



RIVER TRANSPORT STRATEGY

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19th April 2023

THAMES WATER UTILITIES LIMITED

THAMES TIDEWAY TUNNEL

**River Transport Strategy
(Application Document APP207.02)**

Updated to amend frequency of Monitoring Meetings as agreed by all Relevant Authority Members.

Contents

Clause	Name	Page
1	The River Transport Strategy	1
2	The Objective and overview of the Strategy	2
3	Interpretation	4
4	Commitments by the Undertaker	9
Schedule	Name	Page
1	The Relevant Authority	12
2	Independent Panel	15
3	Sustainable Freight Transport	19
4	Derogations Process	27
5	Monitoring and Reporting Protocol.....	34
6	Remedial Action Plans	37
7	Completion Review.....	39
Appendix	Name	Page
1	Flow chart showing the derogation notification process.....	40
2	Derogation event notification form	41
3	Flow chart showing the contingency derogation approval process.....	42
4	Derogation request form.....	43
5	Derogation decision notice.....	44
6	Flow chart showing unforeseen derogation and sustainability derogation approval process.....	45

1 THE RIVER TRANSPORT STRATEGY

1.1 Introduction

1.1.1 The Undertaker has carefully considered the options for the transport of construction materials, including excavated material, to and from the proposed work sites for the Development. The *River Transport Strategy* summarises the key commitments by the Undertaker to the transport of materials by the River, this has been developed taking into consideration:

- (a) the locations of the Main Tunnel Drive Sites and the Foreshore Sites, including practicalities and constraints at each of those Sites;
- (b) the NPS;
- (c) environmental and social effects;
- (d) existing transport modes available at the Main Tunnel Drive Sites and the Foreshore Sites and the wider network;
- (e) deliverability and reliability of the transport modes;
- (f) the Excavated material and waste commitments (Application Document APP142);
- (g) the *Sustainability Statement* (Application Document APP7.07);
- (h) input from key stakeholders, including the Greater London Authority, Transport for London, the Port of London Authority and the Relevant Local Authorities as well as the wider response to consultations on the Development.

1.2 Policy background

1.2.1 The NPS provides the framework for planning decisions on nationally significant waste water infrastructure and is the primary policy basis that will be used to determine the application for development consent for the Thames Tideway Tunnel.

1.2.2 The NPS recognises that the transport of materials, goods and personnel to and from the Development during all phases of the Development can have a variety of impacts, including economic, social and environmental effects. A new nationally significant infrastructure project may give rise to substantial impacts on the surrounding transport infrastructure and the decision maker should therefore ensure that the applicant has sought to mitigate these impacts. The consideration and mitigation of transport impacts is an essential part of Government's wider policy objectives for sustainable development (paragraphs 4.13.1, 4.13.2 and 4.13.6 of the NPS).

1.2.3 Where significant environmental effects are anticipated from traffic and transport effects, paragraph 4.13.3 of the NPS states that a Transport Assessment must be prepared using the NATA/WebTAG methodology, and that consideration must be given to both construction, operational and decommissioning stages. The NPS requires projects to assess the transport effects and provide mitigation where

needed to reduce adverse transport impacts to an acceptable level. Where additional infrastructure is required, paragraph 4.13.5 of the NPS provides guidance about the potential for co-funding by Government for any third party benefits, and paragraph 4.13.7 of the NPS states that:

"Provided that the applicant is willing to enter into planning or transport obligations or requirements can be imposed to mitigate transport impacts identified in the NATA/WebTAG transport assessment, with attribution of costs calculated in accordance with the Department for Transport's guidance, then development consent should not be withheld, and appropriately limited weight should be applied to residual effects on the surrounding transport infrastructure."

- 1.2.4 Where cost effective, water-borne or rail transport is preferred in the NPS over road transport at all stages of the Development. Where there is substantial HGV traffic, applicants should look to the control of HGV movements in a specified period during its construction and possibly the routing of such movements. Additionally, the provision of HGV parking to avoid prolonged queuing on approach roads and uncontrolled on-street parking during normal operating conditions is also suggested. Satisfactory arrangements for reasonably foreseeable abnormal disruption as a result of substantial HGV traffic should also be made in consultation with network providers and the responsible police force (paragraph 4.13.10 of the NPS).
- 1.2.5 Paragraph 4.13.11 of the NPS states that: *"If an applicant suggests that the costs of meeting any obligations or requirements would make the proposal economically unviable this should not in itself justify the relaxation by the decision maker of any obligations or requirements needed to secure the mitigation."*
- 1.2.6 The policies of the London Mayor have been prepared in response to, and are consistent with, government transport policy. They emphasise that the River Thames is a unique and valuable asset and seek to encourage use of the River for passenger and freight transport, wherever practicable. The Thames Tideway Tunnel is supported in principle (Policy 5.14 of the London Plan (July2011)). Local policy maintains the same themes and requires scheme promoters to address these issues through the production of transport assessments and construction logistics plans.

2 THE OBJECTIVE AND OVERVIEW OF THE STRATEGY

2.1 The Objective

2.1.1 The Objective is:

- (a) generally,
- (i) to minimise the effects of construction of the Development associated with the transport of construction materials and excavated materials on communities and the environment where practicable and cost effective in accordance with the NPS;
 - (ii) to minimise the number and length of construction related transport movements which would be associated with the construction of the Development through demand or operational management and seeking to ensure that these would not have a significant impact on congestion or economic growth;

- (iii) to minimise the potential social and environmental impacts arising from construction related transport associated with the Development through commitments, technical specification, training and best construction and logistics practice, wherever practicable and cost effective; and
 - (b) specifically, to achieve the transportation of at least 90% of the Specified Materials by the River.
- 2.1.2 The commitment set out at section 4.1.1 of the Strategy is to achieve the transportation of 100% of the Specified Materials by the River. That commitment is subject to the Operational Derogations. The expectation is that after implementation of approved Operational Derogations the volume of Specified Materials transported by the River further to the River Freight Activities will not fall below the target of 90% set in the Objective
- 2.2 **Overview of the Strategy**
- 2.2.1 The Strategy will be secured through the project wide requirement PW15 in the Draft DCO which provides:
- "The authorised development shall be carried out in accordance with Section 4 and Schedules 1 to 7 of the River Transport Strategy (document reference APP180), or such updated version of the River Transport Strategy which is the result of any approval given or other decision taken further to the terms of the River Transport Strategy."*
- 2.2.2 The Strategy has been developed to provide a transparent process through which the movement of the Specified Materials by the River can be secured.
- 2.2.3 The process takes into consideration the need for the Greater London Authority, Transport for London, Port of London Authority and the Relevant Local Authorities to approve elements of the process which will affect the River Thames, and the local and strategic highway network.
- 2.2.4 The process established in the Strategy is structured so that contingency planning and the decision making around reasonably foreseeable Operational Derogation Events is completed prior to Implementation of the Development to ensure that any response to foreseen events are planned for in advance. Operational Derogation Events that cannot be foreseen in advance are required to be approved during construction of the Development.
- 2.2.5 There are six elements to the process established in the Strategy:
- (a) Appointment of the Relevant Authority and the Independent Panel: The Relevant Authority will be responsible for approving, monitoring and reviewing the delivery of the Strategy. The Independent Panel will act as arbitrator in the event of dispute between the Undertaker and the Contractors and the Greater London Authority, Transport for London, Port of London Authority and the Relevant Local Authorities (as appropriate).
 - (b) Preparation and approval of the Sustainable Freight Transport Plans: These Plans will set out the detailed proposals for delivering the Strategy on a site-by-site basis. This will include detailed Contingency Plans.
 - (c) Operational and Sustainability Derogations: A process by which approval is given for temporary use of an alternative transport method for the

Specified Materials further to the Strategy, for either operational or sustainability reasons. Derogations must be necessary and reasonable and take account of the conclusions of the Environmental Statement.

- (d) Monitoring and reporting: Review of Regular/Annual Monitoring Reports by the Relevant Authority to assess whether approved Derogations were necessary and reasonable, to monitor compliance with the Strategy and progress towards achieving the Objective, and plans for future operations/Derogations.
- (e) Remedial Action Plans: A plan to be prepared in the event of there being evidence of approved Derogations being unnecessary or unreasonable, or of Strategy targets not being met. Breach of the Remedial Action Plan would be a breach of the Project Wide Requirement.
- (f) Completion review: A review of performance against the Strategy and whether the Objective has been met. The review will be undertaken by the Undertaker and reviewed by the Independent Panel.

2.3 **Achieving the Objective**

2.3.1 Achieving the Objective will require the Relevant Local Planning Authorities, the Greater London Authority, Transport for London, the Port of London Authority, the Undertaker and the Contractors to act proactively, reasonably and in co-operation with each other with a view to delivery of the Strategy.

2.3.2 The Undertaker will continue to discuss the detailed requirements and content of this Strategy with the organisations listed in section 2.3.1 above with a view to agreeing a protocol that will govern implementation of the Strategy consistent with the terms of the Strategy and the Project Wide Requirement.

3 **INTERPRETATION**

3.1 In this Strategy unless the context otherwise requires the following terms (arranged in alphabetical order) shall have the following meanings:

“**2008 Act**” means the Planning Act 2008 (as amended).

“**Affected Authority**” means a local authority the boundaries of whose administrative area abuts with the administrative area of a Relevant Local Authority making a decision further to the terms of the Strategy and who in the reasonable opinion of the Relevant Local Authority may be affected by the decision the Relevant Local Authority is making.

“**Annual Monitoring Report**” means the report to be prepared further to paragraph 4 of Schedule 5 (*Monitoring and Reporting Protocol*).

“**Carnwath Road Riverside**” means the Main Tunnel Drive Site at Carnwath Road in Fulham.

“**Central Contract Area**” means the area of the Main Tunnel comprised in Work Nos. 1b and 1c.

“**Chairperson of the Independent Panel**” means the person appointed further to paragraph 1.2 of Schedule 2;

"Chambers Wharf" means the Main Tunnel Drive Site at Chambers Wharf in Southwark.

"Code of Construction Practice" means the Parts A and Parts B of the Code of Construction Practice for the Development (Application Document APP178).

"Completion Review" means the review described in Schedule 7 (*Completion Review*).

"Contingency Derogation" means an Operational Derogation covered by, or not significantly different from, an Operational Derogation covered by an approved Contingency Plan contained within a SFTP.

"Contingency Plan" means a plan included in a SFTP for the management of an Operational Derogation Event prepared having regard to the requirements of paragraph 4 of Schedule 3 (*Sustainable Freight Transport*).

"Contract Area" means the East, Central or West Contract Area as the context requires.

"Contract Area Framework ('CAF')" means the contract area framework to be prepared further to paragraph 2 of Schedule 3 (*Sustainable Freight Transport*) (and Contract Area Frameworks shall be construed accordingly).

