



## Meeting minutes

<b>Subject:</b>	Thames Tideway Tunnel (TTT) proposals in RBKC
<b>Purpose:</b>	Discuss Statement of Common Ground (SoCG)/Local impact report and draft Section 106
<b>Date and time:</b>	Thursday 20 <sup>th</sup> June 2013 14.00-16.00
<b>Location:</b>	Kensington Town Hall
<b>Attendees:</b>	<p>Patricia Cuervo (PC) (RBKC)            Claire Shearing (CS) RBKC            Bob Capstick (BC) RBKC            Simon Rose (SR) (RBKC)</p> <p>Zoe Chick (ZC) (TTT)            Michael Parsons (MP) (TTT)            Jennifer Rea (JR) (TTT)            Christina Dellore (CD) (TTT)</p>
<b>Apologies:</b>	Jon Wade (JW) (RBKC), John Sweetnam (JS) John Pearson (JP) (TTT)
<b>Minute taker:</b>	ZC/JR
<b>Doc ref:</b>	100-OM-PNC-RBKEN-110178

Item	Action item/Notes for the record	By who	By when
<b>1.</b>	<b>Introductions / apologies</b>		
1.1.	PC explained that SR would sit in on the property section of the meeting only and BC would come for the S106 part.		
<b>2.</b>	<b>Statement of Common Ground/Local Impact Report – going forward</b>		
2.1.	<p>PC explained that the Local Impact Report (LIR) would be public from the following day – Friday 21<sup>st</sup> June as it would be on the agenda for the Public Realm Overview and Scrutiny Committee for the 9<sup>th</sup> July 2013. The draft is approximately 40 pages long and PC explained that it looks at each site in turn. PC said that it will be consulted on for six weeks from early July.</p> <p><b>Action:</b> PC to forward the draft LIR to ZC.  <b>Post Meeting Note:</b> PC sent draft LIR to ZC on 24<sup>th</sup> June 2013.</p>	ZC	21 <sup>st</sup> /24 <sup>th</sup> June
2.2.	<p>ZC identified the timetable in the covering SoCG email:</p> <ul style="list-style-type: none"> <li>• Comments from LPA 17 July 2013</li> <li>• Revised SoCG to LPA 2 August 2013</li> <li>• Final LPA comment by 23 August 2013</li> </ul> <p>PC requested a meeting the week commencing 22nd July. PC considers TTT do not need to revise the draft SoCG until the meeting has been held. Best to just discuss first.</p>		
<b>3.</b>	<b>RBKC S56 Representation</b>		
3.1.	ZC ran through a table which had been prepared to respond to the items RBKC raise at Section 56 (see attached). In relation to		



	<p>several points (<b>1, 2, 3 and 6</b>). ZC identified that the Design Principles and the Code of Construction Practice (CoCP) will be secured by Requirements of the DCO (like planning conditions). PC explained that they still want to make the point that they are not a schedule of the DCO and the issue is more with the future Infrastructure Provider (IP). RBKC are concerned that the mitigation measures would be watered down.</p> <p>MP explained that the DCO uses model provisions and has been structured in a similar manner to that for Hinckley Point C. The Design principles and CoCP cannot be included as schedules.</p> <p>MP explained that all the obligations which Thames Water Utilities Limited (TWUL) take on will be inherited by the IP.</p> <p>PC said it is still a complicated process and their comment still stands. PC also said they are unsure about the resourcing requirements from RBKC and explained that other boroughs share this concern.</p>		
3.2.	<p><b>Item 5</b> on the table regarding traffic regulation – MP said that comments from the traffic workshops are being processed which is a parallel process to the SOCG.</p> <p>PC asked about further transport modelling and whether results have been received.</p> <p>MP explained that TfL have hired consultants to check the Transport Assessments in relation to traffic, on behalf of the boroughs. Results have not yet been released. One to one meetings with the boroughs will commence after this review.</p>		
3.3.	<p>PC said that the heritage response for <b>Item 9</b> regarding settlement would be passed on to Richard Craig (RC) before the next meeting.</p> <p>Action: PC to pass response on to RC</p>	PC	July 2013
3.4.	<p>Heights of the signature vent columns were discussed under <b>Item 10</b>. ZC identified that 'height' has been added to the revised draft Requirements and the boroughs would need to approve the details. PC said RBKC are uncomfortable with the parameter plans saying up to 8m as it limits their discretion and wish the item to be included in the SoCG.</p>		
3.5.	<p><b>Item 11</b> is regarding the provision for the Thames Path. ZC explained that as the site belongs to RBKC and is a safeguarded wharf, TTT propose passive provision for it in the future. Additionally, the PLA have objected to the Thames Path through the site as it is not considered compatible with a wharf use.</p>		
3.6.	<p><b>Item 12</b> is regarding the temporary suspension of up to five parking spaces. James McCool (JM) has requested in the LIR whether the spaces could be used for temporary visitor use instead of being suspended.</p> <p>Action: JR to review with transport consultants</p>	JR	July 2013
3.7.	<p><b>Item 13</b> regarding ecological enhancements of the river wall.</p> <p>Action: PC to confirm which part of the ES is being referred to here. .</p> <p>Post Meeting Note: Leanne Brisland (Ecology Manager) to confirm at next meeting.</p>	PC	July 2013
3.8.	<p>PC raised a query relating to land quality which has been</p>		



