

Item No. 11.	Classification: Open	Date: 14 December 2010	Meeting Name: Cabinet
Report title:		Response to consultation by Thames Water on the proposed Thames Tideway Tunnel routes and sites	
Ward(s) or groups affected:		Cathedrals Ward, Riverside Ward, Rotherhithe Ward, Surrey Docks Ward	
Cabinet Member:		Councillor Fiona Colley, Cabinet Member For Regeneration and Corporate Strategy	

FOREWORD - COUNCILLOR FIONA COLLEY, REGENERATION AND CORPORATE STRATEGY

1. As a borough with around 4.5 miles of River Thames frontage, Southwark's councillors have a strong interest in reducing the amount of sewage which overflows into the river each year.
2. However, we are united in our opposition to Thames Water's proposals to use the Alfred Salter Playground as a CSO shaft with two years of construction work, King's Stairs Gardens as a reception shaft with seven years of construction work and their plan to leave permanent servicing and ventilation structures behind on both sites
3. We strongly object to these disgraceful proposals, which we believe will have an unacceptable impact on local residents and are contrary to a wealth of planning policies.
4. This report sets out our draft response to Thames Water's consultation on the site selection. Work is continuing with an engineering consultant due to provide an expert overview of the engineering constraints. The final version of the response which will be signed off by the Leader prior to the consultation deadline on 14 January.

RECOMMENDATIONS

Recommendation for the Cabinet

That cabinet

5. Agrees the response to the consultation by Thames Water on the proposed the Thames Tideway Tunnel routes and sites (appendix 1), in particular the council's grounds for objection to the proposed use of King's Stairs gardens and Alfred Salter Playground as shaft construction sites for the Thames Tideway tunnel, as set out in this report and appendix 1.

Recommendation for the Leader of the Council

That the Leader

6. Makes any final amendments to and signs the council's response to Thames Water (appendix 1).

BACKGROUND INFORMATION

7. Thames Water is consulting in relation to its preferred route for the proposed Thames Tideway Tunnel and selection of sites. This report sets out the relevant background to the proposals and relevant considerations for members in agreeing the council's consultation response.
8. The Thames Tideway Tunnel is a proposal by Thames Water to construct a large sewerage tunnel along the route of the River Thames to help clean up the river. Thames Water state that in an average year, 39 million cubic metres of untreated sewage overflows into the Thames through London's combined sewer overflows (CSOs). Thames Water needs to address this issue to comply with the EU Urban Waste Water Directive.

Thames Tideway Strategic Study 2005

9. According to the Thames Water Tideway Strategic Study of February 2005 (2005 Study), Thames Water considered several options for achieving the objectives of the project, including retrofitting sustainable urban drainage systems (SUDs) across all of London's streets, converting the existing combined drainage system into a separated sewage system, making greater use of bubbler and skimmer boats to clean the river and intercepting overflows from the CSOs and diverting them into a main tunnel under the Thames. The proposed Thames Tunnel was deemed to be the preferred infrastructure solution to the environmental problems posed by the CSOs. The preferred route for the tunnel would run from the Acton Storm tanks in west London to the Beckton Sewage Treatment plant in East London, intercepting the majority of the 34 CSOs on its route which have the worst environmental impact. Whilst it is noted that the 2005 Study included a regulatory impact assessment, it is not clear whether the identified options were subjected to any sustainability or environmental appraisal before selecting the Thames Tideway Tunnel or preferred route.
10. In its 2005 Study, Thames Water concluded that the tunnel was "the only practicable strategy to fully meet environmental objectives is the interception of the overflows before they meet the river", namely the Thames Tideway Tunnel. Thames Water. In 2007 the then Environment Minister, Ian Pearson announced that the tunnel solution would be pursued. The current government has also given its backing to this option.

