

**Thames Tideway Tunnel**  
Thames Water Utilities Limited



# Application for Development Consent

Application Reference Number: WWO10001

## Thames Water's Response to Local Impact Report from London Borough of Richmond upon Thames

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**Thames  
Tideway Tunnel**



Creating a cleaner, healthier River Thames

# 1 Response to London Borough of Richmond upon Thames Local Impact Report

## 1.1 Introduction

1.1.1 This section responds to the points raised in the Local Impact Report (LIR) submitted by the London Borough of Richmond upon Thames (LBRuT) to the Examining Authority for the 4 November 2013 deadline. The matters raised relate to the draft proposals at Barn Elms. The table below is arranged by topic and sets out comments extracted from the LIR on the left and our responses on the right.

**Table 1.1 Response to London Borough of Richmond upon Thames Local Impact Report**

Ref	LIR para. Ref	London Borough of Richmond upon Thames comment	Our response
1.	1.12	<i>“The Council has raised concerns about the implementation of the mitigation measures. The concerns arise from the fact that most of the mitigation measures are included in the Code of Construction Practice. The requirements within the Development Consent Order refer to this document; however the Code of Construction Practice is not part of the Order. It is a non-statutory document and therefore its implementation is not assured. It is recommended that all mitigation measures must be included in the Development Consent Order.”</i>	Requirements PW6 and BAREL1 require the works to be undertaken in accordance with the <i>Code of Construction Practice (CoCP)</i> so these documents are effectively tied into the <i>Draft Development Consent Order</i> ( <a href="#">‘Draft DCO’</a> ) (Doc ref. 9.20) and their implementation is assured. There would be nothing further to be gained by making these documents part of the Order.  This matter is also addressed in our response to the Examining Authority’s first written question 6.77.
2.	1.14	<i>“The implementation of the project will not be undertaken by Thames Water, but by an Infrastructure Provider, to be created after the DCO has been granted, different to Thames Water, who may not adhere to the same principles and</i>	Article 9 of the <i>Draft DCO</i> provides that the powers contained within the DCO may be transferred, in whole or in part, to an infrastructure provider (the ‘IP’) (defined in the DCO) and, with the consent of the Secretary of State, to another person (except

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		<i>visions/aspirations which are included in non-statutory documents separate from the Development Consent Order. This uncertainty is considered to be unacceptable and reinforces the argument that the supporting documents should form part of the DCO, to ensure that their provisions are carried through."</i>	for Articles 27 to 30 and 40, dealing with compulsory acquisition). The intention is to transfer the necessary powers to construct the tunnel to the IP. The IP would be required at all times to comply with the terms of the DCO, which would be a statutory instrument. Failure to comply would be the IP's responsibility and would be a criminal offence. This matter is also addressed in our response to the Examining Authority's first written question 6.77.
3.	1.16	<i>"Officers do not agree that the level of detail reflects the level of consensus between the parties as to the use, character and layout of the permanent works. Officers do not consider that there is a difference, in planning law, between 'indicative' and 'illustrative' in the case of the submitted drawings. Certain documents form part of the application submission and certain documents inform and support it. Given that the project is now to be delivered by an Infrastructure Provider, officers have requested further assurances on what the final detail will be."</i>	We are still discussing this matter with LBRuT, as set out in Table 4.1 row 11 of the <i>Initial Statement of Common Ground</i> with LBRuT (submitted on 4 November 2013).  In addition to responses provided in the <i>Statement of Common Ground</i> , para. 2.4.28 in the <i>Planning Statement</i> (Doc ref: 7.01) explains the difference in status between illustrative and indicative drawings.
4.	1.17	<i>"In many cases, mitigation measures are left to the future design options included in the contactors' methodologies. This increases uncertainty about their implementation. It could also lead to increasing costs for the Council once construction starts, in discharging the requirements and enforcing the Code of Construction Practice."</i>	The <i>CoCP</i> contains a number of management plans that would require local authority approval (air quality, transport, noise, etc), which would detail the mitigation measures. There should be no uncertainty relating to the implementation of these measures, due to the project-wide Requirement to comply with the <i>CoCP</i> (and the Construction Environmental Management Plan it requires).  We do not understand how the LBRuT would see an increased cost due to the implementation of the

