

Committee(s):	Date(s):	Item no.
Planning & Transportation	14 October 2014	
<b>Subject:</b> Thames Tideway Tunnel Development Consent Order Decision by the Secretaries of State and Planning Service Level Agreement	<b>Public</b>	
<b>Report of:</b> Director of Building Services/ Comptroller and City Solicitor	<b>For Decision</b>	
<p><b><u>Summary</u></b></p> <p>The Thames Tideway Tunnel (TTT) 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.</p> <p style="padding-left: 40px;">The TTT was designated as a Nationally Significant Infrastructure Project (NSIP). Thames Water submitted an application for a Development Consent Order (DCO) on 28 February 2013.</p> <p style="padding-left: 40px;">The Secretary of State for Communities and Local Government and the Secretary of State for Environment, Food and Rural Affairs (the Secretaries of State) decided under section 114 of the 2008 Act to make, with modifications, an Order granting development consent for the authorised project and other powers as set out in the Order.</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 Thames west of Blackfriars Bridge. Key aspects of the project include:</p> <ul style="list-style-type: none"> <li>· permanent relocation of Blackfriars Millennium 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 an area of new public realm and enhancement of the Riverside Walk in this area.</li> <li>· relocation of the Blackfriars Millennium Pier.</li> </ul> <p>The development would impact on a number of the City's assets and structures and protective provisions for these have been included within the Development Consent Order. A number of affected parties including the City suggested amendments to the draft order, and these have been included in the Order and officers are now going through the documentation in detail in</p>		

order to assess the full impact of the final Order which came into force on 24<sup>th</sup> September 2014.

Officers will continue to negotiate on the detailed design of the development and aspects outside the provisions of the order that affect the City and seek authority to enter into any legal agreements flowing from those negotiations.

A Planning Service Level Agreement is currently being negotiated between Thames Water Utilities Ltd and impacted local authorities, to ensure timely delivery of the project and to provide for recovery of authorities' costs in undertaking work in relation to the project (such as pre-application discussions in relation to consents under the DCO ) for which authorities do not receive funding from another source of statutory or other derivation. Authorisation is sought for the Comptroller and City Solicitor to enter into this legal Agreement. The Agreement provides for the transfer of Thames Water's obligations and rights under the Agreement (in whole or part) to an Infrastructure Provider (IP) and, to effect the transfer, obliges the authorities to execute a Deed of Transfer on request. Authority is also sought for the Comptroller and City Solicitor to execute any Deeds of Transfer pursuant to the terms of the legal Agreement..

Officers will continue to negotiate on aspects outside the provisions of the order that affect the City and on the detailed design of the development

### **Recommendations**

I recommend that officers be authorised to continue to negotiate with Thames Water on outstanding issues including those relating to planning, property and asset protection, and that The Comptroller and City Solicitor be authorised to review and enter into any related legal agreements. I further recommend that the Comptroller and City Solicitor be authorised to enter into the Planning Service Level Agreement relating to local authority resourcing and timely progression of the Thames Tideway Tunnel project, and any Deeds of Transfer pursuant to that Agreement .

## **Main Report**

### **Background**

1. The Thames Tideway Tunnel (TTT) 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 TTT was designated as a Nationally Significant Infrastructure Project (NSIP). Thames Water submitted an application for a Development Consent Order (DCO) on 28 February 2013.
3. The Order would grant development consent for the construction and operation of a wastewater transfer and storage tunnel, known as the TTT, a number of connection tunnels and other associated development and ancillary works. The Order would authorise works at 24 sites in London along the route of the tunnel, including works to construct interception structures at 16 combined sewage overflows, as well as other associated development. The Order would also authorise the Applicant to acquire land compulsorily and to use land temporarily, for the purposes of the proposed development.
4. The Secretaries of State decided under section 114 of the 2008 Act to make, with modifications, an Order granting development consent for the authorised project and other powers as set out in the Order.
5. A copy of the decision and the accompanying documentation can be viewed at the following address:

<http://infrastructure.planningportal.gov.uk/projects/london/thames-tideway-tunnel/>

### **Works at Blackfriars**

6. The works at Blackfriars Bridge Foreshore are described in the DCO as follows:

Work No.17a: Blackfriars Bridge Foreshore CSO drop shaft – A shaft with an internal diameter of up to 24 metres and a depth (to invert level) of 53 metres.

