

<b>Committee(s):</b>	<b>Date(s):</b>
Planning & Transportation	09 October 2012
<b>Subject:</b> Response to Thames Tideway Tunnel Section 48 Consultation	<b>Public</b>
<b>Report of:</b> City Planning Officer	<b>For Decision</b>
<p><b><u>Summary</u></b></p> <p>Thames Water in compliance with Section 48 of the Town and Country Planning Act 2008, are seeking comments on their pre-application publicity and consultation. This follows two phases of consultation and one targeted consultation on their preferred scheme. The consultation includes a draft environmental statement and proposals and proposed modifications in response to the consultation process.</p> <p>The main impact of the scheme in the City would be at Blackfriars where the sewer would intercept the Fleet combined sewer outfall (CSO) within a structure to be constructed in the foreshore of the river west of Blackfriars Bridge. Key aspects of the project include:</p> <ul style="list-style-type: none"> <li>• permanent relocation of Blackfriars Pier to the east of Blackfriars Bridge,</li> <li>• interception of the Fleet Main CSO and connection of the northern low level sewer no1 to the main tunnel,</li> <li>• creation of a new open space and enhancement of the Riverside Walk in this area.</li> </ul> <p>The proposal would result in significant benefits to the ecology of the river.</p> <p>It is not considered that all the issues have been addressed sufficiently to allow the City to give the scheme its full support. It is considered that further alterations are necessary and that your officers continue to negotiate on these issues prior to the submission of the application.</p> <p>In order to meet the consultation deadline of 5 October 2012 I have written to Thames Water attaching this report and advising them that the views of your Committee will be forwarded on 9 October 2012.</p> <p><b><u>Recommendations</u></b></p> <p>I recommend that I be authorised to inform Thames Water of the City's continued support of the proposal to construct the Thames Tideway Tunnel and its associated structures, whilst continuing to seek changes and modifications to the proposals that would be required to ensure that its effects</p>	

are not harmful to the City and where possible result in improvements. I further recommend that officers be authorised to continue discussions and negotiations with Thames Water to seek these changes and prepare the necessary documentation in order that support can be given to the proposal prior to the anticipated submission of the application to the Inspectorate in January 2013 for determination.

## **Main Report**

### **Background**

1. The Thames Tideway Tunnel is a major new sewer that will tackle the problem of overflows from the capital's Victorian sewers and will protect the River Thames from increasing pollution for at least the next 100 years. The Thames Tideway Tunnel will divert storm overflows from London's sewerage system by capturing them and transferring them to Beckton sewage works. This includes capture of sewage from the Fleet Combined Sewer Outflow (CSO) which currently discharges into the Thames at Blackfriars during periods of heavy rainfall.
2. The Thames Tideway Tunnel has been designated as a Nationally Significant Infrastructure Project (NSIP). Thames water are proposing to submit an application for a Development Consent Order early in January 2013.
3. Anticipating that the tunnel would become a NSIP, Thames Water have carried out two phases of consultation and one targeted consultation on their preferred scheme for resolving the key aspects of the project affecting the City. These include:
  - permanent relocation of Blackfriars Pier to the east of Blackfriars Bridge,
  - interception of the Fleet Main CSO and connection of the northern low level sewer no1 to the main tunnel,
  - creation of a new open space and enhancement of the Riverside Walk in this area.
4. Phase 1 of the consultation on 13 September 2010 to 14 January 2011 sought comments on proposed routes and sites. The scheme was revised as a result of this consultation and Thames Water carried out a further round of consultation.
5. Phase 2 of the consultation, carried out between November 2011 and 2012 had been refined and redesigned as a result of the Phase 1 consultation.
6. The scheme has been further refined and redesigned as a result of that consultation and meetings with Local Authorities and Stakeholders.

7. A targeted consultation was carried out in June 2012 for specific sites outside the City following changes to the design as a result of Phase two consultation.
8. It is important that the City Corporation's views on the development are communicated to Thames Water at this pre application stage in order to ensure that the submission to the Inspectorate addresses any issues of concern.

