



Application for Development Consent

Application Reference Number: WWO10001

Examining Authority's Second Written Round of Questions and Requests for Information Response from Thames Water

Statement of Reasons - 13 January 2014

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THAMES WATER UTILITIES LIMITED

THAMES TIDEWAY TUNNEL

DEVELOPMENT CONSENT ORDER APPLICATION

STATEMENT OF REASONS

**Updated for submission on 13 January 2014
further to question 23.4 of the Examining Authority issued on 19 December 2013**



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1 INTRODUCTION

1A Update: This statement has been updated in response to question 23.4 of the Examining Authority which requires an updated version of this Statement of Reasons on or before 13 January 2014. This is the second update, the first (Doc ref: APP26.02.04) having been submitted on 4 November 2013 to reflect accepted changes to the application. This document is a comprehensive update of the original Statement of Reasons as submitted with the application.

1.1 This Statement of Reasons ("the Statement") relates to an application by Thames Water Utilities Limited ("Thames Water") to the Secretary of State (through the Planning Inspectorate) under the Planning Act 2008 (as amended) ("the Act") for powers to construct, operate and maintain the Thames Tideway Tunnel ("the project") pursuant to a Development Consent Order ("the Application").

1.2 This Statement has been prepared in accordance with the requirements of section 37(3)(d) of the Act and regulation 5(2)(h) of the Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 and the Communities and Local Government ('CLG') guidance¹ issued in September 2013, Planning Act 2008: Guidance related to procedures for compulsory acquisition of land (the Guidance). It forms part of the documents accompanying the Application submitted in accordance with section 55 of the Act and regulation 5 of the Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009. The Application seeks development consent for the project including the making of the proposed Thames Water Utilities Limited (Thames Tideway Tunnel) Order ("the Order"), which would confer the powers sought.

1.3 The Statement is part of a suite of Application documents, which are listed in the "Guide to the Application" (Doc ref: 1.4)². These documents inform this Statement and should be read alongside it. This Statement has been submitted because the proposed Order includes powers to:

- (a) compulsorily acquire land;
- (b) create new rights over land; and
- (c) extinguish or override existing rights over land,

for the purposes of the project.

¹ Paragraphs 31 to 33

² An updated list of application documents is provided at APP81.

- 1.4 The Application is being made to secure the requisite powers to construct, operate and maintain the project; a nationally significant infrastructure project for which there is a pressing national need. Those powers are set out in the draft Order which accompanies the Application for development consent. The project itself has been the subject of an extensive consultation exercise and is in accordance with the National Policy Statement for Wastewater³ ("NPS").
- 1.5 As well as operational land already within its ownership, Thames Water has acquired interests in land at Dormay Street, Chambers Wharf, Kirtling Street, Heathwall Pumping Station, Albert Embankment Foreshore and Carnwath Road Riverside. It also has contracts in place to acquire rights in land at the Cremorne Wharf Depot and Hammersmith Pumping Station sites identified in the Order. Thames Water has also signed Heads of Terms with the Crown Estate for the acquisition of interests in land at Chelsea Embankment Foreshore, Kirtling Street and Victoria Embankment Foreshore. Agreement with the Crown will also provide for freehold acquisition of sub soil for the sections of deep tunnel passing through land owned by the Crown Estate.
- 1.6 As noted above, in some cases Thames Water has secured contractual rights to acquire the land needed for construction and operation of the project. However, those contractual obligations may fail. Even where Thames Water has completed acquisition of necessary land there are significant advantages in including this land within the compulsory acquisition powers for ease of transfer and to cleanse title. In any event, it would not be possible within a reasonable timescale to secure by agreement all interests in the land required for the project and remove all adverse rights over the land required. The compulsory acquisition powers in the Order are therefore needed to secure the remainder of the interests which are required for the project ("the Order land") and to ensure that any third party rights affecting it are extinguished or overridden pursuant to the Order, ensuring that the project can be constructed, maintained and operated.
- 1.7 Thames Water considers that there is a compelling case in the public interest for the making of the Order and the inclusion of powers of compulsory acquisition so as to secure the outstanding land and property interests required to enable the project to be carried out. The purpose of this Statement is to explain why that is so.
- 1.8 In accordance with the requirements of the Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 and the Guidance, Thames Water has provided the following documents relating to the compulsory acquisition powers sought as part of the Application:
- (a) this Statement of Reasons;
 - (b) a statement to explain how the proposals contained in the Order for compulsory acquisition will be funded (the *Funding Statement* - Doc ref: 9.10.06);
 - (c) plans showing the land which would be acquired, including special land and any proposed replacement land (the *Land plans* – within the *Book of Plans* at Doc ref: 2.03)⁴; and

³ DEFRA, March 2012.

⁴ Some drawings have subsequently been revised – document APP46.2 shows which revision is the latest version of each drawing and the document reference number where it is located.

(d) a book of reference (the *Book of Reference* – Doc ref: 4.3)⁵.

1.9 The Order land is more fully described in section 7 of this Statement.

2 THE PURPOSE OF THE APPLICATION

2.1 Background

2.1.1 London's sewer system was designed by Sir Joseph Bazalgette in the 1850s to handle wastewater and rainwater runoff by means of a combined collection system. In order to prevent the sewers from flooding when overloaded, particularly during periods of heavy rainfall, combined sewer overflows ("CSOs") were incorporated to discharge excess flows from the sewers into the tidal Thames (the tidal reaches of the River Thames).

2.1.2 The capacity of the original and subsequently extended combined sewer system has now been substantially exceeded. Discharges of combined sewage (untreated sewage mixed with rainwater) into the tidal Thames currently occur more than 50 times in a typical year, at an estimated volume of 39 million cubic metres.

2.2 Project Description

2.2.1 The project comprises two principal elements:

(a) tunnels:

(i) the main tunnel; and

(ii) connection tunnels; and

(b) sites:

(i) main tunnel sites;

(ii) CSO sites;

(iii) system modification sites; and

(iv) Beckton Sewage Treatment Works.

2.2.2 CSO flows would be controlled by means of:

(a) the main storage⁶ and transfer tunnel from Acton Storm Tanks to Abbey Mills Pumping Station where it will connect to the Lee Tunnel (already under construction), which requires five main tunnel sites (one of which would also intercept a CSO);

(b) two long connection tunnels and nine short connection tunnels to connect CSOs into the main tunnel;

⁵ Parts of the Book of Reference have been updated, which are contained in document APP78.

⁶ It should be noted that wastewater is only stored in the tunnel for a temporary period until it can be pumped out at Beckton Sewage Treatment Works.

- (c) intercepting and diverting flows from 18 CSOs into the main tunnel, which requires 16 CSO sites;
- (d) locally modifying the sewerage system to control two CSOs, which requires two system modification sites; and
- (e) works to drain down the tunnel system at Beckton Sewage Treatment Works.

2.2.3 The Environment Agency has identified 34 'unsatisfactory' CSOs, which frequently discharge into the tidal Thames, that the project needs to address. Sewerage studies and design development have shown that 14 of the unsatisfactory CSOs can be controlled indirectly, which reduces the number of worksites required.

2.3 **Site types**

2.3.1 A detailed multi-disciplinary site selection process was undertaken, having regard to engineering, planning, environment, socio-economic, community and property constraints. The 24 sites selected for the project can be categorised by function as follows:

- (a) main tunnel sites;
- (b) CSO sites;
- (c) system modification sites; and
- (d) Beckton Sewage Treatment Works.

2.3.2 At main tunnel sites, shafts would be excavated to the appropriate depth. The tunnel boring machines used to construct the main tunnel would start at 'drive shafts' and be removed via 'reception shafts'. A shaft may serve as both a drive shaft and a reception shaft. Main tunnel sites would therefore accommodate both shaft and tunnel construction activities as follows:

- (a) main tunnel drive sites would be used to assemble and then drive the tunnel boring machine; handle the excavated material from the main tunnel; construct the tunnel's primary lining; and provide access for installation of the secondary lining; and
- (b) main tunnel reception sites would be used to remove the tunnel boring machine from the tunnel at the end of the drive and provide access for the secondary lining.

2.3.3 The five main tunnel sites include:

- (a) Acton Storm Tanks (main tunnel reception site and CSO interception site);
- (b) Carnwath Road Riverside (main tunnel drive and reception site; Frogmore connection tunnel reception site);
- (c) Kirtling Street (main tunnel double drive site);
- (d) Chambers Wharf (main tunnel drive and reception site; Greenwich connection tunnel reception site); and
- (e) Abbey Mills Pumping Station (main tunnel reception site).

2.3.4 A total of 16 CSO sites would be used to construct the CSO interception structures and associated connection tunnels, as follows.

- (a) Two CSO sites would be used to drive long connection tunnels:
 - (i) Dormay Street (Frogmore connection tunnel drive site); and
 - (ii) Greenwich Pumping Station (Greenwich connection tunnel drive site).
- (b) One CSO site would be used to receive a long connection tunnel:
 - (i) King George's Park (Frogmore connection tunnel reception site).
- (c) Nine CSO sites would also be used to construct short connection tunnels to the main tunnel:
 - (i) Hammersmith Pumping Station (Hammersmith connection tunnel);
 - (ii) Barn Elms (West Putney connection tunnel);
 - (iii) Putney Embankment Foreshore (Putney Bridge connection tunnel);
 - (iv) Falconbrook Pumping Station (Falconbrook connection tunnel);
 - (v) Cremorne Wharf Depot (Lots Road connection tunnel);
 - (vi) Chelsea Embankment Foreshore (Ranelagh connection tunnel);
 - (vii) Heathwall Pumping Station (Heathwall/SWSR connection tunnel);
 - (viii) Albert Embankment Foreshore (Clapham/Brixton connection tunnel); and
 - (ix) Victoria Embankment Foreshore (Regent Street connection tunnel).
- (d) Four CSO sites would connect directly either to the main tunnel or to a long connection tunnel via a drop-shaft:
 - (i) Blackfriars Bridge Foreshore (main tunnel);
 - (ii) King Edward Memorial Park Foreshore (main tunnel);
 - (iii) Deptford Church Street (Greenwich connection tunnel); and
 - (iv) Earl Pumping Station (Greenwich connection tunnel).

2.3.5 Two system modification sites would be used to control CSOs by locally altering the operation of the existing sewerage system rather than intercepting and connecting them to the main tunnel:

- (a) Shad Thames Pumping Station (Shad Thames Pumping Station CSO); and
- (b) Bekesbourne Street (Holloway Storm Relief CSO).

2.3.6 The Beckton Sewage Treatment Works site would be used to:

- (a) extend the pumping capacity of the treatment works by installing two pumps in the Tideway Pumping Station and pipeline works to transfer the flows from this pumping station to the inlet works;
- (b) install additional mechanical and electrical equipment at the inlet works; and
- (c) construct two shafts and a siphon tunnel to transfer tunnel overflows to the Lee Tunnel overflow shaft.

2.4 **Main tunnel**

2.4.1 The main tunnel would capture and store combined sewage from the unsatisfactory CSOs along its route and transfer it to Beckton Sewage Treatment Works.

2.4.2 The horizontal alignment of the main tunnel would generally follow the River Thames, where possible and practical, in order to:

- (a) ensure the most efficient route to connect the CSOs located on both banks of the river;
- (b) enable river transport during construction to supply and remove materials, where practicable and economical; and
- (c) minimise the number of structures the tunnel would pass beneath in order to reduce the number of third parties affected.

2.4.3 The main tunnel route would take the shortest practical line from Acton Storm Tanks to the River Thames and stay beneath the river from west London to Rotherhithe. It would then divert from beneath the river to the northeast via the Limehouse Cut and terminate at Abbey Mills Pumping Station, where it would connect to the Lee Tunnel. The Lee Tunnel receives flow from the Abbey Mills Pumping Station CSO and transfers all flows entering the combined tunnel system to Beckton Sewage Treatment Works.

2.4.4 The main tunnel would be approximately 25km long with an approximate internal diameter of 6.5m in the west increasing to 7.2m through central and east London. The approximate depth of the tunnel would be between 30m in west London and 65m in the east in order to provide sufficient clearance to existing tunnels and facilities under the city and meet the hydraulic requirements.

2.4.5 The tunnel system would be used to store flows following periods of heavy rainfall. On average, storage duration would be approximately 13 hours (maximum 48 hours) and the tunnel system would take approximately 36 hours to empty. During most rainfall events the tunnel system would not fill completely.

2.4.6 Tunnel boring machines ("TBMs") would be used to construct the main tunnel. The TBMs would start from shafts known as 'drive shafts' and stop at shafts known as 'reception shafts'. A shaft may serve as both a drive shaft and reception shaft. The main tunnel will be driven from Carnwath Road Riverside to Acton Storm Tanks, from Kirtling Street to Carnwath Road Riverside and Chambers Wharf and from Chambers Wharf to Abbey Mills Pumping Station.

2.5 **Connection tunnels**

2.5.1 Two long connection tunnels would be required in order to connect five remote CSOs to the main tunnel. The tunnels are known as:

- (a) the Frogmore connection tunnel (approximately 2.6m to 3m internal diameter and approximately 1.1km long), which would be situated in the London Borough of Wandsworth. The approximate depth of the tunnel would be between 21m at the King George's Park drop shaft and 26m at the Carnwath Road Riverside main tunnel shaft. It will be driven from Dormay Street to King George's Park and Carnwath Road Riverside; and
- (b) the Greenwich connection tunnel (approximately 5m internal diameter and approximately 4.6km long), which would pass through the London boroughs of Southwark and Lewisham and the Royal Borough of Greenwich. The approximate depth of the tunnel would be between 46m at the Greenwich Pumping Station drop shaft and 55m at the Chambers Wharf main tunnel shaft. It will be driven from Greenwich Pumping Station to Chambers Wharf.

2.5.2 A series of nine shorter connection tunnels would also be necessary to connect various CSOs that are close to the proposed alignment of the main tunnel. Depths would range from 33m to 50m.

2.6 **Above ground permanent works**

2.6.1 Some permanent above-ground infrastructure would be required, which would vary according to the type of site. This infrastructure might include:

- (a) air management facilities including ventilation structures and ventilation columns;
- (b) a kiosk structure to house electrical and control equipment;
- (c) a means of access; and
- (d) areas of hardstanding adjacent to shafts and structures to enable periodic inspection and maintenance.

2.6.2 Construction sites would be restored on completion of the works by means of levelling, in-filling, landscaping and making good.

2.7 **The need for the project**

2.7.1 The need for the project is dealt with in detail in the *Planning Statement* (Doc ref: 7.01) and the *Needs Report* (Doc ref: 8.3).