"Contractor" means the East, Central or West contractor as the context requires and "Contractors" shall be construed accordingly.

"DCO" means the order granting development consent for the Development to be made under the 2008 Act pursuant to the Application.

"DCO date" means the date of the granting of the DCO.

"Derogation Decision Notice" means the form at Appendix 5.

"Derogation Event Notification Form" means the form at Appendix 2.

"Derogation Notification Process" means the process described in paragraph 2 of Schedule 4 (*Derogations Process*) and shown diagrammatically in the flow Chart at Appendix 1.

"Derogation Request Form" means the form at Appendix 4.

"Derogations" means Operational Derogations and Sustainability Derogations and **"Derogation"** shall be construed accordingly.

"Derogations Process" means the processes through which approval is given for Derogations as described in Schedule 4 (*Derogations Process*).

"Development" means the Thames Tideway Tunnel comprising the development and associated development described in Part 1 of Schedule 1 of the Draft DCO and any other development authorised by the DCO which is development within the meaning of Section 32 of the Planning Act 2008.

"Draft DCO" means The [Draft] Thames Water Utilities Limited (Thames Tideway Tunnel) Development Consent Order 201[●].

"Eastern Contract Area" means the area of the Main Tunnel comprised in Work No. 1d.

"Environmental Statement" means the Environmental Statement for the Development (January 2013) (Application Documents APP6.1 and 6.2) together with the Errata to the Environmental Statement (Application Document APP9.04.01) (23 September 2013), and the Environmental Statement Update Report (Application Document APP184) (March 2014).

"Foreshore Sites" means the CSO interception sites at Putney Embankment Foreshore, Cremorne Wharf Depot, Chelsea Embankment Foreshore, Heathwall Pumping Station, Albert Embankment Foreshore, Victoria Embankment Foreshore, Blackfriars Bridge Foreshore and King Edward Memorial Park Foreshore.

"Greenwich Connection Tunnel" means Works No. 20 in Schedule 1 to the Draft DCO.

"Greenwich Pumping Station" means the drive site for the Greenwich Connection Tunnel at Greenwich Pumping Station in Greenwich.

"Greenwich Pumping Station Shaft" means Work No. 23a in Schedule 1 to the Draft DCO.

"Harbour Master" means a harbour master as defined in the Port of London Act 1968 (as amended).

"Implementation" means commencement of development pursuant to the DCO by the carrying out of a "material operation" (as defined in section 56(4) of the 1990 Act) save that for the purposes of this Strategy the term shall not include works of demolition, surveys, site clearance, site preparation and/or site set-up works, and works of archaeological or ground investigation or remediation (and in this Strategy **"Implement"** and **"Implemented"** shall be construed accordingly).

"Independent Panel" means the panel described in paragraph 1 of Schedule 2 (*Independent Panel*).

"Kirtling Street" means the Main Tunnel Drive Site at Kirtling Street in Wandsworth.

"Kirtling Street Shaft" means Work No. 13a in Schedule 1 to the Draft DCO.

"Main Tunnel" means Works Nos. 1a to 1d in Schedule 1 to the Draft DCO.

"Main Tunnel Drive Sites" means the Main Tunnel drive sites at Carnwath Road Riverside, Kirtling Street and Chambers Wharf.

"Monitoring and Reporting Protocol" means the protocol described in Schedule 5 (*Monitoring and Reporting Protocol*).

"Monitoring Meetings" means the meetings to be held under paragraph 3 of Schedule 5 (*Monitoring and Reporting Protocol*).

"NPS" means the National Policy Statement for Waste Water, A framework document for planning decisions on nationally significant waste water infrastructure (Defra) (March 2012).

“Objective” means the objective of the Strategy as described in section 2.1 of the Strategy.

“Operational Derogation” means:

- (a) an alternative to a River Freight Activity which results from a Contractor’s inability to undertake one or more of the River Freight Activities from one or more of the Main Tunnel Drive Sites and / or the Foreshore Sites as a result of an Operational Derogation Event taking into account mitigation designed to overcome the need for an Operational Derogation to be approved further to the terms of this Strategy; or
- (b) in the case of Chambers Wharf only results in a need to move or load barges to or from the Chambers Wharf site outside of the hours 0800 to 2200 as prescribed in section 4.1.2 of this Strategy further to a Contingency Plan approved under the terms of the SFTP for Chambers Wharf.

“Operational Derogation Event” means an event which is either a failure of all or part of the operational delivery of the River Freight Activities or an event which makes the River unavailable for use for the River Freight Activities and which event is either:

- (a) not planned in advance of its occurrence; or
- (b) planned prior to its occurrence, and
- (c) which results in the potential requirement for an Operational Derogation.

“Project Website” means the website set up and maintained by the Undertaker in respect of the Development.

“Project Wide Requirement” means project wide requirement PW15 in the Draft DCO that provides that *‘The authorised development shall be carried out in accordance with Section 4 and Schedules 1 to 7 of the River Transport Strategy (document reference APP180), or such updated version of the River Transport Strategy which is the result of any approval given or other decision taken further to the terms of the River Transport Strategy’.*

“Qualifying Interest” means such interest in the land sufficient to meet the requirements of Section 106(1) of the 1990 Act which shall include the Developer’s status as undertaker for the purposes of the DCO in accordance with the provisions of paragraph 10 (3) of Schedule 19 of the DCO whereby the undertaker is deemed to be a person.

“Regular Monitoring Report” means the regular report to be provided under paragraph 2 of Schedule 5 (*Monitoring and Reporting Protocol*). The frequency of the Regular Monitoring report shall be agreed with the Members of the Relevant Authority and shall be recorded at the Monitoring meetings. The Regular Monitoring reports shall not be required more frequently than monthly or less frequently than quarterly.

“Relevant Authority” means the group of organisations listed in paragraph 1.1 of Schedule 1 (*The Relevant Authority*).

“Relevant Authority Co-ordinator” means the person appointed further to paragraph 2.2 of Schedule 1;

"Relevant Local Authority" means the local planning authority for the area within which a Foreshore Site or Main Tunnel Drive Site is located (and 'Relevant Local Authorities' shall be construed accordingly).

"Remedial Action Plan" means a plan prepared further to the terms of Schedule 6 (*Remedial Action Plans*) (and Remedial Action Plans shall be construed accordingly).

"River" means the River Thames and its tidal tributaries.

"River Freight Activities" means the activities described at section 4.1.1 of the Strategy.

"Specified Materials" means:

- (a) the materials listed at section 4.1.1(a) to 4.1.1(h) of the Strategy;
- (b) any materials to be moved from Kirtling Street further to a proposal made under section 4.2.1(b)(i) and paragraph 3.2 of Schedule 3 (*Sustainable Freight Transport*);
- (c) any materials to be moved to or from Greenwich Pumping Station further to a proposal under section 4.2.1(b)(ii) and paragraph 3.3 of Schedule 3 (*Sustainable Freight Transport*).

"Strategy" means this River Transport Strategy.

"Successor" means any person deriving title from the Undertaker in respect of its Qualifying Interest and for the purposes of Section 106(3)(b) of the 1990 Act shall include any person to whom powers are transferred further to Article 9 of the DCO.

"Sustainability Derogation" means an alternative to a River Freight Activity that would:

- (a) enable the beneficial re-use of the Specified Material or materials described in sections 4.1.1(a), 4.1.1(b) and 4.1.1(e) and any material to be transported by River further to the review undertaken under section 4.2.1(b) and paragraph 3 of Schedule 3; and
- (b) that would result in a reduction in the generation of carbon in comparison to the carbon generation associated with transportation of a Specified Material further to the requirements of the Strategy.

"Sustainable Freight Transport Framework ('SFTF')" means the sustainable freight transport framework to be prepared further to paragraph 1 of Schedule 3 (*Sustainable Freight Transport*).

"Sustainable Freight Transport Plan ('SFTP')" means a sustainable freight transport plan to be prepared further to paragraph 2 of Schedule 3 (*Sustainable Freight Transport*).

"Transport Strategy Manager" means the person appointed further to paragraph 2.1 of Schedule 1;

"Undertaker" means Thames Water Utilities Limited and any Successor or statutory assignees.

“Unforeseen Derogation” means an Operational Derogation that is not covered by, or is significantly different from, an Operational Derogation covered by an approved Contingency Plan contained within a SFTP.

“Western Contract Area” means the area of the Main Tunnel comprised in Work No. 1a.

“Working Day” means a day other than Saturday and Sunday or public holiday in England.

3.2 References to “sections” are references to sections **1** (*The River Transport Strategy*) to **4** (*Commitments by the Undertaker*) of the Strategy.

3.3 References to “paragraphs” are references to paragraphs of **Schedule** 1 to 7 to this Strategy and are references to paragraphs to the Schedule within which the reference is made unless otherwise stated.

4 COMMITMENTS BY THE UNDERTAKER

4.1 Movement of the Specified Materials on the River

4.1.1 Subject to any approved Operational Derogations the Undertaker will transport 100% of the following materials by River:

- (a) excavated material from the Main Tunnel from the Main Tunnel Drive Sites;
- (b) material excavated from the shafts at the Foreshore Sites, Carnwath Road Riverside and Chambers Wharf;
- (c) permanent fill material for land reclamation at all the Foreshore Sites except Cremorne Wharf Depot;
- (d) temporary fill material for cofferdams to all the Foreshore Sites except Cremorne Wharf Depot;
- (e) temporary fill material for the cofferdams from all the Foreshore Sites except Cremorne Wharf Depot;
- (f) excavated material at the Foreshore Sites (except Heathwall Pumping Station) and Chambers Wharf generated by the following works:
 - (i) short connection tunnels;
 - (ii) CSO interception chambers and associated structures;
 - (iii) other underground structures;
- (g) Main Tunnel lining segments to Chambers Wharf;
- (h) sand and aggregates for the manufacture of concrete to be installed for the secondary lining to the Main Tunnel from the Main Tunnel Drive Sites.

4.1.2 Subject to any approved Operational Derogations, or unless directed by the Harbour Master in the case of an emergency to move barges or vessels to or from Chambers Wharf Site, the Undertaker shall not:

- (a) load or unload barges or vessels at the Chambers Wharf site;

- (b) move barges or vessels from or to the Chambers Wharf site, outside of the hours of 0800 to 2200 on any day of the week.