	<p>included in the draft LIR. It is considered that the site investigation findings have not been presented.</p> <p>PC said that there is an issue of migration of contamination at both sites and there is a conflict between legislation.</p> <p><b>Post Meeting Note:</b> TTT responded to an email from Ashley Brooks of RBKC on this matter on 16<sup>th</sup> June '13</p>		
3.9.	<p><b>Item 17,</b> PC identified that RBKC are not happy about the removal of part of the Ranelagh Gardens boundary wall.</p> <p><b>Post Meeting Note:</b> A new weir chamber is required below the boundary wall of Ranelagh Gardens and therefore partial removal is required. It would primarily be replaced, with the exception of the new gate. The new gate for utilities access is required to enable utilities access to the diverted services. If utilities companies were to access via the existing gate into Ranelagh Gardens to the west, it would require easement rights over the RHC land and the removal of trees each time access was required. The proposed new gate safeguards the environment of the registered park and gardens and details would be submitted to RBKC for approval.</p>		
3.10.	<p>PC raised that the LIR identifies that the Saturday working hours should be altered to be in line with the standard RBKC working hours.</p> <p>ZC said this item has already been picked up and the CoCP Part B for the sites will be amended. This is noted in the SoCG.</p>		
3.11.	<p>ZC referred to a previous comment from RC regarding wording in the Heritage Statement and said he would like more evidence of the 'recent' linear character of Chelsea Embankment.</p> <p>The response from the Heritage Consultant is that although there are river stairs, the river banks along this stretch of the river are relatively clean and linear, without projecting jetties and other features. This is not part of its historic character, as, since the embankments were built, there were jetties projecting from the Battersea Park river bank until 1998. This uncluttered linearity is therefore a recent aspect of the river's character.</p>		
<b>4.</b>	<b>Section 106 Heads of Term</b>		
4.1.	<p>MP explained that a draft 'boiler plate' version will soon be sent to RBKC.</p> <p><b>Post Meeting Note:</b> JP sent 'boiler plate' draft generic text on 1<sup>st</sup> July 2013.</p> <p>BC raised a query about TTT being able to enter into a Section 106 on land they don't yet have an interest in.</p> <p>MP considered it could be done, as advised by lawyers, by agreeing a "shadow" S106, which becomes operational once land title is secured. MP referred to this as an 'Arsenal Agreement'.</p> <p><b>Action:</b> MP/ZC to get back to RBKC on this, following legal discussion.</p>	MP/ZC	July 2013
4.2.	<p><i>Novation to IP</i></p> <p>Para 1.6.3 PC asked what the following means: 'Where the disposal is only impartial'.</p> <p><b>Action:</b> MP to ask legal and get back to RBKC.</p>	MP	June/July 2013



