



The Planning Inspectorate
Thames Tunnel case team
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Sent via email

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date 14/03/2013
our reference S/25/40/thames tunnel
your reference WW010001

Dear Sir/Madam

Re: Thames Tideway Tunnel Adequacy of Consultation


Thank you for the invitation to make a representation on the adequacy of consultation carried out by the applicant at pre-application stage.

LB Lewisham has serious concerns regarding the adequacy of consultation in relation to the pre-application stages of the Thames Tideway Tunnel proposals and does not consider the applicant has met the duties specified under the Act. LB Lewisham therefore considers the Planning Inspectorate should not accept the application.

Please find attached the London Borough of Lewisham's full representation.

If you have any questions regarding this matter please contact my colleagues Brian Regan, Planning Policy Manager, direct line 020 8314 8774 or Claire Gray, Senior Policy Planner, direct line 020 8314 7186.

Yours sincerely



John Miller
Head of Planning

London Borough of Lewisham adequacy of consultation representation



Thames Tideway Tunnel

In accordance with Section 55 of the Planning Act 2008 (as amended)

1. Introduction

- 1.1 The London Borough of Lewisham (LB Lewisham), as a relevant local authority, make the following representation regarding the adequacy of the Thames Tideway Tunnel consultation at pre-application stage.
- 1.2 This representation is made in accordance with Section 55 of the Planning Act 2008 (as amended) and therefore comments on the duties set out under Sections 42, 47 and 48 of Planning Act 2008 (the Act) relating to consultation and publicity.
- 1.3 LB Lewisham has serious concerns regarding the adequacy of consultation in relation to the pre-application stages of the Thames Tideway Tunnel proposals and does not consider the applicant has met the duties specified under the Act. LB Lewisham therefore considers the Planning Inspectorate should not accept the application.
- 1.4 Consideration of where the applicant has or has not complied with the duties in the Act is set out below.

2. Duty to consult (Section 42)

- 2.1 LB Lewisham, as a relevant local authority under Section 43 of the Act, confirms that the applicant has undertaken consultation regarding the proposed application in accordance with Section 42(b).
- 1.1 LB Lewisham has no information, other than that supplied by the applicant, regarding the other persons and organisations set out in Sections 42(a), (c) and (d) and therefore no comment is given in relation to the duty to consult those parties.

Table 2.1 – Summary of Section 42 compliance

Section	Compliance
42(a)	No comment
42(b)	Yes
42(c)	No comment
42(d)	No comment

3. Duty to consult local community (Section 47)

- 3.1 **Section 47(1)** – The applicant has prepared a statement setting out how they intended to consult those living in the vicinity of the land.
- 3.2 **Section 47(2)** – As a local authority identified within Section 43(1), LB Lewisham confirms it was consulted about what was to be in the statement. The ‘Draft Community Consultation Strategy’ was consulted on and LBL responded 24/02/10 stating, among other points that:
- *250m distance for consultation potentially too tight; instead of setting a distance, the areas for consultation should be agreed with each local authority.*
 - *The communications programme should have greater flexibility and local authorities should be involved in developing programmes that are appropriate to the different communities along the length of the tunnel*
 - *Consultation website ready for Phase One consultation*
 - *Consultation reports should be available at the end of each round of consultation*
 - *Individual boroughs’ Statements of Community Involvement should be referred to and used to assist in the development of detailed consultation programmes for each area.*
 - *In general the strategy should acknowledge that there are different kinds of communities along the length of the tunnel and that different responses are likely to be appropriate.*
- 3.3 **Section 47(3)** – No comment regarding the response deadline.
- 3.4 **Section 47(4)** – No comment.
- 3.5 **Section 47(5)** – The applicant must have regard to LB Lewisham’s response under 47(2), incorporating the comments set out in paragraph 3.2 above. The applicant has not had regard to this response, as discussed below.
- 3.6 A blanket 250m distance was applied, without consideration of local circumstances. The applicant acknowledged LB Lewisham’s response and stated that the 250m distance would be flexibly applied in consideration of local circumstances (para 4.3.50, table 4.4, page 4-17), however in practice 250m was applied as a blanket radius (as stated in the SOCC, at paras 5.4.32 and 5.5.13). This is a particularly important issue given the strategic location of the Deptford Church Street site which is in a town centre location and where users from a wide area use the site to, among other activities, access east-west connections from New Cross through the town centre and the site to Creekside, Greenwich and beyond.
- 3.7 A tailored communications strategy appropriate to the very different communities along the length of the tunnel was not developed and these

