



## 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 25 July 2013 14.00-16.00	
<b>Location:</b>	Kensington Town Hall	
<b>Attendees:</b>	<b>RBKC</b> Patricia Cuervo (PC) Jon Wade (JW) Dean Fisher (DF) Ian Hooper Ashley Brooks (AB) Leanne Brisland (LB) Claire Sheering Sarah Scannel	<b>Thames Tideway Tunnel</b> John Pearson (JP) Dermot Scanlon (DS) Christina Dellore
<b>Apologies:</b>	Zoe Chick (ZC) (TTT), Richard Craig (RC) (RBKC)	
<b>Minute taker:</b>	John Pearson (JP)	
<b>Doc ref:</b>	100-OM-PNC-RBKEN-110180	

Item	Action item/Notes for the record	By who	By when
1.	<b>Introductions / apologies</b>		
2.	<b>Property Update</b>		
2.1.	CD confirmed that the agreement for Cremorne had been signed.		
2.2.	CD noted that TTT were still discussing with RBKC the need to obtain a number of small land parcels associated with Chelsea Embankment Foreshore. On outstanding issue related to the ownership of the riverwall.		
2.3.	DF noted that there were no title documents for the river wall but, there might be some common law which may suggest RBKC has ownership.		
2.4.	CD stated that where we can't find ownership TTT would CPO through a general vested declaration and this would transfer title to Thames Water. In the event that the owner (not RBKC) came forward Thames Water would treat with them.		
2.5.	CD asked whether RBKC would be willing to provide a letter confirming non objection to the CPO of these small plots of land. CD noted this had been an approach agreed with other local authorities including Lambeth.		
2.6.	DF confirmed he had received some proposed wording for the letter from CD. DF said RBKC had some comments and would be responding in the next two weeks. DF requested CD to		





	provide plot numbers which he could use in the letter. <b>Action:</b> CD to provide DF with plot numbers		
<b>3.</b>	<b>Environment update</b>		
3.1.	DS said that the environment team is currently going through all the S56 representations to address issues raised with respect to the Environmental Impact Assessment (EIA).		
3.2.	DS noted that TfLs transport consultants are reviewing the Transport Assessment (TA) and passing comments to the LPA's. This should be complete by first week in August. In addition a meeting was held on 24 July to which James McCool (RBKC) was invited to discuss the transport model with TfL and relevant local authorities. DS said as a result the model was being updated and he would keep James McCool updated of any issues.		
3.3.	DS explained that the transport issues were currently being dealt with separately away from the main Statement of Common Ground (SoCG) and TW were identifying those matters which could be dealt with now and what would be dealt with as part of the detailed design by the contractor. The final list of outstanding matters will be ready by end of August 2013.		
3.4.	DS offered a one to one meeting with RBKC to discuss their outstanding concerns.		
3.5.	PC noted that RBKC did not have many outstanding issues apart from cumulative effects regarding what other scenarios had been taken into account in the transport modelling.		
3.6.	DS confirmed transport model was based on TfLs own model which includes London Plan commitments as well as other major developments the project has identified e.g. Lots Road Power Station and Chelsea Barracks.		
<b>4.</b>	<b>Local Impact Report</b>		
4.1.	JW confirmed they hadn't received many responses to date.		
4.2.	PC said the consultation ends the 3 September and explained how the final report would be signed off. Comments received during consultation will be analysed and if necessary, changes will be done to the LIR. The LIR will also be modified if new information is available to clarify any of the issues raised as concerns. After the review, the final LIR will be approved by the Executive Director of Planning and Borough Development and sent to the Cabinet member of Planning Policy for his approval through a Key Decision process. This is likely to happen towards the mid of October as it has to be sent to PINS in early November.		
4.3.	It was agreed that although TW could respond but, it would be most appropriate to deal with any concerns and clarifications through ongoing meetings.		
<b>5.</b>	<b>Statement of Common Ground</b>		
5.1.	It was agreed to go through RBKCs comments made on the Statement of Common Ground (SoCG) sent on 17 June 2013.		
	<i>What is the legal status of the SoCG?</i>		



