

Compulsory acquisition hearings

Day 4 – 04.12.13

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1 Introduction

- 1.1.1 This document contains a written summary of the oral submissions made by Thames Water Utilities Limited ('Thames Water') at the compulsory acquisition hearing held on 4 December 2013, as part of the examination of the application for development consent for the Thames Tideway Tunnel project. The Examining Authority ('ExA') in respect of the application set out the agenda for the compulsory acquisition hearings ('Agenda') by way of a letter, dated 18 November 2013, addressed to interested parties. This written summary of Thames Water's submissions is broadly structured by reference to the items on that Agenda that were addressed at the hearing on 4 December 2013.

2 Settlement

2.1 Legal submissions by Michael Humphries QC

- 2.1.1 Prior to the application being made, Thames Water wrote to all of those with an interest in land saying that the application was about to be made and that they had an interest in land to be acquired. This letter was in the form attached (see Appendix A) and was sent on, or about, 27 February 2013. The letter gave a link to the Thames Tideway Tunnel consultation website www.thamestunnelconsultation.co.uk.
- 2.1.2 A second letter was also written immediately before the application was submitted to all persons with a subsoil interest. A copy of that letter is enclosed at Appendix B. So some people will have got two letters: a person with an interest in land letter, and then a second one in relation to subsoil. This second letter had an FAQ which dealt generally with subsoil acquisition issues.
- 2.1.3 Then Section 56 letters were sent out on acceptance of the application. These were in a standard form but, in all cases, a leaflet called *Guide to Compensation* was also included. In relation to settlement, it said that a leaflet had already been produced explaining how any ground settlement caused by tunnelling, or construction activity, would be dealt with and what this means for owners. The *Guide to Compensation* also referred to exceptional hardship, land and property for construction and operation, compensation and mitigation protection measures, noise limits, secondary glazing, the appeal process and so on. This went to all Section 56 parties. The note that it refers to that could be downloaded from the website was called *A Guide to Ground Settlement*.
- 2.1.4 The general leaflet, *Guide to Compensation*, which was enclosed with the Section 56 letters, together with two further guides available on the website from April 2013, *Guide to Acquisition of Subsoil* and *Guide to Ground Settlement*, are also attached at Appendix C.

3 Barn Elms

3.1 Legal submissions by Michael Humphries QC

Extent of LLAU at Barn Elms

- 3.1.1 In response to a question from the ExA on the extent of the limits of land to be acquired or used (LLAU) at this site (as shown on plan DCO-PP04X-BAREL-070013), Thames Water noted that this was because the landscaping goes within a few metres of the LLAU. The amount of land-take required reflects the need to secure that the landscaping is provided because it is part of the mitigation. Thames Water indicated that the London Borough of Wandsworth could take maintenance responsibility for this if it wanted to. The land is not identified as being required for the operational development.
- 3.1.2 Subject to the very clearly defined exceptions in Article 34 and 35 of the *Draft DCO*, Thames Water has to restore the land to the way it was before. However, this may not be appropriate where the intention is to recontour and provide drainage and so on.
- 3.1.3 There is no intention for Thames Water to use the changing room facilities at Barn Elms. Space has been included in the LLAU to provide room for alternative replacement changing room facilities. Ultimately, Thames Water will take down the two changing rooms and replace them and they will not necessarily be replaced in precisely the same place. In order to undertake both the demolition and replacement, Thames Water would need temporary possession over a wider area so that the exact location of the replacement changing rooms could be determined later in agreement with the London Borough of Wandsworth. Thames Water undertook to review whether the LLAU could be 'pulled in' to minimise the land-take shown.

Carnwath Road or Barn Elms as a drive site

- 3.1.4 The rationale for the use of Carnwath Road Riverside as a drive site, as opposed to Barn Elms, was dealt with in the first week of issue specific hearings. Property was part of that consideration. In the compulsory acquisition hearings, the focus is more on the compulsory acquisition issues in relation to the proposal itself.
- 3.1.5 The ExA asked why Thames Water is seeking to acquire the land at Barn Elms by compulsory acquisition when a lease is being negotiated. Thames Water explained that it was not possible to compulsorily acquire a new lease and that no lease had been signed at the time the application was submitted.
- 3.1.6 If Thames Water were able to secure a lease by agreement, the compulsory purchase power may not need to be exercised. However, Thames Water would still ask for the compulsory purchase power to be confirmed, because of the ability to cleanse title, or in case there was

some problem with title or any lease that might otherwise frustrate the project.

3.2 Submissions by Derek Arnold

Introduction

- 3.2.1 The following documents were referred to:
- a. *Engineering Design Statement* (Doc ref: 7.18)
 - b. Response to first written question 4.31g (Doc ref: APP04)
 - c. Permanent works layout drawing number DCO-PP-04X-BAREL-070010, 070011, 070012
 - d. Construction phase drawing number DCO-PP-04X-BAREL070018
 - e. Works plan and section drawing number DCO-WP-000-ZZZZZ-010009
 - f. Land plan drawing number DCO-LP-000-ZZZZZ-030009 - Rev 2
 - g. Land acquisition plan drawing number DCO-LA-000-ZZZZZ-020009 - Rev 1.
- 3.2.2 In the *Engineering Design Statement*, we set out how the site would be used. In our response to first written question 4.31g we describe the alternative locations we considered for the permanent works.
- 3.2.3 The permanent works layout drawing sheet 1 of 3 shows the drop shaft located as close to the southern boundary of the sports ground as practical and to the west of the West Putney Storm Relief sewer. A particular feature of this site is that the land will be raised slightly above the adjacent sports ground to make sure that the top of the structures are at 104.5 metres, using a tunnel datum (4.5 metres above ordnance datum). That is the level that is required to make sure that the tunnel system does not back flow out of the drop shaft and onto lower lying land.
- 3.2.4 The permanent works layout drawing sheet 2 of 3 shows part of the permanent access to the CSO drop shaft, aligned along the easterly boundary of the Barn Elms School Sports Centre land. The permanent works layout drawing sheet 3 of 3 shows the northern extent of that permanent access to the junction with the road. There is provision for the location of replacement track and field facilities and replacement changing room facilities.
- 3.2.5 The construction phase plan drawing shows a gated access just to the north of the drop shaft site. To the north of that gate it is proposed that the access should be secured by an open mesh type of hoarding (which would be secure but less visually intrusive) up to the junction with Queen Elizabeth Walk. At the end of the open mesh hoarded area, there will be a small security office to control access to the site.