comments were not recognised in the Consultation Report. At paras 4.3.53 – 4.3.55, page 4-17 of the Consultation Report under ‘our response’, the applicant states that they have worked with local authorities to identify local communities and the best ways in which to consult with them. It is the view of LB Lewisham that this did not occur and a blanket approach to consultation and communication was applied to all communities across the length of the project.

- 3.8 **Section 47(6)** – No comment regarding publication of the statement.
- 3.9 **Section 47(7)** – The applicant has not carried out consultation in accordance with the processes set out in the consultation statement.
- 3.10 The aims of the applicant’s pre-application consultation is set out in the Community Consultation Strategy, page 4, para 2.2.1, and are as follows:

The overriding aim of our pre-application consultation is to ensure that both community and technical consultees have a chance to be informed and to influence the proposals for the Thames Tunnel. This means that:

- *The local and strategic impacts and benefits of the Project relating to river water quality should be explained in order for all parties to form a clear view of the need for the Thames Tunnel.*
- *Members of the public, across the route as a whole and in the vicinity of the sites, should be consulted in good time during the evolution of the Project, enabling them to have a meaningful say and to influence its development.*
- *All parties, ranging from statutory interests through to business, local communities, harder to reach groups and individual residents, should have good access to accurate and high-quality information on the Project, communicated at all stages of the planning process and beyond the aims*

- 3.11 The applicant has not carried out consultation in accordance with these aims, for the reasons discussed below.

Influencing proposals

- 3.12 The pre-application consultation has not allowed LB Lewisham or Lewisham residents to influence the proposals for the Thames Tideway Tunnel. There has been a broad-brush approach to consultation that has not ensured all parties were able to participate.
- 3.13 LB Lewisham has met with the applicant on a regular basis throughout the pre-application process. The meetings, for the most part, have not influenced the project or resulted in any changes.

- 3.14 The Community Consultation Strategy does not anticipate or address consultation at interim phases and the strategy is therefore silent on what activities, briefings, exhibitions or other consultation methods will be employed and how information will be shared. The Deptford Church Street site within LB Lewisham was first put forward at an interim engagement stage which should have been subject to the same consultation approach as phase one and phase two consultation however this did not occur,
- 3.15 According to the Consultation Report (table 1.2, page 1-7) no statutory consultees, local authorities or landowners were consulted on the introduction of the Deptford Church Street site. The first opportunity these groups had to respond to the use of Deptford Church Street was at phase two consultation when it was put forward as a selected site.
- 3.16 In spite of this, LB Lewisham responded and objected to the use of the site (letter dated 29/07/11) however the comments have not been recorded or considered in the decision making process used to choose it as a selected site at phase two. There is no record of LB Lewisham's response to the interim engagement in Section 29 of the applicant's Consultation Report. LB Lewisham's response to the Interim engagement forms an early and crucial part of the on-going objections to the use of the site. Para 29.3.2 should list LB Lewisham as a LA responding to the Interim engagement and table 29.7 should set out LB Lewisham's responses. Table 29.8 should not record LB Lewisham's response as late. Response was sent via email, 9 February 2012.
- 3.17 Inaccuracies in the Consultation Statement raise concerns over how thoroughly the responses were reviewed and whether or not all responses have been captured, considered and reported. This flawed process has not enabled consideration of responses and therefore LB Lewisham question the opportunity of all consultees to influence the proposals and therefore the applicant has not complied with Section 47 of the Act.
- 3.18 The lack of engagement with statutory consultees, local authorities and landowners at interim engagement is a fundamental flaw in the applicant's consultation process and has not enabled relevant parties to comment prior to the site being taken forward as a selected site.

