

Committee(s):	Date(s):
Planning and Transportation - For Decision Streets and Walkways Sub-Committee - For information	14 th July 2015 21 st September 2015
Subject: City Fund Highway Declaration – Thames Tideway Tunnel development at Blackfriars foreshore	Public
Report of: The Comptroller and City Solicitor	For Decision

Summary

On 3rd September 2014 Thames Water Utilities Limited was granted a Development Consent Order by statutory instrument to authorise and facilitate the construction of the Thames Tideway Tunnel. The Order came into force on 24th September 2014.

A small amount of City Fund highway land at Paul's Walk, EC4 (comprising an area of riverside walkway/river wall) is required for incorporation into permanent infrastructure to be constructed at Blackfriars foreshore as part of the tunnel works. Although Thames Water has been granted compulsory purchase powers by the Order to acquire this land, it seeks an agreement with the City Corporation as to the land to be transferred.

However, before third party interests can be granted in City Fund highway land, the affected area first needs to be declared surplus to highway requirements.

In this instance, the part of the City Fund highway land to be disposed of is intended to be stopped-up by Thames Water pursuant to powers contained in the Development Consent Order.

The terms for the highway disposal are to be reported separately for the approval of the Property Investment Board, subject to The Planning and Transportation Committee's approval to declare the affected area surplus to highway requirements.

Recommendation

Members of the Planning and Transportation Committee are asked to:

- Resolve that an area of highway/river wall at Paul's Walk, Blackfriars, EC4 measuring in total approximately 1,451 ft² (134.81 m²) be declared surplus to highway requirements in order to enable its disposal to Thames Water Utilities Limited for incorporation into the Thames Tideway Tunnel permanent works at Blackfriars foreshore upon terms to be subject to the approval of the Property Investment Board, the resolution to take effect upon the land ceasing to be a highway structure following its incorporation into the Thames Tideway Tunnel permanent

works.

Members of the Street and Walkways Sub-Committee are asked to:

- Note the report

Main Report

Background

1. On 3rd September 2014 the Secretaries of State for the Department for Environment, Food and Rural Affairs and the Department for Communities and Local Government made an Order giving Thames Water Utilities Limited (“**Thames Water**”) development consent to authorise, and various powers to facilitate, the construction of the Thames Tideway Tunnel (“**TTT**”). This Development Consent Order (“**DCO**”) came into force on 24th September 2014.
2. The TTT is a major new sewer designed to tackle the problem of overflows from the capital’s Victorian sewers and protect the River Thames from increasing pollution for at least the next 100 years. The TTT will divert storm overflows from London’s sewerage system by capturing them and transferring them to Beckton sewage works.
3. The interception infrastructure will be encased within a new structure which will be embanked from the River Thames at Blackfriars and tied into the existing river wall. The extent of the proposed embankment is shown with a heavy dashed line on Appendix 1. At its narrowest point it will lie under Blackfriars Bridge (A201) between the river wall and the first bridge pier.
4. The river wall will remain mostly intact, but will be leveled down, paved over and cease to function as a highway/footpath retaining wall and flood defence. The new embankment will incorporate a replacement river wall and flood defence within its design.
5. The adjacent riverside walkway within Paul’s Walk will be stopped up, and re-routed onto the new embankment, which will be finished to create an enhanced area of public realm. The status of the re-routed walkway and the public realm as a whole is still under discussion, but officers’ preference is for it to be declared City walkway.
6. A small section of the redundant walkway/river wall is to be used to house:
 - a. an interception chamber (below ground);
 - b. a permanent vent above-ground (although the final position may in fact be off the wall and within the area to be embanked from the River Thames).
7. Under the DCO, Thames Water can acquire this land by compulsory purchase, but has approached the City Corporation to acquire it by agreement.

Current Position

8. Thames Water has been in discussion with City Corporation officers to acquire the land it needs for the TTT by agreement without having to invoke its compulsory purchase powers. Draft terms for the disposal have been negotiated subject to necessary Committee approvals.
9. Part of the disposal land is City Fund land held for highway purposes (being highway retaining river wall and pedestrian highway footpath).
10. **Affected highway:** The area of City Fund highway to be encroached upon is:
 - a. shown cross-hatched on Appendix 1 and inset no. 1 of Appendix 2 (labelled "Interception Chamber");
 - b. shown within the hatched area on Appendix 1 and on the insert no. 1 to Appendix 2 (in both cases labelled "Permanent Vent").
11. These two areas total approximately 1,470 ft² (134.81 m²), split as to 1,451 ft² (133.07 m²) for the interception chamber land and 19 ft² (1.74 m²) for the permanent vent land.
12. The TTT works to create the new embankment have not yet commenced and until they have, the highway land will be required for its existing highway purpose. Any declaration that the disposal land be surplus to highway purposes should therefore be conditional upon the TTT project proceeding at Blackfriars.

Proposals

13. Subject to the Planning and Transportation Committee's agreement to declare the area of City Fund highway surplus to requirements, it is proposed that the City Corporation enters into an agreement with Thames Water to dispose of a suitable interest in the highway land upon terms to be approved by the Property Investment Board.
14. However, should the TTT project not proceed for whatever reason, the status quo would prevail, with the walkway/river wall remaining a highway structure vested in the City Corporation as highway authority. Therefore it is proposed that any declaration be conditional upon the river wall ceasing to function as a highway structure once incorporated into the TTT permanent works.

Corporate & Strategic Implications

15. The City Corporation supports the construction of the TTT, which is designed to curtail the harmful effects of sewage discharges into the River Thames.
16. The disposal of highway land will support the TTT development at Blackfriars foreshore.