2.7.2 The NPS, which was designated on 26 March 2012, establishes the need for a Thames Tunnel⁷. It states at paragraph 2.6.34:- "*The examining authority and the decision maker should undertake any assessment of an application for the development of the Thames Tunnel on the basis that the national need for this infrastructure has been demonstrated. The appropriate strategic alternatives to a tunnel have been considered and it has been concluded that it is the only option to address the problem of discharging unacceptable levels of untreated sewage into the River Thames within a reasonable time at reasonable cost*".

⁷ The project changed its name from the Thames Tunnel project to the Thames Tideway Tunnel project in July 2012.

- 2.7.3 CSO discharges must be reduced in order to comply with the EU Urban Waste Water Treatment Directive ("UWWTD"), and to comply with the UK Government's request for Thames Water to implement a solution.
- 2.7.4 The impact of the intermittent CSO discharges during wet weather is dependent on river conditions, but it can adversely affect the water quality and amenity of the tidal River Thames in three main ways:
- (a) causing a fall in the amount of dissolved oxygen (DO) in the river, which can drop sufficiently low to result in fish death, and other severe effects on the aquatic ecosystem;
 - (b) introducing pathogenic organisms into the river, which increases the health risks to river users; and
 - (c) introducing sewage derived solid material into the river that can give rise to unsightly and offensive conditions both in the river and on the foreshore.
- 2.7.5 It is essential to reduce the likelihood of such incidents, which also have a reputational impact on the UK, as they take place in the capital city's river. The negative impacts of pollution impose an economic cost on the capital, country and society. These costs include direct financial costs such as the costs of measures to mitigate against low oxygen, fish re-stocking, costs on the health service and the wider economy due to people falling ill and costs of cleaning up debris.
- 2.7.6 The reduction in untreated sewage entering the tidal Thames will bring long term benefits to water quality, to users of the river and to the water frontage throughout London. Improvements in water quality will have major benefits for a range of environmental assets, such as fish nurseries and other designated sites for wildlife, including a number of sensitive habitats of conservation importance. It will also bring wider 'external' social and environmental benefits to society for which it is not possible to give monetary values, including:
- (a) avoidance of damage to London's reputation as a business and tourism centre (especially given similar wastewater investments being made in competitor locations);
 - (b) avoidance of any long-term adverse impact on the desirability and value of riverside property;
 - (c) reduced sewer flooding in some locations (or reduced costs for sewer flooding schemes);
 - (d) energy generation from extra volumes of sewage sludge captured at Beckton Sewage Treatment Works (otherwise lost through sewer overflows); and
 - (e) short-term employment, economic growth or regeneration impacts related to construction.
- 2.7.7 The NPS summarises the significant amount of work undertaken to assess alternative options and clearly states that the need for the project has been demonstrated. It concludes that "*detailed investigations have confirmed the case*

for a Thames Tunnel⁸ as the preferred solution' (paragraph 2.6.33). The designation of the NPS was supported by an Appraisal of Sustainability which contains further detail on the significant amount of work undertaken to establish the need for the project and assess alternative options. The report concludes that a tunnel solution remains the most appropriate and cost-effective of the solutions considered. As a result, the Government confirmed that the detailed studies undertaken have and continue to demonstrate the case for the project. This view led to the making of an Order on 23 June 2012 under section 14(3) of the Act whereby the Thames Tideway Tunnel formally became designated as a nationally significant infrastructure project.

2.7.8 The project is considered to be an infrastructure scheme of national significance for a number of reasons:

- (a) it is essential to meet the ecological water quality objectives of a major river of national importance;
- (b) it is essential to reduce the risk of human health impacts;
- (c) it is essential to reduce aesthetic impacts; and
- (d) it is essential to meet statutory requirements.

2.7.9 The UWWTD has also been a driver for the project. Wastewater collecting systems in London, in the opinion of the European Commission ("the Commission"), are being allowed to discharge untreated wastewater from CSOs too frequently and in excessive quantities. That Directive, and related UK legislation, accepts that collecting systems and treatment plants may discharge combined sewage in certain situations, such as emergency shutdowns or unusually heavy rainfall, but in the case of London, the discharges are considered by the Commission to be excessive and go beyond the conditions for which the legislation provides.

2.7.10 The Commission commenced infraction proceedings against the UK Government because it considered that the current situation of high discharge frequencies and large discharge volumes is in breach of the UWWTD. The discharges also stand to cause breach of the United Kingdom's Urban Waste Water Treatment Regulations ("UWWTR") and to cause the River Thames to be non-compliant with the objectives of the Water Framework Directive ("WFD"). On 18 October 2012 the European Court of Justice ("the Court") handed down a judgement in the case of proceedings brought by the Commission, which determined that having failed to control discharges in the Beckton and Crossness catchments, the UK Government is in breach of the UWWTD.

2.7.11 The Court noted that it was not in dispute that the collection system was not in compliance with the UWWTD. It noted that a project is underway for the construction of a new tunnel under the River Thames to intercept discharges and convey them to Beckton (ie the Thames Tideway Tunnel). It also noted that the costs of the project cannot be disproportionate since in April 2007 the UK Government decided to proceed with the works identified in the *Thames Tideway Strategic Study report* (November 2005)⁹, including the construction of a new wastewater transfer and storage tunnel. The Court further noted that the action

⁸ The name of the project changed from "Thames Tunnel" to "Thames Tideway Tunnel" in July 2012.

⁹ The Thames Tideway Strategic Study had been set up in 2000 to consider the problem of CSO overflows and options to resolve this.

against the UK cannot be dismissed simply because activities and works that will, in the future, ensure compliance with the UWWTD are underway. It is a matter of fact, therefore, that the UK has failed to fulfil its obligations under the UWWTD. This demonstrates not only the need for the project, but the urgency with which the improvements must be achieved.

- 2.7.12 Continuing population growth, incremental changes to impermeable areas and projected increases in the intensity of rainfall will increase the risk of greater discharges to the river. Current levels of untreated sewage discharge are already unacceptable. There is an urgent need to address the problem; it is inappropriate to “do nothing”. London has a key role in supporting the national economy and the reputation of the UK. The unsatisfactory intermittent discharges cause reputational risk to the UK, detracting from the appeal of the river in the nation’s capital, which is otherwise a great asset to residents and visitors alike. The level of untreated wastewater entering the River Thames at present is not tolerated anywhere else in the UK and should not be in the main river in our capital city.

3 THE REQUIREMENT FOR AND CONTENT OF A STATEMENT OF REASONS

- 3.1 As noted in the Introduction, section 37(3)(d) of the Act and regulation 5(2)(h) of the Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 require a Statement of Reasons to be submitted with an application for development consent where powers of acquisition of land or an interest in or a right over land are sought within the order. This Statement of Reasons is made in compliance with that requirement because the draft Order for the project seeks powers to acquire land, to acquire new rights in land and to extinguish and override existing rights for the purposes of the project.
- 3.2 The powers referred to are contained in Part 3 of the draft Order and explained in section 5 of this statement.

4 POWERS OF COMPULSORY PURCHASE UNDER THE PLANNING ACT 2008

- 4.1 Section 122 of the Act provides that an order granting development consent may include provision authorising compulsory acquisition of land. To the extent that this is sought, the decision maker in respect of the Application must be satisfied that the land is:
- (a) required for the development;
 - (b) required to facilitate or is incidental to the development; or
 - (c) replacement land for commons, open spaces, etc.
- 4.2 It is also necessary for the decision-maker in respect of the Application to be satisfied that there is a compelling case in the public interest for the inclusion of powers of compulsory acquisition in the Order. This is required by section 122(3) of the Act.
- 4.3 In the case of the project, powers are sought to acquire land required for the development of the project itself and also to facilitate it and which is incidental to it. No powers are sought for replacement land.

5 POWERS PURSUANT TO THE DRAFT ORDER FOR THE PROJECT

5.1 Principal powers

The powers in the draft Order, if confirmed, will allow Thames Water¹⁰ to undertake the project and acquire the land it needs to do so. Articles 3 to 6 of the draft Order contain provisions for the principal powers needed to construct, operate and maintain the project. The detail of the works is set out in Schedule 1 to the draft Order. Except where otherwise provided, these works would take place within the Order limits as shown on the *Works plans* (Doc ref: 2.01)¹¹ and *Land plans* which accompany the Application for development consent. The works for the project must be carried out in accordance with the approved plans. These powers, and details relating to their drafting, are set out in the *Explanatory memorandum* (Doc ref: 3.2).

5.2 Powers of acquisition

5.2.1 Articles 27 to 33 of the draft Order contain provisions for the compulsory acquisition of land for the purposes of or in connection with the authorised project. They include the power to acquire new rights and to extinguish and/or override any existing rights over the Order land which would be inconsistent with the operation and use of the project. They further provide for the payment of compensation which, with some clarification, follows the usual statutory compensation code. Powers are included to use the general vesting procedure which will simplify the process of acquiring the subsoil sites, in particular.

5.2.2 The parcels of land to be acquired and over which new rights may be taken and existing rights extinguished and/or overridden are described in the *Book of Reference* and shown on the *Land plans*.

5.2.3 In some cases, acquisition will be restricted to areas of subsoil below 9 metres from the surface "*as may be required for the purposes of the authorised project*" - see Article 30. These plots are generally required for the deep tunnel structures and are set out in Schedule 13 to the draft Order and also noted on the Land plans. For the purposes of Article 30, the 'authorised project' in such cases will be the deep tunnel and, under articles 3 and 6 of the draft DCO, Thames Water cannot deviate more than 3m upwards in its works powers, hence the power of compulsory acquisition in relation to deep subsoil must be aligned with the works powers sought within the *Draft DCO* (Doc ref: APP75.2). In most cases this will be considerably below 9 metres below surface level.

5.3 Temporary use of land

5.3.1 Article 34 sets out the power to occupy land temporarily for construction and related purposes. This power applies in two cases. The first is where powers are limited by reference to the plots listed in Schedule 14 of the draft DCO and identified in the notes on the Land plans. In the case of those plots the power is limited to temporary possession only unless the plot is also subject to a specified permanent right (such as a right to swing a crane) or is subject to permanent acquisition of a deep subsoil plot. The second case allows this temporary use

¹⁰ The draft Order contains an ability for Thames Water to transfer powers to an Infrastructure Provider (as defined in article 2(1) of the DCO) and/or, with the consent of the Secretary of State, another body.

¹¹ Some drawings have subsequently been revised – document APP46.2 shows which revision is the latest version of each drawing and the document reference number where it is located

power to be exercised over plots which are otherwise subject to powers of unrestricted permanent acquisition. The advantage of this second case is that it would allow the contractor to undertake construction within the area of temporary possession, but only then acquire the land actually needed for the operational period of the project. This is explained further in section 6.4 below.

5.3.2 This Article 34 power would be used for those areas of work sites which are needed to accommodate construction. These sites will be occupied for periods between one and eight years, depending on the nature and location of the site. The undertaker may not remain in temporary possession for more than 12 months following completion of that part of the authorised project for which temporary possession of land has been taken.

5.3.3 Before giving up temporary possession of Schedule 14 land, unless otherwise agreed by the owners of the land, the undertaker shall remove all works and restore the land to the reasonable satisfaction of the owners of the land; although the undertaker is not be required to -

- (a) replace a building removed under article 34;
- (b) remove any ground-strengthening works which have been placed in that land to facilitate construction of the authorised development; or
- (c) remove or reposition any apparatus belonging to statutory undertakers.

5.3.4 Before giving up temporary possession of non-schedule 14 land, unless otherwise agreed by the owners of the land, the undertaker shall either acquire the land under Article 27 or remove all works and restore the land to the reasonable satisfaction of the owners of the land; but the undertaker shall not be required to -

- (a) replace a building removed under article 34;
- (b) remove any ground-strengthening works which have been placed in that land to facilitate construction of the authorised development; or
- (c) remove or reposition any apparatus belonging to statutory undertakers.

5.3.5 Article 35 is also a temporary use power which applies to land within the Order limits and allows entry and temporary possession for the purposes of maintaining the project. This power precludes the ability to occupy any building or any residential garden. The powers are subject to notice, to an obligation to only remain on the land as long as reasonably necessary to carry out the maintenance task and to restore the land (including removal of any temporary works) before handing it back to the owner. Compensation would be payable for any loss or damage resulting from this temporary use.

5.4 **Protective works, remedial works and survey powers**

Articles 20 to 21 include powers to undertake protective works for specified buildings, and to undertake remedial works as may be required. These powers include rights to survey property and there is also a more general right to survey and monitor premises to assess the potential and actual effects of construction and operation of the project (Article 22). In some cases these powers may extend to land outside the Order limits. In each case the landowner has the right to reject entry for these purposes and the matter would then be resolved by arbitration. Compensation for loss would be payable. Land which may be subject to identified protective works is specified, by plot number, in Schedule 11 to the draft Order.

5.5 Compensation

Articles 36 to 39 of the draft Order contain provisions concerning compensation in relation to the compulsory acquisition and temporary possession of land in connection with the authorised project. These include reference to issues such as the deliberate creation of interests to obtain compensation (which would be disregarded) and the set-off for any enhanced value which accrues to an owner's retained land, as a result of the project.

5.6 Supplementary

Articles 40 and 44 of the draft Order contain supplementary provisions relating to the compulsory acquisition provisions in Part 3 of the Order. The powers to acquire land under or to take occupation for temporary use for construction under Article 34 must be exercised prior to the tenth anniversary of the Order coming into force. Also, Thames Water can choose to acquire part only of any landholding but preserves the right of the landowner to require the whole of his interest to be taken, subject to certain conditions.

6 JUSTIFICATION FOR THE ACQUISITION OF LAND AND RIGHTS

6.1 The land and rights required for the project (the Order land) are shown on the *Land plans* and are described in the *Book of Reference* with the details of all those who have a right or interest in it. The Order land is required for (or incidental to) the purposes of the project. The *Engineering Design Statement* (Doc refs: 7.18 and 9.19) addresses and justifies the development of the project at each site, by reference to engineering and design considerations which influenced the size, arrangement and level of detail of the project components. Section 3 of the *Engineering Design Statement* sets out the engineering assumptions, Section 4 sets out the programme assumptions, Section 5 explains the flexibility built into the design assumptions and Sections 7 to 30 set out the design considerations in relation to each part of the project at each site.

6.2 The process of site and route selection

6.2.1 The process of site and tunnel route selection and the development of the identification of the works to be constructed on and under sites is set out in the *Final Report on Site Selection process* (Doc ref: 7.05) and also examined in section 4 of the *Planning Statement* which explains the careful approach taken to route and site selection. Determining the route of the tunnel and the location of main tunnel and CSO sites through the centre of London called for a specific, comprehensive site selection process, the detail of which was consulted upon before it was adopted and applied.