4.2 **Construction contracts**

4.2.1 The construction contracts relating to works forming part of the Development with which the transport of the Specified Materials is associated shall:

- (a) require the Contractors to comply with section 4.1 (*Movement of the Specified Materials on the River*) of this Strategy;
- (b) require Contractors to review the ability to include the movement of the following materials by River taking account of the advice at paragraph 4.13 of the NPS further to paragraph 3 of Schedule 3 (*Sustainable Freight Transport*):
 - (i) excavated material from the Kirtling Street Shaft taking account of the availability of the necessary infrastructure and without prejudicing the programme for completion of the Development at Kirtling Street; and
 - (ii) construction and excavated materials to or from Greenwich Pumping Station taking account of the need to maintain a safe operational construction site without prejudicing the programme for completion of the Development at Greenwich Pumping Station and subject to the necessary statutory and other consents and approvals being obtained;
- (c) incentivise Contractors:
 - (i) to achieve transport 100% of the Specified Materials using the River by providing that the Undertaker shall not pay for transport of materials by road unless there is a validly approved Derogation in place at the time the transport by road occurred; and
 - (ii) to move materials, other than the Specified Materials, required for the construction of the Development using the River;
- (d) make achievement of this target a key performance indicator in the assessment of bonus payments under the terms of their contracts;
- (e) require that the concrete for the Main Tunnel secondary lining shall be batched on the Main Tunnel Drive Sites; and
- (f) require the Contractors to use suppliers of ready mix concrete for all Main Tunnel Drive Sites and Foreshore Sites who source sand and aggregates by river or rail.

4.3 **Relevant Authority**

4.3.1 The Undertaker shall:

- (a) establish the Relevant Authority within one month of the DCO Date;
- (b) shall observe the other terms of Schedule 1 (*The Relevant Authority*).

4.4 **Independent Panel**

4.4.1 The Undertaker shall:

- (a) establish the Independent Panel;
- (b) observe the other terms of Schedule 2 (*Independent Panel*).

4.5 **Sustainable Freight Transport**

The Undertaker shall ensure that the following documents are prepared further to Schedule 3 (*Sustainable Freight Transport*):

- (a) the Sustainable Freight Transport Framework for the Development;
- (b) Contract Area Frameworks for the Eastern, Central and Western Contract Areas; and
- (c) Sustainable Freight Transport Plans for the Main Tunnel Drive Sites and the Foreshore Sites.

4.6 **Derogations**

4.6.1 The Undertaker shall comply with the Derogations Process.

4.7 **Monitoring and Reporting**

4.7.1 The Undertaker shall comply with the Monitoring and Reporting Protocol.

4.8 **Remedial Action Plans**

4.8.1 The Undertaker shall:

- (a) observe the other terms of Schedule 6 (*Remedial Action Plans*);
- (b) comply with the terms of any Remedial Action Plan prepared further to Schedule 6.

4.9 **Completion Review**

4.9.1 The Undertaker shall undertake the Completion Review.

4.10 **Updating the Strategy and the DCO**

4.10.1 The Strategy shall be updated (as necessary) by the Undertaker after the DCO Date to reflect and be consistent with the terms of the DCO. The updated Strategy shall be provided to the members of the Relevant Authority.

Schedule 1
The Relevant Authority

1 COMPOSITION OF THE RELEVANT AUTHORITY

1.1 The Relevant Authority in respect of any Foreshore Site or Main Tunnel Drive Site will be comprised of a representative from each of the following organisations:

1.1.1 the Greater London Authority;

1.1.2 Transport for London;

1.1.3 the Port of London Authority; and

1.1.4 the Relevant Local Authority or in the event of decisions affecting Main Tunnel Drive Sites or Foreshore Sites in more than one local authority area all the Relevant Local Authorities.

1.2 When establishing the Relevant Authority the Undertaker will write to each of the organisations listed at paragraph 1.1 above requesting them to confirm the identity of their representative on the Relevant Authority (for the avoidance of doubt substitute members may be nominated by a member of the Relevant Authority if unable to attend a meeting of the Relevant Authority for any reason).

2 Administrative resources for the Relevant Authority

2.1 Transport Strategy Manager

2.1.1 The Undertaker shall employ the Transport Strategy Manager (who shall have at least 10 years' experience as a project manager or transport planner working on projects of equivalent scale and complexity).

2.1.2 The Transport Strategy Manager shall:

(a) co-ordinate management of the Strategy by the Undertaker and the Contractors;

(b) liaise with the Relevant Authority Co-ordinator, the Undertaker's project manager and the Contractors marine and traffic logistics managers to ensure the smooth running of the Strategy and in particular the management and operation of the Derogations Process and achievement of the Objective.

2.2 Relevant Authority Co-ordinator

2.2.1 The Relevant Authority Co-ordinator shall co-ordinate the activities of the Relevant Authority and in particular to organise meetings of the Relevant Authority including co-ordinating and bringing together the members of the Relevant Authority necessary to deal with any issue before the Relevant Authority to ensure that decisions of the Relevant Authority are made efficiently and effectively.

2.2.2 Any decision or notification to be provided to the members of the Relevant Authority under the terms of the Strategy shall also be provided to the Relevant Authority Co-ordinator.

2.2.3 The Relevant Authority Coordinator will be appointed by the Undertaker in consultation with members of the Relevant Authority but shall not be an employee of the Undertaker or the Contractor.

2.2.4 The costs of appointing and employing of the Relevant Authority Co-ordinator will be met by the Undertaker.

2.3 Neither the Transport Strategy Manger or the Relevant Authority Co-ordinator shall be a member of the Relevant Authority.

3 *Role and functions of the Relevant Authority*

3.1 The role and functions of the Relevant Authority are:

3.1.1 to engage in the development of the SFTPs further to paragraph 2 of Schedule 3 (*Sustainable Freight Transport*);

3.1.2 to approve SFTPs including Contingency Plans submitted under paragraph 2 of Schedule 3 (*Sustainable Freight Transport*);

3.1.3 to monitor and review the delivery of the Strategy, including attendance at Monitoring Meetings;

3.1.4 to make decisions or advise on decisions (as provided for under the terms of the Strategy) on applications for Derogations further to paragraph 4 of Schedule 4 (*Derogations Process*) and to review Derogations approved by the Undertaker further to paragraph 3 and paragraph 4 of Schedule 4 (*Derogations Process*);

3.1.5 to establish the requirement for and to approve any Remedial Action Plan and monitor its implementation and compliance with it;

3.1.6 to maintain a public record of decisions and a list of relevant stakeholders.

3.2 In establishing the Relevant Authority the Undertaker shall use its reasonable endeavours to agree with the Relevant Authority:

3.2.1 the detailed terms of reference for the Relevant Authority concerning the discharge of the functions of the Relevant Authority, including the identity of the Chairperson of the Relevant Authority;

3.2.2 time limits for actions and processes to be undertaken by the Undertaker, Contractors and the Relevant Authority having regard to the Strategy as part of those terms of reference; and

3.2.3 in the case of disagreement as to those terms the dispute may be referred by the Undertaker or the Relevant Authority to the Independent Panel for determination.

4 **Meetings of the Relevant Authority**

4.1 The Relevant Authority shall meet at least on a quarterly basis provided that:

4.1.1 it may if necessary meet more frequently in order to perform its role and function s under this strategy; and

4.1.2 with the unanimous approval of the Relevant Authority it may meet less frequently (but not less frequently than every six months) provided the Relevant Authority is

satisfied that less frequent meetings shall not prejudice achievement of the objectives of the Strategy.

- 4.2 Meetings will be quorate if the following organisations are present:
 - 4.2.1 the Port of London Authority; and
 - 4.2.2 the Relevant Local Authority or Authorities for the relevant Foreshore Site or Main Tunnel Drive Site or Sites under consideration at the meeting is, or are, present at the time issues arising out of the terms of this Strategy in respect of that Site or those Sites are discussed; and
- 4.3 the views of the Greater London Authority and / or Transport for London are available to the Relevant Authority members present at the meeting either by oral report (which may be by another member of the Relevant Authority) or in writing.
- 4.4 Meetings may be held in person, or by video or telephone conference call or other suitable media (in case of the views of the Greater London Authority and / or Transport for London).
- 4.5 Representatives of the Undertaker and the Contractors will attend meetings of the Relevant Authority, unless the Relevant Authority are discussing matters in respect of which it is appropriate (in the reasonable opinion of the Relevant Authority) that the Undertaker and / or the Contractors are excluded from the meeting and the discussions that are occurring.
- 4.6 Minutes of meetings of the Relevant Authority will be:
 - 4.6.1 prepared by the Relevant Authority Co-ordinator; and
 - 4.6.2 published on the Project Website; and
 - 4.6.3 circulated to the members of the Relevant Authority and Independent Panel and the Undertaker and the Contractors within 5 Working Days of any meeting being held.

Schedule 2 Independent Panel

1 COMPOSITION OF THE INDEPENDENT PANEL

1.1 Number of members of the Independent Panel

1.1.1 The Independent Panel shall comprise five appointed members who are independent of the Undertaker and the Contractors.

1.2 The Chairperson of the Independent Panel

1.2.1 The Chairperson shall have at least 15 years' experience in the field of transport planning or road and marine transport logistics.

1.2.2 Subject to paragraph 1.2.1 and this paragraph the Chairperson of the Independent Panel shall be appointed on the recommendation of the President of the Institution of Civil Engineers:

- (a) the President shall consult the Undertaker and the Relevant Authority (including all the Relevant Local Authorities) on the individual the President proposes to appoint and the Undertaker and the Relevant Authority will confirm its response to consultation (either raising no objection to the appointment or exercising the veto referred to in paragraph (b)) in writing within 5 Working Days of the President consulting on the individual he or she proposes to appoint;
- (b) the Undertaker and the Relevant Authority (as opposed to each member of the Relevant Authority) shall each be entitled to veto (at its own discretion) the individual the President proposes to appoint on one occasion only (but there is no obligation to exercise the veto); and
- (c) in the event of no objection to the proposed appointment being received from the Undertaker or the Relevant Authority or after each of the Undertaker and the Relevant Authority has exercised its power of veto under paragraph (b) the President will proceed to make the proposed appointment.

1.2.3 The identity of the Chairperson shall be reviewed every two years by the Undertaker and the Relevant Authority to establish whether in their reasonable opinion the existing Chairperson should be retained or whether a new Chairperson should be appointed having regard to the activity the Independent Panel has been undertaking in the preceding two year period and is expected to undertake in the next two year period.

1.2.4 In the event that it becomes necessary to appoint a replacement Chairperson of the Independent Panel paragraph 1.2.2 shall apply and the Undertaker will provide a statement to be agreed with the Relevant Authority to the President of the Institution of Civil Engineers explaining why the reappointment of the Chairperson is necessary

1.3 Other members of the Independent Panel

1.3.1 The Chairperson will appoint four further members of the Independent Panel who will be responsible for project wide matters arising out of the Strategy and matters

arising out of this Strategy in respect of the Eastern, Central and Western Contract Areas respectively.