5.2.	JP clarified that the SoCG would inform the planning inspectorate (PINS) during the examination on matters which are agreed/not agreed between RBKC and Thames Water with respect to the TTT application. The SoCG would therefore be a material consideration with respect to the decision taken on the TTT. In the event TTT obtains approval the SoCG would have no legal standing with respect to the works although it will be useful when discharging requirements.		
	<i>What is the status of EIA position papers</i>		
5.3.	DS confirmed these were provided to obtain local authority comments as the EIA methodology was developed. Reference is included in the SoCG to help demonstrate the discussions we have had on the EIA methodology. DS said any comments on the methodology should be focused on those contained in Volume 2 of the Environmental Statement.		
	<i>Clarifications on Draft DCO</i>		
5.4.	PC asked JP to either remove the reference to the height of the ventilation column in paragraph 2.15 or to include reference to the height in paragraph 2.12 for consistency.		
5.5.	PC noted that RBKC considered the traffic regulation powers in Article 18 of the draft DCO to be excessive. JP noted that article 18 only provided powers in relation to carrying our works for the construction, maintenance and operation of the TTT on those roads specified or with the approval of the traffic authority. JP requested that RBKC need to clarify why the powers are considered to be excessive. <b>Action: RBKC to clarify reasons for objection.</b> <b>Post Meeting Note: JMc later explain to PC that the key issue behind the objection was the fact that there were competing demands in Lots Road in relation to other proposed developments and that RBKC was best placed to assess the needs and balance the demands.</b>	PC/JMc	Aug 13
5.6.	IH inquired about Article 7 of the DCO and the defence to proceedings against statutory nuisance and how this worked in practice. IH noted that a S61 consent under the Control Of Pollution Act was not a defence against a S82 notice under the Environmental Protection Act. <b>Action: JP to respond</b>	JP	Aug 13
5.7.	JW requested that Thames Water clarify who has responsibility for the works and who RBKC would be enforcing against. JP noted article 9 of the draft DCO allowed the transference of the benefit of the DCO to infrastructure provider (IP). JW noted this but, wanted clarity on whether it would therefore be the TW, the IP, main contractor or sub contractor who gets prosecuted for not complying with the DCO. <b>Action JP to respond</b>	JP	Sept 13
5.8.	PC noted that the plan for approval at Cremorne (ref. 130005) shows the signature ventilation column at Cremorne located adjacent the Lots Rd Pumping Station. JP clarified that the arrow on the plan was pointing to the boundary of the zone within which the column could be located and that the as noted in the design	JP/PC	Aug 13



	<p>principles (CREW04) TW would seek to locate the column close to the river.</p> <p><b>Action: JP/PC agreed to remove from SoCG/LIR as point was clarified so no longer a concern</b></p>		
	<i>Concerns regarding the maximum height of Signature Vent Columns</i>		
5.9.	<p>PC said that RBKC would not welcome signature vent columns of a maximum height of eight metres and would want columns to be limited to about five metres. JP noted that parameters in the development consent application allowed for a minimum height of four metres and maximum of eight metres. The DCO requirement for the signature vent columns was being amended to include that the local planning authorities approve the height and dimensions. JP noted that TW believed this would give RBKC control over the height of the vent columns and did not see any reason to amend the proposed parameters at this stage. PC said that as long as the maximum height shown in the parameter plans was 8m, RBKC would maintain its objection.</p> <p><b>Action: JP/PC noted that this was a matter that both parties would agree to disagree on and would note their positions in the SoCG.</b></p>		
	<i>Cremorne - Details of equipment in pumping station are unknown</i>		
5.10.	<p>JP noted that DCO drg ref. 130012 provided details of 2 possible locations for the equipment. In addition DCO requirement CREWD 4 provided that details be submitted and approved by RBKC.</p>		
	<i>Cremorne - Pumping station is under threat of settlement</i>		
5.11.	<p>JP clarified that details of protective measures and any potential repair works would be submitted to RBKC for approval under DCO requirements CREWD 4 and 5.</p>		
	<i>Cremorne - The provision of the Thames Path</i>		
5.12.	<p>JP noted that the design principle CREWD 13 provides that a four metre clear strip for future provision of the Thames Path by others. JP noted that RBKC was the land owner and that the future use of the site was unknown given that RBKCs planning application for a residential mixed use development had been withdrawn and the GLA had recommended the Safeguarded Wharf status be retained and this use may conflict with a potential alignment of the Thames Path across the site. JW noted that GLA policy on Thames Path was clear and that there was obviously a conflict between it and the safeguarded wharf policy as this site. JP noted that TW didn't have a preference but that this wasn't an argument they needed to get involved in as it didn't affect their proposals.</p> <p><b>Action: JP/PC noted that this was a matter that both parties would agree to disagree on and would note their positions in the SoCG.</b></p>	JP/PC	Aug 13