6.2.2 As a general rule of design, tunnels and other structures have been kept as small as possible to minimise impacts and cost while meeting the functional requirements and health and safety objectives. Foreshore sites in particular have been designed to minimise river encroachment.

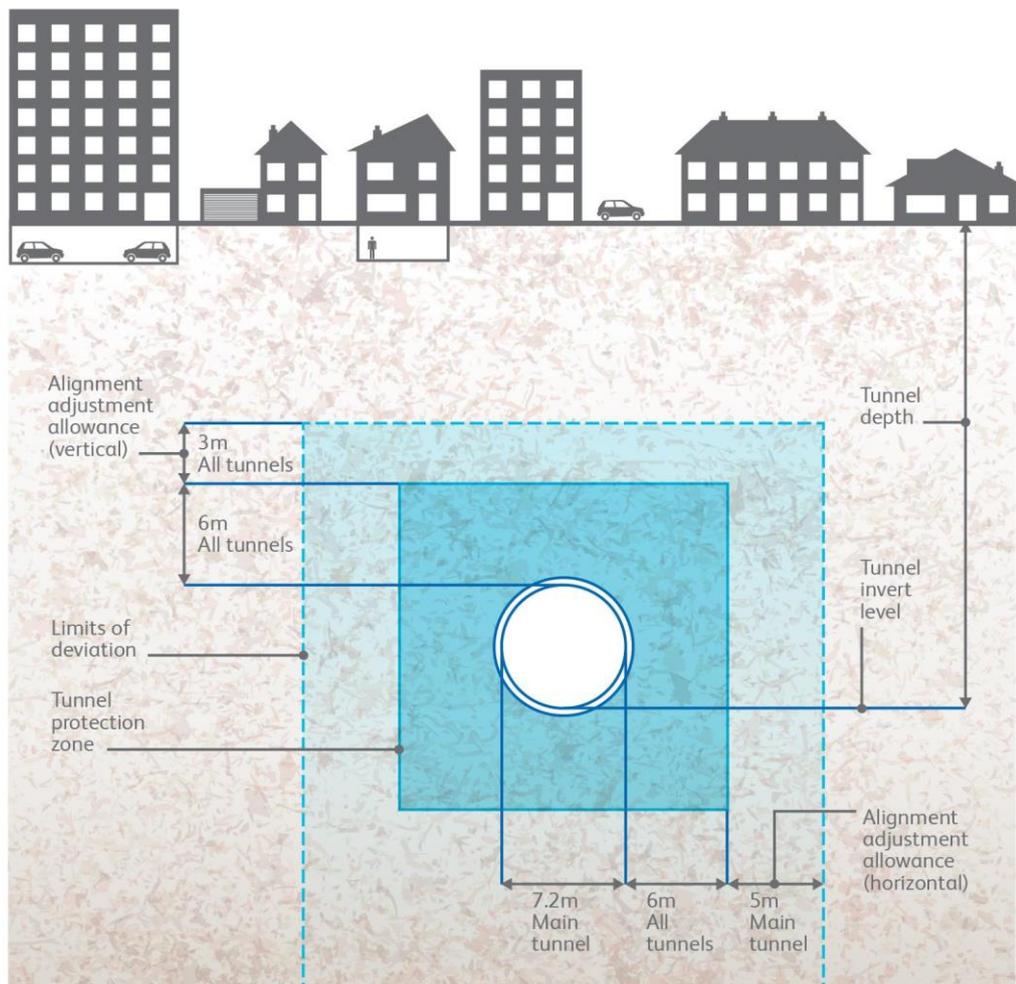
6.2.3 A multi-disciplinary approach was used to select the route and sites, informed by detailed engagement with relevant stakeholders and by two full rounds of extensive public consultation in addition to further interim and targeted consultation to address specific issues, sites or changes. The Abbey Mills route was selected as the tunnel route alignment – as the shortest route it would minimise disruption and cost, whilst requiring fewer sites.

6.2.4 Multiple options for the tunnel drive strategy were assessed before concluding that main tunnel drive sites at Carnwath Road Riverside, Kirtling Street (a double drive site) and Chambers Wharf should be used. Multiple factors were taken into account including the ability for those sites to be served by river barges so that excavated material would not need to travel by road through London. The selection of the CSO sites was equally painstaking and public consultation played a significant part with a number of sites being changed from those proposed at Phase one consultation as a result of feedback as well as further design development. Shortlisted sites were subject to detailed site suitability reports and all relevant planning and environmental considerations were taken into account in the final scheme selection.

6.2.5 In total more than 1,150 sites were considered. This exercise has led to the identification of the land and rights needed to implement the project and the acquisition policy has been developed taking account of the significant range of land and property requirements for the various uses throughout the life of the project.

6.3 Defining the land required – tunnels

6.3.1 Limits of deviation for the tunnels include allowances for a protection zone and an 'alignment adjustment'. These are illustrated in the following diagram.



This diagram is indicative only and not to scale

6.3.2 The maximum upward vertical limit is 3 metres. There is no downward limit of deviation. Horizontal limits of deviation are shown on the *Works plans*.

6.4 **Defining the land required - sites**

6.4.1 The Order limits for each site have been drawn to meet the requirements identified in the Site selection background technical paper (see the *Final Report on Site Selection process*) and adjusted to allow for local site features.

6.4.2 The site layouts provided in the *Book of Plans* were developed by following these general steps:

- (a) identify sites in accordance with the Site selection methodology paper (appended to the *Final Report on the Site Selection process*);
- (b) collate records and data on existing site features, topography, CSOs and other utilities;
- (c) size structures to satisfy hydraulic, pneumatic, structural and other design criteria for project elements;
- (d) identify design options for CSO interception, shaft location and tunnel alignment;
- (e) consider the land areas required for temporary works, as defined in the Site selection background technical paper (also appended to the *Final Report on the Site Selection process*), and the most appropriate means of safe access to the roads and the River Thames (where appropriate);
- (f) identify and minimise or mitigate project and health and safety risks;
- (g) determine the preferred design option and optimise to minimise temporary and permanent land requirements;
- (h) define the site parameters and limits of land to be acquired or used.

6.4.3 The areas have been drawn to minimise land requirements and include:

- (a) areas that would be used temporarily for construction;
- (b) areas that would be used to construct the permanent works; and
- (c) areas that would be required for access to the permanent works including street works.

6.4.4 In defining the areas for permanent acquisition within the Order Limits on sites, the extent of zones for each permanent work, as shown on the *Site works parameter plans* (within the site-specific suite of plans at documents 2.05 to 2.28)¹², has been amalgamated giving the gross area for those permanent works. This gross area therefore defines the extent of land for permanent acquisition. This land is identified on the *Land acquisition plans* – Doc ref: 2.02¹³. Once the exact location

¹² Some drawings have subsequently been revised – document APP46.2 shows which revision is the latest version of each drawing and the document reference number where it is located.

¹³ Ibid.

of those works has been determined, it may be possible to reduce the extent of permanent acquisition. In order to give effect to the parameter approach for the location of permanent works, the extent of land for permanent acquisition must be defined in this way.

- 6.4.5 The areas inside the Order Limits at each site therefore vary in order to accommodate the specific use and arrangement of each site within their land constraints. For that reason, each has its own justification for the extent of the Order Limits.

7 LOCATION AND DESCRIPTION OF THE ORDER LAND

- 7.1 This section describes the Order land, including its location, use and topography. This is shown on the Land plans and the works and land uses are represented on the *Land acquisition plans*. Both sets of plans are within the *Book of Plans*. In addition to this statement, short verbal descriptions of each numbered plot and details of ownership and other interests are in the *Book of Reference*.

7.2 Description

Project-wide

The Order land runs in a generally west-east pattern, following the route of the River Thames through 14 boroughs in London. Powers of surface acquisition are sought over 24 sites, whereas the tunnels that connect the sites will be restricted to subsoil only acquisition below 9m.

Main Tunnel

- 7.2.1 The main tunnel would capture and store combined sewage from the unsatisfactory CSOs along its route and transfer it to Beckton Sewage Treatment Works.
- 7.2.2 The horizontal alignment of the main tunnel would generally follow the River Thames, where possible and practical, in order to:
- (a) ensure the most efficient route to connect the CSOs located on both banks of the river;
 - (b) enable river transport during construction to supply and remove materials, where practicable and economic;
 - (c) minimise the number of structures the tunnel would pass beneath in order to reduce the number of third parties affected.
- 7.2.3 The main tunnel route would take the shortest line from Acton Storm Tanks to the River Thames and stay beneath the river from west London to Rotherhithe. It would then divert from beneath the river to the northeast via the Limehouse Cut and terminate at Abbey Mills Pumping Station, where it would connect to the Lee Tunnel.
- 7.2.4 The main tunnel would be approximately 25km long with an approximate internal diameter of 6.5m in the west increasing to 7.2m through central and east London. The approximate depth of the tunnel would be between 30m in west London and 65m in the east in order to provide sufficient clearance to existing tunnels and facilities under the city and meet the hydraulic requirements.

Long connection Tunnels

- 7.2.5 Two long connection tunnels would be required to intercept five CSOs that are remote from the main tunnel.
- 7.2.6 The Frogmore connection tunnel would intercept CSOs at King George's Park and Dormay Street and connect them to the main tunnel at Carnwath Road Riverside. It would be approximately 1.1km long and situated in the London Borough of Wandsworth.
- 7.2.7 The Greenwich connection tunnel would intercept CSOs at Greenwich Pumping Station, Deptford Church Street and Earl Pumping Station, and connect them to the main tunnel at Chambers Wharf. It would be approximately 4.6km long, and would pass through the London Boroughs of Southwark and Lewisham and the Royal Borough of Greenwich.

Short connection tunnels

- 7.2.8 CSO drop shafts would be constructed from the CSOs down to the depth of the main tunnel and linked to it by means of short connection tunnels. These connection tunnels would be driven from the drop shafts and joined to the main tunnel after the TBM has passed through.

7.3 Description of Sites

Acton Storm Tanks

- 7.3.1 Acton Storm Tanks is located within an enclosed area of an existing Thames Water operational facility and is approximately 2.3ha¹⁴ in area. The site comprises the existing pumping station in the east and six open storm tanks and associated infrastructure, used to control the frequency of discharge from the Acton Storm Relief CSO. A grassed area exists in the south-eastern part of the site and two areas for parking are located to the southwest and west of the storm tanks. The limits of land to be acquired or used also include Canham Road and its junctions with Stanley Gardens and Warple Way.
- 7.3.2 The site is bounded to the north by Canham Road and light industrial business or commercial areas. A community hall is located immediately to the northwest of the site. A church is located further to the north of the site at 1-4 Warple Way. Southfield Primary School lies approximately 90m to the south of the site. Beyond this (approximately 125m from the site) is the Bedford Park Conservation Area. To the southwest and west, the site is bounded by a private car park. The surrounding area is predominantly residential.

Hammersmith Pumping Station

- 7.3.3 The site comprises part of the Thames Water operational Hammersmith Pumping Station; part of a development (under construction) 'Fulham Reach'; and two small highway worksites: one in Chancellor's Road and the other in Chancellor's Road/Distillery Road. The site is approximately 0.6 hectares for the main site and 0.01 hectares for the highway works site.

¹⁴ Note that the site areas shown on the site tables at 9.3.8 of this statement include some plots in more than one category of use/occupation.

- 7.3.4 The site is bounded to the northwest by Chancellor's Road, to the northeast by Distillery Road, and to the southeast and southwest by Fulham Reach. The surrounding area is largely residential with some modern office developments close to the river. Distillery Road separates the site from Frank Banfield Park to the northeast, which includes a children's play area. Further to the northeast lie residential properties and the Charing Cross Hospital. Hammersmith Underground stations (two stations) are located approximately 550m northeast. The Thames Path runs along Chancellor's Road and south along the river adjacent to the south western boundary of the Fulham Reach development.

Barn Elms

- 7.3.5 The site comprises a band of greenfield land along the northern, eastern and southern borders of the Barn Elms Schools Sports Centre ("BESSC") covering an area of approximately 3.1ha and including the changing rooms adjacent to Queen Elizabeth Walk. The playing fields area of the BESSC measures approximately 23ha and is owned and operated by the London Borough of Wandsworth.
- 7.3.6 The site is bounded to the north by Queen Elizabeth Walk, to the east by a line of mature trees, Thames Path and the River Thames, to the southeast and south by the Beverley Brook footpath and to the west by the BESSC. The surrounding area comprises a combination of open space and residential and community facilities. The London Wetland Centre Site of Special Scientific Interest lies to the north of the site. Barn Elms Boat House sits on the eastern boundary of the site, with an access route from the BESSC car park eastwards across the BESSC playing fields along a path lined with Lime trees.

Putney Embankment Foreshore

- 7.3.7 The site comprises two areas of the River Thames foreshore, the main site known as the Putney Embankment Foreshore and the secondary site known as Putney Embankment Temporary Slipway. Both sites are defined by the limits of land to be acquired or used and are approximately 1.6 ha and 1.2 ha respectively. The main site also includes the area beneath the Grade II* listed Putney Bridge, Waterman's Green and the historic Putney public slipway immediately to the west of Putney Bridge. The secondary site is located approximately 300m northwest of Putney Bridge, and lies between Thames Place and Glendarvon Street.
- 7.3.8 The main site is bounded by the River Thames to the north, the grade II* listed St Mary's Church to the east, the Embankment carriageway (which provides the access route) and Lower Richmond Road to the south and Putney Pier to the west. The secondary site is bounded by the Embankment carriageway to the south and the River Thames on all other sides. The surrounding area to the east and south of the main site comprises residential, commercial and retail uses and a number of heritage sites. The closest residential properties are two houseboats moored to the Putney Pier. There are several rowing clubs operating in the area and sailing activities take place most days.

Carnwath Road Riverside

- 7.3.9 The site comprises three adjacent parcels of land: Whiffin Wharf, Hurlingham Wharf (both of which are used for open storage), and Carnwath Road Industrial Estate. The site also includes an area of the foreshore of the River Thames in front of all three land parcels. It also takes in a small area of land for junction improvements at Carnwath Road and Wandsworth Bridge Road. The site area is approximately 3.5ha.

- 7.3.10 The site is bounded to the north by Carnwath Road, to the east by a four-storey residential block and a PC World/Curry's superstore, to the south by the River Thames and to the west by three-to-four-storey high residential dwellings. The Thames Path diverts from the riverside around the wharves. The surrounding area is characterised by a mix of land uses. Immediately to the north of site across Carnwath Road, lies the Piper Building (a large mixed use building) with locally listed modernist murals. Residential blocks lie on either side of the junction of Carnwath Road and Peterborough Road to the north west of the site.