Work No.17b: Blackfriars Bridge Foreshore associated development – Works to intercept and divert flow from the Fleet Main CSO and connect the northern Low Level Sewer No.1 to the Blackfriars Bridge Foreshore CSO drop shaft (Work No.17a) and into the main tunnel (east central) (Work No.1c), including the following above and below ground works:

  - i. demolition of the existing Blackfriars Millennium Pier (including associated ramps, steps, and offices adjacent to the Pier) and relocation to the east of Blackfriars Bridge, including dredging and

- associated sheet piled wall, a new pontoon (including enclosed waiting area and associated office accommodation) and means of access including access brows, bank seats and gangways;
- ii. removal of section of wall to the north of Work No. 17b(i) and construction of pedestrian gate for emergency services access to the relocated pier;
  - iii. dredging and construction of a cofferdam including the placement of fill material, connection to the existing listed river wall, and protection to listed Blackfriars Road Bridge;
  - iv. partial demolition of existing listed and non-listed river wall and construction of new river wall including connection to and alteration of the existing river wall to reclaim land and to enclose Work Nos. 17a and 17b;(xi), (xii), and (xiii) and scour protection works, relocation of Fleet Main CSO, and a new CSO outfall apron;
  - v. construction of an interception chamber, overflow weir chamber, hydraulic structures, chambers with access covers and other structures including culverts, pipes and ducts to modify, connect, control, ventilate, de-aerate, and intercept flow;
  - vi. demolition of existing west bound Victoria Embankment on-slip ramp and its subsequent reconstruction;
  - vii. removal of existing mooring for the President and subsequent reinstatement after construction of Work Nos. 17a and 17b (save for this reinstatement) including pontoon. and means of access over listed river wall including access brows, bank seats and gangways, guide piles, mooring chains and anchors fixed to the river bed and dredging and associated sheet piling to accommodate the vessel. Construction of a temporary mooring at Chrysanthemum Pier to accommodate the President, including modification to the existing mooring or its demolition and construction of a new mooring; including means of access over listed river wall, including access brows, bank seats and gangways to accommodate the temporary mooring of the President; mooring chains and anchors fixed to the river bed, and dredging and associated sheet piling to accommodate the relocated vessel; and reinstatement of existing mooring at Chrysanthemum Pier after construction of Work Nos. 17a and 17b (save for this reinstatement);
  - viii. works to the listed Blackfriars Road Bridge to remove and subsequently relocate the existing stairs from the Thames Path and subway and Blackfriars Road Bridge on the west side of the bridge;
  - ix. works to the listed Blackfriars Road Bridge to remove the existing stairs on the east side of the bridge and provision of replacement stairs and lift from the existing Thames Path up to Blackfriars Road Bridge;
  - x. removal and reinstatement of listed features including lamp standards and benches;

- xi. construction of structures for air management plant and equipment including filters and ventilation columns and associated below ground ducts and chambers;
- xii. construction of electrical and control kiosks;
- xiii. construction of pits, chambers, ducts and pipes for cables, hydraulic pipelines, utility connections, utility diversions and drainage;
- xiv. provision of temporary access from Victoria Embankment and subsequent reinstatement to original layout;
- xv. provision of permanent access from Victoria Embankment;
- xvi. construction of amenity building(s); and
- xvii. works to re-provide access to public toilets and sports club.

### **Conclusions of the Secretaries of State as Applying to the City of London**

7. Officers have been in negotiation with Thames Water prior to and during the examination. During that process the City and Thames Water were able to agree to a number of amendments to the DCO in order to mitigate the effects of the works on the City's amenities and its assets. Officers will report further once they have been able to assess the full implications of the DCO. However some examples of provisions secured in the final Order and/or associated documentation/agreements are as follows:

Temporal limitations on the exercise of a range of powers in the Order, particularly those affecting City streets, to prevent them from being exercised following completion of construction, together with temporal limitations on the disapplication of a number of general statutory provisions;

Protective provisions in respect of the City's bridges and flexibility to agree bespoke protective and remedial provisions for affected City buildings and structures;

The City, the affected London Boroughs and Transport for London requested that The London Permit Scheme for the co-ordination of works carried out by utility companies and others affecting the highway in Greater London, during the development period should be applied rather than a bespoke scheme. This request was agreed to by the Secretaries of State and the Order modified accordingly;

Application of pipe subways legislation to new or reinstated public service works;

Thames Water's agreement to mitigation measures to protect the City of London School from construction noise, through a trigger action plan secured through a Section 106 agreement;

Additional and amended Requirements (akin to planning conditions).