Full details of the proposals can be found at  
<http://www.thamestunnelconsultation.co.uk/>

### **Planning Act 2008**

9. The Thames Tunnel now called Thames Tideway Tunnel was designated as a NSIP on 23 June 2012 pursuant to the Planning Act 2008 ('2008 Act').
10. The Act requires that pre-application consultation is carried out with Local Authorities, local Communities and stakeholders. This consultation aims to ensure that local issues are taken into account and changes made to the project to take account of these issues prior to the submission of the application to the Inspectorate for the grant of a Development Consent Order (CDO Consent).
11. Section 48 of the 2008 Act requires the promoters to publicise the proposed application and consult prescribed consultees.
12. Following Thames Water's analysis of and response to Phase 2 consultation, and the targeted consultations they have undertaken at selected sites, they now consider that they are ready to publicise their proposed application for development consent for the project.
13. This is a formal process that Thames Water are required to undertake in accordance with the 2008 Act. The purpose is to publicise their intention to make a Development Consent Order (DCO) application for the project. Accordingly, this stage is different from the other phases of consultation that they have undertaken to date, but they continue to be interested in views on the published material. These views will be taken into account before they finalise their proposed application, which is proposed to be in early 2013.
14. The publicity report provides an overview and summary of the documents, plans and maps and sets out where to find the full information and how to respond to it. It also explains those matters which they propose to include in the proposed application and outlines the next steps in the process.
15. The publication and consultation period was carried out between 16 July and expired on 5 October 2012. The consultation included detailed information and it was not possible to consider in time for the Committee

meetings in September 2012 and the 5 October 2012 report deadline. As the consultation period has expired I have agreed with Thames Water and your Chairman and Deputy that I would send them the comments as set out in this report and provide them with any other comments resulting from your consideration of this report.

### **Content of the Proposed Development Consent Order**

16. The proposed DCO will seek the following powers:

- Power to construct NSIP – all tunnels, CSO interception shafts, tunnel drive and reception shafts,
- Associated Development – most of above ground structures, including ventilation structures and columns, control buildings, new hard and soft landscaping,
- Powers to compulsorily acquire land, to acquire new rights over land and to extinguish existing rights,
- Powers to use land temporarily for construction and maintenance,
- Powers to work on and make changes to public highways and other rights of ways,
- Powers to conduct survey works and monitoring works on structures and to undertake protective works to structures,
- Powers to undertake works in the river,
- Other general powers required to construct, operate and maintain the tunnel.

### **Statutory Approvals and Licences**

17. The DCO may amend and adjust the application of other legislation (sections 120 and 150 Planning Act, 2008), either entirely or subject to suitable protective provisions. In some cases the approval of the consenting body is required, but this does not relate to powers exercised by local authorities. The Project team is currently working with the relevant organisations to obtain their input to the process – e.g. TfL and PLA.

### **Access and Highway Approvals**

18. The DCO would contain the following powers:

- To create means of access,
- General powers to undertake street works, alter layout of highways and stop up roads and rights of way.

19. These measures will be described in a schedule to the DCO. If they cannot be specified at the application stage, then these will be subject to subsequent consent from the City as owner and Local Planning Authority.

## **Land Acquisition**

20. The DCO application would include:

- A Statement of reasons outlining the purpose for seeking to acquire the land and a justification for the compulsory acquisition;
- A funding Statement demonstrating that there is a reasonable prospect of the requisite funds being available to acquire the land and implement the project.

21. A DCO may only authorise compulsory acquisition if the decision maker is satisfied that the land is properly required for the development or is replacement land given in exchange; and there is a compelling case in the public interest.

22. Among other factors this will include demonstrating to the satisfaction of the decision maker: that all reasonable alternatives to compulsory acquisition have been explored.