Access to Barn Elms Boat House and Sailing Club facilities

- 3.2.6 Access to the Barn Elms Boat House and Sailing Club facilities, which are located to the east of the construction access route alignment, would be maintained throughout the works. Access for the facilities would be maintained along the current alignment via the existing access road which runs between the car parking areas and the boat house facilities.
- 3.2.7 The alignment of the construction route is required to pass across the access for the boat house facilities. A gated crossing would be provided in the fenced construction route, such that under normal conditions, the position of the gates would allow unrestricted access to the boat house facilities.
- 3.2.8 When access is required to the site by a construction vehicle, the position of the gates will be amended by traffic marshals to temporarily prevent users accessing the boat house passing across the construction access route.
- 3.2.9 This vehicle management strategy, and the segregation of construction access route, would avoid potential conflict between users of the playing fields/boat house facilities and construction vehicle movements.
- 3.2.10 The alignment of the construction access route would run approximately parallel to the access road serving the boat house facilities for a distance of approximately 120m in the area located immediately north of the boat house.
- 3.2.11 The width of the LLAU is greater in this vicinity to allow for the gated crossing point and the parallel section of segregated construction and boat house access routes. The increased width of the LLAU also reflects a number of mature trees which are located in throughout the area and allows for the opportunity to refine the exact alignment with the site owners, the London Borough of Wandsworth.
- 3.2.12 It is proposed that a permanent vehicle access route will be constructed to provide operational and maintenance access to the Barn Elms CSO drop shaft and associated works.
- 3.2.13 The alignment of the permanent access route will generally follow the alignment of the construction access, except for the area immediately north of the boat house facilities. In this section, the permanent access route alignment would utilise the existing access road serving the boat house facilities. This solution minimises the encroachment of the permanent access route into the sports centre area.
- 3.2.14 During operational and maintenance activities, traffic marshals would ensure safe passage of associated vehicles through the sports centre.

Area north of Barn Elms Schools Sports Centre

- 3.2.15 The configuration of the limits of permanent works (land to be permanently acquired) includes a localised widening along the northern section of the Barn Elms Schools Sports Centre, located adjacent to the existing changing-room facilities. This is illustrated in the *Book of Plans*, Doc ref:

2.07 Barn Elms, Land Acquisition Plans, drawing number: DCO-LA-000-ZZZZZ-020009.

- 3.2.16 This widening includes areas for required landscaping. The area is current hard landscaped for vehicle car parking for the adjacent changing room facilities. It is anticipated that, as part of the provision of alternative changing-room facilities and demolition of the eastern most changing room, this area would be landscaped to grass. Consequently, the area is included within the limits of permanent works (land to be permanently required) because we will not reinstate it to its current condition.
- 3.2.17 The extent of required landscaping is illustrated on in the *Book of Plans*, Doc ref: 2.07 Barn Elms, Site Works Parameter Plan, drawing number: DCO-PP-04X-BAREL-070008.

Landscaping

- 3.2.18 The Panel sought clarification on why the landscaping area needs to be permanently acquired. Thames Water confirmed that the landscaping area is not required for operational reasons, but it is required to ensure that not only is the landscaping provided, but it is also maintained as it part the mitigation measures. At this particular site, the landscape area is identified to ensure that the sports pitches can be adequately reconfigured and to ensure that there is adequate pitch drainage with the change of topography in the southeast corner of the site.
- 3.2.19 Where there is landscaping that we have relied upon to mitigate the effects of our proposals, we have included the area within the permanent land acquisition that we are seeking.

Connection tunnel

- 3.2.20 In a similar way to that, as described for the Hammersmith Pumping Station connection tunnel, we have allowed for the tunnel-to-tunnel junction location to have some flexibility to allow for geological conditions, construction methods and detailed design of the works here.
- 3.2.21 Further information is provided in the *Tunnel Limits of Deviation* document (Doc ref: APP43), which provides more detail on the limits of deviation.

3.3 Submissions by Stephen Walker

Alternatives – property assessment

- 3.3.1 The DCO document reference relevant to this response is 7.05 Volume 5 and it is the *Final Report on the Site Selection Process* submitted by the applicant on 23 September 2013.

Introduction

- 3.3.2 The site selection process identified four final shortlisted sites for this CSO in the London Borough of Richmond. The property team made an assessment for each of the shortlisted sites as follows.

CO5XA – Foreshore

- 3.3.3 The site with this reference number was described as 'Foreshore, adjacent to Barn Elms playing fields'.
- 3.3.4 This area of foreshore is owned by the PLA and there is no presence of river works in the vicinity.
- 3.3.5 Foreshore sites will not generally be preferred where there are viable land-based alternatives.

Crown land and special land comments

- 3.3.6 At this site, we did not identify any Crown land interests but on account of the foreshore being accessible to the public at low tide, it was likely to be categorised as public open space. For any permanent land-take, the need for s131/132 certification may be required.

Property valuation comments

- 3.3.7 It was anticipated that an agreement would emerge with the PLA to secure this site and that, in property value terms, the cost would be acceptable.

Disturbance compensation comments

- 3.3.8 The site is not occupied and there should therefore be no disturbance to occupation. In terms of accessing the site, we did assess a risk that a scout hut would need to be relocated within the vicinity and that such cost would be modest in overall terms.

Discretionary purchase comments

- 3.3.9 The site is near residential properties but not adjacent. The risk of discretionary purchase at this site was assessed as modest, with a low potential for applications.

Off-site compensation comments

- 3.3.10 The site was assessed to hold some risk of off-site statutory compensation costs due to the potential disruption to river-based events and activities. Such cost would likely be mitigated and therefore be acceptable.
- 3.3.11 The site is near to residential properties, with the potential for claims under the non-statutory compensation schemes which was assessed as modest.

Site conclusions

- 3.3.12 The prospect of acquisition by agreement in advance of compulsory acquisition was considered low because of the availability of a viable land based alternative. There would therefore be some risk of delayed acquisition.
- 3.3.13 The site was assessed by the property team as suitable.

CO5XD – Boat Repair, off Putney Embankment

- 3.3.14 The site with this reference number was described as 'Boat Repair of Putney Embankment'.

3.3.15 The site is owned by the London Borough of Wandsworth and occupied by the Wandsworth, Fulham and Chelsea Cadet Unit, and a boat repair business operated by Chas Newns.

3.3.16 Access to the site would be via the Putney Embankment road.

Crown land and special land comments

3.3.17 At this site, we did not identify any Crown land interests or other special categories of land.

Property valuation comments

3.3.18 The value of the site was assessed as modest and would be acceptable. There was no expectation that these areas might hold a higher alternative use value which could otherwise affect this assessment.

Disturbance compensation comments

3.3.19 The business and cadet unit on the site would need to be relocated. We anticipated that it would be possible to identify relocation premises for the cadet unit in reasonably close proximity, but that the boat repair yard might prove more difficult. The costs would likely be modest but the extent of disruption to these local facilities significant.