Consultation

11. Southwark were consulted by Thames Water in 2008 on its site selection methodology and again in December 2009 on possible shaft construction sites in Southwark. In its response, Southwark eliminated a number of sites, including the forecourt to Tate Modern and Potters Field park and coach park as being unacceptable. Southwark devised criteria and ranked Thames Water's remaining short and long listed sites in order of preference. King's Stairs Gardens was the least preferred option (see appendix 6).
12. In September 2010, Thames Water commenced public consultation on its preferred tunnel route and sites. The preferred tunnel route (the Abbey mills Route - see appendix 2) follows the Thames as far as King's Stairs Gardens,

where it turns north-east to connect with the Lee tunnel at Abbey Mills Pumping Station. Thames Water would bore towards Southwark from shafts in Battersea and Abbey Mills and boring machines would be extracted at King's Stairs Gardens (making it a "reception" shaft site). King's Stairs Gardens would also be used to drive smaller tunnels towards the Shad Thames CSO in Bermondsey and three CSOs in Lewisham and Greenwich. King's Stairs Gardens would be used as a reception site in all three route options.

13. Alfred Salter Playground on the St John's Estate was identified as the preferred site for digging a smaller shaft to intercept the Shad Thames CSO.
14. Thames Water indicate that construction on King's Stairs Gardens would take approximately 7 years and some permanent structures would remain on the site (see appendix 4). Construction on Alfred Salter Playground would take approximately 2 years and some permanent structures would remain also (see appendix 5).
15. There are two other (non-preferred) route options: The "River Thames route" which follows the course of the Thames as far as Beckton Sewage Treatment works, and the "Rotherhithe route" which cuts across the Rotherhithe peninsula and realigns with the Thames at Deptford.
16. Thames Water's stated reasons for the preferred route are:
 - It is 9kms shorter than the other routes and approximately £700m cheaper.
 - Overall it minimises the number of shaft sites needed.
 - It would capture slightly less sewage than the other routes but would meet project objectives set by the Environment Agency.
17. Thames Water's stated reasons in its Site Suitability Report and document which gives further explanation for the selection of King's Stairs Gardens selecting King's Stairs Gardens as a reception site are:
 - It is not feasible to drive a tunnel all the way from Battersea to either Abbey Mills or Convoys Wharf (on the Thames and Rotherhithe options) as ground conditions change around Tower Bridge. All three routes require a reception shaft either around King's Stairs Gardens or Limehouse.
 - King Edward Memorial Park and Shadwell Basin in Tower Hamlets were considered as alternatives. The park is not preferred because it is located in an area of open space deficiency and a conservation area; the basin was rejected on engineering grounds. Use of these sites would also extend the length of the main tunnel drive, so adding cost and increase the challenges associated with tunneling in chalk.
 - It provides direct access to the Thames. Thames Water intend to transport excavated material by barge.
 - Chambers Wharf was rejected on the grounds that it was assumed that the site would have planning permission and that construction would have commenced.
 - Other short listed sites in Southwark included Durand's Wharf and the boatyard at South Dock Marina. Both were shorted listed as potential intermediate/reception sites. Thames Water concluded that these were not needed on any of the routes. St Paul's Playing Field was eliminated at long list stage on grounds of size and proximity to Peter Hills primary school.