Access to accurate and high quality information on the Project

- 3.19 Insufficient information was made available at pre-application stage and therefore parties have not had access to accurate and high-quality information on the Project.
- 3.20 The Community Consultation Strategy at Para 5.8.4 and 5.8.5 states that site selection information will be made available. No adequate information was publicly available regarding the site selection process.

- 3.21 The early site selection assessment and weighting exercises do not include quantitative data. Qualitative assessments were carried out by Thames Tunnel staff who used only their professional judgement to evaluate the sites. No technical studies or data were available for comparison at site selection stage.
- 3.22 The section 48 report on site selection process, outlines that after phase one consultation Thames Tunnel carried out 'more technical studies, which suggested that the use of our preferred site at Borthwick Wharf Foreshore might not be the best solution', (Section 5, Appendix U, paragraph U.3.9). However the only published information on a 'technical study' is the reference to the Thames Water multi-disciplinary team appraisal and no details of this discussion are published to allow others to consider whether it is appropriate.
- 3.23 Table 1.10, page 1-18 of the Consultation Report refers to information provided during the pre application process however this does not incorporate comments made by LB Lewisham raising serious concerns regarding the lack of information available at each consultation stage.
- 3.24 This table should accurately record all comments received and should not be limited to those received by way of a standard feedback form. The lack of information provided at all stages was emphasised in all LB Lewisham consultation responses (Phase 1, 2 and section 48). The consultation materials available at each stage did not provide enough information to allow an adequate understanding of the scale of the project, the impacts associated with each site or the cumulative impacts. At each stage, LB Lewisham responses detailed where further information was required to enable an assessment of the impacts on the local area and an assessment of the appropriateness of the proposed works.
- 3.25 In relation to **Deptford Church Street**, the topic areas where inadequate information was provided and where multiple requests for further information were made, but not delivered, are briefly set out below:
- **Alternative sites and site selection** – Inadequate assessment processes were undertaken with no quantitative assessment or technical data compared. Information was requested as to why this site was considered the most suitable site.
 - **Ecology** – detailed habitats surveys should have been undertaken and were requested. If updated surveys were undertaken, LB Lewisham requested these and any updated methodologies. Consideration of significant effects was requested and that the project not progress until the impact of the development and the level of proposed mitigation was known and shown to be acceptable.
 - **Open space and recreation** – growth and intensification in the area surrounding the site would result in increased pressure on the limited

open space. Increased use and inappropriate use on surrounding open spaces would occur and details of proposed mitigation was requested. The applicant was requested to make available to LB Lewisham a full assessment of all sites and uses, not just those impacts identified as 'significant' in the PEIR.

- **Education** – as one of the most deprived areas in England, the impact on the education of children is unacceptable and is sufficient reason not to use this site. A suitable alternative fire assembly location was requested, with a safety audit to support any proposals. The inclusion of the site based on preliminary findings and the judgement of Thames Tunnel staff is not acceptable and therefore a further detailed assessment was requested, particularly in relation to noise impacts, safety and fire assembly. The applicant has not demonstrated how the proposed works can take place without adverse effects to the operation, safety of children and teachers, and the learning environment at the school.
- **Employment** – It is unclear from the information provided by the applicant what the level of impact would be to the surrounding businesses and if they would be able to remain operational. LB Lewisham requested further information in order to understand how the works would impact on the on-going operation of the businesses, to understand how many employees would potentially be affected, and what compensation is proposed.
- **Noise** – A full assessment of the noise effects on the use of the school from the construction site was requested. Building Bulletin 93, published in 2003, should be used in the noise assessment at the site and this was requested.
- **Air quality** – The applicant has not demonstrated that the proposals will not result in a reduction in air quality. NO₂ baseline monitoring has been carried out in the area, however no monitoring or modelling data has been provided and therefore further information was requested about the impact. Information was requested for both the construction and operational phases in relation to:
 - What are the impacts in terms of changes to concentrations of pollutants?
 - How have these impacts been assessed?
 - Who will be affected?
 - Can they be mitigated?
 - What are the proposed mitigation measures?
 - Have alternatives been considered and, if so, how does the data compare?
- **Heritage assets and conservation** – The impact of the proposals on buildings, structures and the conservation areas is was not assessed and information was requested in relation to how the works will affect both the structural integrity of the church and the setting and what mitigation is proposed. The lack of a full assessment for all heritage