### **Blackfriars Millennium Pier, Lift and Stairs**

8. Under the Requirements the existing Blackfriars Pier cannot be taken out of service prior to the construction and bringing into use of the replacement Blackfriars Millennium Pier the Thames Path and Blackfriars Bridge stairs cannot be stopped up until the new lift and replacement stairs from the riverside walkway to Blackfriars Bridge footway are operational. Officers are currently in negotiations with Thames Water in respect of the detailed design of these structures [and will report at a later date on proposed arrangements for future [ownership] and maintenance of the new lift and stairs.

### **The Planning Service Level Agreement and Deed of Transfer**

9. Thames Water and a number of the Local authorities that would be impacted upon by the development entered into Memoranda of Understanding in order to secure the progression of the Draft DCO through to decision by the Secretaries of State. This will now be replaced by a Planning Service Level Agreement which is proposed to be formalised so that it has legal standing as a deed. The overall objective of this Agreement is to secure the progression of the Project within the agreed timescales and in accordance with the processes and procedures in the DCO, the 2008 Act and the regulations, policy and procedure issued further to the 2008 Act without fettering any Party's ability to discharge their statutory functions, community engagement or leadership. The proposed Agreement, similar to the previous Memoranda of Understanding entered into by the City, will enable the participating authorities to recover costs such as those arising from pre-application discussions in relation to compliance with consents under the DCO, discussions associated with disapplication of legislation and consultations relating to requirements in the Code of Construction Practice falling within the scope of "work packages" and for which the authorities do not secure funding from another source of statutory or other derivation. The Agreement enables Thames Water to transfer its rights and obligations under the Agreement (in whole or part) to an Infrastructure Provider (IP) and obliges the Authorities to enter into Deeds of Transfer under which they accept the liability of the IP in place of Thames Water's liability under the Service Level Agreement in respect of the IP works. This will enable local authorities' to continue to recover eligible costs in the event of a transfer.
10. The final drafting is still to be agreed between the Local Authorities and Thames Water and a dead line of the 26 October 2014 for entering into the Agreement has been set. Thames Water has agreed that the current Memorandum of Understanding will remain in place until that date. Authority is sought for the City to enter into the Service Level Agreement and any subsequent Deed/s of Transfer pursuant to that Agreement.

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

11. There are a number of assets and structures owned and managed by the City that will, or may, be affected by the development. These include:
  - the City's land at Blackfriars Bridge Foreshore, which will be occupied by Thames Water temporarily as a work site while the foreshore works are carried out;
  - the basement rifle range at Paul's Walk level under Victoria Embankment at Blackfriars Bridge;
  - the public toilets at Paul's Walk level;
  - the river wall and decorative lighting along Paul's Walk east and west of Blackfriars Bridge;
  - the services subway within Victoria Embankment/Paul's Walk; and
  - Blackfriars Bridge, Southwark Bridge, London Bridge and Tower Bridge.
12. The City has secured bespoke provisions within the DCO for the protection of the bridges. While there are also generalised protective provisions within the DCO that will apply to the other assets, the preferred approach by both Thames Water and the City is for the City to grant a lease of the foreshore to Thames Water or the chosen infrastructure provider (IP). Asset protection will either be provided within the lease, or separate asset protection agreements as appropriate will be entered into. Negotiations separate from the DCO process are continuing. I will update you on the outcome of these negotiations at a future meeting.
13. A small section of the foreshore will be taken by Thames Water/the IP for their permanent works and will form part of the new public realm embanked from the Thames. Necessarily therefore part of the river wall will be broken into and incorporated into the new structure. Negotiations are continuing with Thames Water as to the extent of land required for the permanent works, and for this to be transferred by the City to Thames or the IP following completion, with appropriate rights granted with the transferred land or reserved for the benefit of the City's retained land. These negotiations are at an advance stage, although there are still issues concerning the status of the public right of way along Paul's Walk which also impacts on access to the City's retained private land. I will report on these issues in more detail at a future meeting.