	<i>Chelsea – proposed Kiosks could be located in positions which would disrupt axial alignment.</i>		
5.13.	<p>JP noted that although the parameters allowed for locations close to the axial alignment created by taking the alignment of the Royal Hospital monument walk through the site the design principles provided more clarity e.g. CHEEF 18 provides that the kiosks be integrated into the river wall. JP noted that the site was illustrative in terms of the final landscape details and final proposals would need to be approved by RBKC subject to the DCO requirements.</p> <p><b>Action: PC to review position</b></p>	PC	Aug 13
	<i>Chelsea – distinctive boundary wall to Ranelagh could be disrupted</i>		
5.14.	<p>JP noted that a gate was required to provide permanent access to maintain utilities diverted into Ranelagh Garden. Access directly off the road was seen as preferable rather than requiring access through the Royal Hospital. It would also enable the planting and bank providing a screen to Ranelagh Gardens to be reinstated and the new wall, fence and gate would be designed to match the existing fence. JP also noted that no powers were being sort over land within the RHC to allow an alternative access.</p> <p><b>Action: JW/PC to review position with Richard Craig</b></p>	JW/PC	Aug 13
	<i>Chelsea – design could facilitate coach drop off</i>		
5.15.	<p>JP requested additional information on what RBKC propose Thames Water could do in addition to Design Principle CHEEF 04.</p> <p><b>Action: PC said she would discuss with James McCool.</b></p>	PC/JMc	Aug 13
	<i>Chelsea – the quality of the scheme is not assured</i>		
5.16.	<p>JP note that the DCO requirements (planning conditions) included that Thames Water seek approval for materials and finishes and was not sure what further the project could do.</p> <p><b>Action: JW/PC to review position with Richard Craig</b></p>	JW/PC	Aug 13
	<i>Heritage Statement</i>		
5.17.	<p>JP said he'd review the detailed comments on the Heritage Statement and respond to PC.</p> <p><b>Action: JP to review and respond.</b></p>	JP	Aug 13
	<i>Environmental Impact Assessment</i>		
5.18.	<p>DS ran through each of RBKCs comments on the environmental impact assessment. For ease of reference these are attached to these minutes as Appendix A. Later comments from RBKC Environmental Health officers confirmed that Appendix A did not address the concerns they raised in the draft LIR.</p> <p><b>Action: LB to provide details of RBKC bio diverse roof specification.</b></p> <p><b>Action: JP to review future potential costs imposed on RBKC through discharging requirements and ongoing liaison.</b></p>	LB JP	Aug 13 Sept 13