4.3.	<p><i>Employment, skills and training</i></p> <p>Para 1.8.1 (a) PC asked whether the 25% target for borough workers refers only to RBKC for the duration of the work site. MP said that the objectives need to comply with European Union Competition Law and will seek to ensure 25% across all 14 boroughs.</p> <p>PC said this may mean then that RBKC may not have any local employees.</p> <p>BC asked why is the target not site specific and incorporating local policy.</p> <p>MP explained that project wishes to have one set of jobs/skills targets, particularly since London functions as one labour market. Setting specific targets for specific Boroughs would be complex and arbitrary, and would impose unnecessary constraints on the contractors who have to build the tunnel. The evidence base for this element of the S106 was the Skills and Employment Strategy, which had been prepared in consultation with the Boroughs.</p> <p>CS referred to the Planning Obligations Supplementary Planning Document (SPD). CS said that the S106 is not specific or committal enough and not compliant with the SPD.</p> <p>MP referred to Section 7 of the Planning Statement, which explains the planning tests in the 2008 Act and the relationship between the NPS and other local and national policies. Essentially the NPS was the relevant policy test, not the LDF. MP said it is therefore important to capture any relevant local policies in the LIR as the decision maker will have regard to it.</p> <p><b>Post Meeting Note:</b> RBKC to review Section 7 of the Planning Statement.</p>	RBKC	June/July 2013
4.4.	<p>PC requested a glossary of terms including 'reasonable endeavours'.</p> <p>MP said that this seemed reasonable.</p> <p><b>Action:</b> MP to investigate.</p>		
4.5.	<p>Para 1.8.1 (c) PC would prefer 'require' rather than TWUL will 'seek to ensure' contractors employ at least one apprentice for every 50..'</p> <p>PC said that the SPD requires one in 10, whereas the project proposal is lower.</p> <p>MP identified that the project is seeking to go further than the Olympics and Crossrail.</p>		
4.6.	<p>Para 1.8.1 (d) – BC said this section is quite specific.</p> <p>MP said that TWUL wants to have pan London targets but will seek to work specifically on encouraging local employment.</p>		
4.7.	<p>Para 1.8.1 (e) <i>CompeteFor</i></p> <p>PC asked about the <i>CompeteFor</i> website and MP explained it is a national website. MP asked if RBKC have a preferred local employment agency. PC to check.</p> <p><b>Action:</b> PC to check whether there is a RBKC employment agency.</p> <p><b>Post Meeting Note:</b> PC met with Economic Development team and comments have been provided on the draft S106.</p>	PC	June/July 13



4.8.	<p><i>Public realm -</i></p> <p>Section 1.9. With regard to maintenance of public realm, PC requested a definition of public realm as it was not considered the one in S106 was quite right.</p> <p>Para. 1.9.1 '<i>Public realm will mean those areas of the Development which, post completion of the Development works, will be identified by TWUL as being suitable for public access.</i>'</p> <p>PC didn't consider all public realm was necessarily accessible, such as the intertidal terraces. MP said the land would not be designated as public open space but would be TWUL "operational land" to which TWUL access would be required for periodic maintenance. The S106 Agreements would secure public access to these areas, unless the land was required for maintenance purposes. Ultimately TWUL would produce plans identifying land suitable for public access.</p> <p>BC said that he would require the plans before any such negotiations could take place. If TWUL retain the sites then the council may not want to take on the hard paved land.</p> <p>CD highlighted that any agreement would be subject to commercial terms and therefore RBKC would be paid to take on the maintenance liability.</p> <p>CD said RBKC and TWUL couldn't agree final terms until the quality of the designs and finishes is known. This was in line with comments Joseph Baugh received from RBKC Parks representatives.</p> <p>MP agreed and said there could be a break clause and review provision once more details are known.</p> <p>BC said a fundamental concern for them would be liability of the areas which would flood.</p> <p>MP said maybe the agreements would need to be with TfL instead and that it was not a normal agreement.</p> <p>MP said TWUL are carrying out a costing exercise to have some idea of how much it would cost to manage these sites.</p> <p>BC asked about timescales.</p> <p>MP explained the need to be signed by the beginning of the examination which is anticipated to be mid September 2013.</p> <p>BC asked PC to raise delegation authority as this needs to be done to enter into a Section 106.</p> <p><b>Action:</b> PC to discuss delegation authority with Jonathan Bore.</p> <p><b>Post Meeting Note:</b> PC has been in touch with TTT regarding dates of the Major Planning Development Committee for sign off. To be discussed further.</p>	PC	June/July 2013.
5.	<b>Property</b>		
5.1.	<p><i>Cremorne Wharf Depot</i></p> <p>CD explained that there is now a property agreement in place for Cremorne Wharf Depot</p> <p>CD said it would be the lease plus compensation.</p>		
5.2.	<p><i>Chelsea Embankment Foreshore</i></p> <p>CD explained that she is in discussions with RBKC property regarding sections of the river wall and other land parcels. RBKC are unsure whether they own them but it has been discussed with Dean Fisher (DF) that they can be obtained via compulsory purchase. CD said it would be good if all parties could agree this</p>		



