting 'dry' cake is discharged from the plant in bays corresponding to the presses. The cake then needs to be collected (using a face shovel/loader) and tipped into a hopper (this is how it is done on the Lee Tunnel at Beckton). The hopper (essentially a funnel) is used to load a conveyor which would then pass the material onto the barges.
- Noise impacts will result from this activity, which may take place at night irrespective of there being no barge movements. As currently proposed the contractor has a great deal of flexibility as to how the operations will be arranged and managed, potentially leading to further impacts upon surrounding properties. It would be beneficial, for example, if barge loading facilities were also acoustically enclosed but this it not proposed in the application.
- Para 1.1.12 of APP 20 appears to assume there is significant space within the 3 sided enclosure to accommodate all derived material for the slurry treatment process. This needs to be confirmed and justified.
- More generally, the mechanism for considering derogations is only described in general terms in the applicant's 2nd December submissions. As matters stand, then, those submissions offer insufficient comfort that derogations will be confined to truly exceptional circumstances.

2.6 Transport tunnel lining segments by river

The proposed movement of tunnel lining segments by river (2.2.18 to 2.2.22 of APP31.02) would result in a relatively minor reduction in HGV movements at Chambers Wharf (less than one fifth). However, high levels of road movements will still occur and the council considers that the derogations and exceptions mechanism being proposed by the applicant would result in a significant risk of lining segments being removed by road. In any event the unsuitability of Chambers Wharf as a drive site is such that the benefits of reducing road movements would be off set by the increased noise and disturbance [from increased barging?] for properties immediately adjacent to the site. Adverse

impacts would result in either case. In addition, the point above regarding the mechanism for consideration and approval of derogations applies equally here.

2.7 Low vibration piling

As set out in Paras. 2.2.23 to 2.2.27 of APP31.02, the applicant is now proposing that low vibration piling methods will be used *unless determined to be impossible*. The first 'anchor' piles will still be installed using a vibratory driver. The council is concerned that the applicant is still not in a position to guarantee that low vibration piling can be achieved and that if a robust site assessment had been carried out it would be in a position to categorically state whether or not this is the case.

Furthermore, no detail is provided of who will decide and who will approve the decision as to whether or not it is *impossible* to use low vibration piling. If the applicant is unable to provide a cast iron guarantee now, a site specific requirement will be required permitting derogation from low vibration piling only where impossible and where further details are supplied for local authority approval, including full details of the relevant assessments and justification.

Further details are also required now of the immediate mitigation or compensation that would be available to households and building owners if the vibration could not be mitigated through silent/low vibration piling, including timescales for implementation. In this respect the council will provide further comment on this when it has reviewed the applicant's response to ExA's Questions 25.4, 25.5, 29.15 and 29.16.

2.8 Noise attenuation

In paras. 2.2.28 to 2.2.29 of APP31.02 the applicant proposes that noise attenuation material used for the noise enclosures and screens on site must have a minimum sound reduction performance of 20dB. Whilst noting this, the council is aware that much better noise attenuation materials are available. The council therefore considers that, in order to secure the best possible protection against noise for receptors around the site, details of all such sound attenuation should be submitted to the council for its approval (through a requirement) including details of the best possible sound reduction that can be achieved, rather than merely a commitment to a 20dB reduction. This will help to ensure that the best possible mitigation against noise is provided for residents, school children and others around the site.

2.9 Lorry movements outside school opening/closing times

In paras. 2.2.30 to 2.2.31 of APP31.02 the applicant proposes no lorry movements between 8.45 and 9.30, and between 15:00 to 15:45, during term time. Whilst this is helpful, it needs to also factor in the opening and closing times of other schools in the area, including St Michaels and St Josephs schools, along with the existence of before and after-hours clubs at the schools, attended by many pupils.

2.10 Community Liaison Working Group

A properly functioning and funded Community Liaison Working Group is essential and the council welcomes the applicant's general commitment to this (2.2.33 of APP31.02). The council is in detailed discussions with the applicant including matters relating to the function, formation, funding and responsibilities of this group.

