

Thames Tideway Tunnel
Thames Water Utilities Limited



Application for Development Consent

Application Reference Number: WWO10001

Thames Water's Response to Local Impact Report from Mayor of London

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**Thames
Tideway Tunnel**



Creating a cleaner, healthier River Thames

1 Response to Mayor of London Local Impact Report

1.1 Introduction

- 1.1.1 This section responds to the Local Impact Report (LIR) submitted by the Mayor of London ('the Mayor') to the Examining Authority for the 4 November 2013 deadline. The Mayor's LIR also included an assessment of strategic transport impacts by Transport for London (TfL).
- 1.1.2 Our response is split into a number of sections: Section 1.2 addresses general matters raised of a non-site-specific nature, Sections 1.3 to 1.8 address matters raised with respect to Barn Elms, King George's Park, Carnwath Road Riverside, Cremorne Wharf Depot, Kirtling Street, Chambers Wharf and Greenwich Pumping Station. The Mayor has only commented on these sites since he considers that there are strategic London-wide issues that need to be addressed.
- 1.1.3 Each section contains a table arranged according to the key headings in the LIR that sets out the comment from the LIR on the left with Thames Water's response on the right.

1.2 General matters

Table 1.1 General matters

Ref	LIR para. ref	Mayor's comment	Our response
1.	Transport: Capping of liability		
1.1.	15-17	<p><i>"Thames Water's original proposition was to "cap" their potential liability to third parties arising out of the construction operation and maintenance of the project.</i></p> <p><i>"The Mayor's position was that any capping of liabilities by Thames Water is unacceptable. Since the previous report to the Mayor</i></p>	Discussions have been productive and details within the Overarching Framework Agreement between Thames Water and TfL are being progressed.

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Ref	LIR para. ref	Mayor's comment	Our response
		<i>however, negotiations between TfL and Thames Water have progressed well and it very likely that assurances will be provided that TfL's assets can be adequately indemnified. This position still however needs to be formally recorded, and until this is achieved the Mayor's position is that the matter remains unresolved."</i>	
1.2.	18-20	<i>"TfL are 'comfortable' with TWUL proposals for Third Party Liability payments provided that the appropriate legal agreements between TfL & TWUL and its Infrastructure Provider (IP) ensure that any proceeds from insurers in respect of damage to TfL property will go directly to TfL."</i>	This is the agreed position and discussions on the Overarching Framework Agreement with TfL are ongoing.
1.3.	21	<i>"Given the project's scale and complexity it is important for us to ensure that any contractual agreements with the IP provide TfL with maximum possible protection in terms of protection and indemnities, and that the project insurers name TfL (including such subsidiaries of TfL as may be affected by the works) as a joint insured under the insurance, or at the very least, have its interest noted on the insurance, and preferably be named in a loss payee clause to allow direct payment of losses, so as to provide protection against financial default. Positive negotiations have taken place on this issue, but TfL await further information from Thames Water before it can be formulate its position."</i>	Noted; discussions on legal arrangements are ongoing.
2.	Transport: Protective provisions and requirements		
2.1.	22-25	<i>"Protective provision covering all of the following TfL concerns are required in order to protect our ability to deliver our services and duties as a highway, traffic and public transport authority: London Underground Limited (LUL) Docklands Light Railway (DLR)</i>	We are negotiating protective provisions and an Overarching Framework Agreement, which will manage and mitigate the risk of damage to TfL's assets and safeguard proper exercise of TfL functions and the performance of operational undertakings. These negotiations are progressing

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		<p><i>Highways – including, for example, traffic signals and coach parking</i></p> <p><i>London River Services (LRS)</i></p> <p><i>London Buses</i></p> <p><i>East London Line (London Overground)</i></p> <p><i>Crossrail</i></p> <p><i>“Note also that any the cost of any identified mitigation measure to TfL highway network (e.g. required junction improvements), assets (e.g. Piers) or services (e.g. Bus operation costs for service diversions and changes to facilities) would need to be met by the scheme promoter and be part of the protective provisions.</i></p> <p><i>“The provisions cover, amongst other things, monitoring and physical protection of assets in order to mitigate the risk of damage. Discussions are taking place with TWUL but many issues (such as site specific requirements) have still not been resolved. Blackfriars Foreshore is a specific example of where TfL still has substantial concerns which have yet to be addressed”</i></p>	<p>well.</p> <p>We have produced a draft Building Agreement to cover the Blackfriars Bridge Foreshore.</p> <p>Further information is also contained in our <i>Initial Statement of Common Ground</i> with TfL (not yet agreed by TfL).</p>
3. Transport: Tunnel alignment and worksites			
3.1.	29	<p><i>“The promoters have advised TfL and all affected local authorities that they will need to carry out works to secure power supplies to five of their sites which may institute interfaces with other TfL assets and/or highways but as yet are not defined by the promoters.”</i></p>	<p>We have estimated the power requirements for each of the proposed construction sites, including the five main tunnel sites. In addition to confirming the final procurement route, we have been working with the District Network Operator (DNO) on how the forecast power requirements could be met.</p> <p>The DNO will assess the requirements against its current capacity, any enhancements already programmed and likely or committed future local increases in demand associated with other</p>

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Ref	LIR para. ref	Mayor's comment	Our response
			<p>developments.</p> <p>Only after this process is complete would the DNO confirm whether physical works are required and, if so, final procurement routes and details. At this point and following placement of a contract, the DNO would programme and execute any works within the confines of its existing powers and processes, including any and all permissions and notifications.</p>
4.	Highway works, including enabling works to facilitate the main scheme		
4.1.	30 -33	<p><i>"TfL is concerned that the submitted draft DCO seeks to "disapply" existing highway and traffic legislation in terms of the Traffic Management Act Notification (TMAN) process and the New Roads and Street Works Act (NRSWA) and, unless a satisfactory alternative process is put in place, the effect this could have on our assets and ability to deliver our services and duties as a highway, traffic, and public transport authority.</i></p> <p><i>"TfL believes that existing highway legislation, such as the Traffic Management Act and the New Roads and Street Works Act, provide a mechanism which is understood by all the key stakeholders, including the contactors who will ultimately be building the Thames Tideway Tunnel. This gives rise to a more efficient model of scheme delivery, which ensures that the detrimental effects on local communities etc are minimised, as experience from other major projects is proving."</i></p>	Refer to our response at Appendix A.
4.2.	34	<p><i>"Enabling works are also expected to take place as early as 2015 and could have significant impacts on the transport network and its users; TfL wishes to clarify if such enabling works would also benefit from powers sought to be conferred by the DCO to exclude the</i></p>	Where the proposed site preparation works, including works impacting on highway traffic and users, are to be undertaken post-determination of the application for development consent, our

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		<i>application of normal highway and traffic legislation."</i>	intention is to take benefit of the consents, subject to compliance with any agreed special protective measures, incorporated within the development consent order.
4.3.	35 -36	<i>"Road works required for any such 'enabling' works will need to be subject to existing highways legislation. The status of these works is not currently clear as they may be essential for the construction of the DCO works. Note for example that detailed information on power supply for the project, e.g. to the Tunnel Boring Machines (TBMs) at the main drive sites is not yet available from Thames Water and that they are not seeking to disapply highways powers for the works required to secure provision of such power. Hence it is taken as understood that such works will require adherence to the TMAN and NRSWA processes in the usual way."</i>	Refer to our response to ref 3.1.
4.4.	37 -39	<i>"Section 5 of the Code of Construction Practice (CoCP) Part A: General Requirements 9 sets out the proposed overall Traffic Management and Control methodology for the project. TfL will want to change the wording of paragraph 5.1.5 to read 'the plans will need to be approved by the relevant highway and traffic authorities'. TfL will also want to ensure that this process is adhered to, such that its agreement is required for works on roads for which TfL is the highway and /or traffic authority. TfL will also want to understand how this concept is compatible with the fact that the DCO as submitted seeks to "disapply" existing highway and traffic legislation as described above."</i>	Traffic management plans are secured through site-specific Requirements, eg, CHEEF 13. The Code of Construction Practice (CoCP) text is consistent with the draft Requirement. We note that para. 5.1.6 requires a traffic management scheme to be submitted to and approved by the local highway authority and would suggest this is a more appropriate mechanism to ensure that TfL receives the required details of works within the highway for approval.
4.5.	40	<i>"The Nine Elms area in LB Wandsworth is an example of where TfL expects there to be potentially significant cumulative impacts, and scope for mitigating these by effective coordination using established highway management processes, from works for Thames Water, the</i>	We undertook detailed cumulative effects assessments as part of the environmental impact assessment, liaising with the London Borough of Wandsworth, local stakeholders and developers in