Dormay Street

- 7.3.11 The site comprises parts of the London Borough of Wandsworth's maintenance depot ('the Frogmore Complex'), Causeway Island (currently used for open-air storage of vehicles), a private road (the Causeway) and covers an area of approximately 1.0ha. The Bell Lane Creek CSO runs through the western section of the site and discharges into Bell Lane Creek, which runs through the centre of the site.
- 7.3.12 The site is bound by a fenceline to the north (beyond which lie a vehicle storage area and railway lines), The Causeway to the east, the junction of Dormay Street and Armoury Way to the south, and the remainder of the Frogmore Complex to the west. Site access is taken from the northern part of Dormay Street. The areas to the north and east of the site comprise mixed commercial and industrial uses. To the south, the site backs onto clusters of industrial buildings along Dormay Street and Wentworth House, which is a Grade II listed building currently in office use. There are further residential areas to the south and southwest of the site.

King George's Park

- 7.3.13 The site comprises approximately 0.4ha of land at the northern end of King George's Park (approximately 23 ha), adjacent to the existing Buckhold Road entrance. The John Young memorial Oak tree and bench lie within the site. The northern boundary of the site includes an ornamental historic park gate at the Buckhold Road entrance. A large Red Oak tree stands in the northernmost part of the park adjacent to the Buckhold Road/Neville Gill Close junction. The site also includes London Plane trees and Black Poplars along the eastern boundary.
- 7.3.14 The site is bounded to the north by the Buckhold Road/Neville Gill Close junction. To the east it is bordered by Neville Gill Close, to the south by the ornamental lake and a dense area of mature trees within the park to the southwest. It is bounded to the west by Buckhold Road. Immediately to the north of Buckhold Road is an Army Cadet Force youth building and residential developments under construction. Wandsworth Town Conservation Area lies along Wandsworth High Street. To the east, across Neville Gill Close, the land use is dominated by the Southside Shopping Centre, associated car parks, high-rise residential and various community facilities. King George's Park continues to the south and southwest of the site. The area to the west is residential.

Falconbrook Pumping Station

- 7.3.15 The site comprises part of the operational Thames Water Falconbrook Pumping Station compound, a venturi building, an advertising hoarding, a disused toilet block to the southwest of the pumping station, and an area to the south adjacent to the York Gardens Library and Community Centre and is approximately 0.5 ha. The site extends partly into York Road, which forms the western boundary of the site, and its pavement incorporating a bus stop. There is a small satellite site along the York Road to the north, should a temporary relocation of the bus stop be

required in that area. A public right of way runs through the site between York Road and York Gardens.

- 7.3.16 The site is bounded to the north by York Gardens Adventure Playground. York Gardens Library and Community Centre is situated to the south. An access road through York Gardens from Lavender Road to the east serves the Thames Water pumping station and the community facilities. To the north, east and south of York Gardens are residential uses. To the west, beyond the York Road, there is a series of low-rise commercial buildings. Beyond this, close to the CSO outlet, the river frontage along the south bank is characterised by dense residential development.

Cremorne Wharf Depot

- 7.3.17 The site comprises an existing council storage and maintenance depot and jetty, the Thames Water Lots Road Pumping Station and the River Thames foreshore. The site area is approximately 0.6ha. The Lots Road Pumping Station is Grade II listed and owned and operated by Thames Water as an emergency pumping station, manned on a part time basis only. The site is accessible via Lots Road.
- 7.3.18 The site is bounded to the north-east by the Station House associated with the pumping station and the mixed use Chelsea Wharf, to the south-east by the River Thames, to the south-west by the Lots Road Power Station site, and to the north-west by Lots Road. The area is dominated by the decommissioned Lots Road Power Station to the southwest on Chelsea Creek. The Lots Road Power Station site is being redeveloped, retaining the generating hall as a mixed-use development with new buildings on site, including a 30-storey residential tower, a three to eight-storey commercial and residential building and a seven-storey residential building along the boundary of the Cremorne Wharf Depot site.
- 7.3.19 The depot site falls within the designated Lots Road Employment Zone, which is known for clusters of antiques and art-related firms. The local area is characterised by Edwardian residential properties. Cremorne Gardens are to the north-east of Chelsea Wharf. Cremorne Riverside Activity Centre and jetty is located next to Cremorne Gardens. The Thames Path National Trail runs to the north of the site, along the southern side of Lots Road.

Chelsea Embankment Foreshore

- 7.3.20 The Chelsea Embankment Foreshore site comprises an area of the foreshore of the River Thames opposite the Bull Ring Gate of the Royal Hospital Chelsea (the "RHC") South Grounds, sections of the carriageway and pavement of Chelsea Embankment and a small southern section of Ranelagh Gardens. The foreshore site falls within the Thames Conservation Area and is considered to be functional flood plain. It also falls within the designated Crossrail 2 Safeguarded Zone. The Ranelagh Gardens site is within the Royal Hospital Conservation Area and the gardens are a Site of Nature Conservation Importance. There is no existing vehicle access to the foreshore. The site area is approximately 2.5ha.
- 7.3.21 The site is bounded to the north by the RHC, the RHC South Grounds and Ranelagh Gardens. To the east lies Chelsea Bridge Gardens which is adjacent to Chelsea Bridge Road and Chelsea Bridge which crosses the River Thames to the London Borough of Wandsworth. Lister Hospital is to the east of Chelsea Bridge Road, in the City of Westminster. The River Thames surrounds the site to the east, south and west. The principal RHC building is located approximately 300m north of the site. Other listed structures to the north of the site are the Grade II listed Bull Ring Gate on Chelsea Embankment and the Chillianwala War Memorial obelisk on Monument Walk in the grounds of RHC. Chelsea Embankment esplanade is a Grade

II listed structure to the west of the development site. There are a number of Grade II listed structures to the east, including Chelsea Bridge (120m from the site) and a sewer vent in the pavement (35m from the site). Battersea Park is located across the river to the south and is a designated Site of Importance for Nature Conservation.

Kirtling Street

7.3.22 The site, approximately 5.3 hectares, comprises a section of the foreshore of the River Thames close to Cringle Street and four adjacent brown-field areas: the (vacant) former Victoria and Albert Museum warehouse (northeastern parcel); a (vacant) depot (eastern parcel) now owned by Thames Water; a mixed use area including a depot, a former petrol station (vacant) and eleven office units known as Brooks Court (southeastern parcel); an active concrete batching works on the safeguarded Kirtling Wharf (also known as Cringle Wharf) (western parcel). The site is bisected by Cringle Street and the northern loop of Kirtling Street runs within the northern half. There are several above-ground structures on the site. The Thames Path passes through the site along Kirtling Street. There are several existing accesses to the various parcels of the site off Kirtling Street and Cringle Street and one off Nine Elms Lane.

7.3.23 The site is bounded to the north by the River Thames; to the northeast by a houseboat community known as the Nine Elms Pier; to the east by the former Tideway Industrial Estate 'Riverlight' development, which is under construction; to the south by Nine Elms Lane; and to the west by the Cringle Dock waste transfer station, a Thames Water ring main pumping station and the grounds of the disused Battersea Power Station. The wider area on the south of the river is predominantly industrial. Beyond the Riverlight development to the east is another houseboat community known as Tideway Village, the Battersea Barge restaurant and the Heathwall Pumping Station site. To the southeast, across Nine Elms Lane is the large former Royal Mail South London Mail Centre. To the south, across Nine Elms Lane, is the entrance to the New Covent Garden Market. In between the market entrance and the mail centre there is a small residential block. To the south west, across Nine Elms Lane is a wholesale warehouse and more residential development.

Heathwall Pumping Station

7.3.24 The site is industrial in character, approximately 1.3 hectares, comprises two riverside land parcels and extends partially on to the foreshore of the Thames. The onshore parcels are Thames Water's operational Heathwall Pumping Station and the safeguarded Middle Wharf (currently vacant). The area of tidal Thames includes the river wall, a jetty and the Battersea Barge floating restaurant. The South West Storm Relief sewer and Heathwall Pumping Station CSO run below ground through the site and discharge into the River Thames below the low water line. Both CSOs are located approximately 80m north of the river wall. A jetty, housing a crane, extends from Middle Wharf into the foreshore. Existing access to the site is from four accesses off Nine Elms Lane.

7.3.25 The site is bounded to the north by the River Thames, to the east by a small open space, to the south by Nine Elms Lane, to the west by houseboat communities known as Nine Elms Pier and Tideway Village, and the 'Riverlight' development under construction. The Thames Path runs away from the river around the wharf and pumping station. The wider area is predominantly industrial. To the southeast, across Nine Elms Road is the Royal Mail sorting office.

Albert Embankment Foreshore

- 7.3.26 The site comprises an area of the foreshore of the River Thames parallel to Albert Embankment between Tintagel House and St George Wharf. The site area is approximately 3.1ha. It also comprises Lack's Dock, a section of the Thames Path, and an area of land between Tintagel House and Camelford House (associated with the access option). Above ground, the site is split into two sections: the northern section (to contain the drop shaft structure) lies in the foreshore to the north of Lack's Dock and the southern section (to contain the CSO interception structure) lies in the foreshore beneath and on either side of the Grade II* listed Vauxhall Bridge.
- 7.3.27 The River Thames surrounds the site to the north, south and west. The site is bounded to the east by property boundaries of Tintagel House, Camelford House, the headquarters of the SIS (Vauxhall Cross) and St George Wharf. The eastern property boundary also interfaces with Albert Embankment at the construction access points; and passes under Vauxhall Bridge. The adjacent section of the river wall is Grade II listed. The London Underground Victoria Line runs under the River Thames immediately to the south of Vauxhall Bridge.
- 7.3.28 Due to the uncertainty of access rights being granted via Lacks Dock by Government Security Services (as this is adjacent to the SIS building), an alternative access route is included in the DCO submission, between Camelford House and Tintagel House on land owned by the Duchy of Cornwall.

Victoria Embankment Foreshore

- 7.3.29 The site comprises an area of the foreshore of the River Thames and a section of pavement and carriageway of Victoria Embankment. The site area is approximately 1.6ha. A permanently moored vessel, the Tattershall Castle and two service moorings lie within the site. The site lies at the eastern edge of the Whitehall Conservation Area. Victoria Embankment is characterised by an avenue of mature London Plane trees, which receive a level of protection as part of the conservation area. The site also falls within the Lundenwic and Thorney Island Area of Archaeological Priority. The section of river wall within the site features Grade II listed features.
- 7.3.30 The site is bounded to the north, east and south by the River Thames and to the west by Victoria Embankment. The restaurant ship Hispaniola is moored nearby downstream. The Golden Jubilee footbridges, Hungerford rail bridge, Embankment Pier and Embankment London Underground station lie to the north of the site. A Grade II listed memorial is located approximately 25m to the north of the site. Along the west side of Victoria Embankment lies Whitehall Gardens, a Grade II registered park and garden, which is part of Victoria Embankment Gardens. The closest buildings to the site, including residential properties and the Grade II* listed Royal Horse Guards Hotel and National Liberal Club, are situated along Whitehall Court to the west of Whitehall Gardens. Charing Cross Station is located to the northwest of the site.

Blackfriars Bridge Foreshore

- 7.3.31 The site comprises two sections of the foreshore of the River Thames: the main site extends from Temple Stairs to Blackfriars Rail Bridge and the secondary site lies between Blackfriars Rail Bridge and the City of London School. The main site comprises approximately 3.1ha and the secondary site 0.1ha. The site also includes sections of the Blackfriars Bridge westbound off-ramp and areas of the pavement along Victoria Embankment and Paul's Walk. The footings of

Chrysanthemum Pier and the President vessel are within the site boundary. Within the site boundary are public toilets and a rifle range within the below-road structure.

- 7.3.32 Blackfriars Millennium Pier lies further east. Crossing over the site is Grade II* Listed Blackfriars Bridge. The northern footings of Blackfriars Bridge contain a sports club and toilets (not currently open to the public). Parallel and to the east of Blackfriars Bridge is Blackfriars Rail Bridge which separates the two parts of the site. To the north of the main site lie multi-storey buildings that are in predominantly business use. To the north of the secondary site, the area is characterised by late 20th century development. The site is bounded to the north by Victoria Embankment/Blackfriars Underpass/Upper Thames Street and to the east, south and west by the River Thames.

Shad Thames Pumping Station

- 7.3.33 The site comprises Thames Water's operational Shad Thames Pumping Station, fronting onto Maguire Street and includes part of the road extending to the Gainsford Street intersection and a small strip of private car park serving Vanilla and Sesame Court. The site area is approximately 0.2ha. To the rear of the pumping station building is a narrow yard which contains a number of ancillary buildings. The CSO is located on the foreshore of the River Thames approximately 50m north of the site. Existing vehicular access to the site is via double doors located on Maguire Street. Pedestrian access is via a gated passage along the northern boundary of the site off Maguire Street.

- 7.3.34 The site is bounded to the north by residential Grade II listed Wheat Wharf, to the east by Maguire Street, the Clove Building and Design Museum to the south by the residential blocks of Tamarind Court and Coriander Court, which are located on opposite sides of Maguire street. The site is bounded to the west by courtyard and basement car parks.

Chambers Wharf

- 7.3.35 The site comprises previously developed land that has now been predominantly cleared (but is otherwise vacant), an area of the tidal Thames foreshore and areas of highway. The site contains an existing concrete wharf on concrete piles that extends into the foreshore of the tidal Thames. An associated timber 'dolphin' structure is located in the river to the east of the wharf.

- 7.3.36 Ancillary to the main site, areas of highway land in East Lane, Chambers Street and Bevington Street would be required to carry access improvements and for the diversion of utilities. Small areas of land would also be required in front of Luna House and to the west of Fountain Green Square adjacent to the river. The combined site would cover an area of approximately 2.8ha.

- 7.3.37 The site is bounded to the north by the tidal Thames, to the east by Loftie Street, to the south by Chambers Street and to the west by East Lane Bermondsey Wall West. The Thames Path currently runs around the site along Chambers Street and Loftie Street. The area surrounding Chambers Wharf comprises a mix of uses including residential, education and commercial. The St Saviour's Dock and Tower Bridge Conservation Areas lie further to the west and comprise mixed residential and commercial uses.

