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**ROYAL BOROUGH OF
KENSINGTON AND
CHELSEA**

(34) **CONDITION 12
DOCUMENT TYPE**

**CONFIDENTIAL DOCUMENTS
APPLICATIONS
LATE UPDATE**

PP/02/01324

PP/02/01324

Lots Road Power Station And Chelsea Creek

Due to case file size the content has been broken down and scanned in sections as denoted.

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Slader, Georgina: PC-Plan

From: Doolan, Ian: CP-Fin
Sent: 31 October 2007 09:58
To: Slader, Georgina: PC-Plan
Subject: RE: Lots Road Development

Georgina,

The revised design brief looks o.k. to me in relation to the land around the basin. I would repeat that the lock gates and the surrounding land is not part of the scheme as this property is not owned by the Council, so that in the event that the basin is cleaned up the lock gates will look like a sore thumb.

I have asked the developers for their financial proposals with regard to the acquisition of the Creek and the licence for the Bailey Bridge but have heard nothing to date.

Regards

Ian

From: Slader, Georgina: PC-Plan
Sent: 30 October 2007 18:01
To: Slader, Georgina: PC-Plan; Doolan, Ian: CP-Fin
Cc: Prout, David: PC-Plan; Coey, Bruce: PC-Plan
Subject: RE: Lots Road Development

Mr Doolan,

Further to my recent e-mail attached below, have you had an opportunity to review the revised Creek Design Principles document? In advance of our meeting on Thursday (1st November, 12pm), it would be useful to know if you consider the revised proposals to be acceptable.

In addition, in advance of our meeting on Thursday I will be preparing an agenda. A couple of the items specifically require your input, for example, the acquisition of the Creek and a license in relation to the construction of the Bailey Bridge. So I can keep David informed of progress, have you had any discussions with the Developer regarding these matters to date?

I look forward to hearing from you.

Regards

Georgina Slader
Planning and Conservation
Telephone 020 7361 2664

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From: Slader, Georgina: PC-Plan
Sent: 24 October 2007 17:06
To: Doolan, Ian: CP-Fin
Cc: Prout, David: PC-Plan

31/10/2007

Subject: FW: Lots Road Development

Mr Doolan,

Further to David's e-mail attached below I have reviewed the revised Creek Design Principles document.

To confirm they have removed all the written references relating to the Chelsea Basin. However, the drawings of the Creek which have been kept in the document show the Chelsea Basin looking 'tidy'. No written reference is made to these tidying works, and my thoughts are is that if the Council would like the 'tidying works' to be carried out by the Developer then perhaps we could give them guidance on what these should entail.

Perhaps you could let me know what your thoughts are in advance of our meeting with David Beynon on the 1st November.

Many thanks
Kind regards

Georgina Slader
Planning and Conservation
Telephone 020 7361 2664

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From: Prout, David: PC-Plan
Sent: 15 October 2007 10:23
To: Slader, Georgina: PC-Plan
Cc: Coey, Bruce: PC-Plan; Doolan, Ian: CP-Fin; Flanagan, Michael: CP-Fin
Subject: FW: Lots Road Development

Georgie,

Please assess this application with Ian and take a view before 1 November.

David Prout
Executive Director
Planning and Borough Development
Royal Borough of Kensington and Chelsea
Rm 323, Town Hall
Hornton Street
London W8 7NX

Tel: 020 7361 2944
Fax: 020 7361 3463

From: DavidBeynon@hwpbg.com [mailto:DavidBeynon@hwpbg.com]
Sent: 12 October 2007 17:19
To: Prout, David: PC-Plan
Cc: Doolan, Ian: CP-Fin; Slader, Georgina: PC-Plan; Coey, Bruce: PC-Plan; HayleyMuirden@hwpbg.com
Subject: RE: Lots Road Development

Dear David

I am pleased that we were able to briefly touch on the matters you have recorded in your email

31/10/2007

below. I thought it was a helpful conversation.

Thank you for so quickly setting up the meeting on 1st November at 12.00 in your offices. I am sure that will be productive and clear a lot of the issues that are facing us as we prepare to get going with the preparatory works at site.

For my part, please find attached a revised version of the Chelsea Creek Design Commitments that I sent to you a few weeks ago. The landscape architect has removed the indicated public access to the Chelsea Basin which I understand you have been advised is a potential problem. If the amendments correctly address your areas of concern, would you please let me know and I will then get copies printed and issued to you.