	<p>through the SoCG. RBKC do manage and maintain the Bull Ring. SR agreed this may be the best way forward and said that he is quite relaxed about it.</p> <p>PC said a plan of the land parcels would be required.</p> <p>CD said a plan has been sent through to DF.</p> <p><b>Action:</b> CD to reissue land parcel plan to DF and PC.</p> <p>CD explained that one of the areas being discussed is the maintenance of the public realm in perpetuity.</p> <p>MP reiterated that the project cannot yet confirm that borough maintenance preferred approach.</p> <p>SR said that he is unsure that Property would be the right place for the agreement but could fall under other service areas.</p> <p>CD said that any agreement on the payment relating to the public realm would require commercial terms input from the property team.</p> <p>PC said that if it is included in the Section 106 then the council departments will need to be consulted.</p> <p>BC thought that highways or enhancements teams may be interested in maintaining the land.</p> <p>MP said that Property needs to deal with it initially though.</p> <p>BC said he thought departments had been asked about this already.</p> <p>PC confirmed that to date departments have said 'no' to maintaining the land.</p> <p>CD said she the previous contact Joseph Baugh had held informal conversations with Parks and they had thought they may be able to take on the maintenance but this would be dependent on payment/terms.</p> <p>MP said the site could be a major asset for the borough.</p> <p>BC sought confirmation that the S106 needed to be ready in 2.5 months. MP confirmed yes.</p> <p>PC said she will ask Highways and referred to the costing exercise MP mentioned.</p> <p>PC asked MP to send the results of the costing exercise to RBKC as soon as possible.</p> <p>MP said it wasn't the intention to do so since the information was commercially sensitive. TTT would consider sending through the specifications for maintenance.</p> <p>SR said that RBKC needed something to go on though</p> <p>MP said the sum has to be economic and efficient to be passed by OFWAT.</p> <p>SR asked whether it would be a one-off payment or an annual payment. CD said this is subject to our discussions; we have not yet agreed a fixed approach so the payment could be either. CD said potentially yes. CD said we would need a review provision (like a rent review with an agreed dispute resolution process) to take into account the final design/finish is not yet known. .</p> <p>MP said there would be a break clause and RBKC would also have to provide audited accounts for OFWAT.</p> <p><b>Post Meeting Note:</b> PC emailed 1<sup>st</sup> July 2013 explaining RBKC Parks have said they would rather not take on the maintenance of the new publically accessible land at present, whilst still retaining the maintenance of the Bull Ring.</p>	CD	TTT
			July 2013



	<b>Action:</b> TTT to discuss maintenance with TfL.		
<b>6.</b>	<b>Update on Examination</b>		
6.1.	ZC explained that all five Inspectors have now been appointed and referred RBKC to the PINS website for more details: <a href="http://infrastructure.planningportal.gov.uk/projects/london/thames-tideway-tunnel/">http://infrastructure.planningportal.gov.uk/projects/london/thames-tideway-tunnel/</a> ZC said that the Rule 6 letter should be expected in mid July. It will be sent to all interested parties outlining the principal issues, the preliminary meeting date and the draft timetable.		
<b>7.</b>	<b>AOB</b>		
7.1.	PC said the next meeting will be set up towards the end of July. <b>Action:</b> PC and ZC to be in touch on the next meeting date.	PC/ZC	June/July 2013

<b>Next meeting (date, time, location):</b>	25th July 2013 10-12 am. RBKC Town Hall
<b>Next minute taker:</b>	TBC