Discretionary purchase comments

3.3.20 The site is adjacent to residential properties and the general environment is very quiet. We assessed some potential for discretionary purchase costs.

Off-site compensation comments

3.3.21 The site was assessed to hold little or no risk of off-site statutory compensation costs.

3.3.22 The site is adjacent to residential properties, with the potential for claims under the non-statutory compensation schemes which were assessed as modest. Potential for disruption to the boathouses on the Embankment was contemplated, although we determined that this would need to be mitigated rather than need resolving by means of a compensation payment.

Site conclusions

3.3.23 The prospect of acquisition by agreement in advance of compulsory acquisition was considered low because the London Borough of Wandsworth did not favour it over other options being considered. The occupation and means of access to the site were also considered problematic in terms of disturbance.

3.3.24 The site was assessed by the property team as suitable.

CO5XE – Leaders Gardens, Putney Embankment

3.3.25 The site with this reference number was described as 'Leaders Gardens, Putney Embankment'.

- 3.3.26 This is an area of public park and gardens owned by the London Borough of Wandsworth.
- 3.3.27 The means of access to this site would be along the Putney Embankment public highway.

Crown land and special land comments

- 3.3.28 On account of the site being a public open space, it has special land status and, in the absence of agreement with the owner, would trigger the obligation to identify and provide replacement land for that which is permanently required. Failure to do so would result in the need for an application under s131/132 for certification.

Property valuation comments

- 3.3.29 The cost of identifying and securing replacement land was assessed to be significant but acceptable. There was no expectation that these areas might hold a higher alternative use value which could otherwise affect this assessment.

Disturbance compensation comments

- 3.3.30 There are no occupiers on the site and no disturbance compensation was anticipated in the assessment.

Discretionary purchase comments

- 3.3.31 The site is adjacent to a significant number of residential properties. The potential for discretionary purchase scheme applications was assessed as modest, with some potential for discretionary purchase costs.

Off-site compensation comments

- 3.3.32 The site was assessed to hold little or no risk of off-site statutory compensation costs.
- 3.3.33 The site is adjacent to residential properties, and the potential for claims under the non-statutory compensation schemes was assessed as modest. Potential for disruption to the boathouses on the Embankment was contemplated, although we determined that this would need to be mitigated rather than need resolving by means of a compensation payment.

Site conclusions

- 3.3.34 The prospect of acquisition by agreement in advance of compulsory acquisition was considered low because the London Borough of Wandsworth did not favour it over other options being considered. The occupation and means of access to the site were also considered problematic in terms of disturbance.
- 3.3.35 The site was assessed by the property team as suitable.

CO5XQ – Barn Elms

3.3.36 The site with this reference number was described as 'Barn Elms' and was the selected site.

3.3.37 The site is currently an area of playing fields, owned by the London Borough of Wandsworth, situated in the London Borough of Richmond upon Thames. Access to the site for both construction and operation is off Queen Elizabeth Walk, and that follows the line of the river, past the boathouse, and on past the athletics facilities and changing rooms.

Crown land and special land comments

3.3.38 This site is public open space and therefore has special land status. In the absence of agreement with the owner, this would trigger the obligation to identify and provide replacement land for that which is permanently required. Failure to do so would result in the need for an application under s131/132 for certification.

Property valuation comments

3.3.39 The cost of identifying and securing replacement land was assessed to be significant but acceptable. There was no expectation that these areas might hold a higher alternative use value which could otherwise affect this assessment.

3.3.40 The single option access for both construction and operation minimised the land acquisition and disturbance cost.

Disturbance compensation comments

3.3.41 We assessed disturbance costs of re-providing the playing field facilities during the period of occupation. It was assumed that the boathouse and sailing club facilities would be maintained. The cost of providing replacement changing-room facilities were also assessed so that overall, the property cost was significant but acceptable.

Discretionary purchase comments

3.3.42 The site is near to a number of residential properties. The potential for scheme applications was assessed as modest, with a low potential for discretionary purchase costs.

Off-site compensation comments

3.3.43 The site was assessed to hold little or no risk of off-site statutory compensation costs.

3.3.44 The site is near a number of riverside related facilities and residential properties, and the potential for claims under the non-statutory compensation schemes was assessed as modest.

Site conclusions

3.3.45 Constructive dialogue with the London Borough of Wandsworth, over a period of time during consultation and site selection, increased the

prospect of acquisition by agreement in advance of compulsory acquisition.

- 3.3.46 The site was assessed by the property team as suitable.

Conclusions by property team

- 3.3.47 There was no existing Thames Water ownership that could have been relied upon for the Barn Elms CSO.
- 3.3.48 Three of the four shortlisted options were owned by the London Borough of Wandsworth, and the selected site is consistent with the preference of the landowner. The fourth option is a foreshore site, not generally preferred where a viable land-based alternative is available.
- 3.3.49 The alternatives to this site were explored and, in all cases, would require the use of compulsory acquisition to a greater extent than at the subject site.

3.4 Submissions by Mark Davey

Barn Elms – Negotiations with the London Borough of Wandsworth

- 3.4.1 Thames Water has been in discussions with the London Borough of Wandsworth about acquiring land at Barn Elms by agreement for the purposes of a CSO site. The agreement is not yet finalised, but it is at an advanced stage.
- 3.4.2 The agreement provides for Thames Water to take a lease of the area within the LLAU to carry out the works. Thames Water will then take a lease of a smaller area over a longer term for operational purposes.
- 3.4.3 The operational lease area will be a smaller area than the permanent acquisition area shown in the DCO. This is because the agreement allows for mutual rights for essential elements of mitigation which could not be expressed within DCO powers. The access and landscaping land will remain with the London Borough of Wandsworth, and Thames Water will have a right of access over the road that Thames Water will build.
- 3.4.4 The access land is shown as a permanent acquisition in the DCO because Thames Water needs to carry out permanent works to create the operational access, and needs to be sure that the access is maintained as it is an access to an operational site.
- 3.4.5 The lease will specify that Thames Water will use the land for the purposes of the Thames Tideway Tunnel. There is no reference to whether or not Thames Water will use the land as a drive site or a CSO site, but the land to be acquired would be too small to be used as a drive site.
- 3.4.6 The areas within the agreement with Wandsworth are based on the Thames Water requirements for the project. They are not based on areas that Wandsworth offered to Thames.

- 3.4.7 The agreement also provides for the demolition and rebuilding of both changing-room buildings. Wandsworth's preferred option is to have a single, new, changing-room building, built slightly further to the south of the existing location. The exact location has not yet been determined.