I also attach a newsletter that our contractor who will be carrying out the plant removal, decontamination and demolition of ancillary buildings, will be issuing to local residents in the area indicated on the map also attached. We are in the process of setting up an information website but straightaway the public will have mobile phone numbers to contact in the event of any queries. Brown and Mason take possession of the site on Monday 15 October. The newsletter will be distributed over the weekend, hopefully, or on Monday at the latest.

Regarding acquisition of the Creek and the need for any licence to oversail it, Ian Doolan and I have missed each other's calls during the week but trust we will do better next week.

Regards
David Beynon

From: David.Prout@rbkc.gov.uk [mailto:David.Prout@rbkc.gov.uk]
Sent: 09 October 2007 09:42
To: David Beynon (HWPEL - Senior Project Manager)
Cc: Ian.Doolan@rbkc.gov.uk; Georgina.Slader@rbkc.gov.uk; Bruce.Coey@rbkc.gov.uk; Geoff.Burrage@rbkc.gov.uk; Heidi.Titcombe@rbkc.gov.uk; Tom.Burford@rbkc.gov.uk; Michael.Flanagan@rbkc.gov.uk; Aine.Sheehan@rbkc.gov.uk; Hayley Muirden (HWPEL - Team Secretary)
Subject: Lots Road Development

Dear David,

Further to our telephone conversation this morning I confirm the following:

- acquisition of Chelsea Creek – you will speak to Ian Doolan;
- construction of the temporary bridge – you will speak to Ian Doolan;
- notice to residents – you kindly offered to send me a copy of what you are circulating;
- meeting to discuss progress – I agreed to find an appropriate time in the next two weeks. I would propose to invite our planners, highways people and lawyers. In addition you said it would be useful to have an update on the programme for the Academy. I will try and secure the attendance of the programme manager.

The aim of the meeting will not be to conduct detailed negotiations – but to touch base on the outstanding actions required. My PA, Aine Sheehan, will be in touch with yours to arrange a time.

David Prout
 Executive Director
 Planning and Borough Development
 Royal Borough of Kensington and Chelsea
 Rm 323, Town Hall
 Hornton Street
 London W8 7NX

Tel: 020 7361 2944
 Fax: 020 7361 3463

31/10/2007

The Royal Borough of Kensington and Chelsea.
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Silver, Debrah: PC-Plan

From: Peter Makower [peter.makower@freeuk.com]
Sent: 11 November 2008 17:52
To: Silver, Debrah: PC-Plan
Subject: Re: FW: Lots Road - Chelsea Creek. Boat-landing facility.

Dear Debrah Silver,

Many thanks for this. When you are ready, please feel free to give me a call on 020 8994 0232 if you wish. Best wishes. Peter Makower. Hon. Planning Adviser, West London River Group.

Debrah.Silver@rbkc.gov.uk wrote:

> Dear Mr Makower
>
> Thank you for your email.
>
> I have been allocated this application since Ms Slader has left the
> Council. I have had not yet had an opportunity to view the drawings and become familiar with the development
proposal for the site. Once I have a better understanding of the scheme, I will get in contact with you to answer your
question relating to the Chelsea Creek boat-landing facility.
>
> Regards
>
> Debrah Silver
> Planning Officer
> 020 7361 2699
>
> This email may contain information which is confidential, legally privileged and/or copyright. This email is intended
for the addressee only. If you receive this in error, please contact the sender and delete the material from your
computer.
> -----Original Message-----
> From: Wilden, Sarah: PC-Plan
> Sent: 10 November 2008 12:59
> To: Silver, Debrah: PC-Plan
> Subject: FW: Lots Road - Chelsea Creek. Boat-landing facility.
>
> Debrah
>
> Are you able to deal with this? Did you take it over from Georgie?
>
> Sarah
>
> -----Original Message-----
> From: Peter Makower [mailto:peter.makower@freeuk.com]
> Sent: 06 November 2008 16:18
> To: Wilden, Sarah: PC-Plan
> Cc: Terence Bendixson
> Subject: Lots Road - Chelsea Creek. Boat-landing facility.
>
> Dear Sarah Wilden,
> I am writing on behalf of the West London River Group to ask
> whether the proposed boat-landing facility on the downstream/RBK&C
> side of the Creek mouth is included in the scheme currently being
> built, and whether it has planning approval yet?
>
> The boat-landing facility is shown on two Arup drawings, nos
> 123162-01-001 issue C, Chelsea Creek Terraces Engineering Design of
> Gabion Retaining Walls + Mooring Post Locations Plan (scale 1:1000 @
> A3); and DT 210/F1/rev. 03, River Walls Package 2: Detail of
> Boat-Landing Access.(scale 1:50 @ A3).