Earl Pumping Station

- 7.3.38 The site comprises Thames Water's operational Earl Pumping Station at the northern end of the site and three adjacent industrial properties in a variety of uses at the southern end as well as areas of the highway. The site area is approximately 0.6ha. The Thames Water owned area of the site houses the existing pumping station building, servicing areas and associated wastewater infrastructure. One of the three industrial premises fronts Yeoman Street. The other two premises front Croft Street.
- 7.3.39 The site is bounded to the north by Chilton Grove and to the east by Yeoman Street. Occupied commercial/industrial units and a row of residential lie adjacent to the southern site boundary. The site is bounded to the west by Croft Street. The area to the north of the site comprises residential flat developments. To the east, on the opposite side of Yeoman Street, the land uses are mostly industrial. The area to the east, southeast and south of the site around Yeoman Street and to the north of Rainsborough Avenue is of an industrial nature and forms the Cannon Wharf Business Centre. A brick electrical substation is located to the southwest of the existing pumping station. A five-storey block of flats and a large industrial unit lie immediately west of the site and the area beyond this is predominantly residential.

Deptford Church Street

- 7.3.40 The site comprises the Crossfield Street Open Space and roadway. Pedestrian access to the site is from Crossfield Street and the northern end of Coffey Street. It includes two small areas of highway (Deptford Church Street) for relocated bus stops. The primary site area is approximately 1.2ha.
- 7.3.41 The site is bounded to the north by Coffey Street, where Grade I listed St Paul's Church is situated, to the east by Deptford Church Street, and to the southeast by Crossfield Street. To the northeast of the site lies the Sue Godfrey Nature Reserve and residential properties lie to the east. To the south of the site lies St Joseph's Roman Catholic Primary School and the Grade II listed railway viaduct. There are industrial areas further east along Deptford Creek and Deptford High Street lies to the west of the site.

Greenwich Pumping Station

- 7.3.42 The site comprises Thames Water's existing, operational Greenwich Pumping Station and associated buildings, two railway viaducts (one for Network Rail and one for the DLR) that bisect the site and Phoenix Wharf which is occupied to the north of the railway viaduct by a builders' merchant with a vacant yard to the south. The site also includes a shared pedestrian and cycle path. There are a number of Grade II listed structures on the site including: the 19th century east and west beam engine houses; the boiler house; the early 20th century pumping station extension, coal sheds and the Network Rail viaduct. The site lies in the flood plain of the River Ravensbourne, the lower part of which is known as Deptford Creek and falls within the tidal Flood Zone 3 of the River Thames and Deptford Creek, which is protected by flood defences. Overall, this site is approximately 2.2ha.
- 7.3.43 The site is bounded by the Brook Marsh Trading Estate, a vehicle repair garage and offices to the north, Norman Road to the east, Greenwich High Road to the south, and Deptford Creek to the west. The area to the north of the site across Deptford Creek is predominantly industrial but also includes the Trinity Laban contemporary dance centre. To the northeast of Phoenix Wharf, the land uses are industrial and

residential. Beyond Greenwich High Road to the south is a mix of residential developments and the Premier Inn development. To the southwest the site is bounded by new residential development. The western banks of Deptford Creek are characterised predominantly by industrial and commercial development.

King Edward Memorial Park Foreshore

- 7.3.44 The proposed development site comprises the foreshore of the River Thames adjacent to King Edward Memorial Park and an area in the south of the park, including sections of the Thames Path, green space, and part of the multi-purpose sports pitches in the west of the park. The site area is approximately 2ha. The North East Storm Relief sewer runs beneath the park in a southeasterly direction and discharges into the tidal Thames through the river wall. The Rotherhithe Tunnel passes beneath the park in a northeasterly direction and emerges in Limehouse.
- 7.3.45 The site is bounded by King Edward Memorial Park and The Highway to the north, the residential Free Trade Wharf building to the east, the River Thames to the south, and by the Shadwell Basin Outdoor Activity Centre and Glamis Road to the west. There is an existing jetty and decking in the river adjacent to the Free Trade Wharf to the east. The eastern part of the park, closest to Free Trade Wharf building, is locally designated as a wildlife area and the park is a designated public open space. The area around Glamis Road is primarily residential and includes St Paul's Church.

Bekesbourne Street

- 7.3.46 The site itself comprises a section of Bekesbourne Street (a private residential road) and its junction with Ratcliffe Lane (public highway) and car parking spaces. A small area of land adjacent to the Limehouse DLR station which is occupied by a retailer and a car wash facility is also included. It comprises approximately 0.01ha. The site is bounded to the north by Limehouse Station and the Docklands Light Railway, to the east by a six-storey block of flats, and to the south and west by residential blocks and the John Scurr Community Centre.
- 7.3.47 The area to the north beyond the Docklands Light Railway line is residential. Limehouse Basin lies to the east. To the south are predominantly residential properties dispersed with some commercial uses and the tidal Thames beyond. St James's Gardens lie to the southwest. The area to the west comprises mixed residential, commercial and cultural uses.

Abbey Mills Pumping Station

- 7.3.48 This site is open land within the extensive site of an existing Thames Water strategic sewage pumping station, comprising a series of older and more modern pumping stations and associated infrastructure. The site area is approximately 3.7ha.
- 7.3.49 The site is bounded to the north and northeast by operational infrastructure and buildings associated with the pumping station, to the east and southeast by the Channelsea River and Abbey Creek, to the west by the Prescott Channel, Three Mills Lock and allotments, and by Riverside Road to the northwest. The pumping station is bounded to the north by a green corridor, 'the Greenway', which runs along the top of a man-made embankment above the Northern Outfall Sewer. The surrounding land to the north of the site is predominantly residential with allotments immediately abutting the site. Land use in the wider area is predominantly industrial. The land to the west of the site, known as Three Mills

Island is designated as a local park. The area to the northwest of the site is residential.

Beckton Sewage Treatment Works

- 7.3.50 Beckton Sewage Treatment Works (STW) comprises two areas within the southern and western sections of the operational Beckton STW compound. The western section of the site comprises land under development for the Lee Tunnel and Beckton Sewage Treatment Works Extension scheme. The southern section comprises an area of hardstanding and operational infrastructure associated with the STW bounded by internal access roads. Overall the site is approximately 15.9ha.
- 7.3.51 Beckton STW is bounded by the Alfred's Way trunk road to the north, Barking Creek to the east, the River Thames to the south, and by Royal Docks Road, Hornet Way and Armada Way to the west, Jenkins Lane waste transfer station, a cinema and a retail complex lie to the north of the STW. To the east of Barking Creek are a large timber yard and various warehouses. An area of vacant land lies on the opposite bank of the River Thames to the south. The area to the west comprises a mixture of business and retail parks and Royal Docks Road. There are no residential properties in close proximity to the site.

7.4 Public rights of way

- 7.4.1 There are public rights of way running through some of the proposed sites. The Thames Path footpath, a National Trail which is in some areas a public right of way and in others a permissive path only, runs along the banks of the River Thames and through or adjacent to the proposed sites at Putney Embankment Foreshore, Carnwath Road Riverside, Cremorne Wharf Depot, Heathwall Pumping Station, Albert Embankment Foreshore, Chelsea Embankment Foreshore, Kirtling Street, Victoria Embankment Foreshore, Blackfriars Bridge Foreshore (Paul's Walk), Chambers Wharf and King Edward Memorial Park Foreshore (over which there is a cycle route).
- 7.4.2 There are four other public footpaths that run through the sites:
- (a) a public footpath (Beverley Brook Walk footpath) running through the southern end of the Barn Elms site;
 - (b) a public path running from Norman Road to Ha'Penny Hatch Footbridge, which passes through the Greenwich Pumping Station site; and
 - (c) a footpath (Channelsea Path and footbridge), which runs through the south west corner of the Abbey Mills Pumping Station site.
- 7.4.3 Schedule 7 of the draft Order shows the public rights of way to be stopped up at each site. The sites where public rights of way will be stopped up permanently are King Georges' Park, Albert Embankment Foreshore (Thames Path) and Blackfriars Bridge (Thames Path). The Access plans within the Book of Plans (Doc refs: 2.05 to 2.28)¹⁵ which accompany the Application for development consent show the proposed diversion routes where necessary. All other public rights of way (including those listed above) will involve either temporary interference only, or will

¹⁵ Some drawings have subsequently been revised – document APP46.2 shows which revision is the latest version of each drawing and the document reference number where it is located.

be retained throughout works. Streets and public rights of way to be temporarily diverted are set out in Schedule 8 to the draft Order. Where rights of way are permissive only but form part of wider public network these have been treated as fully public rights of way.

8 **MATTERS FOR THE DECISION MAKER**

8.1 Section 122 of the Act provides that an Order that includes compulsory acquisition powers may be granted only if the decision maker is satisfied that conditions in sections 122(2) and 122(3) of the Act are met.

8.2 The conditions are:

- (a) section 122(2), that the land
 - (i) is required for the project to which the Order relates, or
 - (ii) is required to facilitate or is incidental to the project, or
 - (iii) is replacement land to be given in exchange for the order land under sections 131 or 132 (no replacement land is being compulsorily acquired in this Order); and
- (b) section 122(3), that there is a compelling case in the public interest for inclusion of powers of compulsory acquisition in the Order.

8.3 In respect of the section 122(2) condition, the Guidance states that:

- (a) the land is required for the project to which the development relates – for this to be met the applicant should be able to demonstrate to the satisfaction of the Secretary of State that the land in question is needed for the development for which consent is sought and, further, the Secretary of State will need to be satisfied that the land acquired is no more than is reasonably required for the purposes of the development; and
- (b) the land is required to facilitate or is land incidental to the proposed development – in the example of land acquired for landscaping, the Secretary of State will need to be satisfied that the development could only be landscaped to a satisfactory standard if the land in question were to be compulsorily acquired, and that the land to be taken is no more than is reasonably necessary for that purpose, and that it is proportionate.

8.4 In respect of the section 122(3) condition, the Guidance indicates that the Secretary of State needs to be persuaded that the public benefits derived from the compulsory acquisition outweigh the private loss that would be suffered by those whose land is acquired. Parliament has always taken the view land should only be taken compulsorily where there is clear evidence that the public benefit will outweigh the private loss.

8.5 The Guidance further sets out a number of general considerations that the promoter must demonstrate to the satisfaction of the decision maker in respect of justifying an order authorising compulsory acquisition. These are as follows:

- (a) that all reasonable alternatives to compulsory acquisition (including modifications to the project) should have been explored;

- (b) that the proposed interference with the rights of those with an interest in the Order land is for a legitimate purpose and is necessary and proportionate;
- (c) that the promoter has a clear idea of how the Order land would be used;
- (d) that there is a reasonable prospect of the requisite funds for compensation becoming available; and
- (e) that the purposes for which such powers are included are legitimate and sufficiently justify interfering with the human rights of those with an interest in the land affected.

8.6 The following sections of this Statement set out the factors that Thames Water considers demonstrate that the conditions in section 122, and the considerations set out in the Guidance, are satisfied.

9 THE JUSTIFICATION FOR THE USE OF THE POWERS OF COMPULSORY ACQUISITION

9.1 Thames Water and its status

9.1.1 Thames Water is the largest provider of water and sewerage services in the UK, based on the number of customers served and with a regulatory capital value of £10,005 million as of 31 March 2012. It forms the principal business of the Thames Water Group.

9.1.2 As a sewerage undertaker, pursuant to section 94 of the Water Industry Act 1991, Thames Water has a duty to provide public sewers to 'effectually' drain its area and to make provision for the emptying of those sewers and 'effectually' dealing with the contents of those sewers. This duty is now supplemented by the requirements of regulation 4 of the UWWTR.

9.1.3 The project is to be procured by Thames Water in its role as a sewerage undertaker for the Sewerage Region under Part 2A of the Water Industry Act 1991 as amended by the Flood and Water Management Act 2010. Further details are set out in the *Funding Statement* (Doc ref: 9.10.06).

9.2 Requirement for the Order Land (s122(2) and (3))

9.2.1 Broadly stated, the purpose of acquisition powers is to enable Thames Water to construct and operate the project (including both the nationally significant infrastructure project and the associated development) on the Order land. For that purpose a range of acquisition powers are necessary.

9.2.2 It is intended to acquire land that is necessary to enable construction of the project and this comprises two main elements:

- (a) tunnels i.e. the main tunnel, the long Frogmore and Greenwich connection tunnels and the shorter connection tunnels that link from CSO drop shafts to the main tunnel; and
- (b) surface sites: main tunnel sites that are needed to construct the main tunnel, CSO sites that are needed to construct the CSO interception works and associated connection tunnels; system modification sites to undertake sewerage modifications to control CSOs; and works at Beckton Sewage Treatment Works to receive flows from the tunnels for treatment.