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		<i>LUL Northern Line Extension, Battersea Power station development and other regeneration schemes.</i>	this location. Work is continuing with developers as the detailed design develops. In addition, we are engaging with the Nine Elms delivery team to support coordination of the area's construction logistics strategy and Utilities Masterplan. We are also in ongoing discussions with the Northern Line Extension and Battersea Power Station developers and other key regeneration schemes to resolve issues and coordinate works.
5.	Transport and logistics strategy		
5.1.	42-43	<i>"The Mayor has expressed a desire throughout the consultation process to maximise the reasonable use of non road transport methods According to the Transport Strategy (Doc Ref: 7.09), the current proposal will add circa 163,000 lorries onto London's already heavily congested road network. This would have a detrimental effect on TfL's road network, bus services and the safety of cyclists and pedestrians."</i>	We have similar aspirations. Discussions on the <i>Transport Strategy</i> are on-going and Statements of Common Ground are being prepared. As part of these discussions we are seeking to agree how the Transport Strategy (Doc Ref: 7.9) is secured and monitored. Appendix B sets out further work we have undertaken in this regard.
5.2.	46	<i>"Construction Logistics Plans should conform to the TfL guidance and ensure that contactors and their suppliers and supply chain partners adopt best practice in terms of logistics and cycle safety as set out in the TfL guidance on Work Related Road Safety. They are to ensure companies have bronze or higher accreditation of the Fleet Operators Recognition Scheme (FORS) in addition to Safe Urban Driver training and vehicle safety equipment for all any freight delivery or servicing vehicle on a Thames Tideway Tunnel contract or accessing a THAMES WATER site in London."</i>	The commitment to produce construction logistic plans for each site is detailed in the CoCP Part A (Doc ref: 9.21, Section 5.1.7). TfL has provided guidelines and we will follow the TfL <i>Construction Logistic Plan Guidelines for Developers</i> published in April 2013. With respect to lorry management and cycle safety, we are committed to implementing and further developing current best practice. This commitment is detailed in the <i>CoCP Part A</i> , Section 5.2.1. The commitment includes incorporating into the

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			<p>construction contracts the requirements detailed in the Works Related Risk Items in the TfL guidelines Improving road safety through procurement (April 2013). This includes the requirement for bronze or higher membership of the Freight Operator Recognition Scheme, Safe Urban Driver training and vehicle safety equipment for contractors at all project construction sites.</p>
5.3.	47	<p><i>“The Mayor and TfL believe that the use of river transport can be increased. Particular examples include the transport of Tunnel segments to Chambers Wharf, the use of the river transport to Greenwich Pumping Station and the use of river transport at Abbey Mills.</i></p> <p><i>“The movement of materials to and from Greenwich pumping Station is viable. Although Deptford Creek is narrow and tidal, TWUL have demonstrated navigation is still possible in using Bow Creek (comparable in size) to move excavated material from the Lea Tunnel works at Abbey Mills. This site is also further upstream than the site at Greenwich. Currently commercial river traffic requires the Creek Road Bridge to be raised so this would not be a constraint. Hopper barges can be used to alleviate any problems associated with the handling of chalk.</i></p> <p><i>“As demonstrated by the construction of the Lea Tunnel. Bow Creek can be used by TWUL for transporting excavated material away from Abbey Mills Pumping Station. This will be in addition to using the river to transport the required aggregates for concrete batching.”</i></p>	<p>We have engaged the Greater London Authority, TfL, the Port of London Authority and local authorities in ongoing detailed discussions and meetings with respect to the mechanics of securing and delivering the <i>Transport Strategy</i> (Doc ref: 7.09) commitments.</p> <p>In addition to the current commitments, we are considering further modifications in the form of night-time barging restrictions at Chambers Wharf, as well as providing incentives in the construction contract to transport more material by river; this could include the sites and items listed.</p> <p>Acknowledging the physical restrictions at Deptford Creek, any use of river transport at Greenwich Pumping Station would be covered by the review process under discussion with the stakeholders and the incentive process.</p>

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Ref	LIR para. ref	Mayor's comment	Our response
6.	Transport assessments		
6.1.	57 -59	<i>"Appendix 3 of this LIR details the 'Transport Assessment Tracker'. TfL seeks resolution to the red issues in particular for the application to be acceptable, and will need to be assured that the effects on the transport network and its users are acceptable or can be mitigated. At this stage, given the TAs [transport assessments] which have been completed to date, TfL is not in a position to say what sites are acceptable."</i>	We continue to hold discussions with TfL on this matter, the outcomes of which will be reflected in future versions of the TfL <i>Statement of Common Ground</i> .
7.	Blackfriars Millennium Pier		
7.1.	64	<i>"The project seeks to provide for the relocation of Blackfriars Pier. This pier is used by TfL for the purposes of operating river services, and it must remain operational throughout the works – or an alternative pier provided before the current one is decommissioned. No binding agreement is yet in place as to either the appropriate design or the specific location of the replacement facility. This must be agreed by TfL before any work commences which affects the current operational facility. Note also that detailed planning consent is required from the City of London for the replacement pier."</i>	We will agree the details of the replacement pier with TfL prior to submitting plans to the City of London Corporation to discharge the relevant DCO Requirement. The agreed details would need to satisfy City of London as planning authority. The terms of the agreement under discussion with TfL include practical arrangements for the continued operation of river services during construction.
7.2.	65-66	<i>"TfL is not concerned about the changes in the need to increase the sheet piling area - and in fact welcomes the fact that one of the changes is to increase the length of the pier. However, TfL is concerned about the issue of the British Telecom cooling tunnel which came to light post DCO submission. This tunnel emerges in the river bed immediately below where vessels would berth at the pier and TfL believe this would cause unacceptable operational risks for these vessels and would also potentially operationally constrain the future use of this pier." "Potential alternative options have been discussed. However, until</i>	We have been working with TfL as well as British Telecom and the Port of London Authority over the past six months to find an acceptable solution for all parties. Our last meeting was on 8 October 2013 at which all feasible options were discussed. The outcome of that meeting was that further calculations and modelling were required by British Telecom's consultants. However, subject to further reassurance regarding impacts and satisfactory mitigation, TfL may be prepared to accept the

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Ref	LIR para. ref	Mayor's comment	Our response
		<i>the uncertainties have been finally resolved, and detailed planning consent has been granted by the City of London, TfL cannot agree to Thames Water's proposals for Blackfriars Pier."</i>	proposal to leave the outfall in its current location but lowering it to match the future dredged level of the foreshore.
8.	Air quality		
8.1.	68	<i>"Care will be needed to ensure that new standards, currently out to consultation, and contained in the Mayor's draft Control of Dust and Emissions During Construction and Demolition SPG [Supplementary Planning Guidance], are adhered to. The Mayor anticipates that this SPG will be finalised in early 2014 and will replace the current Mayor of London and London Council Best Practice Guide on these issues."</i>	We reviewed the draft SPG during the document consultation period. As stated in the CoCP Part A (Section 7), the current Best Practice Guidance (or any document that supersedes it) would be complied with, and this applies to the new SPG. Once the SPG is published, the reference in the CoCP will be updated to reference the new document.
8.2.	72	<i>"It is recommended that going forward, as well as focusing mitigation measures around designated AQMAs, consideration should also be given to the location of development sites within the context of Greater London Authority Air Quality Focus Areas, available online: http://data.london.gov.uk/datastore/package/air-quality-focus-areas."</i>	We have made provision with respect to the cumulative effects of our works. The CoCP Part A (Section 7) makes provision for local authorities to select monitoring locations.
8.3.	73	<i>"It is noted that Guidance followed in terms of assessing construction related activity is largely in accordance with the London Councils' Best Practice Guidance (Greater London Authority and London Councils, 2006). It is recommended that the developer refers to the new draft SPGs, which supersede and replace the 2006 Guidance. The practises and requirements of the new SPGs will need to be embedded within the construction and demolition programme, specifically including the requirements regarding the use of new NRMM plant emission standards."</i>	Once the SPG is published, the reference in the CoCP will be updated to reference the new document. The current draft states that if the Best Practice Guidance is superseded, then the new version will stand in its place.