>
> Dwg no. 001/C now has the piles layout made navigation-safe,
> including port- and starboard-hand marks. The mouth of the Creek now
> has the appropriate navigation lights. And the boat-landing place is
> located on the downstream/RBKC side of the mouth of the Creek.

>
> Dwg no. DT 210/F1/03 shows a simple boat-landing facility
> comprising a ladder up the Creek wall, protected either side by
> vertical 300 x 300 mm timber fenders, with a vertical steel rail and
> chains with a mooring ring each side (at about 5 m. apart centred on
> the ladder) to tie up to, and another pair of vertical timber fenders
> outside the lot. The overall length of the facility along the Creek
> wall, from the outside of the upstream fender to the outside of the
> downstream fender, scales about 6.7 m.

>
> The West London River Group regards such facilities for River use
> on Riverside sites as essential for the ongoing benefit of the River
> and its users. The Group hopes to hear that the proposed facility for
> Chelsea Creek has got its planning approval. We look forward to using
> it in due course to visit the development. We also hope that the
> scheme will prove so successful that you will then be asked to approve
> a pontoon alongside the Power Station building, to allow shoppers to
> come by River (when the tide is up).

>
> Yours sincerely,

>
> Peter Makower. Hon. Planning Adviser, West London River Group.
> 89 Hartington Road, London W4 3TU. 020 8994 0232.

>
>
> *****
> The Royal Borough of Kensington and Chelsea.
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> privileged and/or copyright protected. This e-mail is intended for the
> addressee only. If you receive this in error, please contact the
> sender and delete the material from your computer.

>
> *****

>
>
>
>
>
>
>

Silver, Debrah: PC-Plan

From: Flanagan, Michael: CP-Fin
Sent: 18 December 2008 15:26
To: Prout, David: PC-Plan; Brill, Tot: TELS-Director
Cc: Silver, Debrah: PC-Plan; Maclaurin, Barrie: TELS-WasteLeis; Coey, Bruce: PC-Plan; Lovell, Saskie: TELS-WasteLeis; Seal, Sue: CP-Fin
Subject: RE: Lots Road Power Station - Discharge Condition 12

Tot

The Council, as landowner, has been very clear that we do not want public access to the land that we own.

Michael

From: Prout, David: PC-Plan
Sent: 18 December 2008 12:10
To: Brill, Tot: TELS-Director; Flanagan, Michael: CP-Fin
Cc: Silver, Debrah: PC-Plan; Maclaurin, Barrie: TELS-WasteLeis; Coey, Bruce: PC-Plan; Lovell, Saskie: TELS-WasteLeis
Subject: RE: Lots Road Power Station - Discharge Condition 12

Tot, the ecological works, I think, are welcome. There was, however, an issue around access. When I last saw this (although you can't see from the attached plan) the access was to the north of the basin. That land belongs to the Council and we do not – if I recall – want public access to it. Michael will no doubt have views. D

David Prout
 Executive Director
 Planning and Borough Development
 Royal Borough of Kensington and Chelsea
 Rm 323, Town Hall
 Hornton Street
 London W8 7NX

Tel: 020 7361 2944
 Fax: 020 7361 3463

From: Lovell, Saskie: TELS-WasteLeis
Sent: 18 December 2008 11:00
To: Brill, Tot: TELS-Director
Cc: Silver, Debrah: PC-Plan; Maclaurin, Barrie: TELS-WasteLeis; Prout, David: PC-Plan; Coey, Bruce: PC-Plan
Subject: Lots Road Power Station - Discharge Condition 12

Dear Tot,

It is my understanding that you have been involved in the Lots Road Power Station Development.