	<i>Code of Construction Practice</i>		
5.19.	DS ran through each of RBKCs comments on the Code of Construction Practice. For ease of reference these are attached to these minutes as Appendix A. PC asked about the possibility to agree a Planning Performance Agreement or a Memorandum of Understanding to cover the costs of discharging the requirements and enforcing the CoCP. <b>Action: JP said he would come back with a response.</b>		
	<i>Public Realm</i>		
5.20.	PC confirmed that RBKC only wanted to continue to maintain the Bull Ring and did not want to take on the responsibility for the new foreshore structure.		
	<i>Design Principles and Requirements</i>		
5.21.	JP agreed to review RBKCs proposed amended wording and will respond through the next draft of the SoCG.		
<b>6.</b>	<b>AOB</b>		
6.1.	None		

<b>Next meeting (date, time, location):</b>	TBC
<b>Next minute taker:</b>	TBC



## Appendix A: TTT draft response to RBKC draft Statement of Common Ground

Comments from RBKC		
	Issue	TTT Response
<b>1.</b>	<b>Land Quality</b>	
1.1.	Some assessments are limited and further assessments are needed and/or their findings have not been included in the Environmental Assessment. This has implications for the assessment of land contamination including issues such as groundwater samples; the effects on the construction on nearby receptors; the effects of the operational phase, the potential risks of migration of contamination and the associated Remediation Strategy;	<p>The lack of data should not be an impediment to proceeding as the contractor will undertake further site investigation and risk assessment as detailed in the CoCP part A. Where appropriate remediation work will be carried out in accordance with draft DCO requirements CREWD7 and CHEEF11.</p> <p>The approach has been discussed and agreed with the EA.</p>
1.2.	The requirement for site assessments and investigations is included in the Code of Construction Practice. However, mitigation measures proposed as a result of the assessments will be signed off only by the employer and the Environment Agency. RBKC also needs to sign off both the assessment and the mitigation measures. The same is relevant to the submission of a Remediation Strategy.	Agreed that LA should sign-off relevant remediation documents. TW to review remediation requirement and will amend CoCP paragraph 9.2.1.
1.3.	Site Investigation Schemes and Risk Assessments should be included as requirements within the Development Consent Order.	<p>Site investigation and risk assessments would be undertaken by the contractor. Risk assessments are not typically needed at this stage in an application although, when undertaken, will be signed off by the LA (see previous point).</p> <p>The measures in the CoCP / legislative obligations would ensure that the contractor would undertake these (and subsequent remediation and validation work as required).</p>
<b>2.</b>	<b>Air Quality</b>	
2.1.	Some assessments and their accuracy are not clear and, as a result, the predicted impacts on residents may not reflect reality. This relates to baseline concentrations of air pollutants; the predicted increase in traffic does not reflect the significant reduction in the concentration of air pollutants predicted by the model used in the Assessment; and receptor locations have not been agreed with RBKC	Not sure from their comments what is unclear, but would be happy to clarify as necessary. The predicted impacts on residents are pretty clear from both the tables of results and the contour plots. The worst-case receptors were chosen. RBKC were invited to comment on the suggested receptor locations, but no response was forthcoming. The baseline concentrations are clearly taken from verification of the model with baseline monitoring both from the London Air Quality Network and from TTT monitoring. The increase in traffic is low and the only reduction in concentrations is from the baseline case to the Construction Year, which is due to a decrease in emission factors and background concentrations in the intervening years. The