23. The provisions of the 2008 Act enable Thames Water to disapply normal consent and licensing regimes either entirely or subject to suitable protective provisions, agreements and/or requirements. The Thames Tideway Tunnel Project team is willing to seek agreement on all matters which would otherwise lie with local authorities and would hope to reach agreement as far as possible on any legitimate concerns expressed by local authorities, whether through requirements, planning obligations, other types of agreement (including highway agreements) and in Statements of Common Ground. A Statement of Common Ground from stakeholders will be required by the Planning Inspectorate and Thames Water would hope to progress these as soon as possible to indicate levels of agreement on the content of the DCO and, where necessary, those items where agreement has not been reached.

## **Blackfriars Bridge Foreshore**

24. Thames Water has considered the comments from the Phase 1 and Phase 2 consultations and the feedback from discussions with the City and other stakeholders. They remain of the view that the Blackfriars Bridge Foreshore should be the site in which to connect the Fleet Main Combined Sewer overflow (CSO) and connect the northern Low Level Sewer No 1 to the main tunnel. This location has been agreed by your officers and was reported to Members following the Phase 1 and Phase 2 consultations.

25. The permanent site area would extend into the River Thames, directly under and to the west of Blackfriars Bridge. Part of it would extend north onto Victoria Embankment, including the Thames Path and Riverside Walkway. The proposal would result in the temporary relocation of HMS President and the structures associated with the Millennium Pier, would

be removed and permanently reinstalled to the east of Blackfriars Railway Bridge on Paul's Walk.

26. In relation to the Blackfriars Bridge Foreshore, the pre-application publicity report states that the main changes intended are:
- 1) Amending the design of the foreshore structure to introduce opportunities for play, additional planting, water features and canopies for shade.
  - 2) Addressing navigational safety issues by reducing the extent of encroachment of the permanent structure into the authorised navigational channel and revising the location of the relocated pier.
  - 3) Revision of the transport strategy to make further use of the river to transport shaft and other excavated materials to reduce the total number of lorries on adjacent road networks (i.e. 5000 fewer lorry movements than proposed at the 2<sup>nd</sup> stage consultation representing a reduction of 27.2%).

### **Response to the Consultation**

27. The consultation documents include a preliminary environmental information report which includes the Blackfriars Bridge foreshore site assessment. The documentation accompanying the consultation covers a variety of issues relating to the impact of the proposed tunnel in general as well as the local impact on the City itself.
28. This report deals with those issues that would have the most significant impact on the City, however I propose to address other more detailed and technical issues in the consultation response and during negotiations.
29. The impact of the proposals on City assets both within and outside the City, including the bridges and other structures, would be the subject of separate negotiations in relation to property matters.

### **Effects of the proposed Fleet CSO works at Blackfriars**

- (i) The works at Blackfriars to collect the Fleet CSO will be significant. The existing outfall for the Fleet is directly below Blackfriars Bridge which was brought forward with the St Paul's Walk reclamation works in the early 1970's.
- (ii) To facilitate collection of the Fleet CSO Thames Water propose to construct a shaft in the foreshore of the river upstream of Blackfriars Bridge at the position of the existing pier. This will require considerable temporary and permanent works in the river, and then the overflow needs to be diverted along the foreshore to the new shaft and tunnel.
- (iii) Thames Water considers the Fleet CSO as their most challenging connection to the Thames Tideway Tunnel. Whilst it is not the

largest flow it is quite considerable and landward, the existing major infrastructure means this is the only suitable location.

### **Relocation of the Blackfriars Pier**

30. The London plan requires suitable replacement facilities to be provided when it is proposed to remove riverside leisure facilities. The proposal removes and relocates Blackfriars Pier to a position in front of Baynard House and the Mermaid Theatre to the east of Blackfriars Bridge. The City would reiterate its view that the proposed location is in principle acceptable subject to consideration of the following issues:
- i. The proposed new position would require access to be provided from a narrow section of the riverside walk. This could cause pedestrian congestion in this area particularly since it is close to the Blackfriars station entrance. The final design would need to demonstrate suitable access arrangements whilst maintaining the integrity of the flood defences in this location. Further detailed design work is required to determine whether a suitable replacement facility would be provided.
  - ii. The landward construction and facilities required to achieve access would be difficult to construct due to the changes in levels and the presence of structures including the river wall and the pipe subway. The possible introduction of lifts to provide access from walkway level to street level would have to be carefully designed in order to achieve a satisfactory solution. No reference is made in the draft transport strategy assessment to the considerable increase in pedestrian activity between the proposed pier, the riverside walkway and the new transport interchange at Blackfriars Station. The impact on adjoining occupiers will also need to be assessed, in particular the City of London School.
31. These issues have been raised during negotiations and it is important that these issues are considered and resolved before the submission of the DCO.

