

From: Letourneur, Ruth [mailto:ruth.letourneur@environment-agency.gov.uk]
Sent: Friday, November 22, 2013 1:15 PM
To: Thames Tunnel
Subject: WW010001 - Thames Tidway Tunnel - EA Unique Ref 10018171

Dear Mr Wilson,

Ref: Thames Tidway Tunnel Planning Inspectorate Reference: WW010001

In our Written Representation dated 4th November, our Issue 12 (page 30) refers to works outside the Limits of Land to be Acquired or Used (LLAU). We attach a further written submission on this point to update our position.

Yours sincerely,

Ruth Letourneur
Environment Agency
Principal Officer Thames Tideway Tunnels
London Environment Team
South East Region

Mobile: 07785 364646

ruth.letourneur@environment-agency.gov.uk

Information in this message may be confidential and may be legally privileged. If you have received this message by mistake, please notify the sender immediately, delete it and do not copy it to anyone else.

We have checked this email and its attachments for viruses. But you should still check any attachment before opening it. We may have to make this message and any reply to it public if asked to under the Freedom of Information Act, Data Protection Act or for litigation. Email messages and attachments sent to or from any Environment Agency address may also be accessed by someone other than the sender or recipient, for business purposes.

This email was received from the INTERNET and scanned by the Government Secure Intranet anti-virus service supplied by Vodafone in partnership with Symantec. (CCTM Certificate Number 2009/09/0052.) In case of problems, please call your organisation's IT Helpdesk.

Communications via the GSi may be automatically logged, monitored and/or recorded for legal purposes.

DCO Powers outside the Land order Limits**Environment Agency (ref: 10018171) Comment and Position**

In our Section 56 Relevant Representation (Issue 12, page 28), we raised concerns over the ability of the applicant to adequately monitor and mitigate for impacts of the project outside the Limits of Land to be Acquired or Used (LLAU). This relates to scour and accretion, as well as settlement and movement of the flood defences.

In our Written Representation, we clarified that we are pleased to see the amendment to Article 21 of the draft DCO, permitting the applicant to do monitoring and remedial works on land as well as the buildings originally specified. We would also seek for the necessary provisions to be included into the proposed Protective Provisions.

TWUL have included a number of powers within the Draft DCO, and have responded to questions 6.19 and 6.35 from the Examining Authority. We believe that some of these powers may have an impact on our interests, and set these out below.

Powers which might potentially include development:

(a) 10(2) (carrying out street works)

- Should the street works be within 16m of the furthest landward extent of any flood defence, these works have the potential to impact the integrity of the defence. They would be subject to our existing Flood Defence Consent regime, or need to be specified within our Protective Provisions.

(b) 11(2) (power to alter layout of streets)

- Should the street works be within 16m of the furthest landward extent of any flood defence, these works have the potential to impact the integrity of the defence. They would be subject to our existing Flood Defence Consent regime, or need to be specified within our Protective Provisions. In addition to this, the applicant should be mindful of our need to be able to access the defences in an emergency situation.

(c) 21(1) remedial works

- We are pleased to see the alteration to this article to allow works to “land” as well as “buildings”, as we interpret this to include the river bed, and mitigation against scour, as well as the flood defences and remedial works to them. We note that the applicant mentions in their response to the written questions that they anticipate a need for additional planning permission in some circumstances. In terms of the need for these works to have Flood Defence Consent (or be covered by our Protective Provisions), we would expect that any scour strategy has an agreed remediation approach to certain triggers of scour or accretion. As such any permissions needed by ourselves, or the PLA or MMO would be relatively quick to agree.

(d) 24 (incidental power) – including the laying of pipes in both streets and other land

- Should the street works be within 16m of the furthest landward extent of any flood defence, these works have the potential to impact the integrity of the defence. They would be subject to our existing Flood Defence Consent regime, or need to be specified within our Protective Provisions.

(e) 35(1) (temporary use of land for maintaining authorised project)

- Should the street works be within 16m of the furthest landward extent of any flood defence, these works have the potential to impact the integrity of the defence. They would be subject to our existing Flood

Defence Consent regime, or need to be specified within our Protective Provisions. In addition to this, the applicant should be mindful of our need to be able to access the defences in an emergency situation.

Other powers

(f) 15(1) (temporary stopping up)

- Should the street works be adjacent or restrict access to any flood defence, the applicant should be mindful of our need to be able to access the defences in an emergency situation.

(g) 18 (traffic regulation)

- We have no comments on this

(h) 22(1) (authority to survey and investigate land)

- We are pleased to see the alteration to this article to allow works to “survey, monitor and/or investigate the land”, as we interpret this to include the monitoring of scour and the flood defences for the full extent of area impacted by the project. These works would need to have Flood Defence Consent (or be covered by our Protective Provisions) in order to ensure that they would have no adverse impacts on the integrity of the defences. We would expect any scour or flood monitoring strategy to agree the spatial extent and coverage of any monitoring.
- We would ask for confirmation that full consideration has been taken of the monitoring network for groundwater. We have requested a requirement or agreement to secure the monitoring of groundwater and dewatering, which would include an agreement on the spatial extent and adequacy of the proposed monitoring. Experience on the construction of the Lee Tunnel, recently, has shown problems with accessing land outside the control of the planning permission, and a subsequent need to vary the conditions placed on that permission. In that instance, the land owner retracted their agreement for Thames Water Utilities Limited to access land. This led to a need to agree an altered monitoring regime as the tunnel is constructed under the flood defences on this site, and a lack of ability for the applicant to access a groundwater monitoring borehole.

(i) 25(1) (felling or lopping of trees)

- Should the felling or lopping of trees include the removal of a tree or its roots, and be within 16m of the furthest landward extent of any flood defence, these works have the potential to impact the integrity of the defence. They would be subject to our existing Flood Defence Consent regime, or need to be specified within our Protective Provisions.

(j) 26(1) (trees subject to TPOs)

- Should the felling or lopping of trees include the removal of a tree or its roots, and be within 16m of the furthest landward extent of any flood defence, these works have the potential to impact the integrity of the defence. They would be subject to our existing Flood Defence Consent regime, or need to be specified within our Protective Provisions.

(k) 46(public rights of navigation)

- We have no comments on this