2.11 **NEWT clause**

The council notes the proposal for a 'NEWT' cause (2.2.34 – 2.2.35 of APP31.02)). There are some important areas (for example noise impacts from construction works at Chambers Wharf) where the council disagrees with the conclusions of the Environmental Statement (ES). In such cases further restrictions and mitigation, (beyond that included in the ES) would need to be imposed through requirements, the CoCP and s106 obligations to properly control, mitigate and offset the impacts of the works. In addition, there are likely to be situations where project commitments are not complied with, which would cause further knock-on implications. For example, should river transport decrease only slightly below the 90% target in the ES (to 88%), then yet further mitigation would be required. The required mitigation should be approved by the council and delivered prior to the commencement of works.

2.12 **Noise insulation and temporary re-housing policy**

At present, the information provided on this policy including the Trigger Action Plans is not detailed enough to provide meaningful comments. In general, the council has concerns around the uncertainty of mitigation that this mechanism seems to introduce for the people subject to the impacts.

In addition, the definition of receptors covered by TAPs given in the TW submission of the 2nd December is not exhaustive and does not include offices or other commercial premises. Further concern was raised regarding the qualifying criteria for mitigation under the proposed TAPs which have not yet been released and the relationship to the significant effects as described in the ES needs to be fully explained.

The council is also concerned that properties that do not trigger the noise levels set out in the TAPs will still be subject to disturbance from noise, which in combination with other impacts from the proposal, would result in significant impacts upon peoples quality of life, health and well being.

2.13 **Update of LBS Position on Noise Impacts at Chambers Wharf**

The impacts from noise during construction activities, particularly at Chambers Wharf, remain one of the key impacts arising from the proposals, whether considered as a stand alone issue or in combination with other impacts. Since the council's previous written submissions, the applicant has provided some further details of proposed mitigation measures, especially for Chambers Wharf. The key ones are considered in the comments above.

Taking account of the above comments, the council does not consider that the proposed measures overcome its objections to the project on noise grounds. The table below sets out a summary of the council's current position on noise in relation to that set out in its previous written submissions of the 2nd December. The council will also be carefully considering the applicant's written responses to the ExA's second round of written Questions and will respond to these where relevant in both its next written submission by 3rd February 2014 and at the forthcoming Issue Specific Hearings.

Summary of LBS position on noise at Chambers Wharf in comparison to previous submission on 2nd December 2013:

LBS Previous Position (2 nd December Submission)	LBS Current Position (13 th January)
1) Methodology	
a) Bureau Veritas (BV) noted apparent variability in the baseline measurements used for noise and vibration by Thames.	Matters related to noise methodology have been considered further by the parties and are summarised in the council's Statement of Common Ground document submitted to the ExA on 13 January 2014.
b) BV also assessed that use of a singular criterion of 70dB for significance of impact allows for more accurate comparison of impacts between Chambers Wharf and Abbey Mills.	
c) This 70dB singular criterion methodology used by BV provides a conservative assessment of impacts. Were Thames' thresholds for significance applied to BV's results, further significant impacts would be found.	
d) Even with this conservative assessment methodology, BV found a number of significant and unacceptable impacts.	
	e) The amended ABS version of assessment used by Thames Water is not an approved or adopted method and does not comply with BS2008. There is currently no indication of when a revised version of BS2008 will be provided, it is currently being consulted upon and therefore should be attributed very little weight. The method used by the applicant does not take account of windows being opened, not the quality and sound attenuation qualities of individual closed windows.
2) Impacts of using Chambers Wharf as a drive site are wholly unacceptable General:	
a) Day time noise for six years	a) With the increase in barge movements from tunnel lining segments and the concentration of barge loading during the day time (and evenings), noise from barge loading will be intensified.
b) Night time noise for over two years	b) Reduced between 10.00pm and 8.00am from there being no night time barge movements subject to derogations. But there will still be barge movements during the evening for seven days a week and general night time noise (seven days per week) from site activities. In addition, TW have yet to produce a mechanism that