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Ref	LIR para. ref	Mayor's comment	Our response										
9. Flood risk													
9.1.	86	<p><i>"There are also Requirements at construction sites to ensure that surface and foul drainage is agreed. Given the objectives of the project, the Mayor would expect that the final design of construction sites implements good practice in sustainable drainage, as required by the London Plan Policy 5.13."</i></p>	<p>The Design Principles (Doc ref: 7.17) included site drainage principles that would be applied to our proposed sites, as appropriate. On 23 September 2013, we submitted an updated version of the Design Principles (Doc ref: 9.23). This version included amendments to the site drainage principles to more closely reflect the requirements of <i>London Plan</i> policy 5.13 and the standards set out in the Mayor's Sustainable Design and Construction Supplementary Planning Guidance (2006).</p>										
10. Safeguarded wharves													
10.1.	107	<p><i>"One outstanding matter in terms of the Requirements is that the Mayor wishes to have a role in agreeing the design/layout of the Permanent structures and landscaping on the four safeguarded wharf sites.</i></p> <table border="1"> <thead> <tr> <th>Draft DCO Site</th> <th>Safeguarded wharf</th> </tr> </thead> <tbody> <tr> <td><i>Carnwath Road</i></td> <td><i>Hurlingham Wharf</i></td> </tr> <tr> <td><i>Cremorne Wharf</i></td> <td><i>Cremorne Wharf</i></td> </tr> <tr> <td><i>Kirtling Street</i></td> <td><i>Kirtling Wharf</i></td> </tr> <tr> <td><i>Heathwall Pumping Station</i></td> <td><i>Middle Wharf</i></td> </tr> </tbody> </table>	Draft DCO Site	Safeguarded wharf	<i>Carnwath Road</i>	<i>Hurlingham Wharf</i>	<i>Cremorne Wharf</i>	<i>Cremorne Wharf</i>	<i>Kirtling Street</i>	<i>Kirtling Wharf</i>	<i>Heathwall Pumping Station</i>	<i>Middle Wharf</i>	<p>We will incorporate the amendments requested by the Mayor into the draft Requirements.</p>
Draft DCO Site	Safeguarded wharf												
<i>Carnwath Road</i>	<i>Hurlingham Wharf</i>												
<i>Cremorne Wharf</i>	<i>Cremorne Wharf</i>												
<i>Kirtling Street</i>	<i>Kirtling Wharf</i>												
<i>Heathwall Pumping Station</i>	<i>Middle Wharf</i>												

1.3 Carnwath Road Riverside

Table 1.2 Carnwath Road Riverside

Ref	LIR para. ref	Mayor's comment	Our response
11. Carnwath Road Riverside			
Hurlingham Wharf			
11.1.	118, 121 & 122	<i>"The current plans appear to meet the objective that the site should be returned to a state where it can be readily activated as a river cargo freight wharf in line with London Plan policy 7.26 , however the Mayor would like to be required to give his written approval to Requirements CARRR1 (Detailed design approval for permanent above ground structures), CARRR6 (Landscaping) and CARRR10 (Specification of accesses – only operational), in order that he can ensure the site is left in a suitable specification for river freight handling uses."</i>	We will incorporate the amendments requested by the Mayor into the draft Requirements.
Whiffin Wharf			
11.2.	125	<i>"It is noted that the shaft and electrical/ventilation columns are located on Whiffin Wharf. Such facilities are likely to have a limiting effect on the re-development of the site as it is understood from TW that they will require occasional access for inspection and a major maintenance visit approximately once every 10 years. The Mayor considers that such facilities could be compatible with an on-going wharf operation and as such are likely to be capable of being sited on Hurlingham Wharf with potentially less impact on future development."</i>	<p>This is the first time we have been made aware of the Mayor's views on the operational layout at this site. We are disappointed to have received these comments at such a late stage in the process, especially since we now have very limited scope to respond to them.</p> <p>Notwithstanding, we believe that the submitted proposals comply with the <i>London Plan 2011</i>. The submitted proposals will allow Hurlingham Wharf to return to a safeguarded wharf-compliant use (which is supported under policy 7.26). The location of the permanent above-ground structures on Whiffin Wharf would also provide a buffer to future residential development, which will minimise</p>

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Ref	LIR para. ref	Mayor's comment	Our response
			<p>disturbance from the operation of Hurlingham Wharf. This design approach also accords with the requirements of policy 7.26. Furthermore, we believe that Whiffin Wharf is still capable of substantial and feasible residential development, which would contribute to the aims of the South Fulham Riverside regeneration area.</p> <p>We continue to discuss this matter with the Mayor; the outcome will be reflected in future versions of the Statement of Common Ground with the Mayor.</p> <p>The proposed design principles were drafted to ensure that both the future use of the safeguarded wharf and Whiffin Wharf are not comprised:</p> <ul style="list-style-type: none"> • design principle CARRR14 ensures the layout of permanent works would not comprise the viability of future use of the safeguarded wharf • design principles CARRR.02, 05 and 13 ensure that the design and layout of the permanent works would be integrated into any future development proposals on Whiffin Wharf.
Carnwath Industrial Estate			
11.3.	126	<p><i>“This part of the site is currently occupied by a range of industrial, commercial/retail uses. The demolition of these to enable construction of the Thames Tunnel will clearly have a negative impact on those businesses and the Mayor would expect that those businesses be offered suitable relocation/compensation packages.”</i></p>	<p>We are aware of the potential impact on the five businesses in eight units at Carnwath Industrial Estate. We understand from the head lessee that one tenant may have relocated recently.</p> <p>In the event that the development consent order is confirmed, we will undertake to relocate the remaining businesses where the terms of existing tenancies do not</p>

Ref	LIR para. ref	Mayor's comment	Our response
			otherwise enable a landlord's break to be implemented.
11.4.	127	<i>"The Mayor is aware of LB H&F's ambitions for comprehensive redevelopment in the South Fulham area. The re-instatement of this site should enable those proposals (as they emerge) but also recognise the design/layout considerations set out within London Plan Policy 7.26 which require development close to or adjacent to a safeguarded wharf to be designed to minimise any potential conflicts with an operational wharf which potentially could have industrial type operations at all times of the day and night."</i>	The proposed design principles for the Carnwath Road Riverside site recognise this statement and its implications for future development. The Site works parameter plan (Drawing no. DCO-PP-06X-CARRR-090005) and indicative Landscape plan (Drawing no. DCO-PP-06X-CARRR-090008) also recognise the implications of the Mayor's policy through the appropriate location of the ventilation building and column.

1.4 Cremorne Wharf Depot

Table 1.3 Cremorne Wharf Depot

Ref	LIR para. ref	Mayor's comment	Our response
	138-139	<i>"Once works are complete the site should be returned to a state where it can be readily activated as a river cargo freight wharf in line with London Plan policy 7.26. This should include ensuring that the river wall, any structures and the navigational access to the site are suitable as well as providing a road access that is suitable for any HGV access commensurate with the site's operation as a freight wharf." <i>"The current plans appear to meet this objective, however the Mayor would like to be required to give his written approval to</i></i>	We will incorporate the amendments requested by the Mayor into the draft Requirements.

Ref	LIR para. ref	Mayor's comment	Our response
		<i>Requirements CREWD2 (Detailed design approval for permanent above ground structures)) and CREWD12 (Specification of accesses – only operational), in order that he can ensure the site is left in a suitable specification for river freight handling uses.”</i>	

1.5 Kirtling Street

Table 1.4 Kirtling Street

Ref	LIR para. ref	Mayor's comment	Our response
12.1.	150-151	<i>“The current plans appear to meet this objective, however the Mayor would like to be required to give his written approval to Requirements KRTST7 (Landscaping), KRTST9 (Concrete Batching Plant) and KRTST13 (Specification of accesses – only operational). It is notable that there is no Requirement relating to Detailed design approval for permanent above ground structures, as is the case for most other construction sites. The reason for the Mayor wishing to be involved is in order that he can ensure the site is left in a suitable specification for river freight handling uses.”</i>	We will incorporate the amendments requested by the Mayor into the draft Requirements.