- 1.3.2 Each person appointed to the Independent Panel under paragraph 1.3.1 shall have at least 15 years' experience in their field of expertise and the appointed Panel members shall include:
- (a) a tunnelling engineer working on projects of comparable scale and complexity;
 - (b) a person with experience of marine logistics and transportation on comparable projects on waterways comparable to the River;
 - (c) a person with experience of environmental planning.
- 1.3.3 The Chairperson may at his own discretion replace any member of the Independent Panel appointed under paragraph 1.3.1 if the Chairperson believes that:
- (a) the replacement member is better qualified to perform the role of the member of the Independent Panel to be replaced; and / or
 - (b) will enable the Independent Panel to more effectively and efficiently perform its role and functions as described in paragraph 3.

2 Administrative resources for the Independent Panel

- 2.1 Administrative and support staff will be appointed to support the operation of the Independent Panel. The specific numbers will be determined by the Chairperson of the Independent Panel.
- 2.2 The administrative and support staff appointed under paragraph **2.1** will not be members of the Independent Panel.
- 2.3 The operation of the Independent Panel will be funded by the Undertaker.

3 Role and functions of the Independent Panel

- 3.1 The role and functions of the Independent Panel are to:
- 3.1.1 determine any dispute as to the terms of reference for the Relevant Authority;
 - 3.1.2 review the SFTP if referred to it by either the Relevant Local Authority or the Undertaker;
 - 3.1.3 review the need for and reasonableness of Operational Derogations if referred to it by either the Relevant Authority or the Undertaker;
 - 3.1.4 review regular monitoring reports/annual reviews if referred by either the Relevant Authority or the Undertaker for the purpose of establishing whether the Strategy is being adhered to;
 - 3.1.5 if referred by either the Relevant Authority or Undertaker to establish whether a Remedial Action Plan is needed, and if so, whether it will, if accurately implemented, achieve compliance with the Strategy; and
 - 3.1.6 review the Completion Review.

- 3.2 In establishing the Independent Panel the Undertaker shall use its reasonable endeavours to agree with the Independent Panel and the Relevant Authority:
- 3.2.1 the detailed terms of reference for the Independent Panel concerning the discharge of the functions of the Independent Panel and in particular the Chairperson and the other four panel members;
- 3.2.2 time limits for actions and processes to be undertaken by the Undertaker, the Relevant Authority and the Independent Panel having regard to the Strategy as part of those terms of reference; and
- 3.2.3 any dispute as to these terms of reference will be determined by the Chairperson of the Independent Panel taking reasonable account of the views of the Undertaker, the Relevant Authority and the other members of the Independent Panel.

4 Meetings of the Independent Panel

- 4.1 The Independent Panel shall meet as frequently as necessary to perform its role and functions under this Strategy.
- 4.2 All meetings will be chaired by the Chairperson of the Independent Panel.
- 4.3 Meetings will be quorate if the following members are present:
- (a) the Chairperson;
 - (b) the Panel member for the Contract Area in respect of which the issue under consideration arises; and
 - (c) the Panel members with experience in tunnelling and marine logistics and transportation and environmental planning.
- 4.4 Meetings may be held in person, or by video or telephone conference call.
- 4.5 Minutes of meetings of the Independent Panel will be:
- 4.5.1 prepared by the Independent Panel; and
- 4.5.2 published on the Project Website; and
- 4.5.3 circulated to the members of the Relevant Authority and the Undertaker and the Contractors within 5 Working Days of any meeting being held.

5 Decision making

- 5.1 Decisions of the Independent Panel will be taken by simple majority vote amongst the members of the Independent Panel present at the meeting with each member of the Independent Panel having a single vote. In the event of no majority being achieved the Chairperson's vote will be the casting vote.
- 5.2 Decisions of the Independent Panel made under the terms of the Strategy will be final and shall not be appealed to the Secretary of State under article 54 and paragraph 4 of Schedule 17 of the draft DCO.

- 5.3 Decisions of the Independent Panel will be published on the Project Website and circulated to the members of the Relevant Authority and the Undertaker and the Contractors within 5 Working Days of the decision being made.

Schedule 3 Sustainable Freight Transport

1 SUSTAINABLE FREIGHT TRANSPORT FRAMEWORK ("SFTF")

1.1 Preparation of the SFTF

1.1.1 The Undertaker shall prepare the SFTF in accordance with paragraph 1.2.

1.1.2 The Undertaker will consult the Relevant Authority on the draft SFTF. The Relevant Authority shall be given not less than 21 days to comment on the draft SFTF and the Undertaker shall take reasonable account of any written comments on any draft SFTF it receives from the Relevant Authority, or any member of the Relevant Authority, prior to the end of that 21 day period before adopting the SFTF.

1.1.3 The Undertaker will report its response to the written comments received on the draft SFTF to the Relevant Authority when it adopts the SFTF.

1.2 Purpose and content of the SFTF

1.2.1 The SFTF will provide the framework within which the Contract Area Framework for each Contract Area will be prepared by the Contractors.

1.2.2 The SFTF shall comply with the Strategy and contain at least the following information:

- (a) the Objective including commitments, opportunities and incentives that are set out within the Strategy;
- (b) the estimated quantity of the Specified Materials to be moved under the River Freight Activities further to the Strategy;
- (c) the management arrangements for delivery of the Strategy;
- (d) the operational requirements for road and river transport based on construction method and programme designed to achieve and exceed the Objective and having regard to the requirements of the Strategy;
- (e) the proposed logistics management arrangements for the Development;
- (f) arrangements for engagement with stakeholders interested in the Strategy, which shall include the Greater London Authority, Transport for London, the Port of London Authority, Relevant Local Authorities and communities, organisations and businesses in the vicinity of the Foreshore Sites and the Main Tunnel Drive Sites;
- (g) the operational standards and best practice that the Contractors are required to comply with;
- (h) the proposed approach to transshipment sites to be used in delivery of the Development and the Strategy;
- (i) the proposed approach to consolidation of materials (including Specified Materials) to be moved to or from the Foreshore Sites and the Main Tunnel Drive Sites further to the terms of the Strategy;

- (j) the proposed approach to key supply chain issues, such as manufacturing sites for tunnel lining segments;
- (k) the proposed approach to the use of holding areas for barges and HGVs;
- (l) the proposed approach to the Derogations Process consistent with the Objective and the Strategy;
- (m) guidance on contingency planning, and the preparation of Contingency Plans to be implemented in respect of approved Derogations consistent with the Objective and the Strategy, to be used in developing the overall approach to contingency planning in each Contract Area to be set out in the CAFs for each of the Contract Areas;
- (n) the monitoring and reporting requirements for transport activities in relation to the Main Tunnel Drive Sites and the Foreshore Sites;
- (o) a risk register in respect of the SFTF.

2 **Contract Area Frameworks ("CAF") and Sustainable Freight Transport Plans ("SFTP")**

2.1 *Requirement to produce CAFs and SFTPs*

2.1.1 The Contractors shall each prepare and have approved further to paragraph 2.4 and paragraph 2.6:

- (a) a CAF for each of their respective Contract Areas; and
- (b) a SFTP for each Foreshore Site and Main Tunnel Drive Site in their respective Contract Areas prior to commencement of the Development at the relevant Foreshore Site or Main Tunnel Drive Site.

2.2 *Consistency with the SFTF and the CAFs*

2.2.1 The CAFs and SFTPs shall be consistent with the terms of the SFTF.

2.2.2 SFTPs shall be consistent with the CAF for their Contract Area.

2.3 *Purpose and content of the CAFs*

2.3.1 The CAFs would set out Contractor's proposals for meeting or exceeding the Objective and for complying with the Strategy, taking account of the SFTF.

2.3.2 Each CAF would include proposals for all Foreshore Sites and Main Tunnel Drive Sites in each Contract Area and Contractors will be required to liaise with each other and the Undertaker to ensure that consideration is given to achieving the Objective and delivering the Strategy as a whole including supply chain, contingency planning and other operational issues for the Development as a whole.

2.3.3 The CAFs will include at least the following information:

- (a) transport strategy commitments and opportunities and supply chain proposals for Specified Materials in the Contract Area having regard to the Objective and the Strategy;

- (b) management arrangements for each Main Tunnel Drive Site and each Foreshore Site in the Contract Area;
- (c) stakeholder engagement arrangements;
- (d) the Contractors proposals for the transport of the Specified Materials and other materials to and from each Main Tunnel Drive Site and Foreshore Site in the Contract Area;
- (e) lorry management arrangements the Main Tunnel Drive Site and Foreshore Sites in each Contract Area, including holding areas;
- (f) the overall approach to contingency planning in the Contract Area to be implemented in respect of approved Operational Derogations consistent with the Objective and the Strategy to be adopted and used in the development of Contingency Plans to be prepared for each Main Tunnel Drive Site and Foreshore Site in the Contract Area further to the SFTPs;
- (g) the monitoring and reporting arrangements that will be adopted in respect of transport activities at the Main Tunnel Drive Sites and the Foreshore Sites in the Contract Area;
- (h) a risk register in respect of the CAF.

2.4 *Approvals of CAFs*

2.4.1 Each CAF shall be submitted by the Contractor to the Undertaker for approval.

2.4.2 In approving the CAF for a Contract Area the Undertaker shall ensure that it is consistent with the CAFs for the other Contract Areas to ensure that there is a consistent approach to sustainable transport planning further to the terms of the Strategy in respect of all Main Tunnel Drive Sites and Foreshore Sites

2.5 *Purpose and content of the SFTPs*

2.5.1 The SFTPs will describe how the Objective is to be met or exceeded and the Strategy implemented in respect of each of the Main Tunnel Drive Sites and Foreshore Sites.

2.5.2 The SFTPs will contain at least the following information:

- (a) transport strategy commitments and opportunities and supply chain proposals for the Main Tunnel Drive Site or Foreshore Site to which it relates having regard to the Objective and the Strategy;
- (b) management arrangements for the Main Tunnel Drive Site or Foreshore Site to which it relates;
- (c) stakeholder engagement arrangements for the Main Tunnel Drive Site or Foreshore Site to which it relates;
- (d) the proposals for the transport of the Specified Materials and other materials to and from the Main Tunnel Drive Site or Foreshore Site to which it relates including reference to travel management plans and the Code of Construction Practice for the relevant Site;

- (e) a summary of the assessment of the traffic effects arising from the construction of the Development at each of the Main Tunnel Drive Sites and each of the Foreshore Sites required to be approved under the Draft DCO requirements or any document referred to in a requirement in the Draft DCO;
- (f) the details of the design of the road and river access to the Main Tunnel Drive Site or Foreshore Site to which it relates;
- (g) lorry management arrangements for the Main Tunnel Drive Site or Foreshore Site to which it relates including holding areas;
- (h) the Contingency Plans in respect of Operational Derogations at the Main Tunnel Drive Site or Foreshore Site to which it relates;
- (i) the monitoring and reporting arrangements that will be adopted in respect of transport activities at the Main Tunnel Drive Site or Foreshore Site to which it relates;
- (j) a risk register in respect of the SFTP.