4 Hammersmith Pumping Station

4.1 Submissions by Derek Arnold

Introduction

- 4.1.1 The following documents were referred to:
- a. *Engineering Design Statement* (Doc ref: 7.18)
 - b. Response to first written question 4.31g (Doc ref: APP04)
 - c. Permanent works layout drawing number DCO-PP-03X-HAMPS-060007
 - d. Construction phase drawing number DCO-PP-03X-HAMPS-060013
 - e. Works plan and section drawing number DCO-WP-000-ZZZZZ-010006
 - f. Land plan drawing number DCO-LP-000-ZZZZZ-030006 - Rev 2
 - g. Land acquisition plan drawing number DCO-LA-000-ZZZZZ-020006 - Rev 1.
- 4.1.2 In the *Engineering Design Statement*, we set out how the site would be used.
- 4.1.3 In our response to first written question 4.31g we describe the alternative locations we considered for the permanent works. At the site, a particular feature was whether to intercept the CSO upstream or downstream of the pumping station.
- 4.1.4 The permanent works layout drawing shows the LLAU and parameters within which the permanent works will be located. A particular feature of this site is the proposal to work within the constraints imposed by the St George development. The drop shaft has been located in an area between two or more buildings and a connection culvert runs back towards the pumping station. The interception chamber will be built alongside the existing storm relief sewer upstream of the pumping station, allowing the flows to be diverted into the drop shaft and from there into the tunnel. The works also include a new connection to an existing sewer in Chancellors Road, to enable us to drain down the pumping station in order to prevent sewage standing in the pumping station when it cannot flow into the tunnel, and before it would be pumped into the river in a storm event. There is a small area of land within a separate LLAU at the junction of Distillery Road and Chancellors Road that is required to temporarily realign the kerb so that construction traffic for the site can get round that junction and enter the site off Distillery Road.

Connection tunnel

- 4.1.5 The works plan and section drawing shows the order limits, the LLAU and used, and the connection tunnel limits of deviation. The connection tunnel, Works No.3b, passes from the CSO drop shaft under the site to meet the main tunnel under the river. The limits of deviation of the connection tunnel have been drawn more widely where it meets the main tunnel, because we consider it is necessary to make sure that the position of the potentially difficult tunnel-to-tunnel junction construction can be optimised to suit the ground conditions at that point. Although we have carried out some ground investigations for the project, we would expect the contractor to do some very detailed investigations and refine the position of the tunnel-to-tunnel junction based upon the ground that is identified as the main tunnel passes through the area.
- 4.1.6 Further information is provided in the *Tunnel Limits of Deviation* document (Doc ref: APP43) which provides more detail on the limits of deviation.

Highway works

- 4.1.7 Thames Water clarified that the land in the smaller LLAU at the junction of Distillery Road was in the highway (road and footway).
- 4.1.8 Thames Water clarified that the kerb realignment was a temporary realignment and that it will be reinstated back to the original position.
- 4.1.9 The panel sought clarification on whether the junction would still perform adequately during maintenance, and Thames Water confirmed that the assessment showed it would perform adequately.

4.2 Submissions by Stephen Walker

Alternatives – property assessment

- 4.2.1 The DCO document reference relevant to this response is 7.05 Volume 4 and it is the *Final Report on the Site Selection Process* submitted by the applicant on 23 September 2013.

Introduction

- 4.2.2 The site selection process identified six final shortlisted sites for this CSO in the London Borough of Hammersmith and Fulham. The property team made an assessment for each of the shortlisted sites as follows.

CO4XA – Foreshore Site, Chancellors Wharf

- 4.2.3 The site with this reference number was described as ‘Foreshore Site, Chancellors Wharf’.
- 4.2.4 The foreshore at this location is owned by the Port of London Authority and there are no existing river works in this location.

Crown land and special land comments

- 4.2.5 The foreshore dries out at low tide in this location and the requirement to replace public open space could lead to a s131/132 application for a certificate.
- 4.2.6 The PLA ownership would also be subject to s127, it being land held for the purposes of the PLA's statutory function.

Property valuation comments

- 4.2.7 The cost to acquire foreshore from the PLA was assessed as likely to be modest and therefore acceptable.

Disturbance compensation comments

- 4.2.8 There being no occupation there were no disturbance costs assessed.

Discretionary purchase comments

- 4.2.9 There are a number of nearby residential properties but the risk of triggering discretionary purchase in this location was considered low. The proposed residential development of the adjacent land could alter this if the timing was to overlap.

Off-site compensation comments

- 4.2.10 Nearby residential properties and proposed new residential properties on adjacent land provided a medium risk of off-site compensation costs arising throughout the construction phases.

Site conclusions

- 4.2.11 The risks associated with attempting to acquire a foreshore site in circumstances where a land-based alternative exists means such sites are not generally preferred.
- 4.2.12 The site was assessed by the property team as suitable.

CO4XF – Hammersmith Pumping Station, Chancellors Road

- 4.2.13 The site with this reference number was described as 'HPS, Chancellors Road'.
- 4.2.14 The site is part owned by Thames Water on account of it being the compound for the existing pumping station. The rest of the site is owned by St George Ltd, a subsidiary of the Berkeley Group. The site has planning permission for residential development.

Crown land and special land comments

- 4.2.15 No special categories of land were identified.

Property valuation comments

- 4.2.16 Part of the property is already owned by Thames Water; the remainder would only be acquired at a high cost and collaboration with the owner would be necessary.

Disturbance compensation comments

- 4.2.17 There are no issues on the Thames Water land, which does not have any third-party occupiers. The St George site is currently a cleared and vacant site.

Discretionary purchase comments

- 4.2.18 The site has residential property nearby, although the risk was assessed as moderate.

Off-site compensation comments

- 4.2.19 Nearby residential properties and proposed new residential properties on adjacent land provided a medium risk of off-site compensation costs arising throughout the construction phases.

Site conclusions

- 4.2.20 The discussions with St George were concluded on the basis that a different, more preferred site within its ownership was taken forward. Ignoring this and continuing with this site would have added considerable risk and cost to the project.
- 4.2.21 The site was assessed by the property team as less suitable.

CO4XG – Frank Banfield Park

- 4.2.22 The site with this reference number was described as 'Frank Banfield Park'.
- 4.2.23 It is a public park and garden owned by the London Borough of Hammersmith and Fulham.

Crown land and special land comments

- 4.2.24 The park is an area of public open space and, in the absence of agreement with the London Borough of Hammersmith and Fulham, would have triggered the need for certification under s131/132 of the Planning Act 2008.