<b>Comments from RBKC</b>		
	<b>Issue</b>	<b>TTT Response</b>
		assessment was based on the best available data at the time of the assessment and was re-assessed once because of a change in emission factors.
2.2.	Only four mitigation measures are included although best practice guidance requires many more	The mitigation measures in the CoCP have been kept generic in order to cover all the sites.
2.3.	The assessment assumes that control measures within the Code of Construction Practice will be implemented. This has an impact on the results of the assessment	This affects the construction dust assessment but not the operational assessment. The construction dust assessment reports with and without the mitigation in the CoCP.
2.4.	The mitigation measures included in the Code are vague	See earlier responses
<b>3.</b>	<b>Ecology</b>	
3.1.	The results of the surveys of the vertical river wall in Cremorne Wharf site include recommendations but these may not be enforced as they are not included in the Development Consent Order	No work proposed on the river wall at Cremorne Wharf
3.2.	Chelsea Embankment: the Environmental Statement currently states that the terrestrial ecology is scoped out of the EIA, but the works at this location include the removal of vegetation in Ranelagh Gardens which is one of the Boroughs Sites of Importance for Nature Conservation. This should be covered in the Environment Statement	The terrestrial ecology assessment scopes out the <u>operational</u> effects of the project as operational lighting is minimal
3.3.	Further information on the ecological enhancement/mitigation measures are yet to be detailed. These should be informed by Ecological surveys and expertise	Embedded ecological measures are set out in the ES
3.4.	Also the inclusion of 'a biodiverse green roof should be designed to RBKC specification'.	TW to review on receipt of RBKC specification.
<b>4.</b>	<b>Water resources and flood risk:</b>	
4.1.	The Environmental Statement explains that there are not significant effects on the flood defences. However, the Environment Agency considers that further assessment of the flooding defences needs to be undertaken. This is supported by RBKC	TTT is producing a Flood Defence Asset Interpretive Report in consultation with the EA. This brings together all the TTT work which has been undertaken. Early draft has already been issued to EA. It is anticipated that the SoCG with EA will cover this.
<b>5.</b>	<b>Mitigation measures</b>	
	RBKC expressed its concern about mitigation measures. In most cases, mitigation measures are left to the future design options included in the contactors' methodologies. This increases uncertainty about their implementation. It could also	TW to review and respond.



<b>Comments from RBKC</b>	
<b>Issue</b>	<b>TTT Response</b>
lead to increasing costs for the Council once construction starts discharging the requirements and enforcing the Code of Construction Practice	
<b>6. Code of Construction Practice</b>	
Regarding Air Quality, the CoCP should include all applicable and specific dust and emission control mitigation measures that will be employed on the sites as recommended in the Mayor's Best Practice Guidance document for dust and emissions control.	CoCP Part A, para 7.2.1: The contractor will ensure that the adverse effects of vehicle and plant emissions are controlled on the measures contained within the Best Practice Guidance (BPG), The Control of Dust and Emissions from Construction and Demolition, published by the GLA and London Councils in November 2006 (BPG, 2006), or the most recent version of this document.
RBKC is concerned about paragraph 4.2.9 of the CoCP Part A. In effect it would override the COCP Part B which is heavily caveated. This would permit heavy construction traffic on Lots Road at inappropriate times. The second sentence should be modified by including an opening clause, unless explicitly covered by a site specific COCP (Part B).	Para 4.2.9: Deliveries will be arranged to limit impacts on the road system. Deliveries and all vehicle movements will be restricted to standard working hours, or extended hours, unless agreed with the local authority through a S.61 consent, dispensation or variation. Abnormal and special loads may be delivered outside standard working hours, subject to the requirements of the highways authority and the transport police. Any further requirements for a specific site will be included in the CoCP Part B. Lorry movements during extended working hours must relate to the activity that requires the extension.
CoCP Part B should be firmed up at section 5 by removing the words "where practical".	Noted – we are reviewing wording throughout the CoCP in response to comments received.
<b>Air Management Plan</b>	
It is not clear if an air quality management plan will be produced and if it will be submitted to the Council for approval.	The Air Management Plan sets out <u>operational</u> procedures – monitoring and performance checks. It is envisaged that monitoring data would be made available to LPAs  CoCP Pt A: The contractor for each work package will be required to produce and implement site-specific construction environmental management plans (CEMPs) for each site, in full accordance with the CoCP, for approval by the Employer in consultation with the local authority. The CEMP will include an air quality management plan for each worksite to include details of dust and air pollution control measures, vehicle and plant emissions, and odour.
A revised Air Quality assessment should be submitted to address RBKC concerns raised in the Local Impact Report	See response to AQ comments above