



Thames Tunnel Case Team
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14th March 2013

**Section 55, the Planning Act 2008 (as amended by the Localism Act 2011)
Application by Thames Water Utilities Ltd for the proposed Thames
Tideway Tunnel**

Dear Sir/Madam,

The London Borough of Lambeth has been asked to comment on the adequacy of consultation representation for the proposed development consent order for the Thames Tideway Tunnel.

A synopsis of consultation to date is provided in the attached document. Generally it is considered that consultations were carried out in accordance with the Statement of Community Involvement, although as outlined in the attachment some minor areas of consultation process could have been improved. However, despite this the Council considers overall that the applicant has fulfilled their pre-application consultation duties to comply with Sections 42, 47 and 48 of the Planning Act 2008.

Yours sincerely,



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**Adequacy of Consultation Representation
Proposed Development Consent Order for the Thames
Tideway Tunnel
London Borough of Lambeth**

1. Proposal

The proposed Thames Tideway Tunnel (a Nationally significant infrastructure project by Thames Water) will capture the flows of storm sewage from 34 sewer overflow points along the River Thames. The tunnel will run approximately 32 kilometres (20 miles) through the heart of London from Acton in the west to Beckton or Abbey Mills in the east, and up to 75 metres beneath the River Thames, broadly following the path of the river.

One site will be needed in Lambeth, on the Albert Embankment foreshore. This will not be a major shaft site but will be a smaller site needed to connect the two local combined sewer overflows (CSOs) known as Clapham Storm Relief and Brixton Storm Relief to the main tunnel of the proposed Thames Tunnel project.

The site comprises two areas: the western area in the foreshore beneath and either side of Vauxhall Bridge, and the eastern area in the foreshore to the north of Lack's Dock. As the site would be located on the foreshore, a temporary cofferdam (protecting structure) would need to be constructed around the whole area to protect the works from the river and riverside traffic.

2. Process

The application for the construction of the Thames Tunnel was submitted to the Planning Inspectorate on 28 February 2013. On receipt of the application the PINS has 28 days to decide whether or not to accept the application. As part of the application the applicant must submit a pre- application consultation report setting out all the developer's pre-application consultation processes, a summary of the relevant responses to its consultation and how it has taken into account of the responses received in developing the application.

As a host authority, the Council have been invited to submit an 'adequacy of consultation representation' which PINS must have regard to in deciding whether or not to accept this application. This adequacy of consultation representation means whether a the developer has complied, in relation to the proposed application with its duties under sections 42, 47, and 48 of Planning Act 2008 relating to consultation and publicity.

There is a short statutory time for acceptance therefore a representation must be made within 14 days from the invitation made by PINS on 28 February

2013. Responses must be submitted by Thursday 14 March 2013. The Council has been invited to let PINS know whether we consider that the applicant has complied, in relation to the proposed application, under the Planning Act 2008 with the following duties:

- Duty to consult (Section 42 of the Act)
- Duty to consult the local community (Section 47 of the Act)
- Duty to publicise (Section 48 of the Act)”

Duty to Consult (Section 42)

Under section 42 Duty to consult the application must consult:

- (a) such persons as may be prescribed,
- (b) each local authority that is within section 43,
- (c) the GLA if the land is in Greater London, and
- (d) each person who is within one or more of the categories set out in section 44

Duty to consult the local community (Section 47)

This requires the applicant to prepare a consultation statement, to consult relevant local authorities on the content and to have regard of any responses. The Statement must be published and the consultation carried out in accordance with the proposals.

Duty to publicise (Section 48)

Under Section 48 the applicant must publicise the proposed application and must include a deadline for receipt for any responses.

3. Consultation

The following consultations were carried out in relation to the Albert Embankment Site in the London Borough of Lambeth.

Phase One Consultation September 2010 - January 2011

Phase One Consultation was on the proposal that the foreshore near Vauxhall Bridge was used, accessed via Albert Embankment Gardens for the construction works and to accommodate the permanent structures required to operate the main tunnel. Three shortlisted sites were identified to intercept the Clapham Storm Relief and Brixton Storm Relief Combined Sewer Overflow (CSOs).

Responses received to Phase 1 consultation

Respondent Group	Number of Respondents
Statutory consultees	Environment Agency Port of London Authority Greater London Authority
Local Authority	LB Lambeth
Landowners	1
Community consultees	36

A number of areas of objections, issues and concerns were raised by these respondents these included impact on: river use; the conservation area; property values; Victoria Line; road network; navigation and flow of the river; aquatic ecology and increase river use to transport spoil. Residents and the Council raised concerns on the impact on residential amenity to residents of Peninsular Heights, impact on local businesses, loss of open space and the need to use an alternative access instead of Albert Embankment Gardens.