- 9.2.3 In respect of the tunnels, powers are sought for the acquisition of the subsoil only. The subsoil acquired would be that necessary for the tunnel and the protection zone around the tunnel. That protection zone is in the main 6 metres around all the tunnels, although exceptions may apply in specific locations where agreed by Thames Water.
- 9.2.4 In respect of surface sites it is intended to acquire the freehold of the land needed for permanent works. At main tunnel sites the permanent works would include the main tunnel shafts and other infrastructure and structures necessary to construct, operate and maintain the tunnel. At CSO sites this would be the structures that are necessary for the interception and diversion of flows from the existing CSOs into the main tunnel or the relevant connection tunnel. On foreshore sites this would include new river walls where these are necessary to the structural integrity of other structures. It is intended to take temporary possession of land that is only required for construction of the permanent works, and which will be restored once the works have been constructed. At certain sites it will be necessary to take permanent rights over land in third party ownership in order, for example, to gain access to the land owned by Thames Water in which the permanent works will be provided for the purpose of operating and maintaining those works. These details are set out in the Table at 9.2.8 below. Where structures are required to be provided under areas of highway, only subsoil will be acquired and the highway will be maintained. Where it is necessary to do works to the surface of a highway or it is necessary to break through the highway this will be done further to the highway works power set out in Articles 10 and 11 of the draft Order.
- 9.2.5 Having regard to various interests in land that may be acquired under the powers contained in the Order the detailed shoulder notes on each Land plan list:
- (a) those land plots which may be needed permanently. Those plots in respect of which only subsoil may be acquired are listed separately;
 - (b) in respect of which temporary possession may be taken; and
 - (c) the land over which rights will be required for the future operation and maintenance of the permanent works.
- 9.2.6 Plots which are identified for permanent acquisition may also be the subject of temporary possession at the start of site works. This is in line with the parameter approach to defining the site of works (see paragraph 6.4.4 of this statement) where it would be impossible or impractical to identify permanent acquisition boundaries at the commencement of works. Once it is feasible to identify the boundaries of land to be retained permanently, this will be done and those plots will be acquired.
- 9.2.7 The tables below set out in summary form the purposes for which land at the surface sites may be acquired or for which temporary possession may be taken. The tables also describe the purpose for which rights may be taken over third party land and identify areas that will not be acquired but which involve works under or on the existing highway. The works are described by reference to the numbered works set out in Schedule 1 to the Order. The plot numbers listed are shown on the Land plans and in the *Book of Reference*. The tables should be read in conjunction with and by reference to those documents. The *Engineering Design Statement* provides a detailed explanation of how TWUL has identified the extent of the land required for the project at each of the sites, and for the tunnel in between.
- 9.2.8 For ease of reference the sites are numbered as follow:

Site 1	Acton Storm Tanks
Site 2	Hammersmith Pumping Station
Site 3	Barn Elms
Site 4	Putney Embankment Foreshore
Site 5	Carnwath Road Riverside
Site 6	Dormay Street
Site 7	King George's Park
Site 8	Falconbrook Pumping Station
Site 9	Cremorne Wharf Depot
Site 10	Chelsea Embankment Foreshore
Site 11	Kirtling Street
Site 12	Heathwall Pumping Station
Site 13	Albert Embankment Foreshore
Site 14	Victoria Embankment Foreshore
Site 15	Blackfriars Bridge Foreshore
Site 16	Shad Thames Pumping Station
Site 17	Chambers Wharf
Site 18	Earl Pumping Station
Site 19	Deptford Church Street
Site 20	Greenwich Pumping Station
Site 21	King Edward Memorial Park Foreshore
Site 22	Bekesbourne Street
Site 23	Abbey Mills Pumping Station
Site 24	Beckton STW

Site 1: Acton Storm Tanks			
Interest to be acquired	Required for	Plot Numbers	Area (sq m)
Permanent acquisition of land - surface	Construction and maintenance of permanent works	Ealing: 4, 6, 7, 11, 12, 13, 14, 15, 16, 17, 21, 25, 29, 30,	9,548

Site 1: Acton Storm Tanks			
Interest to be acquired	Required for	Plot Numbers	Area (sq m)
and subsoil	including main tunnel shaft (Work No. 2a), overflow weir chamber, interception chamber, other chambers, culverts, pipes, ducts, electrical and control equipment, ventilation column, other ventilation structures and equipment, modification to existing storm tanks, boundary wall, fence, and landscaping (Work No. 2b).	33, 37, 38	
Permanent acquisition subsoil only	Construction and maintenance of the main tunnel beneath the site (Work No. 1a).	Ealing: 20, 26, 36	4,508
Temporary possession	Areas required for construction of Work Nos. 2a and 2b and construction of main tunnel secondary lining (part of Work No. 1a) including utility supplies, cranes, enclosures, concrete batching plant, workshops and stores, office, parking and welfare facilities, and vehicle and pedestrian circulation areas.	Ealing: 1, 2, 3, 5, 8, 9, 10, 18, 19, 20, 22, 23, 24, 26, 28, 31, 31a, 32, 32a, 36	13,636
Works to streets further to Articles 10 and 11 and Schedules 4 and 5 of the draft Order	Highway works to Canham Road, Stanley Gardens and Warple Way (part of Work No. 2b).	Ealing: 1, 2, 3, 31a, 32a	1,695
Rights over third party land	None	None	

Site 2: Hammersmith Pumping Station			
Interest to be acquired	Required for	Plot Numbers	Area (sq m)
Permanent acquisition of land - surface and subsoil	Construction and maintenance of permanent works including CSO drop shaft (Work No. 3a), interception chamber, other chambers, culverts, pipes, ducts, dry weather flow pumping station, electrical and control equipment, ventilation columns, other ventilation structures and equipment and boundary wall (Work No. 3c).	Hammersmith & Fulham: 102, 103, 110, 113	3,888
Permanent acquisition subsoil only	Construction and maintenance of the Hammersmith connection tunnel beneath the site (Work No. 3b).	Hammersmith & Fulham: 101	156
Temporary possession	Areas required for construction of Work Nos. 3a, 3b and 3c including utility supplies, cramage, enclosures, concrete batching plant, workshop and stores, office, parking and welfare facilities, and vehicle and pedestrian circulation areas. Separate area for highway works.	Hammersmith & Fulham: 101, 104, 105, 106, 107, 108, 109, 111, 112, 114, 115, 116, 117, 118	2,320
Works to streets further to Articles 10 and 11 and Schedules 4 and 5 of the draft Order	Highway works to Chancellor's Road and Distillery Road. Utility works in Chancellor's Road (part of Work No. 3c).	Hammersmith & Fulham: 107, 108, 112, 113, 117, 118	632

Site 2: Hammersmith Pumping Station			
Interest to be acquired	Required for	Plot Numbers	Area (sq m)
Rights over third party land	Rights for crane oversailing for the purpose of maintaining and operating Work Nos. 3a, 3b and 3c. Rights of access for the purpose of maintaining and operating Work Nos. 3a, 3b and 3c.	Hammersmith & Fulham: 101, 104, 105, 106	1,530

Site 3: Barn Elms			
Interest to be acquired	Required for	Plot Numbers	Area (sq m)
Permanent acquisition of land - surface and subsoil	Construction and maintenance of permanent works including CSO drop shaft (Work No. 4a), interception chamber, other chambers, culverts, pipes, ducts, electrical and control equipment, kiosk, ventilation columns, other ventilation structures and equipment, new permanent access road and hardstanding, habitat enclosure, replacement changing rooms and landscaping (Work No. 4c).	Richmond upon Thames: 63, 64, 71, 80	18,747
Permanent acquisition subsoil only	Construction and maintenance of the West Putney connection tunnel beneath the site (Work No. 4b).	Richmond upon Thames: 72, 79	217
Temporary	Areas required for construction of Work	Richmond upon Thames: 65, 65a,	29,587

Site 3: Barn Elms			
Interest to be acquired	Required for	Plot Numbers	Area (sq m)
possession	Nos. 4a, 4b and 4c including access road, utility supplies crange, enclosures, concrete batching plant, workshop and stores, office, parking and welfare facilities, and vehicle and pedestrian circulation areas.	65b, 66, 67, 68, 70, 72, 73, 76, 79, 85	
Works to streets further to Articles 10 and 11 and Schedules 4 and 5 of the draft Order	Highway works at junction of Queen Elizabeth Walk and private access road (part of Work No. 4c).	None	
Rights over third party land	None	None	

Site 4: Putney Embankment Foreshore			
Interest to be acquired	Required for	Plot Numbers	Area (sq m)
Permanent acquisition of land - surface and subsoil	Construction and maintenance of permanent works including CSO drop shaft (Work No. 5a), foreshore structure, new storm overflow, interception chamber, other chambers, culverts, pipes, ducts, electrical and control equipment, kiosks, ventilation columns, other ventilation structures and equipment, new river wall, scour protection, outfall apron and landscaping (Work No. 5c).	Wandsworth: 17, 17a, 18, 19, 21, 22, 24, 26, 27, 28, 29, 31, 37, 38, 38a, 41 and 43	6,258

Site 4: Putney Embankment Foreshore			
Interest to be acquired	Required for	Plot Numbers	Area (sq m)
Permanent acquisition subsoil only	Construction and maintenance of main tunnel (Work No. 1a) and Putney Bridge connection tunnel beneath the site (Work No. 5b).	Wandsworth: 8, 12, 12a, 12b, 12c, 14, 14a, 23, 25b, 48 and 50	3,663
Temporary possession	Areas required for construction of Work Nos. 5a, 5b and 5c including utility supplies, working area in the foreshore, temporary campshed, craneage, enclosures, concrete batching plant, workshop and stores, office, parking and welfare facilities, vehicle and pedestrian circulation areas and relocation of houseboat. Separate area required for temporary slipway construction, use and removal, and works to existing river wall (Work No. 5d).	Wandsworth: 8, 9, 9a, 10, 11, 12, 12a, 12b, 12c, 13, 13a, 14, 14a, 15, 16, 20, 23, 25, 25a, 25b, 25c, 30, 32, 33, 34, 35, 36, 39, 40, 42, 44, 45, 46, 46a, 47, 47a, 48, 50	21,815
Works to streets further to Articles 10 and 11 and Schedules 4 and 5 of the draft Order	Highway and utility works to Lower Richmond Road and the Embankment (part of Work No. 5c).	Wandsworth: 11, 19, 20, 21, 23, 22, 26, 28, 30, 31, 33, 34, 35, 36, 37, 38, 38a, 39, 40, 44, 47, 47a, 48	5,398
Rights over third party land	Rights of access for the purpose of maintaining Work Nos. 5a, 5b and 5c.	Wandsworth: 40, 42, 45 and 46	1,809

Site 5: Carnwath Road Riverside

Interest to be acquired	Required for	Plot Numbers	Area (sq m)
Permanent acquisition of land - surface and subsoil	<p>Construction and maintenance of permanent works including main tunnel shaft (Work No. 6a), chambers, pipes, ducts, ventilation building, ventilation column, other ventilation structures and equipment, walls and landscaping (Work No. 6b).</p> <p>Widening of the junction at Carnwath Road and Wandsworth Bridge Road (part of Work No. 6b).</p>	Hammersmith & Fulham: 126, 128, 128a, 133, 134, 135, 136 and 175	2,361
Permanent acquisition subsoil only	Construction and maintenance of the main tunnel beneath the site (Work Nos. 1a and 1b) and the Frogmore connection tunnel beneath the site (Work No. 7).	Hammersmith & Fulham: 124, 125, 127, 127a, 129, 137, 143, 146, 148, 149, 153, 155, 157, 159 and 160	9,504
Temporary possession	<p>Areas required for construction of Works Nos. 6a, 6b, 1a, tunnel secondary lining (part of Work No. 1b) and strengthening or replacing river walls including utility supplies, temporary jetty or campshed, craneage, enclosures, concrete batching plant, acoustic enclosure, other enclosures, workshop and stores, office, parking and welfare facilities, and vehicle and pedestrian circulation areas.</p> <p>Separate area for</p>	Hammersmith & Fulham: 124, 125, 127, 127a, 129, 130, 131, 132, 137, 138, 139, 140, 141, 141a, 142, 143, 144, 145, 146, 147, 147a, 147b, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 173, 174, 176, 177	33,728

Site 5: Carnwath Road Riverside			
Interest to be acquired	Required for	Plot Numbers	Area (sq m)
	junction widening.		
Works to streets further to Articles 10 and 11 and Schedules 4 and 5 of the draft Order	Highway works to Carnwath Road and at the junction of Carnwath Road and Wandsworth Bridge Road Utility works to Carnwath Road (part of Work No. 6b).	Hammersmith & Fulham: 132, 134, 135, 139, 147a, 173, 174, 176, 177	1,778
Rights over third party land	None	None	

Site 6: Dormay Street			
Interest to be acquired	Required for	Plot Numbers	Area (sq m)
Permanent acquisition of land - surface and subsoil	Construction and maintenance of permanent works including CSO drop shaft (Work No. 8a), interception chamber, other chambers, culverts, pipes, ducts, electrical and control equipment, kiosk, ventilation columns and other ventilation structures, equipment and intertidal terrace (Work No. 8c).	Wandsworth: 83, 84a, 93, 94, 96, 98, 99, 101 and 102	1,621
Permanent acquisition subsoil only	Construction and maintenance of the Frogmore connection tunnel beneath the site (Work No. 7).	Wandsworth: 75, 76, 97, 99a, 100, 103, 104, 109, 110, 111, 120 and 121	2,583
Temporary possession	Areas required for construction of Work Nos. 7, 8a, 8b and 8c, strengthening and altering or replacing river walls, protection or relocation of sub-station including	Wandsworth: 75, 76, 77, 78, 79, 80, 81, 82, 84, 85, 86, 87, 88, 89, 91, 92, 95, 97, 99a, 100, 103, 104, 109, 110, 111, 117, 118, 119, 120,	8,377

Site 6: Dormay Street			
Interest to be acquired	Required for	Plot Numbers	Area (sq m)
	utility supplies, cramage, enclosures, concrete batching plant, temporary bridge, workshop and stores, office, parking and welfare facilities, utility supplies and vehicle and pedestrian circulation areas. Use of the Causeway (private road) and possible junction widening.	121	
Works to streets further to Articles 10 and 11 and Schedules 4 and 5 of the draft Order	Highway works to Dormay Street and at the junction of Dormay Street, the Causeway and Armoury Way. Utility works to the Causeway (part of Work No. 8c).	Wandsworth: 102, 103, 109, 110, 111, 117, 118, 119, 120, 121	914
Rights over third party land	Rights of access for crane oversailing for the purpose of maintaining and operating Work Nos. 8a, 8b, 8c and 7. Rights of access for maintenance for the purpose of maintaining and operating Work Nos. 8a, 8b, 8c and 7.	Wandsworth: 76, 80, 84, 91, 95, 97, 99a, 100, 104	4,150

Site 7: King George's Park			
Interest to be acquired	Required for	Plot Numbers	Area (sq m)
Permanent acquisition of land - surface and subsoil	Construction and maintenance of permanent works including CSO drop	Wandsworth: 175, 176, 178	2,664

Site 7: King George's Park			
Interest to be acquired	Required for	Plot Numbers	Area (sq m)
	shaft (Work No. 9a), interception chamber, other chambers, culverts, pipes, ducts, electrical and control equipment, kiosk, ventilation columns, other ventilation structures and equipment, hardstanding area and landscaping (Work No. 9b).		
Permanent acquisition subsoil only	Construction and maintenance of the Frogmore connection tunnel beneath the site (Work No. 7).	Wandsworth: 172, 173	534
Temporary possession	Areas required for construction of Work Nos. 9a and 9b including utility supplies, cramage, enclosures, concrete batching plant, workshop and stores, office, parking and welfare facilities, and vehicle and pedestrian circulation areas.	Wandsworth: 172, 173, 177, 179, 180	1,437
Works to streets further to Articles 10 and 11 and Schedules 4 and 5 of the draft Order	Highway and utility works to the junction of Buckhold Road and Neville Gill Close (part of Work No. 9b).	Wandsworth:172, 173, 175, 177, 179	690
Rights over third party land	None	None	