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			CoCP compared to any costs that it currently envisages would be linked to the discharge of the Requirement.
5.	1.18 to 1.19	<i>“Officers have previously queried the status of the Infrastructure Provider as a statutory undertaker, in particular with regard to the permitted development rights that may pertain to his status as a sewerage undertaker or as a water undertaker. The new IP will be appointed after the DCO has been determined, on terms set out by the Secretary of State and OFWAT and there is a real concern that these terms could amend the outcome of the DCO. Furthermore, officers have been advised that the new IP could be appointed as a statutory water undertaker, with a further range of permitted development rights.”</i>	<p>This matter is still being discussed between LBRuT and Thames Water, as set out in Table 4.1 row 10 of the <i>Initial Statement of Common Ground</i> (submitted on 4 November 2013). The restrictions and controls contained in the DCO, including requirements, would apply to the delivery of the authorised project whether by Thames Water or the IP. In particular, the IP would be constrained by the:</p> <ul style="list-style-type: none"> <li>a. terms of its appointment (which include its own set of statutory regulations)</li> <li>b. amount of land which is made available to it from Thames Water through the DCO process</li> <li>c. limitations of the DCO as granted and in carrying out the project would be bound to comply with all controls imposed on the DCO.</li> </ul> <p>While it would be the case that as a statutory sewerage undertaker the IP would benefit from permitted development rights (PD rights), including on ‘operational land’, such PD rights on operational land however are limited and do not include new buildings, and nor does it allow for extensions or alterations to buildings which materially affect external appearance, or extend them by more than 25 per cent. Other PD rights are restricted to matters relating to the undertaking.</p>
6.	2.02	<i>“Whilst this is generally considered to be acceptable,</i>	With regard to the first point, we notified LBRuT by

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		<i>officers have expressed concern that the extent of the enclosed works area should be reduced over time as the construction phase progresses.</i>	<p>email on 8 November 2013 that the following additional wording was added to <a href="#">CoCP Part B for Barn Elms</a> (Doc ref: 9.22.03, Section 4) as follows:</p> <p><i>“The use and duration of the construction areas within the Barn Elms Schools Sports Centre are to be minimised and reduced, as appropriate, between the construction phases. This includes reducing the construction site area used after completion of the main civil engineering works, including shaft construction, but prior to mechanical and electrical works, commissioning and landscaping.”</i></p> <p>We are awaiting LBRuT’s confirmation of the proposed wording.</p>
7.	2.02	<i>“Concern has also been expressed by officers that the protective fencing along the temporary access road should only be located on the playing field side of the road, for health and safety reasons, to prevent anybody scaling to fence to retrieve a ball, for example, becoming trapped within the enclosure.”</i>	We are still discussing this matter with LBRuT, as set out in the <i>Initial Statement of Common Ground</i> (Table 4.1, row 2 and paras. 4.1.2 to 4.1.6).
8.	2.18	<i>“There is an issue regarding the loading capacity of the railway bridge in Rocks Lane, but Network Rail has not responded to representations from this Council or Thames Water. If necessary, temporary strengthening of the bridge may be necessary.”</i>	<p>We understand that there is no weight limit restriction on this bridge (Hammersmith Bridge). There is a weight limit sign near the bridge that is in position as a local lorry movement management scheme. This sign provides advance warning to drivers of a weight-restricted bridge ahead on this route.</p> <p>We are in discussions with Network Rail as part of ongoing stakeholder engagement. From these</p>

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			discussions, we understand that Network Rail plans to refurbish and upgrade Rocks Lane Bridge in 2014 or 2015. We also understand that this is an old road bridge over the railway line, which is in need of repair.
9.	2.21	<i>“Officers have consistently objected to the principle of vehicle movements and working taking place outside standard hours, in particular the principle of continuous working and the activities on Saturday mornings due to the use of the playing fields and the additional traffic linked to that use at weekends.”</i>	We are still discussing this matter with LBRuT, as set out in Table 4.1, row 3 of the <i>Initial Statement of Common Ground</i> . See also Table ref 15 below. A period of 24-hour working would be required during the construction of the connection tunnel and secondary lining. Tunnel works will last approximately five months. Other activities which are likely to occur outside standard hours are detailed in our <i>CoCP</i> . With regard to vehicle movements, these will be subject to the requirements set out in our <a href="#">CoCP</a> Part A (Doc ref: 9.21.03, Section 4.2) and <i>CoCP</i> Part B, Section 5).
10.	2.24	<i>“The Transport Assessment states that there will be a need to suspend some 30 parking spaces in the Barn Elms Schools Sports Centre car park. Whilst suggesting that there may be scope to rearrange the existing car park layout to relocate some of the suspended spaces, no specific mitigation proposals have been put forward to demonstrate how this could be done. Officers consider that this should be further clarified.”</i>	Adequate temporary replacement parking would be provided as part of the detailed design, secured by Requirement BAREL10, or as part of the details of any separate planning application.
11.	2.25	<i>“The Transport Assessment states that, post construction [assume this should be ‘during’], there would be no construction worker parking in the area</i>	During construction, no construction worker parking would be provided on-site. Construction workers would also not be able to park in the surrounding