2.6 *Approvals of SFTPs*

2.6.1 Each SFTP shall be prepared by the Contractor in consultation with the Undertaker and the Relevant Authority and shall be submitted by the Contractor to the Relevant Local Authority for approval prior to undertaking a River Freight Activity to a Main Tunnel Drive Site or Foreshore Site.

2.6.2 In approving a SFTP the Relevant Local Authority shall:

- (a) consult with the Greater London Authority, Transport for London, the Port of London Authority and any Affected Authority;
- (b) take reasonable account of all comments received in writing from the Greater London Authority, Transport for London and the Port of London Authority and any Affected Authority; and
- (c) indicate in writing how those comments have been taken into account in its decision on the SFTP.

2.6.3 The Undertaker and the Contractor will hold a workshop or workshops to explain the proposed content and terms of the draft SFTPs for each Main Tunnel Drive Site and Foreshore Site and the Relevant Authority and any Affected Authority shall be given at least 21 days to comment in writing on the draft SFTPs. The Relevant Authority and any Affected Authority will be given at least 10 Working Days' notice of the workshop and the workshop may proceed even if a member of the Relevant Authority or an Affected Authority is not in attendance. The 21 day period for provision of written comments will commence on the next Working Day after the workshop is held.

2.6.4 The Contractor shall:

- (a) take reasonable account of any written comments it receives on the SFTP within the 21 day period referred to in paragraph 2.6.3 when preparing the SFTP to be submitted for approval further to paragraph 2.6.1;

- (b) when submitting the SFTP to the Relevant Local Authority for approval further to paragraph 2.6.1 provide a report detailing any comments received further to paragraph 2.6.3 and its response to the comments.

2.6.5 The Relevant Local Authority shall have not less than 40 Working Days to approve any SFTP submitted to it for approval further to paragraph 2.6.1.

2.6.6 In the event of:

- (a) a dispute in respect of the SFTP (whether arising before or after its submission for approval further to paragraph 2.6.1) either the Relevant Local Authority or the Undertaker; or

- (b) the rejection by the Relevant Local Authority of a SFTP submitted for approval further to paragraph 2.6.1 the Undertaker,

may refer the SFTP to the Independent Panel for approval whose decision shall be taken within 20 Working Days of receipt of the referral to it.

2.7 *Review and updating of SFTPs*

2.7.1 SFTPs may be updated as necessary by the Contractor during the construction of the Development in which case paragraph 2.6.1 to paragraph 2.6.6 shall apply to any update of a SFTP.

2.7.2 If paragraphs 3.3.3 or 4.2.2 of Schedule 5 (*Monitoring and Reporting Protocol*) result in agreement between the Undertaker and the Relevant Authority that a SFTP or a number of SFTPs including a Contingency Plan or Plans within a SFTP or a number of SFTPs need updating applications for approval of the updated SFTP or SFTPs will be made by the Undertaker further to paragraph 2.6.

2.8 *Transport of other materials*

2.8.1 Without prejudice to paragraph 3.4, if a Contractor intends to transport materials, other than the Specified Materials, by the River:

- (a) in addition to the River Freight Activities; or
- (b) to construction sites that are not covered by this Strategy,

those activities shall be covered by the SFTP for the relevant Main Tunnel Drive Site or Sites or Foreshore Site or Sites or such other sites not covered by this Strategy involved in those activities.

3 **Kirtling Street and Greenwich Pumping Station**

3.1 This paragraph applies further to the requirement on the Contractors under section **4.2.1(b)** of the Strategy.

3.2 Prior to commencement of construction of the Kirtling Street Shaft the Contractor for the Main Tunnel to be driven from Kirtling Street shall review (in consultation with the Relevant Authority) their proposals for the movement of excavated material from the Kirtling Street Shaft by River having regard to the terms of the requirement under section **4.2.1(b)(i)** and the environmental consequences of moving the material by River and provide a written explanation of the Review to the members of the Relevant Authority.

- 3.3 Prior to commencement of construction of the Greenwich Pumping Station Shaft the Contractor for the Greenwich Connection Tunnel shall review (in consultation with the Relevant Authority) their proposals for the movement of construction and excavated materials to and from Greenwich Pumping Station by River having regard to the terms of the requirement under section **4.2.1(b)(ii)** and the environmental consequences of moving the material by River and provide a written explanation of the Review to the members of the Relevant Authority.
- 3.4 In the event that a review conducted under paragraph **3.2** or paragraph **3.3** results in the decision to move materials by River:
- 3.4.1 the materials to be moved by River will be Specified Materials that are subject to the terms of the Strategy;
- 3.4.2 the Strategy shall be updated as necessary to reflect the proposal to move the materials by River; and
- 3.4.3 a SFTP will be submitted for Kirtling Street (or the existing SFTP will be amended) and / or Greenwich Pumping Station (as appropriate) for approval further to paragraph 2.6.

4 **Contingency Plans**

4.1 *General approach*

- 4.1.1 In developing Contingency Plans as part of the preparation of SFTPs for the Main Tunnel Drive Sites and the Foreshore Sites the Undertaker and the Contractors shall have regard to the preference for dealing with Operational Derogation Events through the Contingency Derogation approval process described at paragraph 3 of Schedule 4 (*Derogations Process*).
- 4.1.2 Contractors will use their reasonable endeavours to identify all reasonably foreseeable Operational Derogation Events that should be covered by Contingency Plans.
- 4.1.3 In preparing Contingency Plans Contractors and the Undertaker shall:
- (a) look in so far as it is reasonably practical to arrangements and actions that avoid or eliminate in so far as it is possible the use of HGVs as a first preference; and
 - (b) take account of the provisions at paragraph 1(3) of Schedule 3 of the Draft DCO.
- 4.1.4 The Unforeseen Derogation process described at paragraph 4 of Schedule 4 is intended for use by way of exception when an Operational Derogation Event is not covered by an approved Contingency Plan or is significantly different from a Derogation covered by an approved Contingency Plan and in preparing its response to an Unforeseen Derogation the Contractor shall have regard to the matters specified in paragraph 4.1.3(a) and paragraph 4.1.3(b).

4.2 *Content of Contingency Plans*

- 4.2.1 The Contingency Plans to be provided in the SFTPs shall contain at least the following information:
- (a) the key stakeholders involved in the Contingency Plan;

- (b) a list of the foreseeable Operational Derogation Events which are the subject of Contingency Plans;
- (c) the proposed response to those Operational Derogation Events;
- (d) the existing highway network conditions of highways potentially affected by the proposed response to the Operational Derogation Events;
- (e) details of any additional approvals that may be required for the purpose of implementing the proposed response to the Operational Derogation Events;
- (f) details of any mitigation that will be put in place:
 - (i) to reduce the likelihood of the Operational Derogation Events occurring;
 - (ii) to reduce the necessity for an Operational Derogation if the Operational Derogation Events occurs;

and in the event of an Operational Derogation being necessary,

 - (iii) to reduce in so far as reasonably practical the need for HGV movements;
 - (iv) to reduce insofar as reasonably practical the environmental and social effects of the Operational Derogation once implemented;
 - (v) to minimise the period during which the Operational Derogation Events occurs;
- (g) a description of the residual effects that may still occur after the mitigation referred to at paragraph 4.2.1(f)(ii), paragraph 4.2.1(f)(iii) and paragraph 4.2.1(f)(iv) has been put in place, including the lorry movements and other effects that may be associated with implementation of the Operational Derogation;
- (h) the programme and phasing for implementation of the proposed response to the Operational Derogation Event;
- (i) proposals for the review of the effectiveness of the Contingency Plans for responses to specific Operational Derogation Events;
- (j) details of the notification and approval processes that will apply in respect of Operational Derogations including copies of the forms that will be used to notify and apply for approval of an Operational Derogation;
- (k) the form of the decision notice that will be issued in respect of any application for approval of an Operational Derogation;
- (l) a risk register in respect of the Contingency Plan.

4.3 *Chambers Wharf Contingency Plan*

4.3.1 The Contingency Plan to be included within the SFTP for Chambers Wharf:

- (a) shall comply with paragraph 4.2;

- (b) shall specifically address the issue of the consequences of needing to derogate from the restriction on the loading and moving of barges between the hours of 2200 and 0800 on each day of the week and shall include at least the following information:
 - (i) the hierarchy of options that may be implemented in the event that the Contingency Plan calls for the loading and / or the moving of barges during the hours of 2200 to 0800;
 - (ii) the conditions that must be satisfied before loading or moving of barges between the hours of 2200 and 0800 may be undertaken further to the Contingency Plan; and
 - (iii) the hierarchy of options that would be promoted to avoid the need to undertake barge loading or movements between the hours of 2200 and 0800.

4.4 *Consistency with the Code of Construction Practice and related plans and documents*

4.4.1 The following documents shall be consistent with the SFTP for each Main Tunnel Drive Site or Foreshore Site and shall include reference to the agreed Contingency Plans contained within the relevant SFTP:

- (a) traffic management plans, river management plans, construction logistic plans, navigation risk assessments and other plans required to be prepared under requirements in the Draft DCO and other application documents including the Code of Construction Practice; and
- (b) applications for consent under section 61 of the Control of Pollution Act 1974 submitted to the Relevant Local Authority.

Schedule 4 Derogations Process

1 GENERAL PRINCIPLES

- 1.1 In complying with the Derogation Process the Undertaker and the Contractors shall have regard to the principles set out at paragraph 4.1 of Schedule 3.
- 1.2 Any decision to approve an Operational Derogation, whether under the Contingency Derogation approval process described at paragraph **3** or the Unforeseen Derogation process described at paragraph **4**, shall be taken having regard to the following:
 - 1.2.1 the need for the Derogation having regard to paragraph 4.2.1(f)(i) and paragraph 4.2.1(f)(ii) of Schedule 3 (*Sustainable Freight Transport*) - the Operational Derogation must be necessary, taking into account whether the Contractor has taken appropriate steps to avoid the need for the Derogation arising;
 - 1.2.2 the reasonableness of the Derogation having regard to paragraph 4.2.1(f)(iii) and paragraph 4.2.1(f)(iv) and paragraph 4.2.1(f)(v) of Schedule 3 - the Operational Derogation must be reasonable, taking into account any reasonable mitigation to offset the requirement for additional HGV movements and the effect of those HGV movements including their duration; and
 - 1.2.3 the provisions of paragraph 1(3) of Schedule 3 of the Draft DCO.
- 1.3 An Operational Derogation shall only be approved if it is necessary and is reasonable and the approval complies with paragraph 1(3) of Schedule 3 of the Draft DCO.