Site 8: Falconbrook Pumping Station			
Interest to be acquired	Required for	Plot Numbers	Area (sq m)
Permanent acquisition of land - surface and subsoil	Construction and maintenance of permanent works including CSO drop shaft (Work No. 10a), interception chamber, other chambers, culverts, pipes, ducts, electrical and control equipment, ventilation columns, other ventilation structures and equipment, railings and landscaping (Work No. 10c).	Wandsworth: 195, 199, 200, 201, 202, 207, 208, 209, 210, 211, 212, 219 and 221	2,877
Permanent acquisition subsoil only	Construction and maintenance of the Falconbrook connection tunnel beneath the site (Work No. 10b).	Wandsworth: 194, 196, 197, 198, 203 and 206	182
Temporary possession	Areas required for construction Work Nos. 10a, 10b and 10c including utility supplies, cramage, enclosures, concrete batching plant, workshop and stores, office, parking and welfare facilities, and vehicle and pedestrian circulation areas. Separate area for highway works.	Wandsworth: 194, 196, 197, 198, 203, 204, 205, 206, 213, 214, 215, 216, 217, 218, 220, 222, 223	2,464
Works to streets further to Articles 10 and 11 and Schedules 4 and 5 of the draft Order	Highway and utility works to York Road (part of Work No. 10c).	Wandsworth: 194, 196, 197, 198, 201, 202, 203, 204, 205, 206, 207, 209, 223	1,323
Rights over third party	Right of access to the permanent works for	Wandsworth: 214,	371

Site 8: Falconbrook Pumping Station			
Interest to be acquired	Required for	Plot Numbers	Area (sq m)
land	the purpose of maintaining and Work Nos. 10a, 10b and 10c.	215, 216	

Site 9: Cremorne Wharf Depot			
Interest to be acquired	Required for	Plot Numbers	Area (sq m)
Permanent acquisition of land - surface and subsoil	Construction and maintenance of permanent works including CSO drop shaft (Work No. 11a), interception chamber, other chambers, culverts, pipes, ducts, electrical and control equipment, ventilation columns, other ventilation structures and equipment, flood defence works and depot building (Work No. 11c).	Kensington and Chelsea: 5, 7, 8, 17 and 19	4,646
Permanent acquisition subsoil only	Construction and maintenance of the Lots Road connection tunnel beneath the site (Work No. 11b).	Kensington and Chelsea: 3, 4	1,035
Temporary possession	Areas required construction of Work Nos. 11a, 11b and 11c including utility supplies, temporary campshed, craneage, enclosures, concrete batching plant, workshop and stores, office, parking and welfare facilities, and vehicle and pedestrian circulation areas.	Kensington and Chelsea: 2, 3, 4, 9, 10, 11, 12, 13, 14, 15, 16, 18	1,657

Site 9: Cremorne Wharf Depot			
Interest to be acquired	Required for	Plot Numbers	Area (sq m)
Works to streets further to Articles 10 and 11 and Schedules 4 and 5 of the draft Order	Highway works to Lots Road (part of Work No. 11c).	Kensington and Chelsea: 14, 15, 18	116
Rights over third party land	Right of access to the permanent works for the purpose of maintaining and operating Work Nos. 11a, 11b and 11c.	Kensington and Chelsea: 9, 11, 14	148

Site 10: Chelsea Embankment Foreshore			
Interest to be acquired	Required for	Plot Numbers	Area (sq m)
Permanent acquisition of land - surface and subsoil	<p>Construction and maintenance of permanent works including CSO drop shaft (Work No. 12a), foreshore structure, new storm overflow, interception chamber, Low Level Sewer overflow weir chamber, other chambers, culverts, pipes, ducts, electrical and control equipment, kiosks, ventilation columns, other ventilation structures and equipment, river wall, scour protection, outfall apron, wall and landscaping (Work No. 12c).</p> <p>Subsurface only - construction and maintenance of connection culvert beneath Chelsea</p>	Kensington and Chelsea: 32, 34, 36, 37, 38, 39, 42, 43 and 44	8,761

Site 10: Chelsea Embankment Foreshore			
Interest to be acquired	Required for	Plot Numbers	Area (sq m)
	Embankment and beneath the foreshore (part of Work No. 12c).		
Permanent acquisition subsoil only	Construction and maintenance of main tunnel (Work No. 1b) and Ranelagh connection tunnel beneath the site (Work No. 12b).	Kensington and Chelsea: 28 and 31	5,774
Temporary possession	Areas required for construction of Work Nos. 12a, 12b and 12c including , temporary campshed, working area in the foreshore, craneage, enclosures, concrete batching plant, workshop and stores, office, parking and welfare facilities, and vehicle and pedestrian circulation areas.	Kensington and Chelsea: 27, 28, 29, 31, 33, 40, 41, 45, 46, 47	16,035
Works to streets further to Articles 10 and 11 and Schedules 4 and 5 of the draft Order	Highway and utility works to Chelsea Embankment (part of Work No. 12c).	Kensington and Chelsea: 33, 34, 37, 38, 43, 45, 46	5,946
Rights over third party land	Rights of access to maintain connection to existing sewers (part of Work No. 12c)	Kensington and Chelsea: 33	3471

Site 11: Kirtling Street			
Interest to be acquired	Required for	Plot Numbers	Area (sq m)
Permanent acquisition of	Construction and maintenance of	Wandsworth: 234a, 237, 238, 239, 240,	8,561

Site 11: Kirtling Street			
Interest to be acquired	Required for	Plot Numbers	Area (sq m)
land - surface and subsoil	permanent works including main tunnel shaft (Work No. 13a), electrical and control kiosks, ventilation column, other ventilation structures and equipment, and concrete batching plant (Work No. 13b).	241a, 242a, 250, 251, 259, 270, 272,	
Permanent acquisition subsoil only	Construction and maintenance of the main tunnel beneath the site (Work Nos. 1b and 1c).	Wandsworth: 234, 241, 243, 245, 246, 248, 252, 253, 254, 255, 264, 267	2,945
Temporary possession	Areas required for construction of Work Nos. 1b, 1c, 13a and 13b, and river wall works including utility supplies, temporary jetty, craneage, noise enclosures, other enclosures, concrete batching plant, workshop and stores, office, parking and welfare facilities, vehicle and pedestrian circulation areas.	Wandsworth: 234, 237a, 237b, 241, 242, 243, 244, 245, 246, 247, 248, 249, 252, 253, 254, 255, 256, 257, 258, 264, 265, 267, 268, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296	43,635
Works to streets further to Articles 10 and 11 and Schedules 4 and 5 of the draft Order	Highway and utility works to Cringle Street and Kirtling Street (part of Work No. 13b).	Wandsworth: 273, 274, 277, 278, 280, 281	3,888
Rights over third party land	None.	None	

Site 12: Heathwall Pumping Station			
Interest to be acquired	Required for	Plot Numbers	Area (sq m)
Permanent acquisition of land - surface and subsoil	Construction and maintenance of permanent works including South West Storm Relief CSO drop shaft (Work No. 14a), foreshore structure, new storm overflow, Heathwall Pumping Station CSO drop shaft, interception chambers, other chambers, culverts, pipes, ducts, electrical and control equipment, ventilation columns, other ventilation structures and equipment, scour protection, river walls, outfall apron and landscaping (Work No. 14c). Heathwall / South West Storm Relief connection tunnel (Work No. 14b)	Wandsworth: 303, 304, 305, 306, 307, 309, 310, 311, 312, 313, 314 and 317	4,678
Permanent acquisition subsoil only	Construction and maintenance of main tunnel (Work No. 1c) and Heathwall/SWSR connection tunnel beneath the site (Work No. 14b).	Wandsworth: 297, 318 and 319	3,088
Temporary possession	Areas required construction of Work Nos. 14a, 14b, 14c and river wall works including utility supplies, working area in the foreshore, provision of temporary campshed, cranager, enclosures, concrete batching plant, workshop and stores, office, parking and welfare facilities, and	Wandsworth: 297, 299, 300, 301, 302, 308, 310a, 311a, 315, 316, 318, 319, 323, 324	8,080

Site 12: Heathwall Pumping Station			
Interest to be acquired	Required for	Plot Numbers	Area (sq m)
	vehicle and pedestrian circulation areas. Areas for construction works associated with the temporary relocation of the Battersea Barge.		
Works to streets further to Articles 10 and 11 and Schedules 4 and 5 of the draft Order	Highway works to Nine Elms Lane (part of Work No. 14c).	Wandsworth: 309, 311, 311a	92
Rights over third party land	Rights of access for crane oversailing for the purpose of maintaining and operating Work Nos. 14a, 14b and 14c. Rights of access for the purpose of maintaining utilities associated with Work Nos. 14a, 14b and 14c.	Wandsworth: 297, 299, 302, 315	3,727

Site 13: Albert Embankment Foreshore			
Interest to be acquired	Required for	Plot Numbers	Area (sq m)
Permanent acquisition of land - surface and subsoil	Construction and maintenance of permanent works including CSO drop shaft (Work No. 15a), foreshore structures, new storm overflow, interception chamber, other chambers, culverts, pipes, ducts, electrical and control kiosks, ventilation columns, other ventilation structures and equipment, scour	Lambeth: 14, 15, 17, 20, 22, 23, 28, 29, 30, 33, 33a, 36, 37, 38, 38a, 39, 45, 46 and 48	8,402

Site 13: Albert Embankment Foreshore			
Interest to be acquired	Required for	Plot Numbers	Area (sq m)
	protection, outfall aprons, river walls and landscaping (Work No. 15c).		
Permanent acquisition subsoil only	Construction and maintenance of main tunnel (Work No. 1c) and Clapham/Brixton connection tunnel beneath the site (Work No. 15b).	Lambeth: 5, 6, 9, 10, 11, 11c, 12, 24, 27 and 35	5,364
Temporary possession	Areas required for construction of Work Nos. 15a, 15b, 15c and protective works to slipway and walls including utility supplies, working areas in the foreshore, temporary campshed, craneage, enclosures, concrete batching plant, workshop and stores, office, parking and welfare facilities, accessways, and vehicle and pedestrian circulation areas.	Lambeth: 5, 5a, 6, 7, 8, 9, 10, 10a, 11, 11a, 11b, 11c, 12, 13, 16, 18, 21, 24, 25, 26, 26a, 27, 31, 32, 34, 34a, 35, 40, 41, 42, 43, 44, 47, 49, 50, 51	15,244
Works to streets further to Articles 10 and 11 and Schedules 4 and 5 of the draft Order	Highway works to Albert Embankment (part of Work No. 15c).	Lambeth: 44, 50	87
Rights over third party land	Two areas for right of access to the permanent works for the purpose of maintaining and operating Work Nos. 15a, 15b and 15c.	Lambeth: 16, 31, 32, 40, 41, 43	1,397

Site 14: Victoria Embankment Foreshore			
Interest to be acquired	Required for	Plot Numbers	Area (sq m)
Permanent acquisition of land - surface and subsoil	<p>Construction and maintenance of permanent works including CSO drop shaft (Work No. 16a), foreshore structure, new storm overflow, Low Level Sewer overflow weir chamber, other chambers, culverts, pipes, ducts, electrical and control equipment, kiosks, ventilation columns, other ventilation structures and equipment, scour protection, outfall apron, river wall, amenity building and landscaping (Work No. 16c).</p> <p>Construction of permanent works associated with the relocation of Tattershall Castle (part of Work No. 16c).</p> <p>Subsurface only - construction and maintenance of Low Level Sewer overflow weir chamber beneath Victoria Embankment (part of Work No. 16c).</p>	City of Westminster: 13b, 17a, 17c, 18, 19, 19b and 20	9,559
Permanent acquisition subsoil only	Construction and maintenance of main tunnel (Work No. 1c) and Regent Street connection tunnel beneath the site	City of Westminster: 13a, 14, 23 and 25	3,206

Site 14: Victoria Embankment Foreshore			
Interest to be acquired	Required for	Plot Numbers	Area (sq m)
	(Work No. 16b).		
Temporary possession	Areas required for construction of Work Nos. 16a, 16b and 16c including utility supplies, working area in the foreshore, temporary campshed, moorings, cramage, enclosures, concrete batching plant, workshop and stores, office, parking and welfare facilities, and vehicle and pedestrian circulation areas. Areas for construction works associated with the relocation of Tattershall Castle.	City of Westminster: 13a, 14, 15, 16, 17, 17b, 19a, 21, 22, 23, 23a, 25, 26, 27, 28	8,017
Works to streets further to Articles 10 and 11 and Schedules 4 and 5 of the draft Order	Highway and utility works to Victoria Embankment (part of Work No. 16c).	City of Westminster: 16, 20, 21, 28	3,188
Rights over third party land	None	None	

Site 15: Blackfriars Bridge Foreshore			
Interest to be acquired	Required for	Plot Numbers	Area (sq m)
Permanent acquisition of land - surface and subsoil	Construction and maintenance of permanent works including CSO drop shaft (Work No. 17a), foreshore structure, new storm overflow, Low Level Sewer overflow weir	City of London: 3a, 4a, 7, 7a, 9, 10, 11, 12, 13, 14, 15, 16, 17, 19b, 19c, 20, 22, 24, 25, 26, 27, 28, 29, 30, 33, 37, 38, 47 and 48	21,153

Site 15: Blackfriars Bridge Foreshore			
Interest to be acquired	Required for	Plot Numbers	Area (sq m)
	<p>chamber, other chambers, culverts, pipes, ducts, electrical and control equipment, kiosks, ventilation columns, other ventilation structures and equipment, scour protection, outfall apron, walls, stairs, pontoon, replacement highway structures, amenity buildings and landscaping (Work No. 17b).</p> <p>Construction of permanent works associated with the relocation of Blackfriars Millennium Pier (part of Work No. 17b).</p> <p>Construction of permanent works associated with the relocation of the President (part of Work No. 17b).</p> <p>Subsurface only - construction and maintenance of Low Level Sewer overflow weir chamber beneath Victoria Embankment (part of Work No. 17b).</p>		
Permanent acquisition subsoil only	Construction and maintenance of the main tunnel beneath the site (Work No. 1c).	City of London: 2, 15a, 23, 35, 40 and 45	5,672
Temporary possession	Areas required for construction of Work Nos. 17a and 17b including utility supplies, working	City of London: 2, 3, 4, 5, 15a,19, 19a, 23, 32, 34, 35, 39, 40, 45, 46	17,666

Site 15: Blackfriars Bridge Foreshore			
Interest to be acquired	Required for	Plot Numbers	Area (sq m)
	<p>areas in the foreshore, provision of temporary campshed, crange, enclosures, concrete batching plant, workshop and stores, office, parking and welfare facilities, and vehicle and pedestrian circulation areas.</p> <p>Areas for construction works associated with the relocation of Blackfriars Millennium Pier.</p> <p>Areas for construction works associated with the relocation of the President.</p>		
Works to streets further to Articles 10 and 11 and Schedules 4 and 5 of the draft Order	Highway and utility works to Victoria Embankment (part of Work No. 17b).	City of London: 5, 10, 19, 19a, 19b, 19c, 20, 25, 33, 37	4,776
Rights over third party land	Rights of access to maintain connection to existing sewers (part of Work No. 17b).	City of London: 19, 19a	2,405