1.6 Heathwall Pumping Station

Table 1.5 Heathwall Pumping Station

Ref	LIR para. ref	Mayor's comment	Our response
13. Heathwall Pumping Station			
Middle Wharf			
13.1.	158-159	<p><i>“Once works are complete the site should be returned to a state where it can be readily activated as a river cargo freight wharf in line with London Plan policy 7.26. This should include ensuring that the river wall, any structures and the navigational access to the site are suitable as well as providing a road access that is suitable for any HGV access commensurate with the site’s operation as a freight wharf.</i></p> <p><i>“The current plans appear to meet this objective, however the Mayor would like to be required to give his written approval to Requirements HEAPS4 (Location of Permanent Works), HEAPS5 (Detailed design approval of River wall), HEAPS10 (Landscaping) and HEAPS13 (Specification of accesses – only operational), in order that he can ensure the site is left in a suitable specification for river freight handling uses.”</i></p>	<p>We will incorporate the amendments requested by the Mayor into the draft Requirements.</p>

1.7 Chambers Wharf

Table 1.6 Chambers Wharf

Ref	LIR para. ref	Mayor's comment	Our response
14.	Chambers Wharf		
14.1.	161	<i>"The site is a brownfield site and has good navigational access to the River Thames. Chambers Wharf is not designated as a safeguarded wharf. Therefore following any construction works it would be appropriate, indeed desirable for the site to be made available for residential land uses. "</i>	Our permanent works proposals were designed on the basis that they would not preclude residential development coming forward on completion of our construction works. This is reflected in the submitted Permanent works drawing and design principles.
Reverse tunnel drive from Abbey Mills Pumping Station to Chambers Wharf			
14.2.	163 - 167	<p><i>"This would still be a significant construction activity but would be expected to be a reduction on the current proposals. It is clearly desirable to reduce construction impacts as far as is reasonably possible. The Abbey Mills site itself appears likely to have less sensitive receptors, although there are likely to be some.</i></p> <p><i>"The Mayor would be concerned about a reversed tunnelling direction if this were to result in a significant increase in the use of road traffic for construction materials and tunnel spoil. It is the Mayor's understanding from Thames Water and Port of London Authority that tunnelling from Abbey Mills would, despite its location next to the navigable Bow Creek/Channelsea River, result in a significantly reduced ability to use barges.</i></p> <p><i>"If any proposal to tunnel from Abbey Mills to Chambers Wharf were to result in significant increases in vehicle movements to that part of LB Newham, this would appear to constitute a</i></p>	Our response to first written question 14.25 (Table 25.3) contains an assessment of the likely number of vehicle movements should Abbey Mills Pumping Station be used as a main tunnel drive site. Our response states that, although the number of vehicle movements experienced during a peak month would be broadly similar whether the site is used as a drive or reception site, the number of peak months would extend from two months (for a reception site) to 25 months (for a drive site). We therefore conclude that the change of use would likely give rise to significant effects.

Ref	LIR para. ref	Mayor's comment	Our response
		<i>material change in the proposals and one that the Mayor could not readily support as it is merely exchanging one impacted community for another."</i>	

1.8 Greenwich Pumping Station

Table 1.7 Greenwich Pumping Station

Ref	LIR para. ref	Mayor's comment	Our response
	168 -170	<p><i>"The Mayor is yet to be convinced that there is not scope to transport spoil and construction materials to the site by barge. The use of barges would represent a reduction in the impact of the site by reducing the number of HGV vehicle movements. A relatively short distance downstream in Deptford Creek, the Safeguarded Brewery Wharf remains in active use as an aggregates wharf with regular deliveries by barge.</i></p> <p><i>This is not a requirement of the Transport Strategy and the Mayor is seeking the inclusion of this, at least for the removal of connection tunnel spoil. The Port of London Authority is understood to be supportive of this proposal."</i></p>	<p>Using Deptford Creek as the water route to the River Thames is technically possible. However, enabling river transport implies a considerable number of challenges in particular:</p> <ul style="list-style-type: none"> • navigational constraints surrounding the navigable channel width along Deptford Creek • all barge movements are tidally constrained • Deptford Creek bridge height limitations and its need to be lifted • insufficient wharf length to moor enough barges to deal with peak tunnelling requirements of up to 1,725 tonnes per day • use of up to two tides per day to manoeuvre excavation material and aggregates • additional navigational constraints surrounding night time operation within the Creek

Response to Mayor of London Local Impact Report

Ref	LIR para. ref	Mayor's comment	Our response
			<ul style="list-style-type: none"> • uncertainty regarding low lying utility mains and integrity of the river wall complicate or question the ability to dredge • enhanced chalk slurry processing in order to comply with marine transport regulations • potential environmental impacts on the river ecosystem and surrounding residential community • additional requirement for marine resources in order to transport excavation material at peak per day during a short tidal window • available stockpiling area does not offer contingency beyond three day storage and failure to maintain river transport over this length of time would lead to the need to use road transport. Consequently, this would impact upon the critical tunnelling programme. <p>Taking into account the number and extent of constraints associated with a marine operation to serve the Greenwich Pumping Station tunnel drive, we do not consider that it is possible to commit to using river as part of the transport strategy. However, the use of Deptford Creek by the contractor would be covered by the review and incentive processes.</p>

Appendix A Our need to dis-apply the Traffic Management Act 2004/London Permit Scheme, and New Roads and Street Works Act 1991

A.1 Introduction

A.1.1 The provision to dis-apply certain sections of the Traffic Management Act 2004 (TMA) and New Roads and Street Works Act 1991 (NRSWA) is contained in the DCO. This is a standard process for complex major infrastructure projects. This includes recent projects in London including Crossrail, Channel Tunnel Rail Link and is part of the current Transport and Works Act Order application for the Northern Line Extension (NLE). Our response reviews the current process undertaken on Crossrail and reviews the proposals in the NLE application.

A.2 Our approach

A.2.1 We have, in line with other projects, introduced the bespoke system of submitting Traffic Management Plans (TMPs) for approval. We have also developed in consultation with TfL and local authorities the content for the plans and the need to submit individual Traffic Management Schemes (TMS') for approval by the highway authority.

A.2.2 It is our intention to work in collaboration with all local highway authorities, (HAs) and TfL in order to agree a process for gaining acceptance or consent which allows all parties to meet their needs and obligations. The London Permit Scheme (LoPS) which has been adopted by all HAs in London as a replacement and clarification tool for general TMA and NRSWA regulations is not conducive in itself to cater for a large and complex project and is likely to add undue delay and hindrance to the critical path on the works programme.

A.2.3 Therefore, delays would prevent the completion of the Nationally Significant Infrastructure Project. It would also add to the inconvenience of not bringing the project into use and by definition would increase the safety risk to both construction workers and the general populace.

A.2.4 We have already submitted significant amount of detail within the Traffic Assessments including detailed modelling and safety audits. We have engaged in extensive reviews by the authorities. The pre-application work for the DCO has effectively undertaken the application process up to the stage of submission of the Provisional Advanced Authorisation. The early engagement has given TfL the opportunity to start considering the impacts of the development works on road space and other long term programmed works enabling them to meet their traffic management duties set out within the TMA.

A.2.5 We have already had significant discussions with TfL and the local authorities with a view to understanding each other's requirements and good progress has been made to date in that regard. As stated above, we

have undertaken to provide site specific TMPs and individual details of TMS'; and to seek approval for these from the local planning and local highway authorities. This is included on the [CoCP Part A](#), Section 5.

A.2.6 We fully understand the need to notify the works sufficiently so that the highway authorities can manage the network and their obligations. We are working on and are advocating that a streamlined bespoke process be agreed across the project encompassing the requirements in terms of components. For example we will undertake to use the EToN for all known locations well in advance of planned works, at least six months. However, we seek to reduce the consideration phase from formal submission of a consultation document or a consent application to those timescales as were put in place to deal with Crossrail works. Such a process is already well established and is working to the satisfaction to all highway authorities. We see no reason therefore why this principle cannot apply to the works for this project.

A.2.7 We are still working with TfL on the proposed process and will seek agreement in due course after consideration by the highway authorities.

Review of Crossrail dis-applications

New Roads & Street Works Act 1991

A.2.8 Crossrail dis-applied the same sections of NRSWA as we have listed in the [Draft DCO](#) (namely sections 56 (1); 58(1); 61(1); 62(2); 62(4); 63(1); 73A; 78A(1); 74; 76A; and Sch 3A).

A.2.9 Not dis-applied – sections 54 & 55.

Traffic Management Act 2004

A.2.10 Crossrail did not dis-apply the TMA 2004 directly, but did secure exemption from adherence to the LoPS, which operates as a devolved power to all London HAs under that TMA (Appendix B2 of LoPS). LoPS also dis-applies and/or modifies parts of NRSWA, notably section 54 – requirement to give Notice, which was replaced with the 90-day LoPS Provisional Advance Authorisation (PAA) Notice. So by being exempt from LoPS, Crossrail were not obliged to give Notice under their Act – although some commitments were made in the Crossrail Act to that effect anyway.