	guarantees that derogations will only be in truly exceptional circumstances.
c) Noise ranges from very intensive to clearly audible.	c) No change, even with reductions in night time noise, a range of impacts would occur.
d) Intensity of noise will not abate during tunnel boring as tunnel boring machine can not stop, so no respites.	d) No change, other than reduction in noise between 10.00pm and 8.00am (subject to derogations)
e) Mitigation is unspecific and no cast iron guarantees that it will be delivered. <ul style="list-style-type: none"> Requires closed windows which is hopeless in single aspect flats For some people and at some times of the year this is unacceptable For many properties the fenestration will create very unpleasant living conditions. 	e) Some improvements have been made including to the CoCP but further detail (understood to be provided on 13 th January) is required for further consideration. Many details need to be provided for approval through requirements and further additions and amendments are required from that currently proposed.
f) Large number of properties front onto the site.	f) No change.
g) A number are single aspect	g) No change
Residential:	
a) BV has identified approximately 232 dwellings within 40m of the Chambers Wharf site boundary, plus St Michaels College and office accommodation. Riverside Primary School is just 50m from the site boundary.	a) No change
b) In the ES Vol 20 Table 9.5.1, TW acknowledge that, based on their predictions, residential properties at Luna House and Axis Court will be exposed to significant noise impacts for a period of 29 months. c) In addition, BV predictions, based on the ES Vol 20 Ch 9, indicate significant noise impacts to residential receptors: <ul style="list-style-type: none"> i) 208 dwellings (including 47 that are single aspect) during demolition (day, 1 month); ii) 47 dwellings during cofferdam construction (day, 7 months); iii) 204 dwellings (including 47 that are single aspect) during shaft construction (night, 4 months). iv) A further 2 dwellings at 210-212 Bermondsey Wall East during shaft 	b) Significant night-time noise effect is removed due to prevention of barge movements (between 10.00pm and 8.00am and subject to derogations). However, day time noise will continue to be significant and there will still be evening barge movements and general night time noise impacting upon residents. <ul style="list-style-type: none"> i) No change ii) Noise levels reduced provided low impact vibration methods are used. However, the activities will still generate unacceptable noise and disturbance. Also, TW have provided no explanation of the likelihood of these low impacts methods being found to be "impossible". Previous TW submissions noted that ground conditions could not be predicted so does this provide any additional commitment? iii) Night time noise will be reduced

construction (day, 14 months).	(through by no means removed) due to night time barge restrictions (between 10.00pm to 8.00am and subject to derogations). The shaft construction works are not enclosed so noise during day and nights will still result. iv) No change.
d) Potential to mitigate noise impacts through improved sound insulation to apartments is limited at properties overlooking the Chambers Wharf site. This would result in non-openable windows for 7 months (day) or 4 months (night).	d) No change
e) Significant vibration impacts at 54 dwellings associated with piling during cofferdam construction (7 months), and 'possible' effects at a further 68 dwellings over the same period (ES Vol 20 Table 9.5.5).	e) Vibration impacts would be reduced provided low impact vibration methods are used (but this has not been guaranteed and is subject to further survey work).
Schools:	
a) BV predictions, based on the ES Vol 20 Ch 9, indicate significant noise impacts to Riverside Primary School during demolition (day, 1 month), cofferdam construction (day, 7 months), and road traffic on Chambers St and Bevington St, where modular buildings with less sound attenuation and housing entry and some special needs classes immediately front the street, (day, 4 years).	a) Significant noise impacts will remain during demolition. Noise impacts will be reduced but will not be eliminated during cofferdam construction provided low-vibration piling methods be utilised (this is not guaranteed). Road traffic noise impacts will remain with only a relatively minor reduction resulting from the transportation of tunnel lining segments by river. Derogations and exceptions to river transport proposed by Thames Water would result in further significant noise from construction traffic. Detail of the operation of TAPs is awaited however LBS's initial comment is that it would result in more certainty for the schools if mitigation can be in place prior to the works commencing.
b) BV predictions, based on the ES Vol 20 Ch 9, indicate significant noise impacts to St Michaels College during demolition (day, 1 month).	b) No change.
Tempus Wharf:	
a) BV predictions, based on the ES Vol 20 Ch 9, indicate significant noise impacts to Tempus Wharf (office) during demolition (day, 1 month), cofferdam construction (day, 7 months) when windows open (no air-conditioning).	a) Significant noise impacts will remain during demolition.
Construction Traffic:	