## **Community Strategy**

14. 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**

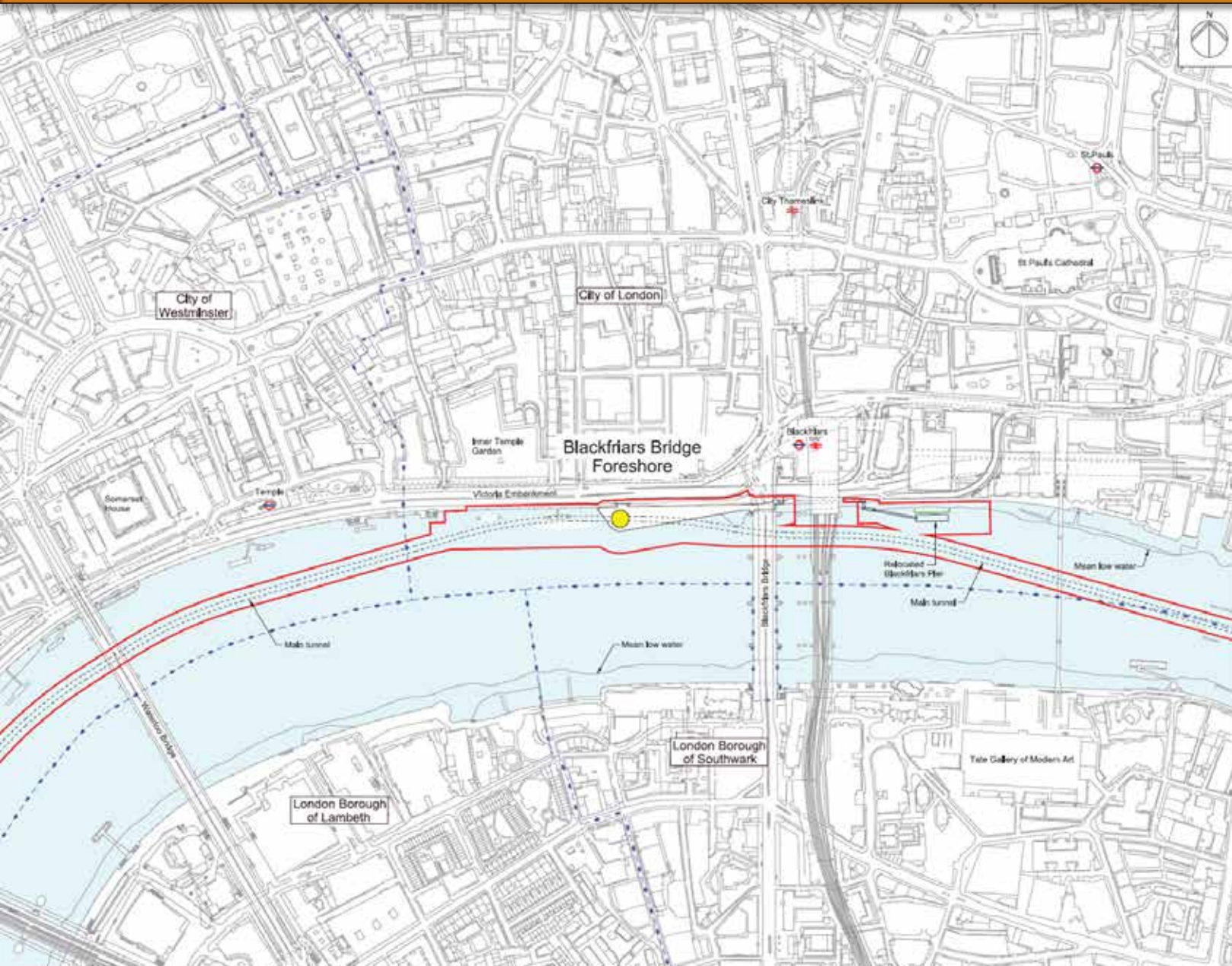
15. A number of occupiers, (including City Surveyors' Corporate Property Group managing our own buildings) were consulted in the course of the development consent application process by Thames Water informing them that the route of the tunnel may need to go under their building or that the works may have an impact on their building. The Secretaries of State have confirmed that all representations were taken into account when making their decision.

### **Conclusion**

16. The Development Consent Order for the Thames Tideway Tunnel was granted by the Secretaries of State on the 12 September 2014. A number of proposed amendments to the draft order sought or agreed during the course of the application process and public examination have been included in the Order and officers are now going through the documentation in detail in order to assess the full impact of the decision on the City. I will report further once this is completed.
17. Officers will continue to negotiate on aspects outside the provisions of the order that affect the City and on the detailed design of the development.
18. I am seeking authorisation for the Comptroller and City Solicitor to review and enter into related legal agreements to protect the City's interests and in particular to enter into the Planning Service Level Agreement and related Deeds of Transfer.



# Thames Tideway Tunnel



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Keylocat



Coordinates are to be Ordnance Survey Datum OSGB36. All levels are in metres and relate to the Tunnel Datum which is 100 metres below Ordnance Datum Newlyn.

Key:

- Local authority boundary
- Order limits
- Tunnel
- Shaft

Notes:

- The alignment of the tunnels are illustrative within limits of deviation.