The Crossrail process

A.2.11 Crossrail introduced a bespoke process that was agreed with all affected HAs, including TfL, soon after the Act became law, and the process in place to this day, is as follows:

Highways Access (Schedule 2)

A.2.12 **Locations listed in Act:** Notice given is 28 days. No consent required by the HA can object, subject only to: access can be relocated to prevent or reduce injury to local amenity, or prejudicial effects on road safety or on free flow traffic in the local area; and that the works can reasonably be carried out in another place within limits.

A.2.13 **Locations not listed in Act:** Consent required and the HA has 28 days to consider the application. If no decision within 28 days, then consent is

deemed. 10 days' Notice given after 28 day period to take possession of the Highway.

Temporary Interference of highway (Schedule 3) including

- a. stopping up; altering; diverting any highway or part of the highway
- b. for a reasonable time divert traffic from and prevent persons passing along any highway or part of a highway
- c. break up or interfere with any highway or part of a highway

A.2.14 **Listed locations in Act:** HA must be consulted only, no consent required. But 38 days' Notice given to HA to consult and take possession of the highway.

A.2.15 **Non-listed locations:** Consent needed from HA. 28 days to decide, deemed if no decision made in that time. Then 10 days' Notice given to HA to take possession of the highway. It should be noted that where the road forms part of the Strategic Road Network (SRN), the timescale for consultation and consent consideration is increased to 42 days.

Construction of highways (Schedule 3)

A.2.16 Approval is required from HA for all locations and they have 28 days to consider. Deemed approval if no decision made in 28 days. 10 days' Notice given after 28 day period to commence works.

Schedule 17 provisions

A.2.17 Approval/consent from HA needed for:

- a. working sub-surface
- b. bridge works
- c. standing plant, soil or materials on the highway
- d. erecting scaffolding over highway

A.2.18 All subject to 28 days approval or consent application. Deemed consent applies. 10 days' Notice given to HA to commence works.

A.2.19 It should be noted that Crossrail have no powers regarding TROs for diversions, banned turns etc. The operation of the process is coordinated through a Traffic Liaison Group that meets at least four-weekly and includes representatives of the local highway authorities, TfL, the Contractor and Crossrail.

NLE process as per Transport and Works Act Order (Draft – Dated 15 Nov 2013)

A.2.20 In summary the submitted Order states only the need to consult for traffic management issues when referring to listed streets in their Transport and Works Act Order; and gain consent for works in streets not listed in their Transport and Works Act Order. Extract:

Temporary stopping up and diversion of streets

10.—(1) LUL may, during and for the purposes of the execution of the authorised works temporarily stop up, alter or divert any street and may for any reasonable time—

- (a) divert the traffic from the street; and
- (b) subject to paragraph (3), prevent all persons from passing along the street.

(2) Without limitation on the scope of paragraph (1), LUL may use any street stopped up under the powers conferred by this article within the Order limits as a temporary working site.

(3) LUL must provide reasonable access for pedestrians going to or from premises abutting a street affected by the exercise of the powers conferred by this article if there would otherwise be no such access.

(4) Without limitation on the scope of paragraph (1), LUL may exercise the powers conferred by this article in relation to the streets specified in [columns \(1\) and \(2\) of Schedule 2](#) (streets to be temporarily stopped up) [to the extent specified in column \(3\) of that Schedule](#).

(5) LUL must not exercise the powers conferred by this article—

- (a) in relation to any street specified in Schedule 2 without first consulting the street authority; and
- (b) in relation to any other street, without the consent of the street authority, which may attach reasonable conditions to any consent, but such consent must not be unreasonably withheld.

(6) Any person who suffers loss by the suspension of any private right of way under this article is entitled to compensation to be determined, in case of dispute, under Part 1 of the 1961 Act.

A.2.21 For NLE traffic regulation they state they will consult and gain consent but that it is deemed after four weeks' notice. Extract:

- (d) so far as may be necessary or expedient for the purposes of or in connection with construction of the authorised works—
 - (i) revoke, amend or suspend in whole or in part any order made, or having effect as if made, under the 1984 Act;
 - (ii) permit, prohibit or restrict the stopping, waiting, loading or unloading of vehicles on any road;
 - (iii) suspend or authorise the use as a parking place of any road;
 - (iv) make provision as to the direction or priority of vehicular traffic on any road; and
 - (v) permit or prohibit vehicular access to any road,either at all times or at times, on days or during such periods as may be specified by LUL.

(2) The powers conferred by paragraph (1)(d) may only be exercised after LUL has consulted such persons as it considers necessary and appropriate, after LUL has taken into consideration any representations made to it by any such person and after LUL has obtained the consent of the traffic authority in whose area the road concerned is situated (which must not be unreasonably withheld).

(3) LUL must not exercise the powers conferred by this article in relation to any road unless it has—

- (a) given not less than 4 weeks' notice in writing of its intention so to do to the chief officer of police and to the traffic authority in whose area the road is situated; and
- (b) advertised its intention in such manner as the traffic authority may within 7 days of its receipt of notice of LUL's intention specify in writing.

A.2.22 The *TfL NLE CoCP Part A* says they will produce a TMP in consultation with the HA and that “all necessary consents will be in place”. However, it does not state how or what the process would be.

Appendix B Draft framework for the *Transport Strategy* securing mechanism

B.1 Introduction

- B.1.1 The transport strategy for the Thames Tideway Tunnel was included within the application for development consent and summarises the overall approach to the transport of material for the project (refer to the [Transport Strategy](#) (Doc ref. 7.09)). The commitments by Thames Water to transport specified materials by river are included in paras. 4.1.2 and 4.2.1 of the *Transport Strategy* document.
- B.1.2 The transport strategy will be committed to through a requirement. This would oblige Thames Water to observe the terms of the strategy.
- B.1.3 The strategy has been developed further and has been informed by stakeholder consultation. It sets out the process by which the commitments to transport specified materials by river will be enforced and delivered, including details of how derogations will be agreed and who will arbitrate in the event of a dispute.
- B.1.4 The purpose of this appendix is to set out the further work in relation to the transport strategy to demonstrate Thames Water's commitment to the transport of materials by river; this supersedes information contained within Appendix B of the *Transport Strategy*. This appendix also sets out any additional commitments made by Thames Water.

B.2 *Transport Strategy* commitments

- B.2.1 Thames Water as a result of on-going assessment are now in a position to commit to the following activities in addition to those matters covered by the *Transport Strategy* (paras. 4.1.2 and 4.2.1):
- a. transport main tunnel lining segments by river at Chambers Wharf (delivered through the transport strategy securing mechanism).
 - b. no loading and movement of vessels from 22:00 to 08:00 at Chambers Wharf (delivered through the transport strategy securing mechanism).

B.3 Stakeholder engagement

- B.3.1 Comments from stakeholders have formed a key part of the development of the securing mechanism. Stakeholders have been identified as the Greater London Authority (GLA), Transport for London (TfL), Port of London Authority (PLA) and all affected London Boroughs¹. Engagement

¹ Affected London Boroughs are as follows: London Borough of Hounslow, London Borough of Ealing, London Borough of Richmond upon Thames, London Borough of Hammersmith and Fulham, Royal Borough of Kensington and Chelsea, London Borough of Wandsworth, London Borough of Lambeth, City of Westminster, City of London, London Borough of Southwark, London Borough of Lewisham, Royal Borough of Greenwich, London Borough of Tower Hamlets and London Borough of Newham.

has been on-going following the application for development consent through workshops, meetings and letters.