Property valuation comments

- 4.2.25 The cost, which may have included the identification and provision of replacement land, would be high, although likely to be acceptable.

Disturbance compensation comments

- 4.2.26 The park has no third-party occupiers, and no disturbance costs were anticipated in our assessment.

Discretionary purchase comments

- 4.2.27 There are a number of nearby residential properties but the risk of triggering discretionary purchase in this location was considered low.

Off-site compensation comments

- 4.2.28 Nearby residential properties and proposed new residential properties on adjacent land provided a medium risk of off-site compensation costs arising throughout the construction phases.

Site conclusions

- 4.2.29 The risk of selecting this site over others in this location was considered high because of the likelihood that no agreement would emerge with the London Borough of Hammersmith and Fulham, and s131/132 certification would need to be relied upon if Special Parliamentary Procedure was to be avoided to secure the permanent open space land.
- 4.2.30 The site was assessed by the property team as less suitable.

CO4XJ – Hammersmith Pumping Station, Chancellors Road

- 4.2.31 The site with this reference number was described as 'HPS, Chancellors Road'.
- 4.2.32 The site is part owned by Thames Water on account of it being the compound for the existing pumping station. The rest of the site is owned by St George Ltd, a subsidiary of the Berkeley Group. The site has planning permission for residential development.

Crown land and special land comments

- 4.2.33 No special categories of land identified.

Property valuation comments

- 4.2.34 Part of the property is already owned by Thames Water; the remainder would only be acquired at a high cost and collaboration with the owner would be necessary.

Disturbance compensation comments

- 4.2.35 There are no issues on the Thames Water land, which does not have any third-party occupiers. The St George site is currently a cleared and vacant site.

Discretionary purchase comments

- 4.2.36 The site has residential property nearby, although the risk was assessed as moderate.

Off-site compensation comments

- 4.2.37 Nearby residential properties and proposed new residential properties on adjacent land provided a medium risk of off-site compensation costs arising throughout the construction phases.

Site conclusions

- 4.2.38 The discussions with St George were concluded on the basis that a different, more preferred site within its ownership was taken forward.

Ignoring this and continuing with this site would have added considerable risk and cost to the project.

- 4.2.39 The site was assessed by the property team as less suitable.

CO4XP – Hammersmith Pumping Station and TW Depot

- 4.2.40 The site with this reference number was described as 'HPS and TW Depot'.

- 4.2.41 The ownership of both the pumping station and depot is with Thames Water.

Crown land and special land comments

- 4.2.42 There are no special categories of land. It is assumed that Thames Water would not rely on protection provided by s127.

Property valuation comments

- 4.2.43 All land is already owned by Thames Water.

Disturbance compensation comments

- 4.2.44 This is an operational site and works depot and, although the works would require relocation of the depot, the cost was assessed as acceptable.

Discretionary purchase comments

- 4.2.45 The very close proximity of residential properties around the depot site was of concern, and it was expected that use of this site would lead to significant applications for discretionary purchase at this location.

Off-site compensation comments

- 4.2.46 This split-site arrangement was likely to trigger significant compensation issues for those living in close proximity. Road closures anticipated while connection works were made between the two sites added to the potential problems envisaged.

Site conclusions

- 4.2.47 The fact that the site is already owned by Thames Water makes it highly attractive from a property perspective. However, other disciplines involved in site selection had concerns and, overall, given the potential disruption to nearby residential properties, the cost of using the site was assessed as significant.

- 4.2.48 The site was assessed by the property team as suitable.

CO4XN – Hammersmith Pumping Station, Off Distillery Road

- 4.2.49 The site with this reference number was described as 'Hammersmith Pumping Station, Off Distillery Road'.

- 4.2.50 Part of this site is already owned by Thames Water and the remainder is owned by St George Ltd. There is an agreement with St George for

Thames Water to utilise this site in order to complete the CSO works at Hammersmith Pumping Station.

Crown land and special land comments

- 4.2.51 There are no special categories of land. It is assumed that Thames Water would not seek protection under s127 of the Planning Act 2008.

Property valuation comments

- 4.2.52 The vacant land owned by St George has an extant consent for high density residential development. The cost of acquisition was therefore assessed as high.

Disturbance compensation comments

- 4.2.53 The site is currently vacant and the potential for disturbance costs is therefore low. There is, however, a high risk of compensation arising from the direct impact the project may have on developing the remainder of the St George land. Our assessment of this cost is that it could be high.

Discretionary purchase comments

- 4.2.54 There is a risk that properties built by St George and occupied prior to or during the project will be eligible for the discretionary purchase scheme. However, on account of the fact that most would buy in the full knowledge, our view was that the potential for claims would be low.

Off-site compensation comments

- 4.2.55 The site minimises impact on other existing residential properties in the vicinity but there will be large numbers of new properties built by St George in close proximity to the site. We anticipate compensation being claimed under the non-statutory procedure during the period of construction activity.

Site conclusions

- 4.2.56 The collaboration with St George has the effect of minimising the extent to which Thames Water would rely on powers of compulsory acquisition to assemble this site.
- 4.2.57 The property purchase and potential for compensation arising from direct impacts on the residential development are, however, high. This represents a significant risk to the property assessment.
- 4.2.58 The site was assessed by the property team as less suitable.

Conclusions by property team

- 4.2.59 The site utilises ownership of Thames Water in part and could have used more if the depot site has been selected.
- 4.2.60 The collaboration agreement with St George helped to identify the precise site used adjacent to the Hammersmith Pumping Station. This should mitigate the overall impact on the residential development to help limit the compensation cost, which is anticipated to be high.

- 4.2.61 Foreshore sites are not generally preferred where there are land-based alternatives and staying out of the public park has the same desired effect of reducing acquisition risk for the project.

4.3 Submissions by Chris Boston

Introduction

- 4.3.1 Following the oral submission by Stephen Walker, the ExA requested that the project provides an update on the progress of landowner negotiations at Hammersmith Pumping Station.

Property negotiations

- 4.3.2 A summary was provided in relation to negotiations with land at Hammersmith Pumping Station, Fulham Reach.
- 4.3.3 The ExA was briefed on the agreement between Thames Water and St Georges Plc in respect of a 'Works Interface and Compensation Deed', which was signed by both parties on the 12 November 2012.
- 4.3.4 It was explained to the ExA that, in respect of the project land requirements at Hammersmith, the agreement enabled the project to construct, maintain and operate the Thames Tideway Tunnel.
- 4.3.5 It was also explained that there were compensation provisions in the agreement for diminution in value, and other attributable losses directly caused as a result of the Thames Tideway Tunnel project works.
- 4.3.6 It was also confirmed that the compensation provisions mirrored the Statutory Compensation Code in respect of the ability of St George Plc to claim compensation.
- 4.3.7 The ExA enquired as to whether powers under the provisions of the DCO for compulsory acquisition were still required.
- 4.3.8 It was confirmed that, in respect of the agreement between the parties, there was provision for Thames Tideway Tunnel to retain the powers as sought, as denoted on plan DCO-LA-000-ZZZZZ-020006-Rev 1, in respect of compulsory acquisition.
- 4.3.9 The CPO powers need to be retained in respect of cleansing title.
- 4.3.10 The ExA asked for written confirmation from St George that it was in agreement with regard to the retention of CPO powers under the terms of the Works Interface and Compensation Deed.
- 4.3.11 It was confirmed that Thames Tideway Tunnel would write to St George and revert accordingly.