2 Derogation Notification Process

- 2.1 The process described in this paragraph and shown diagrammatically in the flow chart at **Appendix 1** is the Derogation Notification Process.
- 2.2 As soon as a Contractor becomes aware of:
 - 2.2.1 an event that is in its opinion a likely, known or actual occurrence of an Operational Derogation Event; or
 - 2.2.2 the potential for a Sustainability Derogation,the Contractor shall:
 - (a) notify the Undertaker in writing (including why the Contractor considers the event or circumstance is or is likely to be an Operational Derogation Event or why there is potential for a Sustainability Derogation); and
 - (b) confirm in the case of an Operational Derogation Event whether the Event being notified is either:
 - (i) a Contingency Derogation; or
 - (ii) an Unforeseen Derogation.

- 2.3 The notification under paragraph **2.2** shall be made as soon as possible after the Contractor becomes aware of the Operational Derogation Event or the potential for a Sustainability Derogation and shall be made on the Derogation Event Notification Form.
- 2.4 The Undertaker shall determine:
 - 2.4.1 whether the event notified under paragraph 2.2 is in its reasonable opinion an Operational Derogation Event; or
 - 2.4.2 if in its reasonable opinion it is potentially a Sustainability Derogation, and if it does determine that the event notified under paragraph 2.2 may potentially give rise to a valid Operational Derogation or may be a Sustainability Derogation it shall notify the Contractor in writing and the Contractor shall issue the approved Derogation Event Notification Form to:
 - 2.4.3 the Undertaker;
 - 2.4.4 the individual members of the Relevant Authority; and
 - 2.4.5 any other stakeholder who should be notified of the Operational Derogation or Sustainability Derogation further to the SFTP for the Main Tunnel Drive Site or Foreshore Site to which the Derogation applies.

3 **Contingency Derogation approval process**

- 3.1 The process described below and shown diagrammatically in the flow chart at Appendix 3 is the process for approving Contingency Derogations.
- 3.2 As soon as possible after the Contractor issues an approved Derogation Event Notification Form under paragraph **2.4** the Contractor will issue a Derogation Request Form in respect of the notified Contingency Derogation to the Undertaker for its initial review and acceptance (subject to any amendments the Undertaker may reasonably require).
- 3.3 Once accepted by the Undertaker the Contractor shall submit the Derogation Request Form to:
 - 3.3.1 the Undertaker;
 - 3.3.2 the individual members of the Relevant Authority;
 - 3.3.3 any other stakeholder who should be notified of the Operational Derogation Event further to the SFTP for the Main Tunnel Drive Site or Foreshore Site to which the Operational Derogation Event applies.
- 3.4 The Relevant Authority (and its constituent members) and any stakeholder notified under paragraph **3.3.3** shall be entitled to provide comments and information in respect of the proposed Contingency Derogation in particular in respect of local circumstances not foreseen in the Contingency Plan (in the SFTP for the Main Tunnel Drive Site or Sites or Foreshore Site or Sites to which the Operational Derogation Event relates) for the Contingency Derogation that has been notified.
- 3.5 On or before the date specified for approval of the Operational Derogation in box 12 of the Derogation Request Form the Undertaker will determine whether the Operational Derogation should be approved having regard to:

- 3.5.1 the requirements of paragraph 1.2;
- 3.5.2 the circumstances of the request for the Operational Derogation received from the Contractor as set out in the Derogation Request Form;
- 3.5.3 the terms of the approved SFTP for the Main Tunnel Drive Site or Sites and / or the Foreshore Site or Sites in question; and
- 3.5.4 any comments and information received from the Relevant Authority and stakeholders notified under paragraph 3.3.3 further to paragraph 3.4.

For the avoidance of doubt the Undertaker shall not be prevented from making its decision further to this paragraph if the date for approval of the Operational Derogation specified in box 12 of the Derogation Request Form has been reached without any comment being received from any or all of the members of the Relevant Authority and the stakeholders notified under paragraph 3.3.3 further to paragraph 3.4.

- 3.6 The decision of the Undertaker under paragraph **3.5** (including the reasons for it) shall be recorded on the Derogation Decision Notice which shall be provided to:
 - 3.6.1 the Contractor;
 - 3.6.2 the individual members of the Relevant Authority; and
 - 3.6.3 any other stakeholder who should be notified of the Derogation further to the SFTP for the Main Tunnel Drive Site or Foreshore Site to which the Derogation applies; and
 - 3.6.4 the Derogation Event Notification Form, the Derogation Request Form and the Derogation Decision Notice shall be included in the Regular Report.
- 3.7 The Contractor will implement the Derogation as approved by the Undertaker.

4 **Unforeseen Derogation process**

- 4.1 The process described below and shown diagrammatically in the flow chart at **Appendix 6** is the process for approving Unforeseen Derogations.
- 4.2 As soon as possible after the Undertaker issues an approved Derogation Event Notification Form under paragraph **2.4** the Contractor will issue a Derogation Request Form in respect of the notified Unforeseen Derogation to the Undertaker specifying a reasonable timetable for approval in Box 12 of the Derogation Request Form for its initial review and acceptance (subject to any amendments the Undertaker may reasonably require).
- 4.3 Once accepted by the Undertaker (including any amendments the Undertaker may reasonably require) the Contractor shall submit the Derogation Request Form to:
 - 4.3.1 the Undertaker
 - 4.3.2 the individual members of the Relevant Authority;
 - 4.3.3 any other stakeholder who should be notified of the Derogation further to the SFTP for the Main Tunnel Drive Site or Foreshore Site to which the Derogation applies.

- 4.4 The Relevant Authority (and its constituent members) and any stakeholder notified under paragraph **4.3.3** shall be entitled to provide comments and information in respect of local circumstances and other matters relevant to the proposed Derogation.
- 4.5 The Undertaker will determine whether in its reasonable opinion the Derogation should be approved having regard to:
- 4.5.1 the requirements of paragraph 1.2;
 - 4.5.2 the circumstances of the request for the Operational Derogation received from the Contractor as set out in the Derogation Request Form;
 - 4.5.3 the terms of the approved SFTP for the Main Tunnel Drive Site or Site and / or the Foreshore Site or Sites in question; and
 - 4.5.4 any comments and information received from the Relevant Authority and stakeholders notified under paragraph 4.3.3 further to paragraph 4.4.
- 4.6 If:
- 4.6.1 the Undertaker concludes that in its reasonable opinion the Operational Derogation should be approved it shall notify the Contractor who shall submit the Derogation Request Form to the individual members of the Relevant Authority for determination further to paragraph 4.7 and provide a copy of the submitted Form to the Undertaker; or
 - 4.6.2 the Undertaker shall refer the Derogation Request Form back to the Contractor and confirm in writing why it does not believe the request for the Operational Derogation should be referred to the Relevant Authority for determination further to paragraph 4.7.
- 4.7 Subject to paragraph **4.12** an application for determination of a Derogation Request Form referred to the Relevant Authority will be determined by the Relevant Local Authority in consultation with the other members of the Relevant Authority and paragraph **4.7.1** to paragraph **4.7.3** and paragraph 4.11 shall apply.
- 4.7.1 Where an application relates to Main Tunnel Drive Sites and / or Foreshore Sites in two or more different local authority areas the application will be deemed to be an individual application to each Relevant Local Authority and will be determined separately by each Relevant Local Authority, in consultation with the other members of the Relevant Authority.
 - 4.7.2 The Relevant Local Authority may either:
 - (a) approve the application;
 - (b) approve the application with conditions which may include a requirement to review the operation of the approved Derogation; or
 - (c) refuse the application in which case it will:
 - (i) give the reasons for the refusal; and
 - (ii) use its reasonable endeavours to indicate what amendment to the application would address its reasons for refusing the application

including any alternative response to the Operational Derogation Event to that proposed in the application.

- 4.7.3 In making its decision under this paragraph 4.7 the Relevant Local Authority will have regard to:
- (a) the requirements of paragraph 1.2;
 - (b) the circumstances of the request for the Operational Derogation received from the Contractor as set out in the Derogation Request Form;
 - (c) the terms of the approved SFTP for the Main Tunnel Drive Site or Site and / or the Foreshore Site or Sites in question;
 - (d) any advice it has received in writing concerning the Derogation that has been applied for from the other members of the Relevant Authority; and
 - (e) any comments and information received from the Relevant Authority and stakeholders notified under paragraph 4.3.3 further to paragraph 4.4.
- 4.8 Upon receipt of the Relevant Local Authority decision under paragraph **4.7** the Undertaker may either:
- 4.8.1 accept the decision of the Relevant Local Authority; or
 - 4.8.2 refer the grant of the application subject to conditions or the refusal of the application to the Independent Panel for determination.
- 4.9 Subject to paragraph **4.12** upon receiving a referral of an application for an Operational Derogation further to paragraph **4.8.2** the Independent Panel will review the application and will either:
- 4.9.1 approve the application;
 - 4.9.2 approve the application with conditions; or
 - 4.9.3 refuse the application in which case it will:
 - (a) give the reasons for the refusal; and
 - (b) use its reasonable endeavours to indicate what amendment to the application would address its reasons for refusing the application including any alternative response to the Operational Event to that proposed in the application.
 - 4.9.4 The Independent Panels decision shall be made having regard to the matters listed at paragraph 4.7.3 and paragraph 4.11 will apply.
- 4.10 Upon receipt of a decision of the Independent Panel under paragraph **4.9** that grants approval subject to conditions or recommends an alternative solution to that proposed in the Derogation Request Form the Undertaker will either:
- 4.10.1 accept the decision of the Independent Panel to grant the approval subject to conditions; or

4.10.2 in the event the Independent Panel recommends an alternative solution it may hold a review workshop with the Relevant Authority at which the Undertaker and the Relevant Authority shall use their reasonable endeavours to agree:

- (a) how the Derogation should be implemented having regard to the requirements of paragraph 1.2 and the Independent Panels decision; and
- (b) whether the implementation of the Derogation should be the subject of on-going review;

and the decision of the workshop will be recorded on the Derogation Decision Notice to be prepared by the Undertaker and agreed with the Relevant Authority.

4.11 The decision of the Relevant Local Authority under paragraph **4.7** or the Independent Panel under paragraph **4.9** or a decision arising from a workshop held further to paragraph 4.10.2 and reasons for the decision shall be recorded on the Derogation Decision Notice which shall be provided to:

4.11.1 the Contractor;

4.11.2 the Undertaker;

4.11.3 the members of the Relevant Authority; and

4.11.4 any other stakeholder who should be notified of the Derogation further to the SFTP for the Main Tunnel Drive Site or Foreshore Site to which the Derogation applies.

4.12 If on the date specified for determination of the Derogation in Box 12 of the Derogation Request Form:

4.12.1 the Relevant Local Authority has not issued its decision in respect of the Operational Derogation for which approval is sought under paragraph 4.7; or

4.12.2 the Independent Panel has not issued its decision in respect of the Operational Derogation for which approval is sought under paragraph 4.9,

then provided that:

(a) the Undertaker has complied with its actions under paragraph 2 and paragraph 4; and

(b) is proposing to include a process for reviewing the acceptability of the continued operation of the Operational Derogation in any decision by the Undertaker to approve the application for the Operational Derogation,

the Undertaker may approve the Operational Derogation in which case paragraph 3.5 (in so far as it is applicable) and paragraph 3.6 shall apply, and

4.12.3 the Undertaker will immediately notify its decision to the individual members of the Relevant Authority for their review further to paragraph 3.6.2.