<p>a) Calculation in the ES Vol. 20 Ch 9 Table 9.5.3 is flawed (it was subsequently confirmed by Mr Humphries QC, on behalf of TW, that this data, as presented, may be incorrect). It suggests a reduction in HGV numbers with the development. Using the correct number, there is a significant noise impact on receptors on Chambers Street (90% by river) (day, approx. 22 months). If this reduces by only 2% to 88% by river, noise impacts are significant on Chambers St and also Bevington St (and 88% of materials transportation by river from Chambers Wharf is indicated by TW in their response to ExA Qu. 16.3 Table 3.1).</p>	<p>a) No significant change, only relatively minor proportionate reduction in HGV movements from transport of tunnel lining segments by river.</p>
<p>b) TW response to ExA Qu. 14.25 (para 25.9.41) suggests there are approx. 38 residential properties along Bevington Street. This does not include properties on Chambers Street (inc new properties under construction) with view of site entrance.</p>	<p>a) No change</p>
<p><i>In-combination effects:</i></p>	
<p>a) There is no proper assessment in the ES of in-combination effects of construction and traffic noise at Chambers Wharf.</p>	<p>a) No change. The in-combination impacts over the life time of the construction works will result in adverse impacts on the day to day lives of people living and learning in the vicinity of the site. Further comments will be provided on the material provided by Thames Water in response to ExA second round of question 33.3.</p>

12.14 Update of LBS Position on Transport Impacts at Chambers Wharf

The table below sets out a summary of the council's latest position on transport at Chambers Wharf, by comparison to its previous written submission on 2nd December 2013. Whilst there are some issues where there have been positive proposals, these do not amount to such significant improvements to the proposals to overcome the majority of the council's previous concerns.

Discussions are ongoing with the applicant about these matters. The council will also be carefully considering the applicant's written responses to the ExA's second round of written Questions (Part 34) and will respond to these where relevant in both its next written submission by 3rd February 2014 and at the forthcoming Issue Specific Hearings.

Summary of LBS position on transport in comparison to previous submission on 2nd December 2013:

Ref	Issue description	Previous position (2 nd December submission)	Current position (13 th January)	Comments
General				
1.	Control of highway	Proposals to circumvent the council's powers as Highway Authority are not acceptable.	No change	Many other large scale construction projects in the borough have been carried out successfully under the standard regime. The council has a duty to manage the network with regard to the interests of all road users. All relevant matters can and should be addressed under the Highways Act by LBS to protect the interests of all highway users and act impartially without delays to TW's programme.
2.	Transport strategy	The emerging Transport Strategy does not provide sufficient re-assurance that that river transport targets will be met	Concerns remain	The council seeks a firm commitment to a minimum percentage of materials to be transported by river and believes this is compatible with the relevant regulatory framework for the water industry.
3.	Exceptional circumstances review mechanism	N/A	The 'exceptional circumstances' review mechanism is not considered appropriate as it represents a weakening of the applicant's commitment to the use of river transport and asserts the primacy of economic considerations over social and environmental impacts.	<p>Fundamental changes to the Transport Strategy would amount to material changes that strike to the heart of the examination's consideration of the impacts of the project regarding transportation implications.</p> <p>The council recognises the preference in the NPS for river rather than road transport where this is cost effective, but note that considerations of cost effectiveness must also be properly balanced against other policy considerations including health and quality of life.</p> <p>Any review mechanism also needs to establish thresholds beyond which a) additional mitigation would be required, and b) it would simply be unacceptable for the project to proceed due to the severe</p>