18. Thames Water's reasons for selecting the Alfred Salter Playground as a CSO interception site are:
- A site is needed on or close to the CSO which extends between Bermondsey Street and the Thames foreshore (see appendix 3). Alfred Salter Playground is located on top of the Shad Thames CSO and is large enough to accommodate a shaft.
 - Other sites shortlisted were: the boardwalk and Thames foreshore at Shad Thames and garages to the rear of flats on the St John's estate.
 - The foreshore option was rejected on the grounds of conservation and townscape impacts and tourism impacts. The CSO outlet is underneath the boardwalk outside the Design Museum and the Thames Path would need to be closed. The garage site is not preferred because it is not on top of the CSO and a connecting culvert would be needed impacting on traffic. It is also bounded tightly by residential homes.
 - Thames Water have also been asked about the feasibility of using the Shad Thames Pumping station on Gainsford Street and also using a site under the railway viaduct. Thames Water's response has been that the option of using the pumping station is not possible because it is too small and it would not be feasible to keep the pumping station open and build a shaft. The location of the Jubilee line prevents Thames Water from using the viaduct.
19. The current consultation is the first stage of public consultation in respect of the preferred route and site selection. A second stage of consultation will be held in 2011 and this will focus on more detailed matters such as detailed proposals for the selected sites, mitigation measures and design of future permanent structures. Further details on compensation available will be available at the second round of consultation.
20. Planning applications are anticipated to be submitted in mid 2012. The government has instructed Thames Water to assume that the applications will be determined by the Infrastructure Planning Commission (IPC) until a replacement process or organisation is put in place. Southwark would be invited to provide formal observations on the applications. The applications will be subject to Environmental Impact Assessment (EIA) and Southwark will be invited to comment on the scoping process for this.
21. Construction of the tunnel would start in 2013 and complete in 2020.
22. DEFRA have recently commenced public consultation on the draft National Planning Statement (NPS) on Waste Water. This document contains information on the need for the tunnel and the way in which competing environmental impacts should be considered. It will be used by the IPC to help determine the planning applications for the Thames Tunnel. The council's response on this document will be reported to Cabinet for approval at its January meeting.
23. Southwark have recently sought to commission an engineering consultancy to provide an expert overview of the engineering constraints of the project. An updated version of this report, which reflects the engineering advice, may be circulated prior to the Cabinet meeting.

KEY ISSUES FOR CONSIDERATION

24. At this stage the council is being consulted on the route options and selection of sites. Further attention can be paid to detailed issues around design and mitigation measures at the second round of consultation.
25. Southwark's response should focus on material planning considerations. These include issues such as the impact of the scheme on townscape, transport, open space and play provision, biodiversity, environment, habitats, heritage assets, archaeology, noise, odour and other amenities.

Site selection methodology

26. The methodology Thames Water used to select the preferred sites is far from clear. The Site Suitability Report and the "How we chose the preferred site" document assess each of the Southwark sites from a planning, engineering, environmental, socio-economic and property perspective. However there is no attempt to use an appropriate weighting mechanism to compare sites and evaluate impacts which in turn would inform a sequential approach to the selection of sites. The council should urge Thames Water to reconsider the selection of the preferred sites in the light of a systematic and transparent mechanism for assessing the impacts on all sites, informing a comparison of sites and the use of a sequential approach.

King's Stairs Gardens

27. In response to consultation on Thames Water's shortlist of sites carried out in December 2009, Southwark ranked King's Stairs Gardens as the least preferred site (see appendix 1). There are a number of reasons why King's Stairs Gardens should not be considered an appropriate site for a reception shaft. These are set out below.

Open space

28. King's Stairs Gardens is a greenfield site and metropolitan open land (MOL). Use of a greenfield site, when brownfield sites are available, would run contrary to London Plan objectives 1 and 6 which state that London's growth should be accommodated within its boundaries without encroaching on open spaces.
29. As MOL, it is an open space of regional importance and has the highest level of policy protection afforded to greenfield sites. In connecting Southwark Park and the River Thames it plays a critical role in forming a much larger break in London's built development. It is also a valuable amenity to local people, a fact recognised by the award of a national lottery grant in 1998. The evidence on open space which Southwark presented to the recent core strategy examination-in-public demonstrated that while King's Stairs Gardens is not itself located in an area of open space deficiency, it is located close to areas in which there is a deficiency in open space. The loss of much of King's Stairs Gardens over a seven year period and the construction of residual permanent structures would exacerbate an existing deficiency in access to local and district parks and would impact adversely the openness of the MOL. The loss of the existing playground on King's Stairs Gardens would compound the loss of amenities which local residents will experience,