### **Construction Traffic**

32. Policy 7.26 B (d) of the London Plan and Core Strategy Policy CS9 4(iv) of the City's LDF promote the use of water transport for the movement of bulk materials during construction and demolition phases. The Transport Project Information Paper provided by Thames Water indicates that the river will be used for the transport of the materials required to create cofferdams at foreshore sites such as the Blackfriars site. In response to the Phase 2 consultation the City put the case that the majority of the materials and equipment should be transported by river.
33. Thames Water in their Transport Strategy have responded by stating in their transport assessments that they have assumed that a minimum of

90% of import and export of coffer dam fill materials would be by river, with some flexibility to use road transport where river transport is unavailable or the material is unsuitable for river transport. They intend to incentivise the construction contractors to move closer to 100% of materials by river.

34. This would result in a reduction of five thousand lorry movements (27%) compared to that proposed in the Stage 2 consultation. However, this would still result in thirteen thousand, three hundred and fifty lorry movements over the duration of the project, i.e. an average of eleven per day with peaks of forty six a day for up to a three month period. The materials that Thames Water do not consider suitable for transportation by barge include ready mix concrete and steel reinforcement.
35. It is the City's view that the revised number of lorry movements would still have an adverse impact on the highway network and amenity to the local occupiers and that further work should be done to explore the use of the river for the transportation of construction materials, tunnel linings etc.

### **Construction Code**

36. The consultation still indicates that demolition and construction would be carried out in accordance with an agreed Code of Practice. The City remains of the view that the City of London Code of Practice for Construction and Deconstruction should apply. Full demolition and construction method statements would be required and it would be acceptable if the works were carried out under Section 60 of the Control of Pollution Act 1989. Further information would be required on how noise and vibration from demolition and construction works would be monitored.

### **Impact on adjoining Owners**

37. The Thames Tideway Tunnel Scheme and the relocation of the pier during their construction and operational phases could give rise to noise and other nuisances arising from a variety of sources to adjacent occupiers both sides of the River. Occupiers that could be impacted include businesses, residents, schools and transport providers. A detailed analysis specific to the site and surroundings would need to be made of likely impacts and the mitigation measures that will be required to minimise these impacts. For example the operational hours of the school, public exam periods etc.

### **Access to the Riverside Walk and Thames Bridges**

38. The riverside walk and Thames bridges are amenities well used by City workers, residents and visitors. Policy 7.27A (b) and (c) of the London Plan requires protection of existing access points to or alongside the Blue Ribbon network and provision of new access infrastructure. Core Strategy policy CS9 2(ii) promotes improved access to the riverside walk from the



rest of the City and the Thames bridges. Although the finished proposal would provide additional facilities and improve access to the riverside, it is essential that access (including disabled access) to the riverside walk and Thames bridges is maintained throughout the construction phase and that every effort is made to improve access for the operational life of the development. Pedestrian and disabled access links with the Blackfriars Thameslink station, Blackfriars Bridge, St Paul's Walk and Victoria Embankment should be maintained throughout the construction and operational phases of the development.

39. The current proposals indicate a width, east of Blackfriars Bridge, which would not comply with the City's walkway specifications and no adequate permanent access is indicated from the proposed relocated pier to street level. This matter has been raised with Thames Water and officers will continue to negotiate in order to achieve an acceptable solution.