4.13 The Undertaker shall include the Derogation Event Notification Form, the Derogation Request Form and the Derogation Decision Notice in respect of any Operational Derogation approved further to paragraph **4.7**, paragraph **4.9**, and paragraph **4.10.2** or paragraph **4.12** in the Regular Report.

4.14 The Contractor shall only implement the Derogation as approved by the Relevant Local Authority, the Independent Panel or the Undertaker (as appropriate).

5 **Sustainability Derogations**

5.1 Subject to paragraph **5.2** to paragraph **5.5** Sustainability Derogations will be notified under the Derogation Notification Process described in paragraph 2 and an application for a Sustainability Derogation shall be determined further to the Unforeseen Derogations process described in paragraph **4**.

5.2 Paragraph **4.12** shall not apply to the approval of Sustainability Derogations.

5.3 In the event that the Relevant Local Authority refuses the application for a Sustainability Derogation under paragraph **4.7**, the Undertaker may refer that decision to refuse the Sustainability Derogation to the Independent Panel. The reference will be deemed to have occurred under paragraph **4.8** and paragraph **4.9** shall apply to the determination of the referral made further to this paragraph.

5.4 Notwithstanding the provisions of this paragraph **5** a Contingency Plan included in a SFTP approved further to paragraph **2.6** of **Schedule 3** (*Sustainable Freight Transport*) may provide for a Sustainability Derogation in circumstances defined within the Contingency Plan and the determination of an application for a Sustainability Derogation included in a Contingency Plan shall be determined further to the Contingency Derogation process in paragraph **3** (and references in that paragraph **3** to "Operational Derogations" shall be read as references to "Sustainability Derogations").

5.5 The provisions of this paragraph shall not apply in respect of:

5.5.1 the River Freight Activities described at sections 4.1.1(a), 4.1.1(b), 4.1.1(f) and 4.1.1(g) that are conducted to and from the Main Tunnel Drive Site at Chambers Wharf; or

5.5.2 the restriction on the loading, unloading and movement of barges or vessels at Chambers Wharf at section 4.1.2.

5.6 The Specified Materials covered by any approved Sustainability Derogation shall not be taken into account in the assessment of compliance with section **4.1.1** of the Strategy and the Objective.

Schedule 5
Monitoring and Reporting Protocol

1 PRINCIPLES UNDERLYING THE MONITORING AND REPORTING PROTOCOL

- 1.1 The Objective and compliance with the commitments at section 4.1.1 shall be monitored:
 - 1.1.1 by reference to the tonnage of materials moved further to the River Freight Activities;
 - 1.1.2 cumulatively across all River Freight Activities;
 - 1.1.3 over all the Main Tunnel Drive Sites and the Foreshore Sites;
 - 1.1.4 over the whole duration of construction of the Development; and
- 1.2 having regard to the Regular Monitoring and Annual Monitoring Reports.

2 Regular Monitoring Report

- 2.1 Following Implementation of the Development at each Main Tunnel Drive Site and Foreshore Site each of the Contractors shall prepare the Regular Monitoring Report for that Main Tunnel Drive Site or Foreshore Sites.
- 2.2 The Regular Monitoring Report shall contain the following information:
 - 2.2.1 the monthly and cumulative tonnage of the individual Specified Materials transported further to the River Freight Activities and the tonnage of Specified Materials transported by road for the Main Tunnel Drive Sites and the Foreshore Sites in their Contract Areas;
 - 2.2.2 the number of barge / vessels and HGV movements for each Main Tunnel Drive Site and Foreshore Site on a monthly and cumulative basis;
 - 2.2.3 forecasts of the predicted future tonnage of Specified Materials to be transported under the River Freight Activities and the programmed tonnage of Specified Materials to be transported by road having regard to likely, potential or actual Derogations for each of the Main Tunnel Drive Sites and the Foreshore Sites in their Contract Areas until completion of construction of the Development on the Main Tunnel Drive Sites and Foreshore Sites within the Contract Area;
 - 2.2.4 copies of all Derogation Event Notification Forms and Derogation Request Forms submitted and Derogation Decision Notices issued in the month prior to the Regular Report;
 - 2.2.5 an assessment of the performance of the SFTP against the Objective and the Strategy;
 - 2.2.6 information concerning compliance with any Remedial Actions Plans;
 - 2.2.7 records of continuing stakeholder engagement.

2.3 The Undertaker will collate the Regular Monitoring Reports prepared by the Contractor and will submit them to the individual members of Relevant Authority and the Independent Panel.

3 **Monitoring Meetings**

3.1 The Undertaker will arrange the Monitoring Meetings the first of which will be held not less than 3 months before the anticipated date on which Implementation of the Development will occur.

3.2 The following people and organisations will be invited to attend the Monitoring Meetings:

3.2.1 the Undertaker;

3.2.2 the Contractors;

3.2.3 the Relevant Authority; and

3.2.4 any other stakeholder identified in the SFTPs for the Main Tunnel Drive Site or Foreshore Site.

3.3 The purpose of the Monitoring Meeting is:

3.3.1 to review the Regular Monitoring Reports issued since the previous monitoring meeting;

3.3.2 to carry out a retrospective review of the need and reasonableness of Derogations approved by the Undertaker or the Relevant Authority or the Independent Panel during the month which is the subject of the Regular Monitoring Report or more generally;

3.3.3 to draw out lessons learned and make recommendations for revisions to Contingency Plans contained in the SFTPs and if recommendations are agreed by the Undertaker and the Relevant Authority paragraph 2.6 of Schedule 3 (*Sustainable Freight Transport*) shall apply;

3.3.4 to review upcoming Derogations as notified by the Contractors and / or confirmed by the Undertaker and determine outstanding Derogations in respect of which Derogation Request Forms have been submitted to the Relevant Authority;

3.3.5 to review the forecast performance of the Strategy against the Objective;

3.3.6 in the event of concerns about the effective implementation of the Strategy arising from the Regular Monitoring Reports or generally, or about the need for and reasonableness of Derogations that are being proposed (including timescales for decision making and frequency with which Derogations are being approved by the Undertaker or being applied for to the Relevant Authority) or that have been approved, to discuss the need for the preparation of Remedial Actions Plans.

4 **Annual Monitoring Report**

4.1 On each anniversary of the Implementation of the Development the Undertaker will provide the Annual Monitoring Report to the Relevant Authority.

4.2 The Annual Monitoring Report will:

- 4.2.1 contain the same information as the Regular Monitoring Report but it will be presented on an annualised basis; and
- 4.2.2 review all Contingency Plans and Derogations to establish improvements that can be made to the Contingency Plans and the Derogation processes set out with the Strategy.

Schedule 6 Remedial Action Plans

1 IF HAVING REGARD TO:

1.1 the Derogations,

1.1.1 it is being notified of under paragraph 2, paragraph 3.6 or paragraph 4.12.3 of Schedule 4 (*Derogations Process*);

1.1.2 it is being asked to determine under paragraph 4.7 of Schedule 4; or

1.2 the Regular Monitoring and Annual Monitoring Reports; and

1.3 discussions at the Monitoring Meetings,

the Relevant Authority reasonably considers that:

1.3.1 there is a pattern and practice of Derogations being approved that are unnecessary and / or unreasonable or that are not in compliance with paragraph 1(3) of Schedule 3 of the Draft DCO; or

1.3.2 that the Strategy is being implemented in a way that may frustrate the attainment of the Objective,

it may at any time require in writing the Undertaker to prepare a Remedial Action Plan and in imposing that requirement the Relevant Authority will identify the issues and matters the Remedial Action Plan is required to address or rectify further to paragraph 2.

2 A Remedial Action Plan will identify measures to address the short comings identified by the Relevant Authority including:

2.1 measures to address any failure to implement appropriate health and safety, equipment maintenance, construction site maintenance and management processes and procedures to prevent the need for Operational Derogations;

2.2 measures to mitigate the effects of any approved Derogation including traffic management, adherence to working hours, or permitted hours for HGV movements, use of approved HGV holding areas or other traffic management measures set out in the approved traffic management plan for a Main Tunnel Drive Site or Foreshore Site, including stakeholder engagement (including provision of timely and/or accurate information relating to Derogations);

2.3 measures to ensure Derogations are approved and implemented only when necessary and reasonable;

2.4 measures to improve the decision making surrounding Operational Derogations by the Contractor, the Undertaker and the Relevant Authority including ensuring appropriate timescales are proposed for decision making;

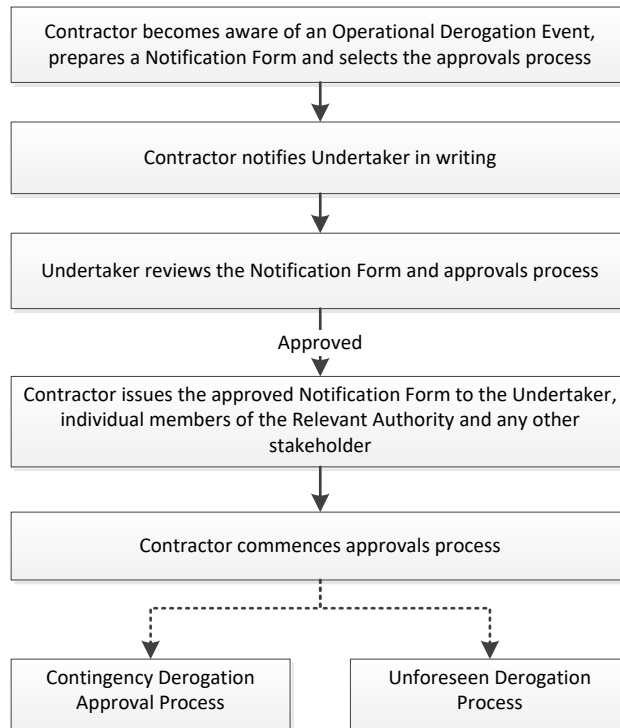
2.5 the circumstances in which the Remedial Action Plan will be deemed to have been complied with.

- 3 The Remedial Action Plan will be prepared by the Contractor and approved by the Undertaker after which the Remedial Action Plan will be submitted to the Relevant Local Authority for approval
- 4 The Relevant Local Authority will determine whether the Remedial Action Plan is agreed taking account of guidance received from the other members of the Relevant Authority. The decision will be notified to the Undertaker and the Contractor in writing.
- 5 If the Undertaker disagrees with the terms of a Remedial Action Plan approved by the Relevant Local Authority it may refer the Remedial Action Plan to the Independent Panel for their determination as to whether the Remedial Action Plan is necessary and reasonable having regard to the matters specified at paragraphs **1.1**, **1.2** and 1.3 and paragraph **1.2** of **Schedule 4** (*Derogations Process*).