30. There is a presumption against inappropriate development on MOL. Use of MOL for access to a tunnel construction site and erection of permanent residual buildings would not comprise appropriate development and would be contrary to policy 3.25 in the Southwark Plan, draft Core Strategy policy 11 and policy 3D.10 in the London Plan.
31. In its response to Thames Water's December 2009 consultation on the shortlisted sites, Southwark attached very significant weight to the fact that King's Stairs Gardens is designated MOL. Thames Water should be advised that the council does not consider that sufficient weight has been given to this designation in selecting the preferred site. Given the strength of London Plan objectives 1 and 6, as well as the MOL designation, Thames Water should be advised that non-MOL sites which are available, should be regarded as sequentially preferable to King's Stair's Gardens.

Nature conservation

32. London Plan paragraph 3.318 states that one of the key objectives of the Mayor's Biodiversity Strategy is to ensure that all Londoners have ready access to wildlife and natural green spaces. The evidence on biodiversity presented at the core strategy examination advised that the combinations of habitats in King's Stairs Gardens are not commonly found in Southwark outside its parks and moreover that the site forms part of an unbroken green chain between Surrey Quays and the Thames. Consequently, King's Stairs Gardens is proposed as a site of importance for nature conservation in Southwark's draft core strategy.
33. Whilst the King's Stairs Gardens site suitability report acknowledges its nature conservation and biodiversity value, there is no evidence of the weight attributed to this or the way in which impacts compare with those on other sites. This is a deficiency in the selection methodology, which, as in the case of open space, makes the sequential ranking of sites difficult to ascertain.
34. Map 3D.4 in the London Plan shows areas of deficiency in access to nature in London. Much of the Borough and Bankside community council area and a part of the Bermondsey community council area are shown in the area of deficiency. Even if it were possible to mitigate the potential harm of proposals in the long term, once the park had been restored, the loss of King's Stairs Gardens over a 7 year period would exacerbate this deficiency in access to nature and compound problems associated with a shortage of open space, contrary to the expectation of policy 3D.14 in the London Plan.

Thames policy area

35. King's Stairs Gardens is located in the Thames Policy Area (TPA). The purpose of the Thames Policy Area is to recognise the role of the Thames in maintaining London as an exemplary, sustainable world city.
36. King's Stairs Gardens comprises one of few open spaces which have a river frontage in Southwark, and plays an important part in enabling Southwark residents to enjoy the river and its environs. In accommodating the Thames Path, it also provides a valuable amenity for residents and visitors, which encourages enjoyment of the river and helps connect Southwark's designated strategic cultural areas. The King's Stairs Gardens site suitability report acknowledges that the permanent works would be likely to affect users experience of the park

and that its character as “a river facing public open space may be difficult to replicate” (p. 17, paragraph 10.5.5).

37. The loss of the park over a 7 year period would be detrimental to the enjoyment of the river Thames, while the residual structures in the park are likely to be harmful to its character and appearance. In view of this, the proposal is not consistent with Policy 3.29 of the Southwark Plan, draft Core Strategy policy 12 or London Plan policy 4C.6 which seek to ensure that character of the TPA is protected and enhanced.

Heritage

38. The permanent structures proposed in King’s Stairs Gardens are likely to be detrimental to the setting of the listed and locally listed buildings close to the park: the Angel public house, Sir William Gaitskell House (both grade II listed) and St Peter’s and the Guardian Angels RC Church (locally listed). Any proposals for development which impact on heritage assets should seek to enhance or preserve the heritage assets or their setting.
39. King’s Stairs Gardens also plays a key role in preserving the setting on the scheduled monument at the site of Edward III’s Manor House, as well as the setting and views to and from Southwark Park, which is a grade II registered historic park. These settings are also greatly improved by the trees in the park, many of which are of high amenity value.
40. Council officers consider that there is considerable merit in the proposal to designate King’s Stairs Gardens and Edward III’s Manor House as a conservation area and the council will shortly commence public consultation on this. Use of the park as a construction site, loss of trees within the construction site and the erection of permanent residual structures would harm the heritage and conservation value of the area contrary to Southwark Plan policy 3.15, 3.18 and draft Core Strategy policy 12.