5 Common land

5.1 Legal submissions by Michael Humphries QC

- 5.1.1 The Wimbledon and Putney Commons Conservators own eight¹ plots of land within the LLAU, being plots 70, 72, 75, 76, 77, 78, 79, and 85. The land acquisition, right and temporary possession powers sought are as follows. Plots 70, 72, 76, 79 and 85 are part of the footpath and their use at surface is purely temporary; they are required to gain access in order to put the hoarding up along the side of the works site. The public right of way will remain open at all times. Plots 72 and 79 also identified in the schedule as subsoil plots. Plots 75, 77 and 78 are all subsoil only.
- 5.1.2 These plots are all common land under the Wimbledon and Putney Commons Act 1871. That Act established the Wimbledon and Putney Common Conservators, and set out various purposes for that body in relation to the common. One of the preambles to the Act makes it clear that it would be of great local public advantage if the commons were always kept unenclosed, unbuilt on and in their natural aspect and state.
- 5.1.3 The Act provides a specific duty in Section 34 of the Act that reads: *“The conservators shall at all times keep the commons open, unenclosed and unbuilt on, except as regards part or parts thereof are, at the passing of this Act, enclosed or built on, and except as otherwise in this Act expressed shall by all lawful means prevent, resist and abate all encroachment and attempted encroachment on the commons and protect the commons and preserve them as open spaces, and resist all proceedings tending to the enclosure or appropriation for any purpose of any part thereof.”* Section 35 imposes limits on the Conservators’ ability to sell, lease, grant or in any manner dispose of any parts of the commons.
- 5.1.4 Thames Water explained that the purpose of the commons is for the purpose of keeping it open and unenclosed. The Section 35 limit on disposal was litigated in *Wimbledon and Putney Common Conservators v Housden* which went to the Court of Appeal in 2008. Mr and Mrs Housden argued that they should be able to register an easement over part of the Wimbledon and Putney Common. It was held that that the grant of such an easement was perfectly proper in this case and did not interfere with the purpose of keeping the land open and unenclosed.
- 5.1.5 Thames Water’s approach in relation to this has been to look at whether the acquisition engages Section 131 of the PA 2008. The view that has been taken is that it doesn’t, because the surface of the common is not being acquired, only temporarily used, and the acquisition of the subsoil does not interfere with the purposes of the Act and, in particular, the duty in Section 34 that the land be kept open, unenclosed and unbuilt on.
- 5.1.6 At an early phase of pre-application consultation the Wimbledon and Putney Conservators objected to the use of the extended footpath as the

¹ In the oral submissions, Thames Water said that there are 6 plots owned by the Conservators but in fact there are 8 (plots 70, 72, 75, 76, 77, 78, 79 and 85).

main access to the site. It was in part on the basis of that objection that Thames Water moved the access to the Queen Elizabeth Walk side of the sports ground. Since that point, the Conservators have not objected to what Thames Water is proposing.

- 5.1.7 As taking deep subsoil is not actually interfering with the common, as common, Thames Water says that Section 131 is not engaged. In any event, what is to be acquired here is a stratum of land several tens of metres underground. Clearly to reprovide the Conservators with another piece of equivalent replacement land several tens of metres underground would serve no useful purpose. Clearly on a purposive approach to interpreting Section 131, it cannot have been intended that the developer of a deep tunnel should have to replace such a substratum of land where it happens to pass under a common.
- 5.1.8 As Thames Water took the view that the land deep under a common was not part of the common itself, these particular plots were not included in Part 5 of the *Book of Reference*. Even if they had been put in that part of the *Book of Reference*, Thames Water would still say that sections 131 and 132 were simply not engaged in this particular instance.
- 5.1.9 Thames Water noted that the Conservators have not raised any objection to the taking of their subsoil interests in this way.

6 Responses to issues raised at the hearing

6.1 London Borough of Wandsworth property agreement – land under leases

Issue raised

- 6.1.1 Can Thames Water identify the extent of land under the leases provided for in the proposed property agreement with the London Borough of Wandsworth?

Response

- 6.1.2 The Thames Tideway Tunnel and London Borough of Wandsworth property agreement heads of terms are not yet agreed. They cover the sites at Barn Elms, Putney Embankment Foreshore, King George's Park and Falconbrook Pumping Station.
- 6.1.3 The heads of terms as drafted provide for a right for Thames Water to serve call notices for works leases and operational leases. The demise in each case is defined as an area to be identified within the limits shown on the relevant plan. The plans are based on the DCO plans. The maximum extent of the land-take is the LLAU. The demise is defined as an area within the LLAU because the contractor might require a lesser area, but we will not know this until after the contractor is appointed.

6.2 St George agreement at Hammersmith Pumping Station

Issue raised

- 6.2.1 Can Thames Water obtain written confirmation from St George that there is an agreement already in place to obtain the necessary rights over their land? The response should deal with the operative terms of the agreement and also confirm that St George has fully understood what the acquisition will mean. The note also needs to address if any new rights need to be created through the DCO and also whether or not the title will revert to St George.

Response

- 6.2.2 Thames Water has written to St George Plc, requesting confirmation of the legal agreement between the parties and compulsory acquisition powers which will need to be retained by Thames Water. A formal response is awaited.

6.3 Permanent land-take at Barn Elms

Issue raised

- 6.3.1 Why is there permanent land-take at Barn Elms when similar landscaping works are being undertaken at other sites but no permanent rights are being taken?