Comment - Response to the issues raised resulted in a number of amendments to the proposals including an alternative access at the existing Lacks Dock removing the loss of open space and reducing the impact on residential amenity. In all but 3 of the concerns revised amendments or mitigation measures were proposed in these three areas details had been covered in documents submitted as part of the Phase 1 consultation.

Phase Two Consultation November 2011 – February 2012

Phase Two Consultation included the relocation of the access route to Lacks Dock this eliminated the loss of Albert Embankment Gardens and reduced the impact on the residents of Peninsular Heights. The proposals included increased use of the river to transport spoil, and improvements to the Thames Path. The report on the Phase 2 consultation Section 23 paragraph 23.4.1 and 2 made no reference to these changes in particular to the access as there where objections raised to the new location.

Responses received to Phase 2 consultation

Respondent Group	Number of Respondents
Statutory consultees	Design Council CABI Consumer Council for Water Environment Agency Port of London Authority Greater London Authority
Local Authority	LB Lambeth
Landowners	3 (1 late)
Community consultees	17 (4 late)

Comment - Responses to this consultation included support for site selection, management of construction effects and design and appearance. However there were still a number of concerns raised mainly on construction issues and the effects on the river. The main objections raised by the occupants of Vauxhall Cross were on security issues to the use of Lacks Dock for access and the creation of a new area of public realm (which was not included in the report as an amendment).

Post Phase Two Consultation (Targeted) 6 June 2012 – 4 July 2012

This additional consultation was carried out in accordance with Section 42 and 47 of the Planning Act 2008. It had been recognised that there may need

to be amendments to proposals after Phase 2 consultation. This targeted consultation involved only four of the Thames Tunnel sites but included the Albert Embankment Site. The consultation was in respect of material changes at Albert Embankment Foreshore comprising an alternative access route for construction vehicles between Camelford House and Tintagel House and the gating of the new area of public realm. Changes were also made to the site boundary.

Responses received to Post Phase 2 targeted consultation

Respondent Group	Number of Respondents
Statutory consultees	English Heritage Port of London Authority Transport for London
Local Authority	LB Lambeth
Landowners	1
Community consultee	7

Comment -Most of the responses related to objections to the further change to the vehicular access and its impact on the public highway, existing buildings and occupants and that there was a more suitable alternative set out in the Phase 2 consultation. The objection made by the Council to the gating of the new area of public realm is not included in the targeted section of the consultation document.

Section 48 Publicity July 2012 – October 2012

This process was a formal process undertaken by the applicant in accordance with Section 48 of the Planning Act 2008. Its purpose was to publicise the intention of Thames Water to make an application for development consent for the project. At this stage the documents offer a preview of the proposals before the application is submitted. Due to the objections to the revised site access set out in the targeted consultation the proposals now include 2 options for the access.

Responses to the Section 48 Publicity Consultation

Respondent Group	Number of Respondents
Statutory consultees	English Heritage Environment Agency Port of London Authority Greater London Authority
Local Authority	LB Lambeth
Landowners	2
Community consultee	1

Comment - The Council's comments on the support for using the Lacks Dock for access is documented but the concerns raised if both accesses were operational and the negative impact on pedestrians and cyclists diverted from the closed section of the Thames Path have not been included.

5. Comment of the Adequacy of Consultation

As part of the consultation with Local Authorities on the Statement of Community Involvement the Council commented on the draft and made a number of comments. This led to the amendment of the document in a number of areas and the request by the applicant for details of additional consultees. Where comments were 'noted' opportunities were left open for the widening the consultation. The consultations were carried out in accordance with the Statement of Community Involvement.

Each stage of the consultation was well publicised and the Council forewarned to ensure that they were prepared should any inquiries be made or requests to view the hard copies of the documents by consultees. The Local Authority was not however sent details of who the consultees were at each stage of the consultation which would have been helpful.

Although it is clear an extensive consultation has been carried out it is difficult to pinpoint the nature of the consultation at each stage without going through all the documents. It would have been helpful to have with each proposed site a resume of the nature of consultation and who was consulted. For example in Section 23 we do not know how many residents were consulted at each stage but know how many responded.

In addition the applicant has a duty to take account of the responses under Section 49 to consultation and publicity, given that in respect of the Councils responses not all have been recorded there is therefore a question as to whether all the respondents comments have been fully documented and that the applicants have wholly fulfilled their duties under Section 49. The Council does have a concern that the objections raised by the occupants of Vauxhall Cross can not be made public for security reasons and therefore cannot be questioned.

6. Conclusion

Despite the minor concerns raised, the Council considers that the applicant has fulfilled their pre application consultation duties to comply with Sections 42, 47 and 48 of the Planning Act 2008.