We need some clarity regarding the council's stance in terms of the capital works programme for the Chelsea Basin area (map attached), as being offered by the developer. There is an opportunity for the developer to enhance this site for us. Ecologically this is an opportunity that we should not disregard as the site forms part of the tidal Thames and is a Site of Nature Conservation Importance (Metropolitan level). Its enhancement will show that this site is under positive management, which be reflected under National Indicator 197. The developers are offering to:

20/12/2008

1. Clean up the open mud and tidal foreshore
2. Enhance the scrub area and plant more trees
3. Construct access route, viewing area, replace fencing and install interpretation boards

I am happy, in terms of the ecological aspects, for the developer carrying out the work specified in the Chelsea Basin Management Plan dated July 2007 and therefore sign off condition 12. However, David Prout has indicated that this land is owned by the council and the access to it has not been agreed. If this is the case then this essentially prevents this work from being undertaken.

The developer is keen to get condition 12 signed off so the work can commence. Please can you inform me how I should proceed here?

Kind regards,

Saskie Lovell (MIEEM, AIEMA)
Ecology Service Manager
Royal Borough of Kensington and Chelsea

Phone: 020 7938 8185
Mobile: 079 7606 0347
Fax: 020 7371 4682

Holland Park Ecology Centre, The Old Stable Yard, Ilchester Place, London W8 6LU

Vote for Little Wormwood Scrubs to receive a grant under the Mayor's Priority Parks Programme!
<http://www.london.gov.uk/parksvote/region/northwest/littlewormwood.jsp>

Silver, Debrah: PC-Plan

From: Lovell, Saskie: TELS-WasteLeis
Sent: 18 December 2008 15:42
To: Silver, Debrah: PC-Plan
Subject: RE: Lots Road Power Station - Discharge Condition 12

Not a clue, but judging from his last email he's adamant that there should be no public access, but I'm waiting for Tots response.

Do you have any plans indicating where the prescriptions described in Table 3.3 of the Chelsea Basin Management Plan (July 2007, report no: RT-MME-4911-03) are located in relation to the council owned land?

Perhaps we should circulate that information to Tot, David and Michael.

Cheers
Saskie

From: Silver, Debrah: PC-Plan
Sent: 18 December 2008 14:06
To: Lovell, Saskie: TELS-WasteLeis
Subject: FW: Lots Road Power Station - Discharge Condition 12

Saskie, do you know who Michael is?

Regards

Debrah Silver
Planning Officer
020 7361 2699

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From: Prout, David: PC-Plan
Sent: 18 December 2008 12:10
To: Brill, Tot: TELS-Director; Flanagan, Michael: CP-Fin
Cc: Silver, Debrah: PC-Plan; Maclaurin, Barrie: TELS-WasteLeis; Coey, Bruce: PC-Plan; Lovell, Saskie: TELS-WasteLeis
Subject: RE: Lots Road Power Station - Discharge Condition 12

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David Prout
Executive Director
Planning and Borough Development
Royal Borough of Kensington and Chelsea
Rm 323, Town Hall
Hornton Street
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Tel: 020 7361 2944
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20/12/2008

From: Lovell, Saskie: TELS-WasteLeis

Sent: 18 December 2008 11:00

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Cc: Silver, Debrah: PC-Plan; Maclaurin, Barrie: TELS-WasteLeis; Prout, David: PC-Plan; Coey, Bruce: PC-Plan

Subject: Lots Road Power Station - Discharge Condition 12

Dear Tot,

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Kind regards,

Saskie Lovell (MIEEM, AIEEMA)
Ecology Service Manager
Royal Borough of Kensington and Chelsea

Phone: 020 7938 8185
Mobile: 079 7606 0347
Fax: 020 7371 4682

Holland Park Ecology Centre, The Old Stable Yard, Ilchester Place, London W8 6LU

Vote for Little Wormwood Scrubs to receive a grant under the Mayor's Priority Parks Programme!
<http://www.london.gov.uk/parksvote/region/northwest/littlewormwood.jsp>

20/12/2008

Silver, Debrah: PC-Plan

From: Tiernan, Peter: CP-Fin
Sent: 20 July 2009 11:15
To: Silver, Debrah: PC-Plan
Cc: Lovell, Saskie: TELS-WasteLeis
Subject: Chelsea Creek and Basin, Lots Road SW10 - Long term arrangements - Authorities and agencies consents and approvals

Hi Debrah (cc Saskie)

Thanks for your response below and I will of course keep you in the loop in regard to my negotiations with Circadian.