100m 0 100m  
Scale 1:2500 at A1  
1:5000 at A3

## FOR INFORMATION

**Location**  
Blackfriars Bridge Foreshore  
City of London

**Document Information**  
Application for Development Consent  
Location plan

Book of plans - section 19  
DOO-PP-17X-BLABF-190001  
January 2013

Site location plan

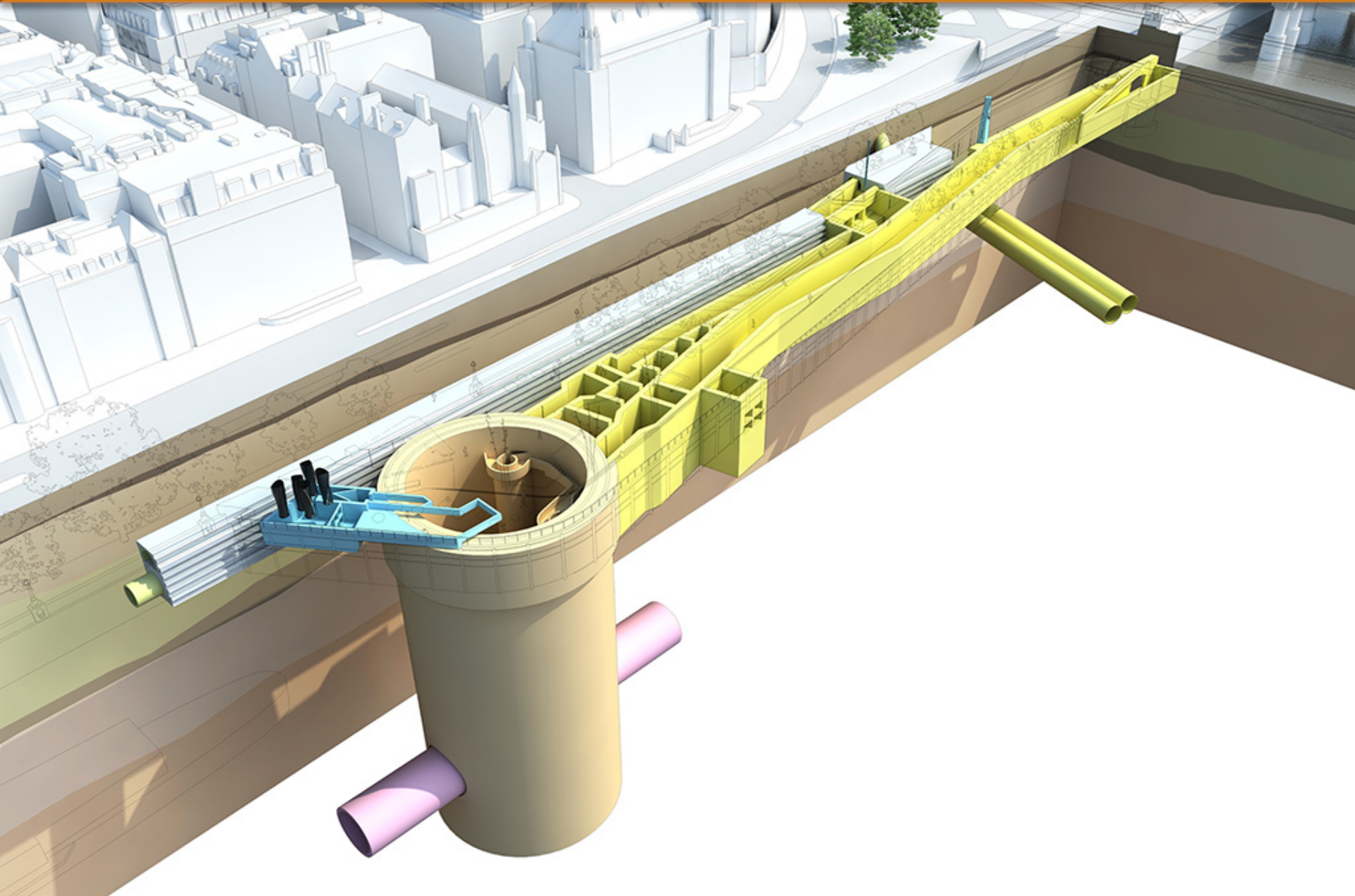


# Thames Tideway Tunnel



Blackfriars foreshore indicative scheme

# Thames Tideway Tunnel



Works at Blackfriars foreshore