### **Effects on the River's Ecology**

40. This development specifically requires a riverside location for a river related use since no other site is available in the area to provide access to the Fleet CSO. Provision of this infrastructure will contribute to the wider objective of cleaning up the River Thames. The environmental information report states that the proposals would not have significant effects on aquatic or terrestrial ecology. Nonetheless every effort should be made to ensure that the encroachment of the new structures into the river and the relocated Blackfriars Pier create minimal impacts on the environment, of the river.

### **Flood Risk**

41. The Preliminary Environmental Information Report indicates that this development would significantly increase the surface water run off rate for the area but concludes that the risk to localised flooding is low. This area is already identified as being at risk of surface water/sewer flooding in the City of London Strategic Flood Risk Assessment SFRA. A comprehensive Flood Risk Assessment should be provided.
42. Thames Water proposes to include sustainable urban drainage on the site in order to reduce the possibility of surface water flooding. Rainwater harvesting to supply WC flushing water for the public conveniences or for landscape watering should also be considered.

### **Townscape and Historic Environment**

43. The proposal would have a significant impact on the townscape and the visual amenity of the area. The design has been modified following detailed discussions and in response to comments from the Design Council/CABE which have resulted in an improved design and appearance.

44. The proposal would affect the significance of a number of heritage assets, the most significant of which would be Unilever House, Blackfriars Bridge, 60 Victoria Embankment, the Whitefriars Conservation Area and the listed Victoria Embankment wall with cast iron lamp standards. It would affect views of, the setting of and significance of heritage assets.
45. The proposals would affect the heritage assets and their settings during temporary works, construction and permanent works, which would alter the form, design and structure of the river wall and the relationship of the land and foreshore. Construction into the river would extend the built form of the City in this area, leading to loss of the visual and physical impact of the tidal regime and exposed foreshore.
46. The proposals, and proposed landing stage and floating pontoon to the east of Blackfriars Bridge would introduce structures on the foreshore and in the river which would affect archaeological remains in this area and may cause changes in the hydrodynamic regime leading to scouring or sediment deposition which may erode or obscure other archaeological remains.
47. The City remains of the view that a full Historic Environment Assessment, including assessment of buried archaeological remains, is needed to assess the impact of the proposals and to inform appropriate mitigation. Where the proposed works would cause loss of listed heritage assets, such as part of the Victoria Embankment and lamp standards, the incorporation and reuse of these features should be considered in order to maintain and protect their significance and to minimise the impact on the remaining structures, including the group value derived from the collection of heritage assets and their important association with the river front.

### **Protected Views**

48. The site falls within a number of protected views and lies within the St. Paul's Heights Policy Area.
49. Policy CS 13 of the City of London's Core Strategy aims to protect and enhance significant London and City views of important buildings, landscape and skylines, making a substantial contribution to protecting the overall heritage of the City's landmarks.
50. The relevant protected views are detailed below. This development may affect the Monument Views.
51. The whole site lies within View Four: West to Waterloo Bridge and Victoria Embankment. The key features in this view are the River Thames and Waterloo Bridge. The river between Blackfriars Bridge and Waterloo Bridge is the main feature in the view as it curves away to the south beside the tree-lined Victoria Embankment. The view of this upstream stretch of river is particularly important because it is the furthest view of

the Thames and therefore contributes to the continuity of the whole panorama from the Monument.

52. The height and massing of the proposal should not visually intrude into the key features of the Monument views as described (in the emerging Protected Views SPD, due to be adopted January 2012). The scheme should be designed to minimise the impact on this view of the river.

### **Public Realm**

53. The proposal gives rise to the opportunity to add a significant area of public realm in the area. This is welcome and would provide a positive asset to the riverside. In response to the stage two consultation it was recommended that further measures to improve the biodiversity value of the newly created open space should be proposed along with mitigation and monitoring of the local impact of this development on the biodiversity of the Thames at Blackfriars. The current proposals do make reference to incorporating these measures.
54. This development provides opportunities for increased vibrancy at Blackfriars through the relocation of Blackfriars Pier and the creation of a new open space on the river linked by the Riverside Walk. Thames Water would be encouraged to explore further the opportunity to incorporate activities which could improve vibrancy into the final design e.g. provision of cafe or kiosk space, seating and shelter areas and river viewing points.
55. Existing access points to the river and foreshore from Blackfriars Bridge should be protected and consideration should be given to the provision of new access infrastructure associated with the newly created open space. Opportunities for play within the newly created open space are being explored.
56. The flood defence would be extended to the outside edge of the structure and raised to accommodate future potential increases in river levels. This would have the effect of enclosing the public space and limiting views of the river. Thames Water have redesigned the scheme to ensure that the public can benefit from views of the river over the river wall and this should be taken into account.