The Council will want to ensure that the developer consults with and obtains all the relevant consents and approvals required as part of the long term arrangements at Chelsea Creek and Basin. Property Services are not clear on the identity of all the different agencies and authorities that need to be consulted with and approval obtained etc. It is likely that Planning and Borough Development and Saskie's Parks and Ecology team already have an established working relationship with the various authorities during this development's planning application and appeals process with all the various relevant authorities. You will note from my e-mail of 03 July that from Property Services initial enquiries it appears that the GLA (john.archer@london.gov.uk); Port of London Authority (lucy.owen@pla.co.uk) and the Environment Agency will need to be involved in this process. Can you advise of other agencies and authorities that need to be involved in this matter?

Lastly, I would advise that I now intend to contact Circadian to set up an initial meeting to discuss the long term leasing arrangements for Chelsea Creek and Basin.

Many thanks

Peter
20/07/09

From: Silver, Debrah: PC-Plan
Sent: 17 July 2009 15:30
To: Tiernan, Peter: CP-Fin
Cc: Lovell, Saskie: TELS-WasteLeis
Subject: RE: Chelsea Creek and Basin, Lots Road SW10 - Long term arrangements with developer

Hi Peter

I apologise for not responding to your email of a few weeks ago. I'm afraid that I do not know much about the Heads of Terms that you need to negotiate with Hutchinson, so do not have anything to respond.

Thank you for moving this issue along and please keep me in the loop. If you need anything, please do not hesitate to get in touch.

Thanks

Regards

Debrah Silver
Senior Planning Officer
020 7361 2699

08/10/2009

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From: Tiernan, Peter: CP-Fin
Sent: 17 July 2009 15:28
To: Silver, Debrah: PC-Plan
Cc: Lovell, Saskie: TELS-WasteLeis
Subject: Chelsea Creek and Basin, Lots Road SW10 - Long term arrangements with developer

Dear Debrah (cc Saskie)

In order to move this matter forward, I now intend to set up a meeting with Hutchinson Whampoa where I would like to discuss general terms for the proposed long term leasing arrangements for Chelsea Creek and Basin.

I note that I do not appear to have had a response from you or Saskie to my e-mail and attachment of 03 July so I trust that my proposals are in order.

Kind regards

Peter
 17/07/09

From: Tiernan, Peter: CP-Fin
Sent: 03 July 2009 14:53
To: Silver, Debrah: PC-Plan
Cc: Lovell, Saskie: TELS-WasteLeis
Subject: Chelsea Creek and Basin, Lots Road SW10 - Long term arrangements with developer

Debrah (cc Saskie)

I write further to our meeting on 01 July where we discussed the Council's requirements in regard to the long term arrangements for Chelsea Creek and Basin with the developer at the Lots Road Former Power Station.

You may recall from our meeting that Property Services want to ensure that the developer obtains all the required consents and approvals from the various relevant authorities before, during and after the proposed works to Chelsea Creek and Basin occur. Property Services is not best placed to advise who all the relevant authorities are. It appears from our initial enquiries however that the GLA (john.archer@london.gov.uk); Port of London Authority (lucy.owen@pla.co.uk) and the Environment Agency would need to give their approval. No doubt there may be other authorities and it is likely that Planning and Borough Development (and possibly Saskie's team) has established a working relationship with all these during the planning application and appeals processes. At the end of the day, it should be a matter for the developer to obtain all the relevant consents and approvals etc but I expect that the Council will want to ensure that it is aware who all these authorities are.

In order to kick start my negotiations with the developer, I have today e-mailed my contact at Hutchinson Whampoa with whom I negotiated the short term lease of Chelsea Creek to facilitate their redevelopment project. I have advised that I would like to commence negotiations for the long term arrangements concerning Chelsea Creek and Basin with the developer.

08/10/2009

Please find attached a draft Head of Terms which I propose to table in my forthcoming negotiations with the developer. I would be obliged if you could review these and advise me if you have any additions, amendments or deletions.