Archeological priority zone

41. It should be noted that King’s Stairs Gardens is located within an archeological priority zone. Archeology, and in particular the site of the Manor House of Edward III, to the east of King’s Stairs Gardens, has a historic connection with the river, plays a significant role in shaping the character of the area. Southwark would expect any planning application to be accompanied by an archeological assessment, evaluation of the impact of development and mitigation measures. Failure to demonstrate adequate mitigation of impacts would be contrary to Southwark Plan policy 3.19 and London Plan policy 4B.15.
42. For the reasons set out above, Southwark should object strongly to the use of King’s Stairs Gardens as a proposed shaft site. Use of King’s Stairs Gardens would harm many interests of acknowledged importance, including MOL, nature conservation and heritage. The council should urge Thames Water to consider the use of alternative sites and routes which avoid the use of King’s Stairs Gardens.

Alfred Salter Playground

43. The loss of the playground, albeit over a temporary period, would result in the loss of an important residential amenity in an area with limited access to open

spaces. The loss of the play facilities would leave the 79 homes on the St John's Estate without adequate play facilities, contrary to Southwark Plan policy 3.1, London Plan policies 3A.17 and 3D.13.

44. Thames Water's Site Suitability Report notes that the site formerly accommodated a cooperage, built upon a burial ground. The presence of a post-medieval cemetery in this area would require a significant programme of archaeological excavation and recording prior to the commencement of any construction works. Failure to demonstrate adequate mitigation of impacts would be contrary to Southwark Plan policy 3.19 and London Plan policy 4B.15.
45. For these reasons set out above, Southwark should object strongly to the use of Alfred Salter Playground as a CSO shaft site and urge Thames Water to review sites along the alignment of the CSO, including sites on its original long-list, to find an acceptable solution.

All sites

46. The construction of the tunnel is likely to have significant social, economic and environmental impacts. Thames Water have indicated that planning proposals will be subject to environmental impact assessment (EIA). Southwark should be consulted on the scoping of any future EIAs. In addition to environmental impacts these should cover impacts the local economy, jobs and local educational and community facilities.
47. All shortlisted sites are located within an air quality management area. Thames Water will be expected to demonstrate that proposals do not result in a reduction in air quality, through an air quality assessment, as set out in Southwark plan policy 3.8. Constriction of shafts and the residual ventilation structures will also have noise and odour impacts. Proposals which do not demonstrate that they can mitigate these impacts satisfactorily would be considered unacceptable by Southwark, in line with Southwark Plan policies 3.1 and 3.2.
48. With regard to transport, while Thames Water have committed to transporting excavated materials by barge where possible, in the case of a number of sites, such as the Alfred Salter Playground, this is not feasible. All proposals will be expected to be accompanied by a transport assessment, which demonstrates that transport and traffic impacts have been addressed.

Sustainability Appraisal

49. Whilst any future applications affecting Southwark sites would be subject to an environmental impact assessment, it should be noted that an EIA tests the environmental impacts of a particular development. In 2005, the Thames Water Tideway Strategic Study identified a number of strategic options for addressing the environmental problems of CSOs and concluded that the Thames Tideway Tunnel was the preferred option. Whilst this study included a regulatory impact assessment, it is not clear whether the identified options were subjected to any sustainability or environmental appraisal before selecting the Thames Tideway Tunnel or the preferred route.
50. The government has recently commenced consultation in respect of the draft National Policy Statement for Waste Water which addresses the need for nationally significant infrastructure projects and includes the Thames Tideway Tunnel. Whilst the draft NPS is the subject of a separate consultation response, it

is noted that it relies on the 2005 study and states that Thames Tunnel is the preferred infrastructure solution and that the sustainability appraisal will include “an assessment of the specific aspects” of the Thames Tunnel proposal. This suggests that options should have been subject to sustainability appraisal at the time the 2005 study was conducted.