- B.3.2 All stakeholders have been invited to engage in the process as follows:
- a. 7 September 2013 – workshop to discuss the securing mechanism for the strategy.
 - b. 17 October 2013 – workshop to discuss the processes developed as part of the securing mechanism (please see Appendix C for the minutes of this meeting). This workshop also covered elements of the strategy.
 - c. 6 November 2013 – letter to invite detailed comments on the proposals presented on 17 October 2013.
 - d. 22 November 2013 to 28 November 2013 – individual meetings to discuss details of each process identified as part of the strategy, and to record any comments as part of the Statement of Common Ground process.
 - e. 2 December 2013 – workshop to present the outcomes of the consultation in preparation of the strategy in advance of legal drafting of the detailed strategy commencing.
- B.3.3 In addition a meeting has been held with PLA and TfL on the subject of the transport strategy on 3 October 2013.
- B.3.4 Since the proposals were presented on 7 September 2013 and 17 October 2013 there have been key changes to the strategy. These changes are in response to comments raised by stakeholders, and are in relation to the following areas:
- a. the constitution of the Relevant Authority; now proposed to include the relevant Local Authority for the construction site, plus GLA, TfL and PLA.
 - b. an updated proposed approval process for operational derogations to include approvals by the Relevant Authority where the Contingency Plan is not applicable and where time permits.
- B.3.5 In addition, Thames Water has been reviewing the requirement for flexibility, as set out in para. 5.1.1c of the *Transport Strategy*, in the event of river use not being practicable or that river transport costs escalate prohibitively. Thames Water takes its' commitments to delivery of the transport strategy very seriously. A great deal of work has been undertaken to minimise the risk of the transport strategy commitments not being deliverable. However, Thames Water believes that provision should be made for a material change in circumstances which would, if known at the time of making the development consent, have resulted in different commitments being made.
- B.3.6 Thames Water recognises that GLA, TfL, PLA, and the relevant local authority would need to be party to any changes agreed and that the resultant transport strategy would need to meet the requirements of the *National Policy Statement for Waste Water* (NPS) (i.e water-borne or rail transport is preferred over road transport at all stages of the project, where

cost-effective), and would not have any further adverse effects significantly beyond those reported in the *Environmental Statement*. Thames Water will be liaising with stakeholders further concerning the strategy before submitting proposals to the Examining Authority (ExA).

- B.3.7 Thames Water share stakeholders' views that the aim of this process is to develop an agreed process for the delivery of the transport strategy.

B.4 Securing mechanism for the transport strategy

- B.4.1 The draft framework for the strategy summarises the full process extending from the signing of the Development Consent Order, through to the completion of construction. The draft framework is summarised in Table B.1.

- B.4.2 This framework has been developed to balance the needs of stakeholders who have an interest in the operation of vehicular and river traffic, and the needs of the Contractors who will be constructing the Thames Tideway Tunnel. It is anticipated to form the basis of the detailed strategy which will be drafted for submission to the ExA and inclusion in the development consent via a project wide requirement.

- B.4.3 Operational derogations form part of the strategy. There are a number of events which could result in an operational derogation, please see below some examples. Further events may be identified by the Contractor and included in the Contingency Plan which will be submitted to the Relevant Authority for approval:

- a. Planned river obstructions of closures, such as festival events, other construction projects, maintenance works or Thames barrier closure.
- b. Equipment commissioning issues, which could be lead to materials unsuitable for loading or an optimisation phase for segment manufacture.
- c. Severe weather constraints all year round, but which are likely to be more prevalent in March to April. For instances, dense fog to the extent that the PLA prohibit vessel movements through Thames Barrier.
- d. Security threat resulting in the river being closed to navigation.
- e. Obstructions to the navigable river channel, for instance, a vessel sinking.
- f. Failure of equipment, for instance failure of loading equipment at the construction site, at a transshipment site, or at the source/disposal site, or material too wet or contaminated for equipment.
- g. Blockage of wharf, resulting from a collision or a vessel sinking.
- h. Failure or delay in extended logistics chain.

- B.4.4 These events will be included in the contingency planning process, and mitigation will be proposed (where appropriate) to reduce the impact, or the need for, derogations. Mitigation measures will be proposed by the

contractor and form part of the Contingency Plan which will be submitted to the Relevant Authority for approval.

- B.4.5 Further details on the process for operational derogations and contingency planning are included in Table B.1.

Table B.1 Draft framework for the strategy – emerging proposals

SUPPORTING NOTES	THE PROCESS			
AGREEMENT SIGNED				
<p>Within the construction contracts, Contractors will be required to transport all specified materials by river, subject only to approved derogations.</p> <p>Incentives to encourage contractors to commit to the movement of additional materials by river will be included in construction contracts.</p> <p>The proposed strategy will ensure derogations are necessary and reasonable, and will establish a process by which attainment of the target of 90% of materials identified in the <i>Transport Strategy</i> will be judged.</p> <p>Contractor costs will be disallowed if derogation is implemented without a valid approval.</p>	<p style="text-align: center;">COMMITMENT TO THE TRANSPORT STRATEGY</p> <p>The transport strategy will be committed to through a requirement. This would oblige Thames Water to observe the terms of the strategy.</p> <p>The transport strategy commitments are set out in paras. 4.1.2 and 4.2.1 of the <i>Transport Strategy</i> (Doc ref 7.09)</p> <p style="text-align: center;">In addition, the project are now able to commit to:</p> <ul style="list-style-type: none"> (i) transport main tunnel lining segments by river at Chambers Wharf (delivered through the transport strategy securing mechanism) (ii) no loading and movement of vessels from 22:00 to 08:00 at Chambers Wharf (delivered through the transport strategy securing mechanism) 			
<p>The Relevant Authority’s responsibilities will include:</p> <ul style="list-style-type: none"> (i) Maintaining a list of stakeholders required for consultation and decision making (ii) Consultation on preparation of Sustainable Transport Framework (iii) Decision on the Sustainable Freight Transport Plan (including Contingency Plans) prior to construction within agreed timescales (iv) Decisions on operational derogations where required within agreed timescales (v) Review of the monthly monitoring reports (vi) Identify the need for Remedial Action Plan and review these plans (vii) Review of the Completion Review 	<p style="text-align: center;">APPOINTMENT OF RELEVANT AUTHORITY</p> <p>The role of the Relevant Authority is proposed to be fulfilled by the relevant Local Authority for the construction site, the GLA, TfL and PLA.</p> <p>Specific terms of reference will be developed and agreement sought for this role, setting out how decisions will be made.</p> <p>Thames Water will fund a full time transport strategy coordination role for the Relevant Authority. The transport strategy Coordinator will be responsible for coordinating the stakeholders required for decision making.</p>			
<p>The Independent Panel’s responsibilities might include:</p> <ul style="list-style-type: none"> (i) Reviewing the Sustainable Freight Transport Plan if referred by the Relevant Authority or Employer (ii) Reviewing Operational Derogations if referred by the Relevant Authority or Employer (iii) Reviewing Monthly Monitoring Reports/ Annual Reviews if referred by the Relevant Authority (iv) Reviewing Remedial Action Plans prepared by the Employer (v) Reviewing the Completion Review 	<p style="text-align: center;">APPOINTMENT OF INDEPENDENT PANEL</p> <p>Appointment of a panel of five members consisting of a Chair and four ordinary members; three who would lead liaison for each geographical area of the project (east, central and west) and one who would take a project wide view.</p> <p>Appointment of the Chair of the Independent Panel would be by the President of the ICE or other agreed professional body. Appointment of four ordinary members would be by the Chair of the Independent Panel in consultation with GLA, TfL, PLA and Local Authorities.</p> <p>Decisions would be by majority vote, and the Chair would have the casting vote. Thames Water will fund the Independent Panel.</p>			
<p>The Sustainable Freight Transport Framework will consider project-wide issues that will influence the way in which the transport strategy commitments will be delivered or exceeded, for example: available transport modes, transshipment, consolidation, supply chains (including capacity and available resources), risk register and contingency plans, monitoring requirements.</p>	<p style="text-align: center;">PREPARATION OF SUSTAINABLE FREIGHT TRANSPORT FRAMEWORK</p> <p>Prepared by the Employer, in consultation with the Relevant Authority and stakeholders.</p> <p>Provided to the selected Contractors to provide the framework within which their Sustainable Freight Transport Assessments are prepared.</p>			
<p>Sustainable Freight Transport Assessments for each site and each area to show how the transport strategy commitments are to be met or exceeded, including proposed Contingency Plans that govern the response to operational derogations</p>	<p style="text-align: center;">PREPARATION OF SUSTAINABLE FREIGHT TRANSPORT ASSESSMENTS</p> <p>Prepared by the Contractors post tender, and submitted to the Employer</p> <table border="1" style="width: 100%; text-align: center;"> <tr> <td style="width: 33%;">East SFTAs</td> <td style="width: 33%;">Central SFTAs</td> <td style="width: 33%;">West SFTAs</td> </tr> </table>	East SFTAs	Central SFTAs	West SFTAs
East SFTAs	Central SFTAs	West SFTAs		
<p>Sustainable Freight Transport Plan to include co-ordinated proposals at the project-wide and site level to show how the transport strategy commitments are to be met or exceeded, and Contingency Plans to show how planned and unplanned events can reasonably be addressed so as to maintain river operations where possible, and minimise the residual effects of additional vehicle movements on the highway network.</p>	<p style="text-align: center;">PREPARATION OF SUSTAINABLE FREIGHT TRANSPORT PLAN</p> <p>Prepared by the Employer and submitted to the Relevant Authority for approval. The Employer would be able to refer the decision to the Independent Panel in the event of dispute</p>			