Kind regards

Peter

03/07/09

Peter Tiernan


Senior Surveyor


Royal Borough of Kensington and Chelsea


Property Services

12 Phillimore Walk

London W8 7RX

 Direct tel 020 7361 3888

 Fax 020 7361 2008

 Email peter.tiernan@rbkc.gov.uk

08/10/2009

Silver, Debrah: PC-Plan

From: Tiernan, Peter: CP-Fin
Sent: 09 October 2009 12:55
To: Silver, Debrah: PC-Plan
Subject: Lots Road former power station site

Debrah

Further to our tel con, please find below a summary of where Property Services are in terms of the two separate leases:-

- **Short-term lease**

Terms were agreed in June 2009 with Hutchinson Whampoa to grant a flexible three year lease to Circadian Limited at a rental of £2,500 per calendar month to enable the developer to over-sail the air space above Chelsea Creek with tower cranes, mobile cranes, scaffolding, fans and other aerial equipment and erect a Bailey bridge.

Property Services obtained formal consent to proceed with this short-term lease on 24 July 2009 following which the council's Director of Legal Services was instructed to complete the formalities.

On 07 September 2009, the Director of Legal Services sent out a draft Lease to Hutchinson Whampoa for their approval.

On 16 September 2009, Hutchinson Whampoa returned their marked up copy of the draft Lease in which they sought to incorporate various additional rights which went way beyond the remit of the purpose of the short-term lease (e.g. authorisation for works as set out in the S106 Agreement etc). Hutchinson Whampoa also sought a further significant departure from the agreed heads of terms in regard to their liabilities and responsibilities in the short-term lease.

The short-term lease has not yet completed.

- **Long-term lease**

On 06 August 2009, I convened a meeting with David Beynon (Senior Project Manager) and Hugh Fleming (Legal Counsel) at Hutchison Whampoa to discuss and commence negotiations on terms for a long term lease of Chelsea Creek and Basin.

The purpose of this long-term lease was to enable Hutchison Whampoa (Circadian Limited) to erect retain maintain repair and renew structures and services attached to these structures and to carry out all the works in compliance with Condition 12 of the planning approval.

On 13 August 2009 I wrote to David Beynon and enclosed draft heads of terms for the long-term lease.

On 09 September 2009, I received a follow-up e-mail response from David Beynon apologising for the delay in response to my letter of 13 August 2009 and advising that he

would respond to my letter shortly.

To date, I have not had a response so terms for the long-term lease remain outstanding.

Their attempt to incorporate additional rights and avoid other liabilities in the short-term lease is frustrating the completion of same and from Property Services perspective it appears that Hutchison Whampoa is delaying matters. Furthermore the delay in receiving responses from Hutchinson Whampoa to our correspondence is another contributor to holding up matters.

Hutchinson Whampoa is well aware of the purpose of both the short and long term leases. Their attempt to include additional rights in the short-term lease could be construed as being divisive.

I trust the above provides you with a comprehensive summary from Property Services perspective on these two matters.

Kind regards

Peter

09/10/09

Peter Tiernan


Senior Surveyor


Royal Borough of Kensington and Chelsea

Property Services

12 Phillimore Walk

London W8 7RX

 Direct tel 020 7361 3888

 Fax 020 7361 2008

 Email peter.tiernan@rbkc.gov.uk

12/10/2009

Silver, Debrah: PC-Plan

From: Tiernan, Peter: CP-Fin
Sent: 20 October 2009 13:41
To: 'DavidBeynon@hwpg.com'
Cc: Silver, Debrah: PC-Plan; 'HughFleming@hwpg.com'
Subject: Chelsea Creek and Basin, SW10

SUBJECT TO CONTRACT AND COUNCIL APPROVAL
WITHOUT PREJUDICE

Dear David

Many thanks for your prompt response.

You will note that I started the penultimate paragraph of my e-mail of earlier today with the caveat that I cannot speak on behalf of the Planning and Borough Development team. I have given my understanding of the situation and I accept that my assumption in the penultimate paragraph may have been wide of the mark. The matter that Hugh has raised as a key point would appear to be a legal planning issue which Property Services are not best placed to advise upon. I am therefore copying this e-mail to my colleague in the Planning and Borough Development team for their consideration and further comment.

With kind regards

Peter Tiernan
For and on behalf of the Director for Property
20/10/09

From: DavidBeynon@hwpg.com [mailto:DavidBeynon@hwpg.com]
Sent: 20 October 2009 11:29
To: Tiernan, Peter: CP-Fin
Cc: HughFleming@hwpg.com
Subject: RE: Chelsea Creek and Basin, SW10

Dear Peter,
I was away from the office yesterday afternoon and your email has been received before I could return your call this morning.

