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Sent: Monday, January 13, 2014 5:49 PM
To: Thames Tunnel
Subject: Response to second set of Thames Tunnel questions

To whom it may concern,

Please find attached the Council's response to the second set of questions.

Other matters:

Also, please note that the LBW is convening a follow up meeting between all parties regarding the discussion of the latest draft of the proposed S106 agreement.

It should be pointed out that LBW has yet to provide its detailed amendments to the proposed section 106 agreement. It would anticipate being able to do so once it has heard further from TW concerning issues that it has already raised and following from further discussions. Any amendments from LBW will cover both matters of principle and detailed drafting.

Regards,

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**Wandsworth Borough Council
Response to the Examination Panel's second set of questions.**

PINS Reference Number: WWW010001
Unique Reference Number: LR15214

While there are very few questions that are specifically seeking a response from the Council there are a number of questions directed at the Applicants where the Council would have an interest in the answer and may seek to make further representation as a result.

21. Biodiversity, Biological Environment & Ecology

There are obligations on the decision maker and the Applicant under the Habitats Directive (92/43/EEC) (Habitats Directive), the Conservation of Habitats and Species Regulations 2010 (as amended) (the 2010 Habitats Regulations) and the Directive on the Conservation of Wild Birds (2009/147/EC). Under Article 6.3 of the Habitats Directive an Appropriate Assessment is required where a plan or project is likely to have a significant effect upon a European site either alone or in combination with others.

The Applicant has submitted a *Habitats Regulations Assessment: No Significant Effects Report* (Doc 6.3). The ExA understands that no Party has disagreed with the conclusions of that report. Accordingly, although the examination timetable includes a deadline for the publication of any *Report on the Implications for European Sites* (RIES) by the ExA, such a report may be unnecessary.

Q21.1 Does any Party consider that a RIES ought to be published in this case? Any Party who considers that a RIES ought to be published should explain why it is thought to be necessary.

[The publishing of a RIES is considered unnecessary.](#)

The Applicant's response to the ExA's Q3.8 states that dredging would be avoided during periods which are important for aquatic species except where agreed by the Employer.

Q21.5 Would this approach provide adequate protection to aquatic ecology or, alternatively, should approval be required from an appropriate public body?

[This approach is considered inadequate and it would be preferable for an appropriate public body \(such as the Environment Agency\) to be required to give approval of dredging dates to ensure adequate protection to aquatic ecology.](#)

28. Land Use Including Regeneration and Open Space

Kirtling Street

The LLAU includes Phases 5 and 7 of the Battersea Power Station (BPS) redevelopment area. Phase 5 would include part of the affordable housing provision for BPS.

Q28.3 Can the BPS Owning Group, LB Wandsworth and the Applicant comment on the extent to which the impact of the project on the delivery of affordable housing within Phase 5 could be mitigated by varying the proportion of affordable housing in other phases of the BPS development? Responses should take into account the likely timelines for delivery of the project and the BPS development.

Thames Water has submitted a response to this question which has been produced in agreement with the Council and Battersea Power Station Owning Group. This further information provides supplementary content to the following points:-

- The quantum and delivery of the affordable housing secured in the planning permission at Battersea Power Station provides a key component to achieving the minimum affordable housing requirement of 15% affordable housing across the Opportunity Area in Wandsworth, as identified in the Development Infrastructure Funding Study. The ambition for housing as identified in the Opportunity Area Planning Framework (OAPF) paragraph 7.4 is to achieve a vibrant mixed and balanced community offering a range of housing opportunities including low cost rent and low cost sale properties to both local and new residents and this can only be achieved if affordable housing is delivered alongside the market housing required to deliver the significant infrastructure requirement of the Area. In line with the OAPF the Council expects each scheme to deliver the maximum reasonable amount of affordable housing and the Council has robustly achieved this in negotiations with Owners across the Opportunity Area for schemes that have so far come forward for planning permission, including those with significant net residual value deficits at current values.
- The Council undertook a Strategic Housing Market Assessment in 2012 which identified a shortfall of 1,628 affordable homes in the borough per annum to meet demand. The estimated 2,000 – 3,000 affordable homes that will be delivered in the Opportunity Area, of which BPS will contribute nearly a quarter of affordable housing delivery, are key to the Council meeting its affordable housing targets and contributing towards offering housing opportunities to meet both local and London-wide need.
- Wandsworth Council's Executive Chief Officer for Housing would view any delay to the delivery of affordable housing unacceptable given the very high demand for such housing from local residents. In respect to the Nine Elms and Vauxhall Opportunity Area the provision of affordable housing is not only a priority for the Council but for the Greater London Authority who has made it clear that the Council must seek the maximum reasonable level of affordable housing and in turn work to see this housing delivered on the ground. Unnecessary and prolonged delay will also reduce local resident confidence in the Council being seen to deliver the mixed and balanced communities that are a key aspect and factor in this regeneration and making this a vibrant and successful new quarter for London.