aspects and the minimal and isolated landscaping area means that there is no certainty regarding the beneficial aspects of the lasting design in relation to heritage considerations

- **Archaeological priority zone** – An archaeological assessment was requested including an investigation of the significance of the asset, an assessment of the impact of the works and details of any mitigation measures.
- **Transport** – Detailed traffic modelling was requested in order to understand how significant the impact would be. The applicant should not have selected this as a preferred site without an assessment showing the adverse impact on the road network is minor and manageable. If the assessment shows that significant adverse effects will arise it is unlikely that these effects can be mitigated. LB Lewisham requested details of what methodology was/will be used in assessing the effects. Consideration of alternative site access options (for vehicles entering and leaving the site) was requested, along with alternative access arrangements that are less disruptive and safer for pedestrians and cyclists on roads and footpaths surrounding the site. LB Lewisham requested details of alternative parking options as none have been discussed to date and no methodologies in relation to the assessments have been discussed or agreed.
- **Design** – The design of the site proposed by Thames Tunnel does not adequately reflect and incorporate the Council's strategic aspirations for the area and the Council requested that considerable further work is undertaken on the design of the open space and any permanent structures. The site can not be considered in isolation and proposals for landscaping need to fully consider and respond to the wider strategic aspirations for the area, particularly the east-west links from Deptford High Street through the site to the east. LB Lewisham requested that the design reflects the needs and wants of the local community closer to the completion of works, particularly surrounding users such as residents, St Joseph's school and St Paul's Church. The final design and location of permanent structures in such a sensitive location must be agreed by LB Lewisham.

3.26 In relation to **Earl Pumping Station**, the topic areas where inadequate information was provided and where multiple requests for further information were made, but not delivered, are briefly set out below:

- **Alternative sites and site selection** – LB Lewisham requested that Thames Water re-examine the use of this alternative site and provide a written explanation for any choice made. The site selection process did not involve any quantitative assessment and therefore a comparison between the actual number of receptors at different sites has not been undertaken and is not available. The advantages of Earl Pumping Station over the Foreshore adjacent to the boat yard and Helsinki Square is not clear and therefore LB Lewisham requested

that both sites should be included in the Development Consent Order and submitted to the Planning Inspectorate in order for a decision to be taken.

- **Employment** – Further information was requested regarding the actual effect on businesses and their employees and what proposals, if any, Thames Water propose to compensate and relocate those businesses which are affected.
- **Noise** – The impact of construction noise has not been assessed in relation to the proposed residential developments on surrounding and adjacent sites. A traffic assessment was requested in order to understand the expected impact. A full assessment of the noise and vibration effects on the existing and proposed residential properties was requested and information demonstrating that the impacts of the proposal can be satisfactorily mitigated.
- **Air quality** – The air quality impacts arising from traffic and construction/excavation activities are concerning and further information was requested about the impacts and how these will be managed and mitigated.
- **Transport** – LB Lewisham requested details of how the effects of the construction phase were assessed, and details of what methodology was/will be used to assess the effects. In addition, the methodology used for assessing the effects of the proposals was requested along with drafts of the Transport Assessments or details of preliminary assessments. The impact of construction traffic is a particular concern given the potential cumulative effects associated with the construction of other developments in the area, particularly the Council's Strategic Sites. A full transport assessment was requested.
- **Design** – LB Lewisham requested that the design for the site include: betterment works to the existing Thames Water site, particularly replacing metal sections of the existing fence and repairs; lower the rear wall to improve permeability, depending on the final use of the site at 36-38 Yeoman St; Improve pedestrian access on the western boundary, along Croft Street as it is currently poor and the footpath should be widened to enable its use. To avoid adverse effects on the public realm, the boundary treatment is particularly important in this location. The strip of unused land at the southern end, adjacent to the existing terraces on Croft Street, is unusable.