Thank you however for clarifying the position with the short and long term leases as taken by Property Services. The key point of Hugh Fleming's email was that discharge of planning condition 12 should not be dependent upon the completion of the lease. For the developer to actually carry out the works covered by the planning condition may well require permission from the landowner in the form of a lease or licence but the fact that the lease(s) has not been finalised is not a reason for the Planners to withhold consent. I am however confused by the statement in the penultimate paragraph of your email which seems to contradict that position: "I assume that the Planning and Borough Development team could only discharge conditions relating to these above mentioned proposed works after these specific works have completed." For a developer to complete works before receiving a discharge of planning conditions would be an unacceptable risk.

I will call you to clarify this last point as perhaps there is some misunderstanding.

Regards
David

David Beynon

22/10/2009

Senior Project Manager
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Please consider the environment before printing this e-mail

From: Peter.Tiernan@rbkc.gov.uk [mailto:Peter.Tiernan@rbkc.gov.uk]
Sent: 20 October 2009 10:19
To: David Beynon (HWPEL - Senior Project Manager)
Cc: Debrah.Silver@rbkc.gov.uk; Hugh Fleming (HWPEL - Legal Counsel)
Subject: Chelsea Creek and Basin, SW10

SUBJECT TO CONTRACT AND COUNCIL APPROVAL
WITHOUT PREJUDICE

Dear David

I understand that Mr Fleming is on annual leave this week and he has requested that I respond to you in regard to the issues raised in his e-mail of 16 October 2009 concerning issues relating to Chelsea Creek and Basin. I have unsuccessfully tried to phone you yesterday to discuss this matter, hence this e-mail.

In regard to Chelsea Creek and Basin, I would clarify that the role of Property Services is to:-

- Agree terms for the short term lease to enable Circadian Limited to over-sail the air space over Chelsea Creek with tower cranes, scaffolding etc and erect a Bailey bridge over the creek; and,
- Agree terms for the long term lease to enable Circadian Limited to erect maintain repair structures and attached services and to carry out all works in compliance with Condition 12 and Section 106 obligations etc as per the planning consent.

As terms have been agreed for the short term lease, Property Services have instructed the council's Director of Legal Services to complete the formalities. I understand that both parties' legal representatives are currently progressing the short term lease.

You will recall that on 06 August 2009 a meeting was convened between Mr Fleming, yourself and I to initiate negotiations for the long term lease. Following on from this meeting, draft heads of terms were sent to you on 13 August 2009 for your review and comment. Whilst I have received an e-mail response from you in this matter on 09 September 2009, to date, I still have not yet had a substantive response in this matter.

The planning consent for the Lots Road former Power Station site enables the developer to erect permanent bridges over Chelsea Creek, construct inter-tidal terraces, erect mooring posts as well as carry out various other environmental improvements to Chelsea Creek and Basin. You will appreciate that as Chelsea Creek and Basin are council-owned assets, Property Services therefore needs to ensure that the long term lease is in place before the

22/10/2009

developer proceeds with any works to Chelsea Creek and Basin.

You will appreciate that I cannot speak for the Planning and Borough Development team concerning issues raised in Mr Fleming's e-mail of 16 October 2009. I assume that the Planning and Borough Development team could only discharge conditions relating to these above mentioned proposed works after these specific works have completed. From Property Services perspective, it therefore appears that it will not be possible for the developer to carry out the proposed works to Chelsea Creek and Basin until after the long lease has been completed.

I trust that this e-mail fully clarifies Property Services position in this matter.

Kind regards

Peter Tiernan

For and on behalf of the Director for Property

20/10/09

From: HughFleming@hwpg.com [mailto:HughFleming@hwpg.com]

Sent: 16 October 2009 20:30

To: Tiernan, Peter: CP-Fin

Cc: DavidBeynon@hwpg.com; DanielGray@hwpg.com

Subject: Chelsea Creek

Dear Peter

I have tried to reach you on the telephone to discuss this matter generally and in particular the delay in the Planning Dept approving the details submitted under Condition 12 of the planning permission. The indications are that the planners seem to have gained the impression from you that the leases need to be sorted out first. However, you will appreciate that the exercise of planning discretions and the implementation of planning policy should be totally independent of property considerations. It would be wrong for the Council to take account of its private property interest when dealing with planning matters. I should be very grateful therefore if you could clear up the misunderstanding that seems to have arisen.