### **Odour Control Measures**

57. It is important that the proposal does not result in nuisance in the form of smells and odours.
58. Air modelling of the ventilation odour outlets would need to be carried out to ensure any possible smells are contained at source or if allowed to ventilate to the surrounding area that, this occurs without creating a nuisance.

59. Further information and the proposed methods of odour control would be required in order to confirm that the proposed forced air systems would not have a detrimental effect (causing negative or positive pressures) on the existing, natural ventilating sewer vents. Most City sewers vent at low level in the public highways. The area around Blackfriars has suffered odour smells from the existing sewer vents and any imbalances in the system could exacerbate this problem.

### **Planning Policy**

60. The development plan consists of the London Plan (adopted July 2011), the saved policies of the Unitary Development Plan and the Core Strategy adopted in September 2011. Thames Water were informed at the Phase 2 consultation of the London Plan, UDP and Core Strategy policies that are most relevant to the project and the proposed mitigation or further information required to ensure compliance.

### **Community Strategy**

61. The proposed Thames Tideway Tunnel project would support the following aims of the City of London's Community Strategy:
- Protects, promotes and enhances our environment
  - To reduce our impact on climate change and how to improve the way we adapt to it.
  - To protect and enhance the built environment of the City and its public realm.
  - To conserve and enhance biodiversity.
  - To continue to minimise noise, land and water pollution and improve air quality where this is possible

### **City Occupiers**

62. A number of occupiers, (including City Surveyors' Corporate Property Group managing our own buildings) have received letters from Thames Water informing them that the route of the tunnel may need to go under their building or that the works may have an impact on their building and it is important that Thames Water continues to engage with them in order to inform final plans, depth of tunnel and of any structural implications.

### **City's Assets and Infrastructure**

63. The consultation plans indicate limits of land to be acquired or used. These areas primarily include City owned assets. Thames Water is currently in the process of ascertaining the nature of these assets and therefore have not indicated their intentions in respect of the land and structures that are to be included.
64. Thames Water is currently requesting information on the City assets that may be impacted upon by the proposals.

## **Implications**

65. The Section 48 consultation process is intended to seek views on Thames Tideway Tunnel's proposals and would form part of documentation to be included in the DCO application.
66. It is important to take the opportunity to highlight the issues affecting the City and to seek improvements at this stage so that they can be addressed in the final design.

## **Next Steps**

67. Thames Water is in the process of preparing their application and the environmental report which would form part of the application. They are still in the process of carrying out surveys and gathering information from the City, other local authorities and relevant stakeholders.
68. Prior to the submission Thames Water must prepare a statement setting out how they propose to consult people living in the vicinity of the land about the proposed application. Before preparing the statement, the applicant must consult each local authority affected as to what is in the statement.
69. It is expected that the submission would contain all the necessary provisions, agreements, statements of common ground, compulsory purchase orders, planning and other agreements that would be necessary to implement the proposals.
70. Thames Water is to continue dialogue with your officers to effect changes, and seek agreement on various issues before finalising their application.

## **Conclusion**

71. The need for the proposed tunnel and associated structures is acknowledged and supported. However, the information supporting the Section 48 consultation does not address all the issues arising from it to ensure that there would not be an acceptable adverse impact on the City during the construction and operational phases of the development. I have written to Thames Water setting out these concerns and suggested changes and mitigation. Officers will continue to negotiate with Thames Water to seek further changes prior to the submission of the DCO application.

Background Papers:

Section 48 Pre-application Publicity Documents    Thames Water

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