Financial Implications

17. The financial implications of any disposal will be considered by the Property Investment Board.

Legal Implications

18. **Stopping up:** The proposed encroachment by the TTT development will affect the highway structure, and it is intended that the land be stopped up as authorised by the DCO.

19. **Power of Disposal:** The affected land is held by City Fund for highway purposes in relation to the highway structures, and for planning purposes below/above the highway structures.
20. **Planning Purposes** - Disposal of land held for planning purposes is authorised by Section 233 of the Town and Country Planning Act 1990 to secure the best use of land or to secure the carrying out of works necessary for the proper planning of the area.
21. **Highway Purposes** - Disposal of land held for highway purposes is authorised by Section 9 City of London (Various Powers) Act 1958, which allows the City Corporation to dispose of its land within or outside of the City in such manner and for such consideration and on such terms and conditions as it thinks fit.

Disposal

22. Property Investment Board – The terms of the negotiated highway disposal transaction are to be reported to the Property Investment Board for consideration, subject to the Planning and Transportation Committee first declaring the affected City Fund highway land to be surplus to highway requirements.

Conclusion

23. The necessary declaration confirming the highway to be surplus to requirements, will enable development of the TTT at Blackfriars according to the DCO that has been granted for the TTT scheme.

Consultation

24. The City Surveyor and the Director of the Built Environment have been consulted in the production of this report.

Appendices

- Appendix 1 – Location Plan.
- Appendix 2 – Insets to Location Plan.

Background Papers:

None

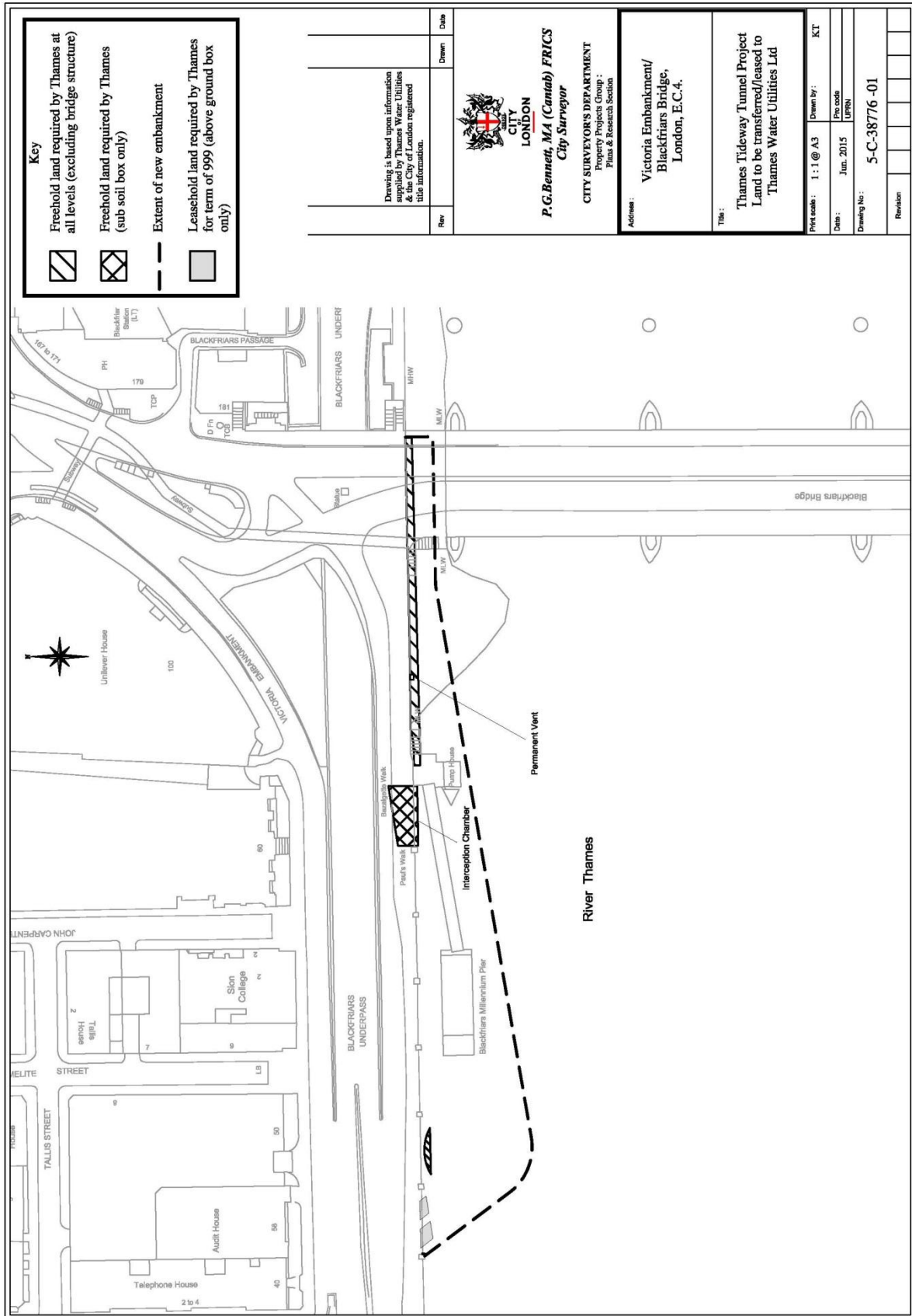
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APPENDIX 1 – Location plan



APPENDIX 2 – Insets to Location Plan