Community impact statement

51. The tunnel proposal will have significant impacts on the community. In particular these relate to the loss of open space and children’s play facilities which are outlined above. There may also be impacts associated with loss of amenity due to noise, dust and odour. Thames Water will need to demonstrate that these can be mitigated.

SUPPLEMENTARY ADVICE FROM OTHER OFFICERS

Strategic Director of Communities, Law & Governance

52. Members of cabinet are asked to approve the council’s response to the Thames Water consultation in respect of its preferred route for the proposed Thames Tideway Tunnel and selection of sites as set out at appendix 1. The main report sets out the background to the proposals and relevant considerations for members in agreeing the council’s consultation response.
53. Under paragraph 24, Part 3B of the Constitution, the cabinet has overall responsibility for agreeing the council’s response to consultation papers. Further, under part 3D of the Constitution individual portfolio holders have authority to approve the council’s response to consultation documents from various bodies and which relate to significant changes affecting their portfolio (paragraph 13 and 14). The consultation response in question relates to proposals for the Thames Tideway Tunnel, a nationally significant infrastructure project which would impact on the portfolios of both Cllr Colley, Regeneration and Corporate Strategy and Cllr Hargrove, Transport, Environment and Recycling. In so far as the consultation raises cross-cutting issues, the constitution provides for the approval of consultation to be referred to a meeting of the full cabinet. Accordingly members of cabinet are able to approve the response as set out at Appendix 1. Furthermore, in accordance with the executive leader and cabinet model adopted by council assembly on 4 November 2009, the Leader has the authority to approve final amendments to and sign the council’s response.

Finance Director

54. There are no specific financial implications associated with this paper.

BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Southwark Plan, 2007	Planning policy team, Regeneration and Neighbourhoods	Tim Cutts 020 7525 5380
Draft Core strategy, 2009	Planning policy team, Regeneration and Neighbourhoods	Tim Cutts
Site Suitability Report S54SK, King's Stairs Gardens (Thames Water document)	Planning policy team, Regeneration and Neighbourhoods	Tim Cutts
King's Stairs Gardens: how we chose the preferred site (Thames Water document)	Planning policy team, Regeneration and Neighbourhoods	Tim Cutts
Site Suitability Report C28XE, Open Space Druid Street (Thames Water document)	Planning policy team, Regeneration and Neighbourhoods	Tim Cutts
Site Suitability Report C28XA, Thames Foreshore near Butlers Wharf (Thames Water document)	Planning policy team, Regeneration and Neighbourhoods	Tim Cutts
Site Suitability Report C28XF, car park to flats on Tower Bridge Road (Thames Water document)	Planning policy team, Regeneration and Neighbourhoods	Tim Cutts

APPENDICES

No.	Title
Appendix 1	Response to Thames Water's consultation on the proposed Thames Tideway Tunnel
Appendix 2	Thames Tunnel proposed routes
Appendix 3	Plan of the route of the Shad Thames CSO
Appendix 4	Plan of proposed construction site and illustrative diagramme of permanent buildings at King's Stairs Gardens
Appendix 5	Plan of proposed construction site and illustrative diagramme of permanent buildings at Alfred Salter Playground, St John's Estate
Appendix 6	Response to consultation in December 2009

AUDIT TRAIL

Cabinet Member	Councillor Fiona Colley, Cabinet Member for Regeneration and Corporate Strategy	
Lead Officer	Eleanor Kelly, Deputy Chief Executive	
Report Author	Tim Cutts, Team Leader Planning Policy	
Version	Final	
Dated	3 December 2010	
Key Decision?	Non key	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER		
Officer Title	Comments Sought	Comments included
Strategic Director of Communities, Law & Governance	Yes	Yes
Finance Director	Yes	Yes
Cabinet Member	Yes	No
Date final report sent to Constitutional/Community Council/Scrutiny Team	3 December 2010	