Response

- 6.3.2 The Panel sought clarification on why the landscaping area needs to be permanently acquired.
- 6.3.3 There are four land plots for permanent acquisition: two are required for the access road and an area of landscaping (nos. 63 and 64), and two are required for the operational plant (nos. 71 and 80). All plots will be overlain by landscaping.
- 6.3.4 The landscaping area at the southern end of Plot 64, which wraps around the permanent works, is required for landscaping and was identified as essential to mitigate the impact of the project. The landscaping area ensures that the sports pitches can be adequately reconfigured and ensures that there is adequate pitch drainage with the change of topography in the southeast corner of the site. Thames Water therefore needs to have control over its installation, retention and maintenance.
- 6.3.5 Plot 63 and the remaining area of Plot 64 are required for the operational access road, which will be permanent and which we will need to be able to maintain.
- 6.3.6 Further, with regard to plots 71 and 80, the green dotted line on plan no. DCO-PP.04X-BAREL-070008 indicates the zone within which the above ground structures (the habitat enclosure which contains the ventilation

column and electrical and control kiosk within it) and below-ground structures (such as the CSO drop shaft) would be located.

- 6.3.7 In conclusion, where there is landscaping that we have relied upon to mitigate the effects of our proposals, we have included the area within the permanent land acquisition that we are seeking. As noted above at paragraph 3.4, if agreement can be reached over areas of landscaping and access, permanent land-take can be reduced

6.4 Landscaping and reprovision of changing rooms at Barn Elms

Issue raised

- 6.4.1 Should the landscaping and the reprovision of the changing rooms at Barn Elms be a Section 106 obligation rather than comprise permanent land-take under the DCO? We should set out the discussions that have taken place with the London Borough of Wandsworth to show that it agrees with the approach that has been taken. Will any new rights be created?

Response

- 6.4.2 First, Thames Water requires powers to undertake all works under the DCO, otherwise the DCO will be defective.
- 6.4.3 The London Borough of Richmond upon Thames agrees with the proposals for the changing rooms in the *Draft DCO*. As stated in the *Statement of Common Ground*: “There are no planning obligations proposed in the *Draft DCO* with regard to LBRuT. LBRuT agreed that all matters could be dealt with through a property agreement with the London Borough of Wandsworth (meeting 5, 24 October 2012)”.
- 6.4.4 The contractor will submit details at a later stage under Requirement BAREL10.
- 6.4.5 Second, we have discussed the changing rooms with the London Borough of Wandsworth on many occasions. Refer to the *London Borough of Wandsworth Statement of Common Ground* for a comprehensive list of meetings held with London Borough of Wandsworth and the main issues discussed, including the changing rooms. London Borough of Wandsworth also met with London Borough of Richmond upon Thames on 9 September 2013 to discuss matters relating to the changing rooms.
- 6.4.6 Third, the *Draft DCO* provides for unrestricted powers for the temporary occupation of land and the acquisition of subsoil. However, access needs to be maintained to the remaining changing rooms building if it is to be excluded from the LLAU (see paras. 6.5.9 to 6.5.13 regarding access to changing room facilities).
- 6.4.7 We are not seeking to create any new rights, just to change and protect an existing right.

6.5 Land required for changing rooms Barn Elms

Issue raised

- 6.5.1 Explain the extent of the land required for the Barn Elms changing rooms (Plot 65).
- 6.5.2 How is access to be maintained to the changing facilities within Plot 65 during construction?

Response

Extent of the land required for Barn Elms changing rooms

- 6.5.3 The Barn Elms Schools Sports Centre is currently served by two existing changing room facilities located at the northern end of the site.
- 6.5.4 The provision of both the temporary construction and subsequent permanent access routes requires the demolition of one of the existing changing room facilities and the provision of temporary alternative facilities to maintain changing room capacity throughout the works.
- 6.5.5 Upon completion of the works, a new permanent facility would be constructed to replace the single changing room which had been demolished.
- 6.5.6 The exact scope, phasing, location and configuration of the temporary and permanent replacement changing room facilities has not been finalised and discussion is ongoing with the site owners, London Borough of Wandsworth.
- 6.5.7 Plot 65 covers the land around the westernmost changing room facility. Temporary occupation of this area is required to enable the provision of and construction working area for an alternative changing room facility, and allow modifications to the layout of the adjacent car parking area to maintain the current vehicle parking capacity.
- 6.5.8 Occupation of the westernmost changing room facility is not required. Consequently, the building itself should not be shaded on the associated land plan and land acquisition plan, contained within the *Book of Plans*, Doc ref: 2.03 *Land Plans* and 2.02 *Land Acquisition Plans*. As the Thames Tideway Tunnel project does not seek any rights over it, Land Plot 65 should exclude the footprint of the westernmost changing room facility.

How is access to be maintained to the changing facilities during construction?

- 6.5.9 Access to both the existing changing room facilities would be maintained while the alternative changing room facilities are constructed in the within Land Plot 65.
- 6.5.10 Once the alternative changing rooms are available and commissioned, demolition of the easternmost changing room would proceed.

- 6.5.11 Access to the westernmost and alternative changing room facilities would be maintained during the demolition of the easternmost changing room facility and the construction works associated with the Barn Elms CSO site.
- 6.5.12 It is anticipated that access to the various changing room facilities would be maintained via the formation of segregated fenced accesses to provide pedestrian routes from Queen Elizabeth Walk, the sports pitches and the car parking area.
- 6.5.13 The enclosure of changing room construction/demolition works within secure fencing would minimise the risk of conflict between users of the sports centre and construction/demolition activities. These matters are dealt with generally in the *CoCP* Part B for this site and the consultation update issued to boroughs and stakeholders on 9 December includes additional requirements upon contractors to minimise impact on the use of the Barn Elms Schools Sports Centre.

Ongoing discussions with London Borough of Wandsworth

- 6.5.14 The intention under the Thames Water and London Borough of Wandsworth property agreement is that both the existing changing room buildings would be demolished and rebuilt before the Thames Tideway Tunnel project works commence.
- 6.5.15 In this scenario, a new single combined changing room facility would be constructed to replace the two existing changing room facilities before they are demolished.
- 6.5.16 However, if this is not the case, Thames Tideway Tunnel would maintain access to the changing room buildings during construction if they are still operational.

6.6 Thames Water's interests with CA powers in the Statement of Reasons

Issue raised

- 6.6.1 Can the applicant explain where in the *Statement of Reasons* the explanation is given for the inclusion of Thames Water's own interests with CA powers?

Response

- 6.6.2 This issue is touched on in paragraph 5.1 of the *Statement of Reasons* where reference is made to the need to ensure that “*any third party rights affecting [the Order Land] are extinguished or overridden pursuant to the Order, ensuring the project can be constructed, maintained and operated*”.
- 6.6.3 Thames Water agrees that this issue could be clearer and will include additional explanation in the updated *Statement of Reasons*, to be provided with the 13 January submission. Essentially, these reasons relate to the cleansing of title for land already owned by Thames Water and, in the case of land secured subject to agreement but not yet

transferred to Thames Water, to deal with the situation whereby contractual commitments fail for any reason. The inclusion of both types of land within CA powers also enables Thames Water to engage the general vesting declaration procedure (applied by the *Draft DCO* in Article 33), which offers a simpler means of obtaining large areas of land in multiple ownership and of cleaning existing titles of third-party interests.