CONSTRUCTION COMMENCES	
<p>Materials identified as being transported by river will only be permitted to leave the site by road if a derogation has been approved.</p> <p>Notifications, request and decisions relating to derogations will be monitored to ensure that they are necessary and reasonable and if not a remedial action plan will be prepared to address issues identified.</p> <p>The cumulative effect of operational derogations will be monitored and remedial action plans prepared in the event of evidence that the transport strategy targets will not be met.</p>	<p style="text-align: center;">DEROGATIONS PROCESS</p> <p style="text-align: center;">Two types of derogations:</p> <ul style="list-style-type: none"> (i) Operational derogations (ii) Sustainability derogations
<p>Contingency Plans will govern response to foreseeable operational derogation events on a site by site basis.</p> <p>Operational derogation requests by the Contractor will require demonstration that:</p> <ul style="list-style-type: none"> (i) there is a need for the derogation, and (ii) the derogation is reasonable - has reasonable skill and care been employed in respect of forward planning, methods of construction, maintenance, security, and safety, as well as compliance with contingency plans. <p>A list of anticipated operational derogation events will be developed with the contingency planning.</p>	<p style="text-align: center;">1 OPERATIONAL DEROGATIONS PROCESS</p> <p>Contractor is made aware of event which may lead to an operational derogation and notifies the Employer. Contractor notifies the Relevant Authority, Independent Panel and any other stakeholders of the possible operational derogation.</p> <p>If the event is within 28 days of the notification, or is covered by the Contingency Plan, the Contractor submits an operational derogation request to the Employer for approval prior to implementation. The Contractor will notify the Relevant Authority and stakeholders of the decision. The Relevant Authority reviews operational derogation for reasonableness and need as part of monthly reporting.</p> <p>If the event is more than 28 days from the notification and is not covered by the Contingency Plan, the Contractor will submit the request to the Employer for approval. The Contractor will then issue the request to the Relevant Authority for approval. The Employer may choose to refer the decision to the Independent Panel in response to any dispute. The Contractor will notify the Relevant Authority and stakeholder of the decision. The Relevant Authority reviews operational derogation for reasonableness and need as part of monthly reporting.</p> <p>Lessons learned from operational derogations will feed into reviews of Contingency Plans where relevant.</p>
<p>A Sustainability derogation is an alternative method of transporting material that would enable:</p> <ul style="list-style-type: none"> (i) the beneficial re-use and would result in either reduced lorry miles or carbon reduction; and (ii) which would not have any further adverse effects significantly beyond those defined in the Environmental Statement. <p>If approved - derogated tonnage would be subtracted from transport strategy commitment.</p>	<p style="text-align: center;">SUSTAINABILITY DEROGATION PROCESS</p> <p>Prepared by the Contractor in consultation with the Relevant Authority and stakeholders, either before or during construction. Submission to the Relevant Authority for approval. The Employer may choose to refer the decision to the Independent Panel in response to any dispute.</p>
<p>The Monitoring Report will report on:</p> <ul style="list-style-type: none"> (i) cumulative tonnage of materials and number of vehicles and vehicle types transported by river and by road, (ii) need and reasonableness of derogations requested and approved (iii) forecasts for river movement for the transport strategy commitments, (iv) Estimated performance against targets, and (v) data relating to safety of river and road operations including any incidents. 	<p style="text-align: center;">MONTHLY MONITORING REPORTS</p> <p>Contractors will collect monitoring information, and submit this to the employer on a monthly basis. The Employer will collate the monitoring data and submit the Monthly Monitoring Report to the Relevant Authority. The Relevant Authority will review the Monthly Monitoring Report and either:</p> <ul style="list-style-type: none"> (i) agree the operational derogations reported, (ii) require the preparation of Remedial Action Plans (iii) refer some or all of these to the Independent Panel
<p>The Annual Review will replace the Monthly Monitoring Report for that month.</p> <p>It will contain the same information as the Monthly Monitoring Report, plus a review of all contingency plans including necessary updates to take account of foreseeable events for the following year.</p>	<p style="text-align: center;">ANNUAL REVIEWS</p> <p>Contractors will prepare an annual review of their performance against the transport strategy commitments. The Annual Review will be submitted to the Employer, who will collate the reviews to provide a project-wide Annual Review, for submission to the Relevant Authority to confirm any recommendations. The Employer has the option of referral to the Independent Panel in the event of any dispute.</p>
<p>The Remedial Action Plan may contain recommendations such as changes to:</p> <ul style="list-style-type: none"> (i) plant and equipment (ii) maintenance, (iii) health & safety procedures, (iv) training requirements, (v) construction or operational methods, or (vi) contingency plans. 	<p style="text-align: center;">REMEDIAL ACTION PLAN</p> <p style="text-align: center;">If the Relevant Authority decides that</p> <ul style="list-style-type: none"> (i) some or all of the derogations approved are unnecessary / unreasonable, or (ii) there is a risk that the transport strategy targets will not be met <p>The Relevant Authority will require the employer to prepare a Remedial Action Plan. The Employer may refer that requirement to the Independent Panel. The Remedial Action Plan would be enforceable through the requirement.</p>
PROJECT COMPLETION	
<p>The Completion Review will assess actual project performance against the transport strategy commitments</p> <p>It forms the key lessons learnt by all parties for future projects.</p>	<p style="text-align: center;">COMPLETION REVIEW</p> <p>To be carried out by the employer in consultation with the Relevant Authority for submission to the Independent Panel within six months of project completion. The Independent Panel will confirm if the transport strategy commitments have been met.</p>

B.5 Programme

- B.5.1 The draft framework for the strategy including enforcement and monitoring set out in in Table B.1 is still being developed in discussion with stakeholders.
- B.5.2 On-going discussions primarily relate to the development of detail of each stage of the process. The outcomes of this engagement process will be recorded as part of the submission of the Statement of Common Ground to the ExA.
- B.5.3 Thames Water intends to submit the full draft of the strategy and the requirement to secure it to the Examining Authority for consideration on 13 January 2014. It is our intention that this will replace the *Transport Strategy* document submitted as part of the application for development consent.

Appendix C Minutes of Transport Strategy Workshop

Meeting Minutes

Subject:	Transport Strategy Workshop
Purpose:	To discuss securing and delivering the Thames Tideway Tunnel Transport Strategy.
Date and time:	17 October 2013, 1500 to 1700
Location:	Fleet, The Point, 4th floor, 37 North Wharf Road, London, W2 1AF
Attendees:	GLA: Kevin Reid (KR) TfL: Tim Williams (TW) City of London: Lucy Cannell (LC), Paul Monaghan (PM) City of Westminster: Don Murchie (DM) LB Ealing: Francis Torto (FT) LB Lambeth: Ian Baker (IB), LB Lambeth/LB Tower Hamlets: Bob Bennett (BB) LB Lewisham: Catherine Patterson (CP), Brian Regan (BR) RBKC: James McCool (JM) LB Southwark: Simon Phillips (SP) LB Wandsworth: John Stone (JS) TTT: Sue Hitchcock (SH), James Good (JG), Keith Mitchell (KM), Malcolm Orford (MO), Stephen Thompson (ST), Chris Stratford (CS), Sara Andrews (SA)
Minute taker:	Sara Andrews
Doc ref:	100-OM-ENV-00000-101151

Item	Action item/Notes for the record	By who	By when
2	<p>Introduction</p> <p>MO stated that the purpose of the meeting was to take the group through TTT's latest thoughts on how to implement the <i>Transport Strategy</i> submitted as part of the application for development consent.</p> <p>MO stated that a number of aspects of this process were more mature than others, and that TTT welcomed input from the group.</p>	n/a	n/a
3	<p>Update on securing and delivering the transport strategy</p> <p>KM presentation. Slides circulated with minutes (Doc ref: 100-OP-ENV-00000-000035).</p> <p>At the end of the presentation, MO noted that there was a lot of content within the presentation and a handout had been prepared which sets out the processes step-by-step. Handout (Doc ref: 100-OP-ENV-00000-000036) circulated</p>	n/a	n/a