3.27 Section 10 relates to the information provided during the pre-application process. LB Lewisham should be included as providing comments at each consultation stage regarding the lack of information available (table 10.2, table 10.5 and table 10.10). Para 10.14.9, table 10.23 incorrectly identifies comments as being made by LB Lewisham and does not identify the comments LB Lewisham made at section 48 publicity.

3.28 The Community Consultation Strategy at Para 6.2.1 states the applicant will ensure ongoing and constructive dialogue is carried out with the relevant London local authorities. LB Lewisham do not consider this has been carried out as intended.

3.29 During the pre-application period LB Lewisham attended a series of meetings with Thames Tunnel staff covering a range of topic areas. The meeting process was flawed and did not allow constructive dialogue. New material was presented at the meetings which did not allow adequate time for Council officers to review the material or ensure the appropriate officers were present. Despite requests, copies of new materials were not left with Council staff for subsequent review. The result was an obstructive meeting process that did not lend itself to considered, positive outcomes.

Table 3.1 – Summary of Section 47 compliance

Section	Compliance
47(1)	Yes
47(2)	Yes
47(3)	No comment
47(4)	No comment
47(5)	No
47(6)	No comment
47(7)	No

4. Duty to publicise (Section 48)

4.1 LB Lewisham has no comment regarding the publicity of the application or the deadline for responses.

Table 4.1 – Summary of Section 48 compliance

Section	Compliance
48(1)	No comment
48(2)	No comment

5. Conclusions

5.1 The applicant has not complied with the pre-application duties under Section 47 of the Act. A summary of the main reasons for non-compliance are set out below and demonstrate where LB Lewisham believe the applicant has not met the duties of the Act.

5.2 The applicant has not had regard to LB Lewisham's comments relating to what should be included in the statement. Where LB Lewisham's comments have been recorded and incorporated into the Consultation Statement the implementation of the strategy has not followed. As set out in paras 3.6 and 3.7 above, tailored consultation approaches have not been developed to suit

the very different communities along the length of the project and a blanket approach has been applied to both the consultation distance (250m) and communications strategy.

- 5.3 The applicant has not carried out consultation in accordance with the processes set out in the consultation statement. The consultation has not ensured the participation and ability to influence proposals by LB Lewisham and all parties.
- 5.4 The interim engagement process was fundamentally flawed as it did not invite statutory consultees, local authorities or land owners to comment on newly proposed sites. This meant the Deptford Church Street site was first consulted on only once it had been chosen by the applicant as a selected site and LB Lewisham's comments at interim engagement stage have not been considered in the selection process.
- 5.5 The applicant has not provided accurate and high quality information regarding the project. Inadequate information was provided regarding the site selection process and the consultation materials available at each stage did not allow an adequate understanding of the scale of the project, the impacts associated with each site or the cumulative impacts. LB Lewisham requested further information in relation to the impact of the works around both sites at each consultation stage however the information provided to date is considered inadequate in this respect and further information is still sought.
- 5.6 The applicant's meeting processes and approach to sharing information and requesting feedback was flawed and did not allow a constructive dialogue between the applicant and the local authority.
- 5.7 LB Lewisham consider that the areas of non-compliance with Section 47 of the Act raise significant issues and provide adequate reasons for the Planning Inspectorate to not accept the application.