6.7 Common land

Issue raised

- 6.7.1 Common land: Does the Wimbledon and Putney Common Act 1871 separate out ownership rights between subsoil and surface rights? Does the reference to common land in s131(1) of the Planning Act 2008 include subsoil?

Response

- 6.7.2 Thames Water is currently considering further submissions in support of its case that the subsoil stratum required for the tunnel alignment beneath common land at Barn Elms does not constitute common land for the purposes of Part 5 of the *Book of Reference* or sections 131/132 of the Planning Act 2008. This issue will be dealt with in response to question 23.3 in the second round of questions received on 19 December.

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Appendix A: Letter to stakeholders with an interest in land to be acquired

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Thames Tideway Tunnel

Our Reference 100-CO-PRO-00000-000005
Phone 0800 0721 086
E Mail info@tidewaytunnels.co.uk

1041757/LLAU/130226/PRD2X-37633

27 February 2013

Thames Tideway Tunnel, Land at Barn Elms

I am writing to you as we believe you may have an interest in land which is within the limits of land to be acquired or used for the proposed Thames Tideway Tunnel project at the site referred to above, and I attach a plan showing the limits. The Thames Tideway Tunnel is a major new sewer, urgently required to help tackle discharges of untreated sewage to the tidal River Thames. If you are identified as having an interest in deep subsoil required for the tunnel you will also receive a letter from us explaining our approach to acquiring that type of land interest.

Permission to build the tunnel and related structures will be determined via an application for development consent under the Planning Act 2008. This Act includes provision for compensation for people who suffer loss as a result of their rights being affected.

On the 28 February 2013 we will be submitting our application for development consent to the Planning Inspectorate, who will have 28 days from submission to decide whether to accept our application. If it is accepted, we will write to you again to let you know. The application will then enter the pre-examination stage, and you will be offered the opportunity to write to the Planning Inspectorate during a specified period for such representations to have your say on the application.

Over the last year we have been contacting you to obtain details about your property interests so that we could include this information in the Book of Reference which will accompany the application for development consent. This is a document containing the names and addresses of all owners of land, lessees, tenants, occupiers or those with any other interest in the land, who might be affected by the scheme.

We would like to discuss with you the nature of the land interest that you hold, any impact our works may have, and to explain how our compensation programme is structured. More details on our proposals are available on our website www.thamestunnelconsultation.co.uk.

Thames Water Utilities Limited

Freepost RTCL-HJLR-ZUST
Thames Tideway Tunnel
LONDON
W2 1AF
www.thameswater.co.uk/thames-tunnel

Registered in England and Wales
No. 2366661 Registered office
Clearwater Court, Vastern Road, Reading,
Berkshire, RG1 8DB

Page 2

To discuss the matters raised in this letter or if you have questions about the project, please contact us on 0800 0721 086 or email info@tidewaytunnels.co.uk.

Yours Sincerely,

A handwritten signature in blue ink that reads "Phil Stride". The signature is written in a cursive, slightly slanted style.

Phil Stride
Head of Thames Tideway Tunnel

Appendix B: Letter to stakeholders regarding subsoil acquisition

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Address

Thames Tideway Tunnel

Our Reference 1041757/SUBSOIL/130222/XXXX

Phone 0800 0721 086

E Mail info@tidewaytunnels.co.uk



1041757/SUBSOIL/130222/XXXX

26 February 2013

Dear Sir/Madam

Thames Tideway Tunnel - an introduction to subsoil acquisition

You may have seen our previous letters to you regarding the Thames Tideway Tunnel and requests for information about your property. We are writing to you now, because we have identified the need to acquire a parcel of deep subsoil beneath your property in order to construct and operate the tunnel.

On the 28 February 2013 we will be submitting our application for development consent to the Planning Inspectorate, who will have 28 days from submission to decide whether to accept our application. If it is accepted, we will write to you again to let you know. The application will then enter the pre-examination stage, during which time anyone who wishes to write to the Planning Inspectorate to have a say on the application may do so.

In the meantime, I have provided some further information on the back of this letter which I hope will answer some of your questions.

If you would like to speak to a member of the team, please call our freephone number 0800 0721 086 which is open 24 hours a day, seven days a week.

Thank you for taking the time to read this letter.

Yours Faithfully,

A handwritten signature in blue ink that reads "Phil Stride".

Phil Stride
Head of Thames Tideway Tunnel

Thames Water Utilities Limited

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Further information over the page

Often asked questions

What is subsoil and why it is needed?

Where we are working underground, either constructing the main tunnel, connection tunnels or their related structures, we would need to acquire the subsoil.

The term 'subsoil' is used to refer to the part of the ground which is below the natural surface. It would be compulsorily purchased under powers sought as part of a Development Consent Order (DCO) under the Planning Act 2008. If you have an interest in the subsoil, you would be entitled to receive compensation.

How deep is the tunnel under my house?

The tunnel is well below the level of a standard basement of a property. Apart from where the tunnel connects at ground level with the existing combined sewer overflow interception structures that are mainly located along the riverbanks, the approximate depth of the main tunnel would be between 30 metres in west London and 65 metres in the east. On our website there are plans and section drawings which show how deep the tunnels would be at a specific location.

www.thamestunnelsconsultation.co.uk

How much compensation will I get?

As in any compulsory purchase of land, the amount of compensation payable relates to the market value of the land (in this case, the subsoil) being acquired. The presumption used on recent deep tunnel projects is that any subsoil acquired is of little value in the market. This is because of its depth beneath the surface and the rather limited use to which it could usefully be put.

You can expect to receive the following offer of compensation and this would be available prior to construction in your area. Main construction on the Thames Tideway Tunnel is scheduled to begin in 2016.

- £50 which represents the perceived value of the subsoil, whether claimants are the freeholder or a leaseholder
- £250 as a contribution towards professional fees in connection with any advice claimants may wish to seek in relation to the acquisition.

What is the timetable for acquisition of subsoil?

The tunnelling programme of the tunnel boring machines and timing of when they would pass beneath properties is being finalised. We will use this information to plan the dates by which subsoil needs to be acquired and the timing of the notices which need to be served. We will continue to make diligent enquiries to make sure we have the correct details for anyone affected by subsoil acquisition so we can keep you informed.

Appendix C: General guidance leaflets

Guidance leaflets included:

- a. Guide to compensation
- b. Guide to the acquisition of subsoil
- c. Guide to ground settlement

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