Indeed there is some logic in having condition 12 finalised at an early stage. We clearly all need to know exactly what is required in respect of the Creek in terms of planning before we can finalise lease arrangements. Those lease arrangements need to include sufficient rights to fully implement the planning permission so it seems to me that finalising planning must come first.

Unfortunately I am away next week but please discuss this with David.

Regards

Hugh

Hugh Fleming

Legal Counsel

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22/10/2009

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Silver, Debrah: PC-Plan

From: Tiernan, Peter: CP-Fin
Sent: 26 October 2009 10:59
To: Silver, Debrah: PC-Plan
Cc: Laing, Saskie: TELS-WasteLeis
Subject: Chelsea Creek and Basin SW10

Dear Debrah (cc Saskie)

Your proposals to progress HW's current concerns in regard to Condition 12 are acceptable to Property Services.

In regard to public access arrangements which Saskie has commented upon in her e-mail of 23 October timed at 16:46, I would advise that my instruction from the Director for Property on this specific matter are as follows:-

1. Property Services seeks to ensure that HW will not give any rights to the parkway and access routes at or around or over Chelsea Creek and Basin that would result in any new management responsibilities or result in any other liability falling on the Council.
2. No public access to be given to Chelsea Basin.

Kind regards

Peter
 26/10/09

From: Silver, Debrah: PC-Plan
Sent: 23 October 2009 16:02
To: Tiernan, Peter: CP-Fin; Laing, Saskie: TELS-WasteLeis
Subject:

Dear Peter and Saskie,

I am trying to gain a better understanding of the requirements of condition 12 (Chelsea Creek), especially after receiving the recent phone calls from Hutchison Whampoa. As a reminder, the condition states:

Development shall not begin until a scheme for the treatment of Chelsea Creek has been submitted to and approved in writing by the local planning authority. The scheme shall include details of the construction and subsequent maintenance of the inter-tidal terraces, of the marginal and aquatic species to be planted and of the location and design of mooring posts, boat-landing and access facilities and health and safety measures to be provided. Development shall be carried out in accordance with both the approved details and a programme of implementation first agreed in writing with the local planning authority.

As part of their submission to discharge the condition, Arup have prepared a report (attached) which deals with the technical (non-ecological) elements of the condition including:

- Construction and maintenance of the inter-tidal terraces,
- Terrace design,
- Marginal and aquatic species,
- Design of mooring posts,
- Boat landing and access facilities and
- Health and safety measures.

Under section 4.2, which relates to the maintenance of inter-tidal terraces, the report refers to a large crane

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accessing the path along the Creek and Thames frontage from the land side (first paragraph) and a barge providing access to the terraces from the Creek side (second paragraph). Peter, I note in your email dated 20 October 2009 at 10:19am, you clearly indicate that a short term lease is required "to enable Circadian Limited to over-sail the air space over Chelsea Creek with tower cranes, scaffolding, etc". Although I acknowledge that the lease is required for access, from a planning perspective, we do not require a completed lease agreement prior to discharging the condition. However, we would not be able to discharge the condition without a disclaimer being inserted into this document clearly stating that a lease is required to be agreed between Circadian and the Council. The issue of access is dealt within the S106 obligation, and the draft leases would link in with it, rather than the condition of consent.

Likewise, paragraph 4 of section 4.6 states that "boats will be able to access the Creek". From my understanding, this would be taken care of within the long term lease agreement and once again, a disclaimer is required stating that a lease agreement is required.

As a matter of interest, the opening sentence of section 4.7 states that "it is not the intention to provide public access to the terraces or the Creek bed" which would alleviate the requirement of any lease agreement in this instance.

So, my game plan, subject to your agreement, would be to require the HW/Arup to amend the report to ensure that it explicitly states that lease agreements need to be entered into with the Council. This would then allow the planning department to discharge the outstanding condition and still require HW to complete the short and long term lease agreements with property services. I hope that by doing this it would not undermine the current negotiations with HW on both lease agreements. Saskie, from an ecological perspective, I don't think that there are any changes and the information submitted can still be discharged.

I await your agreement to my proposed game plan before contacting HW.

Regards

Debrah Silver

Senior Planning Officer - Strategic Development
Planning and Borough Development
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26/10/2009