- If the affordable housing were known to be at risk at the time the Council made the planning consent for Battersea Power Station then the recommendation in favour of planning may not have been as clear cut. The BPS site is a major and significant scheme for the London Borough of Wandsworth and it is important that the balance of benefits is not significantly impaired by the TTT project. Therefore, it is essential that Thames Water and BPSLC are engaged with the LBW and take relative and appropriate levels of responsibility to ensure that the affordable housing is delivered.

31. Policy

Q31.1 Can the Applicant, the Mayor of London and the local planning authorities comment on any implications the Revised Early Modifications to the London Plan may have in relation to the application?

In relation to the application the Council considers that the revised early minor alterations do not introduce new policies or modify existing policies in such a way as to amount to a material change in the policy context. Therefore the Council considers that the revised early minor alterations do not have any implications for the examination of the application.

34. Traffic, Travel and Transportation.

Traffic Assessments

The ExA notes from Transport for London's (TfL) written representation, (page 48 of response to ExA's Q16.4), that the Applicant, TfL and the London Boroughs are working to resolve outstanding concerns regarding the traffic assessments. Whilst the ExA welcomes this, the written representation states that of 1151 issues originally highlighted, 480 remain outstanding.

Q34.1 Can the Applicant and each highway authority, (jointly if possible but if not separately), provide an update on what issues now remain outstanding? For any remaining outstanding issue, where it is anticipated that the issue will in due course be resolved, provide a programme for its resolution. For any issues where it is not expected that the matter will be resolved in the near future provide a statement summarising the differences between the views taken by the highway authority and the Applicant respectively.

Q34.1 refers to traffic and transport issues that are still unresolved and not expected to be resolved in the near future. The Council met with Thames Water Utilities Limited (TWUL) on the 6th January 2014, to discuss the outstanding transport issues, for which they provided a draft table in the form of a response to Question 34.1. There was little opportunity to consider this table in any detail, prior to the meeting as it was only provided to the Council late on 3rd January 2014. Furthermore the Council has not seen any subsequent modifications to this table following the meeting on the 6th January 2014. As a result the Council is not able to endorse this table at the

current time but will be able to provide clarification and identify support or otherwise once an opportunity has been taken to review it.

Key outstanding issues related to transport and traffic matters are:-

General to all sites

- The Council has worked with Thames Water to achieve the best solution possible in terms of site accessibility, but our continued support is based on the maximum possible use of the river. We are now somewhat surprised that modified proposals include the delivery of tunnel segments to the Chambers Wharf Drive site is by river, which we had previously been informed was not possible due to potential damage to the segments from loading onto and off barges. Clearly the transfer of the tunnel segments to movement by river at Kirtling Street will bring about significant additional benefit and we are most interested in the answer to Question 34.8.
- A matter has been raised as to how the Council will apply its approved standard charge for the loss of parking, which applies mainly at Putney Embankment Foreshore, but could affect other sites over the duration of the project. While this should be resolved, there is no formal agreement at the present time.
- In terms of traffic modelling and related growth factor outstanding items, the Council is prepared to agree the modelling issues if TfL are satisfied with the use of their sub-regional models.
- Draft Transport Strategy - the Council received a summary document of the Draft Transport Strategy on the 13th December, to which it provided a preliminary response on the 31st December 2013. The Council is concerned about any event that will reduce the overall ability of the river to serve the project sites. The Transport Strategy is meant to provide a means of enacting either operational or sustainability derogations from the use of the river due to uncontrollable events. The strategy has progressed over the last few months and it is expected that any outstanding issues will be resolved over the coming weeks.
- Exceptional Circumstances Review of the Transport Strategy – The potential for this Review to take place would be a critical factor in the Council's support for the Thames Tideway Tunnel. The Council has been pressing TWUL to maximise the use of the river, but this review provides for a situation that either the Infrastructure Provider or contractor could make a case to review the Transport Strategy in the event of a material change in circumstances that affects the balance between the cost of delivery and the benefits of the Transport Strategy. The Council's concerns have been passed to TWUL and it is our view that there is a situation where the decision to change the transport strategy should be sent back to Examination and the Examining Authority reviews its decision, assuming the DCO

has been granted. This would allow all parties to input into any “exceptional “changes at the reopened Examination.

Barn Elms

- The potential for using the Rocks Lane Bridge and alternative routings if not. The Council will not want to see any alternative routings to serve the Barn Elms site using Putney High Street, which has very poor air quality and has been the subject of considerable review by both Transport for London and the Council.

Putney Embankment Foreshore

- The use of Glendarvon Street by heavy construction traffic is of concern and evidence is sought from TWUL as to why sections of the temporary slipway could not be brought in by river. The Council has been led to believe that use of Glendarvon Street would be for limited times of the day for very short periods during the construction and dismantling of the temporary slipway. Further to this the Council will seek advanced notification as to when construction traffic will be using Glendarvon Street so that local residents can be given advanced warning.