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		<i>as a result of restrictions on parking in local streets and site-specific measures incorporated into the Travel Plan.”</i>	area due to parking restrictions. Measures would be taken to discourage workers from travelling by car, including promoting the use of public transport, walking or cycling through the <a href="#">Draft Project Framework Travel Plan</a> (Doc ref: 7.11) and site-specific travel plans. Post-construction, there would be no further need for construction worker parking.
12.	2.27	<i>“Part 1 of Schedule 19 of the draft Development Consent Order seeks to dis-apply Sections 32 to 39 of the Traffic Management Act 2004, relating to local highway authority permit schemes, to obviate the need for Thames Water to obtain a permit to carry out specified works in specified streets in a specified area. Officers object to this provision on the basis that if works on the highway are required, Thames Water should comply with the permit regime as any other statutory undertaker would.”</i>	<p>We are still discussing this matter with LBRuT, as set out in Table 4.1, row 8 of the <i>Initial Statement of Common Ground</i>.</p> <p>We have carefully considered the legislation that we are seeking to exclude and have limited it to the appropriate matters. In the case of the Traffic Management Act 2004, this is limited to Sections 32 to 29 relating to permit schemes.</p> <p>We refer to our response to first written question 6.72 and Appendix APP6.72.01, which addresses all legislation set out in Schedule 19 to the <i>Draft DCO</i>.</p> <p>Our approach to such legislation is to provide replacement controls on a project-specific basis through the DCO to ensure that the public interest objective underlying the excluded act would continue to be met, without undue interference to the effective and efficient implementation of the project.</p> <p>Hence the approach and associated controls are bespoke and therefore better suited to the delivery of the project from the perspective of all</p>

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			stakeholders.
13.	2.30	<i>“Officers have consistently raised concerns about continuous 24-hour working at the site, on the basis that, however well-regulated the operation, the increased activity in comparison to the current situation, would give rise to unacceptable noise, disturbance and light pollution with consequential effects on wildlife, particularly bats”</i>	<p>Mitigation measures such as capping, cowling or directional lighting are included in the CoCP. The final construction lighting design would be detailed in the lighting management plan, which is under discussion with LBRuT, as set out in the <i>Initial Statement of Common Ground</i> (Table 4.1, row 5).</p> <p>Bats are generally much less sensitive to noise than lighting; they roost in active quarries, adjacent to major roads, in road/motorway/rail bridges and in underpasses beneath major roads. The <i>Environmental Statement</i> (Doc ref: 6.2) stated that there would be no significant noise effects on bats and that noise mitigation measures would minimise noise levels.</p>
14.	2.44	<i>“The plant to be installed will operate very intermittently and compliance with the noise emission limits when the plant is operational will need to be shown by way of submission of a noise report.”</i>	<p>We are considering a new site-specific Requirement as follows:</p> <p><i>“1) Prior to the commencement of the use of the tunnel, an operational noise methodology report shall be submitted to and approved by the local planning authority. This report should demonstrate that baseline noise design rating levels are below the typical background noise level over the operational period of the plant, as defined in British Standard 4142:1997 of 5dB (A) 1m from the facade of the nearest residential receptor.</i></p> <p><i>“2) The works shall be carried out in accordance with the approved details, unless otherwise approved by the local planning authority.”</i></p>

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15.	2.41	<p><i>“At Queen Elizabeth Walk there are three houses within 10m of the proposed construction access road. The noise and disturbance created by HGV movements out of the standard working hours during the proposed continuous working during the connecting tunnel construction period would be particularly noticeable at night and would be unacceptable. Thames Water have given assurance that movements would be limited to the standard working hours but this needs to be confirmed in the DCO”</i></p>	<p>We confirm on the basis of current working hours that there would be no heavy goods vehicle (HGV) movements from 8am to 9am Monday to Friday or on Saturday mornings.</p> <p>As set out in Table 1.1, ref. 7 in our response to LBRuT’s written representation, we are also considering restricting HGV movements from 5pm and 6pm Mondays to Fridays in the next draft of the CoCP.</p> <p>There would be no HGV movements after 6pm because HGVs are restricted from operating outside of standard working hours, as set out in the CoCP Part A, Section 4.2. The CoCP Part A is secured through project-wide Requirement PW6.</p>
16.	2.65	<p><i>“The EA [Environment Agency] in para.9.11 of its Relevant Representation states that the fenced temporary access road proposed for the site will sever the road used by the Environment Agency and its contractors to access the Ashlone Wharf tidal barrier, which is an important flood defence structure. The EA operates this barrier under flood risk management powers and 24 hour access is required to the barrier. The installation of protective fencing will hinder the EA’s ability to react in an emergency. The EA recommends that rights of access should be negotiated and granted to the EA for the duration of construction, by creating an openable gap in the construction fencing. Officers support this view.”</i></p>	<p>We brought this matter to LBRuT’s attention that this issue is addressed in the CoCP Part B Barn Elms (Section 5). This issue has been agreed in principle with the Environment Agency.</p>

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17.	2.66	<p><i>“The EA has noted that Table 4.5 of the Generic Principles seeks to disapply all riparian and in river structure principles. The proximity of works to Beverley Brook and its associated defences could impact the structural integrity of those defences and thus increase flood risk. Officers support the EA view.”</i></p>	<p>We have amended the revised <a href="#">Design Principles</a> (Doc ref: 9.23) to include necessary riparian and in-river structure principles. This has been agreed with the Environment Agency.</p>

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