				<p>impacts upon the local environment and traffic conditions.</p> <p>A full and robust assessment would be required of the implications of changes to the transport strategy. Relevant statutory consultees, interested parties, community groups and residents will need to be consulted on proposed changes with sufficient time allowed for this.</p> <p>The best placed decision maker to determine acceptability of changes in the transport strategy for each site would be the host local authority in consultation with relevant adjacent local authorities, consultees, other interest groups and residents/community groups.</p>
Chambers Wharf				
4.	Transport context	The impacts of a drive site at Chambers Wharf would cause significant disruption to thousands of residents, including school children and would disrupt a key sustainable travel corridor through the riverside area.	Concerns remain	<p>The council acknowledges the new commitment to transfer tunnel lining segments by barge, but questions remain about the level of confidence around this given that TW previously considered this impractical. Regardless of this concerns remain about long term network disruption and cumulative impacts on local residents.</p> <p>The council acknowledges the commitment to restrict lorry movements to avoid 'school run' times, but contends that the restrictions should be extended to protect children from all 3 schools in the vicinity of the works site.</p> <p>The council considers it would be inappropriate for lorry movements to take place outside standard working hours as evenings and weekends provide essential respite from disruption during the working</p>

				week.
5.	Traffic impacts	<p>The presence of large numbers of heavy good vehicles in the Chambers Wharf area would distort the planned function of the local highway network.</p> <p>Any prolonged period of 'all by road' operation would be intolerable.</p>	Concerns remain	<p>Principal concerns relate to:</p> <p>a) Planned scenario: Vehicle management, congestion and safety impacts, both in the vicinity of the site and on the construction traffic route.</p> <p>b) All by road: as above and also practical viability (see point 6).</p>
6.	All by road	<p>The use of Chambers Wharf as a drive site when river transport is not available will have a dramatic impact which has not been properly assessed.</p>	No change	<p>The viability of Chambers Wharf under all by road construction remains unproven. The applicant proposes that operational details be supplied at a later date by the constructor / contractor, post consent. The council considers this to be a significant risk as at this time it will be too late to re-consider the suitability of Chambers Wharf should apparent site constraints result in unacceptable impacts on the local highway network e.g. HGVs queuing on surrounding streets. An assessment of practical viability is therefore required in evidence presented as part of the consent process.</p>
7.	Chambers Wharf as a receptor site	<p>Chambers Wharf is not an appropriate location for a drive site, whereas the impact of the use of this location as a receptor site is likely to have more manageable impacts and pose less risk to the project as a whole</p>	No change	<p>Notwithstanding the concession of the transport of tunnel lining segments by river, the traffic impacts resulting from the use of Chambers Wharf as a reception site would still be significantly reduced (53,800 lorry movements to 35,300)¹ if it was to be used as a reception site. The projected difference under the 'all by road' scenario is now even</p>

¹ TW response to issue specific hearing and written representations relating to chambers wharf and alternative drive strategy, APP31.02, Table 3.3 and 3.4, pages 32-33.