Dormay Street

- The Council are working with Transport for London on proposals to remove the Wandsworth Gyrotory System, which has been a priority for the Council for many years and pre-dates the Thames Tideway Tunnel. The current design is under review but it is likely to retain the proposal to make the A3 Armoury Way, which is currently one-way in an eastbound direction into a two way road. TfL has identified a requirement for the scheme to be operational in 2021, but are looking at ways to bring this date forward in line with development of the Ram Brewery and the wider regeneration of Wandsworth Town Centre. In the event that the works are brought forward there is likely to be a considerable overlap with the Thames Tunnel works at Dormay Street, which has its junction with Armoury Way as the main site access. In this instance we require that TWU, the Infrastructure Provider or Contractor to review the Traffic Management Plan and Construction Logistics Plan, if the need arises.

London Permit Scheme

At the DCO hearing on 26 November 2013, the use of the London Permit Scheme was discussed and TfL noted that the Applicant had not explained why the existing regime would not work for this project. In APP34, the Applicant states that it is proposing a bespoke streamlined system and is in discussions with TfL.

Q34.2 Can the Applicant explain why it is developing a bespoke transport permit scheme when there is an existing London Permit Scheme in place?

Q34.2 refers to the development of a bespoke transport permit scheme and discussions with Transport for London. The Council is concerned that it could lose the ability to continue meeting its 'Network Management Duty' under the Traffic Management Act, which requires Wandsworth to manage its road network by securing the expeditious movement of traffic on the authority's road network and facilitating the expeditious movement of traffic on road networks for which another authority is the traffic authority. The Traffic Management Act has given local authorities statutory powers and an obligation to co-ordinate street works.

The Council's 'Network Management Policy' outlines how goals are achieved in Wandsworth (amongst other things)

- Co-operation with TFL and the London Boroughs in the Traffic Manager's Forum
- Tackling congestion by working with stakeholders
- Coordinating street works and road works through the councils Network Assurance Team including quarterly coordination meetings held by the Network Assurance Manager with representatives of statutory undertakers operating in the borough.
- By use of Forward Planning and by adherence to the National Code of Conduct for Street Works - Mayor Agreement.

In addition, the London Permit Scheme (LoPS) operates in Wandsworth. The First Year Evaluation Report of LoPS recorded the successes of the permit scheme in its first year (2010 - 2011) of operation, including the aspect of increasing the number of collaborative works, thus resulting in days of disruption saved.

This has all been achieved through a commitment from Permit Authorities and Works Promoters working closely together for the common good. It is, therefore, questionable whether there are grounds for the promotion of the Thames Tunnel to be excluded from this collaboration which is reinforced by the NRSWA 'Code of Practice for the Co-ordination of Street Works and Works for Road Purposes and Related Matters' (Revised October 2012).

The need for good co-ordination is particularly important at Kirtling Street, where there are a number of other major schemes likely to affect the operation of Kirtling Street and Cringle Street, including the development of Battersea Power Station, Riverlight, Cringle Dock and CEMEX sites (see Planning applications ctte report for January 20th 2014, pg 79)

<http://ww3.wandsworth.gov.uk/moderngov/documents/s30620/Paper%20No.%2014-83%20Applications.pdf>

,plus the Northern Line Extension (NLE) and requirement for a Primary Electricity Substation. The preferred sites for the location of the primary substation are identified as sites A and B in Appendix A (extracted from the

Primary Substation Site – Preliminary Evaluation report (second draft)). It is still further complicated by the application of 3 different street works regimes with the Traffic Management Act / NRSWA provisions, the NLE Transport and Works Act provisions and the Development Consent Order arrangements.

The DCO version dated December 2013 disapplies both key parts of the New Roads and Streetworks Act 1991 and the Traffic Management Act 2004, with particular reference to Sections 32-39, which relates to Permitting System. This removes the Council's powers to directly coordinate street works.

It is noted that in the requirements for each of the Thames Tideway Tunnel sites is a need for details of any highways works (including access arrangements and any construction or alteration of highway structures to be submitted to and approved by the local highway authority. They will also need to submit to the Council for approval, a Construction Traffic Management Plan, required through the Code of Construction Practice. These plans will include temporary and permanent closures and diversions of highways. It is further understood the Infrastructure Provider / Contractors will arrange / attend regular Traffic Liaison Groups to coordinate and monitor works on the highways and that all works will be entered on the EToN (Electronic Transfer of Notices) system to enable co-ordination.

From discussions with Thames Water Utilities Limited (TWUL), it is understood that reference to a bespoke transport permit scheme refers to the above proposed arrangements. However, if there is any further change or a modified approach to street works is to be put forward by TWUL, there should be ample opportunity given to the local highways authorities to consider its content and the likely impact of any such scheme, such that the Council's 'Network management Policy', can still be applied.

Appendix A

Appendix A – Key UKPN Study Documents