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	with minutes.		
4	<p>Discussion on securing and delivering the transport strategy</p> <p>KM opened the room for discussion. The following comments were made:</p>		
4.1	<p>Relevant Authority</p> <p>DM raised concerns about the Relevant Authority, and the appropriateness of GLA or TfL in taking on this responsibility. DM noted that TfL and GLA can't speak on behalf of the local authorities (LAs), and there may be a conflict of interest if they were the Relevant Authority.</p> <p>PM followed by stating that he's not sure whether the LAs can legally agree to TfL or GLA being the relevant authority as each LA has an interest in their own network. KM responded by noting that TTT needs to have a greater understanding of the specific issues of concern to the LAs relating to these issues, so that TTT can consider these and seek to design an approach that will take these concerns into account whilst retaining the principles of the project-wide authority, knowledge at the local level, capable of responding effectively to the needs of the project in making necessary decisions.</p> <p>TW noted that it was worth stating TfL's position for the benefit of the LAs. This position is summarised in TfL's response to the previous workshop on 2 September 2013. He continued by saying whilst TfL is happy to discuss principles, many issues need to be overcome before TfL will find the proposed approach to the Relevant Authority acceptable.</p> <p>PM asked what was wrong with the existing set-up and why this was not being adopted, ie, the Relevant Authority being the relevant LA.</p> <p>KM responded by highlighting the strategic nature of the project, and the need for the relevant authority to consider project-wide issues, for example, decisions relating to exceptional circumstances derogations.</p>		
4.2	<p>Operational derogations</p> <p>MO asked the group how familiar they were with the derogations process, and ran through examples of planned and unplanned operational derogations to make it clearer. DM noted that there would be unplanned occasions on the road network as well as the river.</p> <p>MO stated that it is proposed that the project would make decisions on unplanned derogations, taking into consideration whether the use of road to transport materials would enable contractors to continue tunnelling. What TTT is aiming to achieve with the transport strategy is a process that adheres to the commitments, but that will enable the project to continue efficiently.</p>		

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	<p>SP queried whether TTT was removing the LAs from the decision process because they have concerns that the LAs would say 'no'.</p> <p>MO responded by running through the nature of the derogations again, highlighting that they are not expected to be an everyday occurrence and that LAs will still get to be involved with derogations, particularly where specific LA approvals may be required. MO highlighted that the project wants to work together with the LAs, and referred to the requirement for remedial action plans.</p>		
4.3	<p>Marine Operational Group and Traffic Liaison Group</p> <p>BB asked to discuss the Traffic Liaison Group; how the group would relate to an emergency situation and how often would it meet. KM noted that this hasn't been set out yet, and is something that the project would like to discuss in more detail with stakeholders.</p> <p>BB continued by stating that he supports the principle of such a group as it works well with Crossrail, but questioned whether it could have an approvals system. MO said that TTT are proposing that it would be the Relevant Authority who would consider planned derogations.</p>		
4.4	<p>Derogations: Limiting lorry movements/notifications</p> <p>FT stated that the proposals as they stand make sense and understands that, in an emergency, quick decisions are needed. But FT noted that his concerns were about the number of lorry loads resulting from derogations, and questioned whether this could be limited.</p> <p>MO said that the project can't give assurance that derogations will have a limit in terms of vehicle numbers, but noted that the Relevant Authority/Independent Panel will determine whether the approved derogations are necessary and reasonable as part of the monitoring and review process.</p> <p>FT asked if there was some mechanism for notifying the LAs if the derogation would be over a certain number of vehicles.</p> <p>KM noted that the LAs should be notified straight away of the need for derogations; ST also agreed that the contractors should be able to notify straight away. MO added that there could be a list of people who need to be notified and consulted.</p>		
4.5	<p>TfL/GLA and the Relevant Authority</p> <p>KR highlighted that the general principle is acceptable. If the Relevant Authority was the TfL or GLA, they would see themselves as a coordinator, even if they were officially called a 'decision maker'. GLA/TfL wouldn't be able to make unilateral decisions.</p> <p>KR noted that he could see some upsides to GLA/TfL being the Relevant Authority as it would be an easy way to</p>		

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	<p>compare across the project, ie, can see the differences or similarities between contractors, and can identify patterns. CoL and CoW may also be well placed to make decisions. For some derogations, there are quick decisions needed, but there is some scope to go to the LAs and speak to them about how to deal with the derogations; there would be limited timescales but TTT may find it useful to seek advice from the LAs.</p> <p>KM agreed that the Relevant Authority should be a coordinating role, and there are going to be some decisions that will need input from the LAs. In terms of short-term unplanned derogations, there could be a reliable network of people who discuss the issues prior to a decision being made, but this would need to be over a short time period as the project couldn't be held up by decision making if there was an issue. Perhaps there might be a role for specified timescales and streamlined decision making in certain cases. MO also agreed that perhaps the project needs to build into the process more of a coordination role for the Relevant Authority.</p> <p>JG noted that with contingency planning, which forms part of the process, the project would generally know what the response would be to many of the derogations. Maybe if the derogation falls outside of the contingency planning, there would need to be more coordination.</p> <p>IB noted that it is important to take into consideration the operation of the network on the particular day(s) derogations would be taking place; these would not be known at the contingency planning stage.</p>		
4.6	<p>Independent Panel</p> <p>PM noted that he disagreed that the Independent Panel would be better placed than a LA to review the decisions. MO said that Independent Panel are looking at whether the tests have been reasonably applied. JG followed by stating that the Independent Panel would be a third party and that it would be useful to have an independent party in the process.</p> <p>BB stated that the Independent Panel would be required to make process decisions rather than technical decisions; and questioned whether the panel needs to be traffic engineers i.e. appointed by ICE. KM highlighted that although the chair would be appointed by ICE, the three other members would be appointed in consultation with the LA/TfL/GLA.</p>		
4.7	<p>Exceptional circumstances derogations</p> <p>JS noted that most of the meeting today has been about the operational derogations, and he's more concerned about exceptional circumstances derogations; this needs covering in a slightly different way.</p> <p>MO noted that river costs are estimated as +£70m on the cost of the project (note that the PLA does not agree with</p>		

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	<p>this figure). River transport is a more restricted market than road transport, and is a more expensive commercial set up. TTT does have a responsibility to the bill payer. Therefore, in this context, exceptional circumstances derogations are needed.</p> <p>JS followed by noting that LB Wandsworth is in support of the scheme, but this would not be the case if there was no river usage.</p> <p>MO set out that a considerable amount of work has been undertaken into river transport to provide increased certainty about deliverability, and circumstances for these derogations would need to be exceptional. Alternative approaches to providing for such exceptional circumstances have been delivered. For examples, identifying a total cap to the cost of river transport is seen as undesirable as this may then act as a target for contractors when bidding. Therefore, the proposed tests have been put forward for comment.</p> <p>TW suggested that the decision for these derogations should be at government level. JS also noted that the decision maker should be well beyond the Relevant Authority.</p> <p>PM asked what would be done if the derogations blocked up the road network. CP asked what would be done if traffic impacts affect the other areas of the network.</p> <p>MO responded by saying that, on the wider network, the percentage impact was relatively low. KM followed by stating that we would need to draw up a list of those LAs affected by cumulative traffic and ensure they are engaged in the discussion about alternatives. TW added that TTT has actually considered the 'all by road' within the transport assessments.</p> <p>PM asked whether we could lighten the circumstances under which derogations would take place. For instance, if there were occasions where the programme wouldn't be affected by halting construction on occasions where river use was not possible.</p>		
4.8	<p>Reasonable endeavours</p> <p>BB asked for the commitments by TTT to be clarified, is it 90% or is it to use all reasonable endeavours to reach 90%? KM stated that the process discussed today will be the legal requirement, and that it is intended that compliance with the process should equate to what might be considered to be reasonable endeavours.</p>		
4.9	<p>Requests for next meeting</p> <p>KR asked whether the following could be followed up by TTT for the next meeting:</p> <ul style="list-style-type: none"> • List of examples of acceptable derogations • Issue of presentation to attendees. MO asked that all 	TTT	asap

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	<p>attendees to note that this is work in process, so please make sure it is treated as such.</p> <ul style="list-style-type: none"> • Investigate the legal query re. LA roads • Consider in more detail notification process when dealing with unplanned operational derogations. <p>KM concluded the discussions by stating that TTT is grateful for all the response on this. KM asked the group whether any further responses could be sent through to TTT so comments could be used to shape the process.</p> <p>MO stated that the slides and handout would be circulated and asked for all responses on this to be sent through by attendees by Monday 4 November 2013. Note: This deadline has been extended to 21 November 2013.</p>	All	21/11/13
5	<p>AOB n/a</p>	n/a	n/a

Next meeting (date, time, location):	2 December 2013, 15.00-17.00
Next minute taker:	Sara Andrews

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