Schedule 7
Completion Review

- 1 **THE COMPLETION REVIEW SHALL ASSESS:**
 - 1.1 whether the Development has been completed in accordance with the terms of the Strategy;
 - 1.2 whether the Objective was met; and
 - 1.3 the benefit that other major infrastructure projects of similar scale and complexity to the Thames Tideway Tunnel may gain from studying the experience of implementing the Strategy.
- 2 Within 3 months of completion of construction of the Development on the Main Tunnel Drive Sites and the Foreshore Sites the Undertaker shall prepare (in consultation with the Relevant Authority) and issue the Completion Review to the Relevant Local Authorities, the Greater London Authority, Transport for London and the Port of London Authority for comment and approval.
- 3 The Completion Review shall be submitted to the Independent Panel for review and will be amended in line with their recommendations.

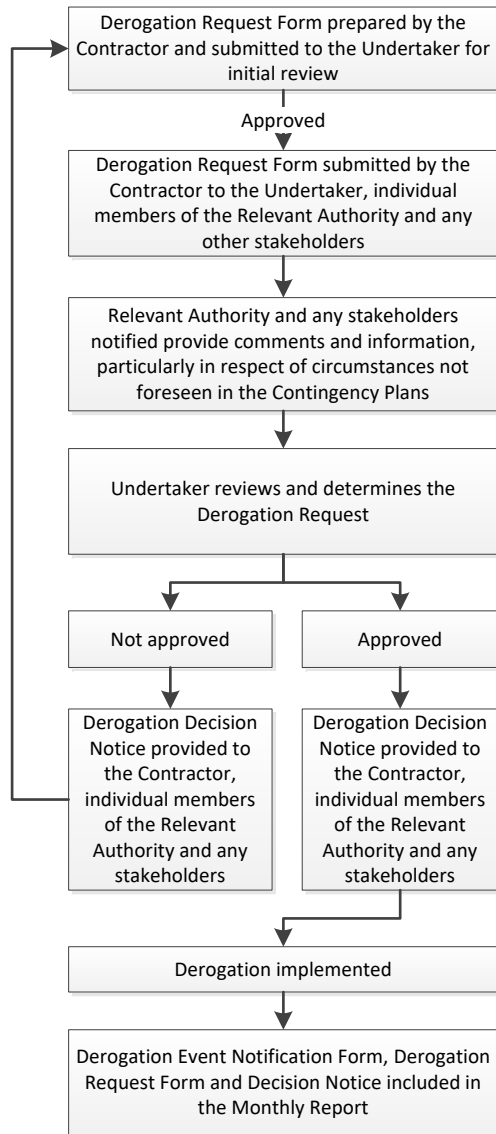
Appendix 1
Flow chart showing the derogation notification process



Appendix 2
Derogation event notification form

#	Question	Response
1.	Describe the derogation event	[description of event in as much detail as possible]
2.	Please insert the date/time of the derogation event	[date/ time]
3.	Is the derogation event covered by a contingency plan?	Yes
		No
4.	What are the likely effects of the derogation event on the execution of the project?	[please include a high-level description, covering the effects on construction, operation, health and safety, and the environment]
5.	What is the initial assessment of required response to the derogation request?	Mitigation required
		Derogation required
6.	What is the initial assessment of residual effects on local roads (taking into account any mitigation proposed)?	[please describe]
7.	Select derogations approval process	Contingency derogation approvals process
		Unforeseen derogation approvals process
8.	List of stakeholders relevant to derogation event	[please provide list]
9.	Please set out suggested timescales for approval	[please provide suggested timescales for Undertaker, Relevant Authority, and Independent Panel approval processes]
10.	Status of derogation notification	Submitted to Undertaker
		Decision by Undertaker
		Issued to the Undertaker, individual members of the Relevant Authority, and any other stakeholders

Appendix 3
Flow chart showing the contingency derogation approval process



Appendix 4
Derogation request form

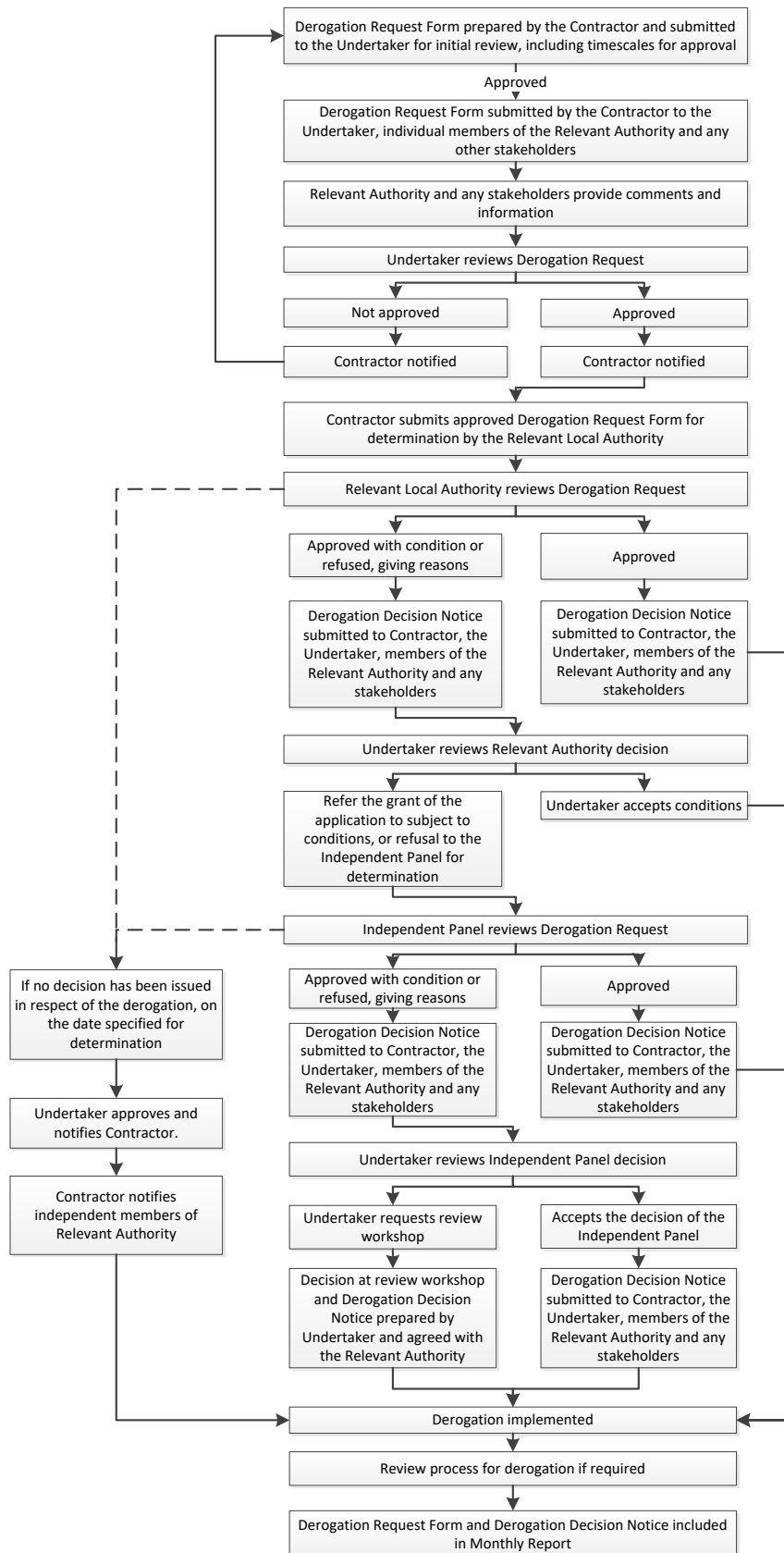
#	Question		Response
1.	Describe the derogation event, and identify whether it is a: a. Contingency Derogation b. Unforeseen Derogation c. Sustainability Derogation		[please include a description of the event or refer to contingency plan reference where appropriate. If event is related to a sustainability derogation, please include justification]
2.	Proposed duration of derogation?		[insert date from to date to]
3.	Describe the likely effects of the derogation event		[describe the effects, covering construction, operation, health and safety, and the environment]
4.	Describe the proposed mitigation measures		[please describe the mitigation required and how it will reduce the impact of, or remove the need for, the derogation event]
5.	If event relates to operational derogation, is derogation still required?	Yes	[select appropriate answer]
		No	
6.	Proposed derogation requirements		[please provide a detailed breakdown of the derogation, including total tonnage for sustainability derogations]
7.	Are any approvals required?		[please state any approvals required in addition to those included in the derogations process]
8.	Management requirements of derogation proposed		[please provide a breakdown of how the derogation will be managed]
9.	Longer term considerations of derogations and derogations proposed.		[please summarise any longer term implications of the event or derogations proposed]
10.	Relevant Authority phasing and review process for proposed derogation (if required)		[please propose timescales and details of the review process to be undertaken by the Relevant Authority]
11.	List of stakeholders to be notified of derogation		[only complete if this differs from the list provided in the derogation event notification form]
12.	Please set out required timescales for approval		[please provide required timescales for Employer, Relevant Authority, and Independent Panel approval processes]
13.	Status of derogation request (only complete sections where applicable)	Issued to Undertaker	[Date]
		Issued to Relevant Authority	[Date]
		Issued to Independent Panel	[Date]

**Appendix 5
Derogation decision notice**

#	Question	Response	
1.	Decision notice submitted by:	[note name of person who completed the form and role, e.g., Undertaker, Relevant Authority, Independent Panel]	
2.	Is the requested derogation necessary?	Yes	[please provide details]
		No	[please provide details]
		If no, alternative mitigation suggested?	[option to provide details of alternative mitigation proposed]
3.	Is the requested derogation reasonable?	Yes	[please provide details]
		No	[please provide details]
		If no, measures to avoid future similar recurrences?	[option to provide details of proposed measures]
4.	If a review process is proposed, is this approved?	Yes	[please provide details]
		No	[please provide details]
		If no, what review process should the Undertaker/contractor adhere to?	[please provide details of suggested review process]
5.	Derogation determination	Approve	[select appropriate answer]
		Approve with conditions	
		Refuse	
		Details of decision	[in the case of approve with conditions or refusal, please provide details of the rationale]

Appendix 6

Flow chart showing unforeseen derogation and sustainability derogation approval process



Required Reviewers & Approvers

Role	Name	Outcome	Date
Reviewer	James Spikesley	Approved	19/04/2023
Reviewer	Celia Carlisle	Approved	19/04/2023
Approver	Liz Wood-Griffiths	Approved	24/04/2023

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