				greater (190,506 versus 60,000) ²
8.	Mitigation	Insufficient mitigation identified	Concerns remain	<p>The council acknowledges the commitment to provide further mitigation around the works site in the form of s106 obligations. Concerns remain about the impact on the strategic road network however in terms of congestion and cycle safety, particularly at the Lower Road gyratory.</p> <p>The council maintains its position even with mitigation the impacts of using Chambers Wharf as a drive site are unacceptable. For instance, no foreseeable mitigation would satisfactorily address the impacts of any prolonged period of all by road working.</p>
Abbey Mills				
9.	Feasibility	From a transport perspective, it is acceptable and feasible for Abbey Mills to be amended to a drive site.	No change	<p>Even if all the excavated material is removed by road from Abbey Mills, this can be achieved without adverse impacts resulting for highway capacity³. This is in contrast to Chambers Wharf. Therefore Abbey Mills would represent the more prudent option in any risk assessment.</p>
10.	River Transport	A significant amount of material could be removed from Abbey Mills by barge and this has not been sufficiently explored.	No change	<p>TW's assumptions for removal of materials by river are based on 3 x 350t barges per day, equating to 59% of tunnel materials⁴. LB Southwark, LB Newham, PLA and TW have since agreed that the maximum daily feasible volume that could be moved on Bow Creek equates to 1,260 tonnes (4 x 350t barges laden to 90% of capacity). This equates to 79% of tunnel materials.</p>

² Ibid

³ Ibid, 3.2.24, page 36

⁴ Ibid, Table 3.6, page 34

12.15 Summary Update on other key impacts at Chambers Wharf

In addition to the stand alone noise and transportation impacts, the council has previously raised strong objection to the use of Chambers Wharf as a drive site due to the in-combination impacts on the quality of life, day to day well being and health of people living, learning and working around the site. These objections remain very much valid, in spite of the additional measures now being proposed by the applicant.

For people living, learning and working around the site, the impacts are not felt on an individual basis, they are instead felt in combination with each other. The applicant has not properly considered, or given sufficient weight to the in-combination impacts of the proposed construction works at Chambers Wharf. The applicant has significantly underestimated the impacts of the construction works upon the day to day lives of people living, learning and working in the surrounding area. In particular:

- Noise and disturbance
- Highway safety and congestion
- Health and mental well being impacts
- Impacts on day and sunlight
- Air Quality
- Townscape impacts
- Impacts on Thames Path
- Impacts on open space

These impacts would be significantly less at Abbey Mills should this become the drive site and the in-combination impacts at Chambers Wharf would also be radically reduced if this were amended to be a receptor site.

Similarly the impacts upon schools and learning environment of children remain significant. The council has been discussing with the applicant measures seeking to reduce such impacts, and further detail is awaited. Notwithstanding this, the council considers that even if the proposed measures are put forward to reduce the impacts upon schools, the proposals are likely to still result in unacceptable impacts, including in-combination impacts upon children living, learning and playing in the locality of Chambers Wharf.

The council will also be carefully considering the applicant's written responses to the ExA's second round of written Questions (including Part 33) and will respond to these where relevant in both its next written submission by 3rd February 2014 and at the forthcoming Issue Specific Hearings.

3. Responses to ExAs second round of written questions

3.1 Q31.1 (Policy)

Q31.1 addressed to the applicant, the Mayor of London and the local planning authorities, seeks comments on any implications the Revised Early Modifications to the London Plan may have in relation to the application.

The council's response is that the Revised Early Modifications to the London Plan are proposed to take into account recent changes to the planning system including the publication of the National Planning Policy Framework and the Localism Act 2011. LBS has reviewed the proposed changes and considers that there are no implications arising for the Thames Tunnel application from the publication of the Revised Early Modifications to the London Plan.

3.2 Q34,1 (Traffic Assessments)

Q34.1 seeks an update on the issues that now remain outstanding in relation to the traffic assessments. The applicant has provided the council with a list of what it considers to be the outstanding matters. There was not sufficient time for the council's comments to be incorporated into the applicant's submissions. A marked up version of this document is therefore provided below and included within the council's version of the latest Statement of Common Ground.

3.3 S40.1 (Removal of spoil from Abbey Mills)

The ExA have requested that LB Southwark, LB Newham, PLA and the Applicant provide a SoCG in relation to the capacity for removing spoil from Abbey Mills by river transport, in the event that Abbey Mills were to be used as a Drive Site.

The council has not yet received the final version of this document, although it has provided comments on an earlier draft provided along with the minutes of a meeting between the parties. Agreement has been reached with the applicant and the PLA that the daily feasible volume that could be moved on Bow Creek equates to 1,260 tonnes (4 x 350t barges laden to 90% of capacity).

The council and the PLA does not agree with the applicant on the level of risks involved with transporting materials by barge and considers that these risks are overplayed. For example, whilst there has been one previous accident involving a barge being grounded, it is understood this was due to operator error and is an isolated incident. There have been no other accidents and there is no evidence that this incident is likely to be repeated. Night time navigation is not considered to be a significant issue by the Council or the PLA..

Following the receipt of the applicant's answers to the ExA's written questions (part 34) the council will provide further representations on this matter both through its further written submissions and at the relevant Issue Specific Hearing.

4. LBS Update on Key Documents

4.1 Statement of Common Ground

A marked up version of the draft Statement of Common Ground provided by the applicant on the 20th December 2013 is attached as Appendix A. Discussions are on-going with the applicant on the various matters in order to produce a final Statement of Common Ground by the deadline of 12th February 2014. For the avoidance of doubt, the version submitted by the applicant to the ExA for the 13th January 2014 has not been agreed to by the Council.

4.2 Draft Requirements

Project Wide Requirements: The council's proposed list of project wide requirements is attached in Appendix B. This list of amended project wide requirements has also been agreed, as of 13th January 2014, by the London Boroughs of Tower Hamlets, Lewisham, Hammersmith & Fulham and Hounslow.

Site Specific Requirements: The council's proposed list of site specific requirements for Chambers Wharf is attached in Appendix C. It is noted that this list includes several more requirements than proposed by the applicant. These are considered necessary in order to properly ensure that the best mitigation possible can be secured in view of the very significant impacts that would result from the proposed works at Chambers Wharf. In many cases, the additional requirements are necessary in order to ensure that important details of mitigation and control are submitted for the approval of the council, again to ensure that the best possible protection can be provided for the local area.

Further amendments and additions to the site specific requirements for Shad Thames and Earl Pumping Station are being provided for discussion with the applicant.

It is intended to cover these matters at a meeting on the CoCP Part B on 14 January 2014.

4.3 Code of Construction Practice (A & B)

Code of Construction Practice A: The London Boroughs have agreed comments on and amendments to the latest CoCP A (project wide) provided by the applicant. This document is attached as Appendix D. Discussions are on-going with the applicant about these matters and a meeting has been set to discuss them on 17 January.

Code of Construction Practice B: The council's proposed changes to and comments on the applicant's version of the CoCP B for Chambers Wharf is attached as Appendix E. Discussions are on-going with the applicant about these matters including the CoCP B for Shad Thames and Earl Pumping Station and a meeting to discuss has been set for 14 January.

4.4 Development Consent Order

Comments on the other relevant parts of the draft DCO were sent to the applicant on 20 December 2013, by way of a mark up of the applicant's draft issued on 11 December. The marked up parts of this document are attached as Appendix F. While some welcome changes were made by the applicant following the Issue Specific Hearings, further amendments are necessary. Again the council will seek to agree these matters as much as possible directly with the applicant.

4.5 Section 106 Agreement

The council has discussed the terms of a section 106 agreement for Chambers Wharf with the applicant at meetings on 4th December 2013 and 8 January 2014. A further meeting is currently being scheduled. The council understands that the applicant has submitted to the ExA the draft agreement issued by it at close of business on 3 January. The council will be reverting on the terms of this draft shortly.

For the avoidance of doubt, as stated in previous council submissions, all discussions on mitigation whether through the requirements, DCO, CoCP, section 106 or otherwise are without prejudice to LB Southwark's position that the impacts of using Chambers Wharf as a drive site cannot be adequately mitigated, and proceed to provide a basis for those documents if the ExA does not agree with LBS's position.