Site 16: Shad Thames Pumping Station			
Interest to be acquired	Required for	Plot Numbers	Area (sq m)
Permanent acquisition of land - surface and subsoil	Construction and maintenance of permanent works including drain-down pumping station, connection chamber, other chambers, pipes, ducts, electrical	Southwark: 294, 295, 296, 298 and 301	1,298

Site 16: Shad Thames Pumping Station			
Interest to be acquired	Required for	Plot Numbers	Area (sq m)
	switchgear and facilities building, ventilation column, boundary wall and modifications to existing building (Work No. 18). Subsurface only – construction and maintenance of chambers beneath Maguire Street and Gainsford Street (part of Work No. 18).		
Permanent acquisition subsoil only	None	None	
Temporary possession	Areas required for construction of Work No. 18 including craneage, storage and welfare facilities.	Southwark: 289, 290, 291, 292, 293, 297, 299, 300, 302	979
Works to streets further to Articles 10 and 11 and Schedules 4 and 5 of the draft Order	Highway and utility works in Maguire Street, Shad Thames and Gainsford Street (part of Work No. 18).	Southwark: 289, 290, 291, 292, 298, 299, 300, 301, 302	1,301
Rights over third party land	Rights of access for maintenance for the purpose of maintaining Work No. 18.	Southwark: 297	151

Site 17: Chambers Wharf			
Interest to be acquired	Required for	Plot Numbers	Area (sq m)
Permanent acquisition of land - surface and subsoil	Construction and maintenance of permanent works including main tunnel shaft (Work No. 19a),	Southwark: 19, 20, 20a, 23, 25, 29, 30, 38 and 43	4,417

Site 17: Chambers Wharf			
Interest to be acquired	Required for	Plot Numbers	Area (sq m)
	electrical and control equipment, kiosk, ventilation columns, other ventilation structures and equipment, and river wall (Work No. 19b).		
Permanent acquisition subsoil only	Construction and maintenance of the main tunnel beneath the site (Work Nos. 1c and 1d) and the Greenwich connection tunnel beneath the site (Work No. 20).	Southwark: 15, 16, 17, 22, 26, 27, 28, 31, 42 and 51	3,932
Temporary possession	Areas required for construction of Work Nos. 1c, 1d, 19a and 19b, and flood wall works including utility supplies, working area in the foreshore, crange, acoustic and other enclosures, concrete batching plant, workshop and stores, office, parking and welfare facilities, and vehicle and pedestrian circulation areas. Separate area for highway works.	Southwark: 15, 16, 17, 18, 21, 22, 24, 26, 27, 28, 31, 39, 40, 41, 42, 44, 45, 46, 47, 48, 49, 50, 51, 52, 61	23,817
Works to streets further to Articles 10 and 11 and Schedules 4 and 5 of the draft Order	Highway works to Bevington Street. Utility works in Loftie Street, Bermondsey Wall West, Bermondsey Wall East, Chambers Street and East Lane (part of Work No. 19b).	Southwark: 39, 41, 46, 47, 48, 49, 50, 51, 52, 61	2,562
Rights over third party land	Rights of access for crane oversailing for the purpose of maintaining and	Southwark: 22, 24, 27	1,822

Site 17: Chambers Wharf			
Interest to be acquired	Required for	Plot Numbers	Area (sq m)
	operating Work Nos. 1c, 1d, 19a, 19b, and 20.		

Site 18: Earl Pumping Station			
Interest to be acquired	Required for	Plot Numbers	Area (sq m)
Permanent acquisition of land - surface and subsoil	Construction and maintenance of permanent works including CSO drop shaft (Work No. 21a), interception chamber, other chambers, culverts, pipes, ducts, drain-down pumping station, electrical and control kiosks, ventilation columns, other ventilation structures and equipment, walls and landscaping (Work No. 21b). Subsurface only – construction and maintenance of part of the CSO drop shaft beneath the footway of Croft Street (part of Work No. 21a).	Lewisham: 6, 11, 12, 13, 14, 17, 18, 19	2,127
Permanent acquisition subsoil only	Construction and maintenance of the Greenwich connection tunnel beneath the site (Work No. 20).	Southwark: 286 Lewisham: 5, 10, 23 and 24	445
Temporary possession	Areas required for construction of Work Nos. 21a and 21b including utility supplies, cramage, enclosures, concrete batching plant,	Southwark: 286, 287, 288 Lewisham: 2, 4, 5, 7, 8, 9, 10, 15, 16, 20, 21, 22, 23, 24	3,855

Site 18: Earl Pumping Station			
Interest to be acquired	Required for	Plot Numbers	Area (sq m)
	workshop and stores, office, parking and welfare facilities, and vehicle and pedestrian circulation areas.		
Works to streets further to Articles 10 and 11 and Schedules 4 and 5 of the draft Order	Highway and utility works to Chilton Grove, Yeoman Street and Croft Street (part of Work No. 21b).	Southwark: 286, 287, 288, Lewisham: 2, 9, 10, 12, 16	1,316
Rights over third party land	Rights of access for crane oversailing for the purpose of maintaining and operating Work Nos. 21a, 21b and 20.	Lewisham: 15	668

Site 19: Deptford Church Street			
Interest to be acquired	Required for	Plot Numbers	Area (sq m)
Permanent acquisition of land - surface and subsoil	<p>Construction and maintenance of permanent works including CSO drop shaft (Work No. 22a), interception chamber, other chambers, culverts, pipes, ducts electrical and control equipment, kiosks, ventilation columns, other ventilation structures, equipment and landscaping (Work No. 22b).</p> <p>Sub-surface only - construction and maintenance of CSO interception chamber beneath Deptford</p>	Lewisham: 155, 156, 157, 159, 160, 161, 162, 163, 171, 173, 176, 178 and 179	5,496

Site 19: Deptford Church Street			
Interest to be acquired	Required for	Plot Numbers	Area (sq m)
	Church Street (part of Work No. 22b).		
Permanent acquisition subsoil only	Construction and maintenance of the Greenwich connection tunnel beneath the site (Work No. 20).	Lewisham: 150, 154, 177	1,752
Temporary possession	Areas required for construction of Works Nos. 22a and 22b including crange, enclosure, concrete batching plant, workshop and stores, office, parking and welfare facilities, vehicle and pedestrian circulation areas and fire assembly points. Separate areas for highway works and two fire assembly points for school.	Lewisham: 150, 151, 152, 153, 154, 158, 164, 165, 166, 167, 168, 169, 170, 172, 174, 175, 177, 180, 181, 182 Greenwich: 1, 2, 3, 4	7,002
Works to streets further to Articles 10 and 11 and Schedules 4 and 5 of the draft Order	Highway works to Crossfield Street and Coffey Street. Highway and utility works in Deptford Church Street (part of Work No. 22b).	Lewisham, 150, 151, 152, 153, 154, 155, 157, 158, 159, 162, 163, 164, 165, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182 Greenwich: 1, 2, 3, 4	7,954
Rights over third party land	None	None	

Site 20: Greenwich Pumping Station			
Interest to be acquired	Required for	Plot Numbers	Area (sq m)

Site 20: Greenwich Pumping Station			
Interest to be acquired	Required for	Plot Numbers	Area (sq m)
Permanent acquisition of land - surface and subsoil	Construction and maintenance of permanent works including CSO drop shaft (Work No. 23a), interception chamber, other chambers, culverts, pipes, ducts, electrical and control equipment, ventilation structures and equipment, fencing, landscaping and alterations to the East Beam Engine House (Work No. 23c). Construction and maintenance of the Greenwich connection tunnel (Work No 20)	Greenwich: 13, 14, 17, 20, 35, 36, 37, 38, 39, 40, 41 and 43	5,902
Permanent acquisition subsoil only	Construction and maintenance of the Greenwich connection tunnel beneath the site (Work No. 20).	Greenwich: 11, 12 and 18a	33
Temporary possession	Areas required for construction of Work Nos.20, 23a, 23b and 23c, and works including utility supplies, crange, acoustic and other enclosures, concrete batching plant, workshop and stores, office, parking and welfare facilities, and vehicle and pedestrian circulation areas.	Greenwich: 11, 12, 15, 16, 18, 18a, 19, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 46, 47, 48, 49	15,511
Works to streets further to Articles 10 and 11 and Schedules 4 and 5 of the draft Order	Highway works to Norman Road (part of Work No. 23b).	Greenwich: 30, 31, 32, 34, 47	448

Site 20: Greenwich Pumping Station			
Interest to be acquired	Required for	Plot Numbers	Area (sq m)
Rights over third party land	Rights of access for crane oversailing for the purpose of maintaining and operating structures associated with the interception of the CSO.	None	

Site 21: King Edward Memorial Park Foreshore			
Interest to be acquired	Required for	Plot Numbers	Area (sq m)
Permanent acquisition of land - surface and subsoil	Construction and maintenance of permanent works including CSO drop shaft (Work No. 24a), foreshore structure, new storm overflow, interception chamber, other chambers, culverts, pipes, ducts, electrical and control equipment, kiosks, ventilation columns, other ventilation structures and equipment, scour protection, outfall apron, river wall and landscaping (Work No. 24b).	Tower Hamlets: 26, 26a, 27, 28, 29, 30 and 31	12,450
Permanent acquisition subsoil only	Construction and maintenance of the main tunnel beneath the site (Work No. 1d).	Tower Hamlets: 21, 21a, 22, 22a, 36, 36a and 37	1,405
Temporary possession	Areas required for construction of Work	Tower Hamlets: 21, 21a, 22, 22a, 23,	7,696

Site 21: King Edward Memorial Park Foreshore			
Interest to be acquired	Required for	Plot Numbers	Area (sq m)
	Nos. 24a and 24b river wall works and replacement or refurbishment of park facilities including utility supplies, working area in the foreshore, campshed, crane, enclosures, concrete batching plant, workshop and stores, office, parking and welfare facilities, vehicle and pedestrian circulation areas.	23a, 24, 25, 32, 33, 34, 35, 36, 36a, 37	
Works to streets further to Articles 10 and 11 and Schedules 4 and 5 of the draft Order	Works to Glamis Road and the Highway. Utility works in Glamis Road and The Highway (part of Work No. 24b).	Tower Hamlets: 31, 32, 33, 34	2,643
Rights over third party land	Rights of access for crane oversailing for the purpose of maintaining and operating Works Nos. 1d, 29a and 29b.	Tower Hamlets: 21, 21a, 22, 22a, 23, 23a, 24, 25	4,417

Site 22: Bekesbourne Street			
Interest to be acquired	Required for	Plot Numbers	Area (sq m)
Permanent acquisition of land - surface and subsoil	Construction and maintenance of permanent works including penstock and flap valve chamber, other chambers pipes and ducts, electrical and control kiosk and ventilation column (Work No. 25).	Tower Hamlets: 211, 214, 215, 216, 217 and 223	817
Permanent acquisition	None	None	

Site 22: Bekesbourne Street			
Interest to be acquired	Required for	Plot Numbers	Area (sq m)
subsoil only			
Temporary possession	Areas required for construction of Work No. 25 including utility supplies, cramage, storage and welfare facilities.	Tower Hamlets: 210, 212, 213, 218, 219, 220, 221, 222, 224, 225	370
Works to streets further to Articles 10 and 11 and Schedules 4 and 5 of the draft Order	Highway and utility works in Ratcliffe Lane (part of Work No. 25).	Tower Hamlets: 214, 217, 218, 219, 220, 221, 222, 223, 225	474
Rights over third party land	None	None	

Site 23: Abbey Mills Pumping Station			
Interest to be acquired	Required for	Plot Numbers	Area (sq m)
Permanent acquisition of land - surface and subsoil	Construction and maintenance of permanent works including works to the existing Abbey Mills pumping station Shaft 'G' and the connection to Abbey Mills Pumping Station Shaft 'F' (Work 26a), chambers, pipes, ducts, electrical and control equipment, kiosk, ventilation structures and fencing (Work No. 26b).	Newham: 29and 30	6,147
Permanent acquisition subsoil only	Construction and maintenance of the main tunnel beneath the site (Work No.	Newham: 21, 22 and 24	4,013

Site 23: Abbey Mills Pumping Station			
Interest to be acquired	Required for	Plot Numbers	Area (sq m)
	1d).		
Temporary possession	Areas required for construction for Work Nos. 26a and 26b and main tunnel secondary lining (part of Work No 1d) including utility supplies, cross-river footbridge, craneage, enclosures, concrete batching plant, workshop and stores, office, parking and welfare facilities, and vehicle and pedestrian circulation areas.	Newham: 21, 22, 23, 24, 25, 26, 28 and 33	31,179
Works to streets further to Articles 10 and 11 and Schedules 4 and 5 of the draft Order	None		31
Rights over third party land	Rights of access for crane oversailing for the purpose of maintaining and operating Work Nos. 1d, 26a and 26b.	Newham: 28	24,917

Site 24: Beckton Sewage Treatment Works			
Interest to be acquired	Required for	Plot Numbers	Area (sq m)
Permanent acquisition of land - surface and subsoil	Construction and maintenance of permanent works including siphon inlet and outlet shafts, valve chambers, other chambers, culverts, pipes, ducts, discharge structure into the Northern	Newham: 40, 41, 42, 43, 45, 46, 47, 49, 50, 51, 54, 55, 56, 57, 83 and 84	93,650

Site 24: Beckton Sewage Treatment Works			
Interest to be acquired	Required for	Plot Numbers	Area (sq m)
	Outfall Sewer and new grit removal gantries (part of Work No. 27).		
Permanent acquisition subsoil only	Construction and maintenance of siphon tunnel beneath the site (part of Work No. 27).	Newham: 60, 66, 66a, 67, 68, 71, 72 and 78	22,301
Temporary possession	Areas required for construction of Work No. 27 including utility supplies, cranes, enclosures, concrete batching plant, workshop and stores, office, parking and welfare facilities, and vehicle and pedestrian circulation areas.	Newham: 34, 35, 36, 37, 38, 39, 48, 52, 53, 58, 59, 60, 61, 62, 63, 64, 65, 66, 66a, 67, 68, 69, 70, 71, 72, 78, 79, 82	65,351
Works to streets further to Articles 10 and 11 and Schedules 4 and 5 of the draft Order	None		2,146
Rights over third party land	Rights of access for the purpose of maintaining and operating Work No. 27.	Newham: 34, 35, 36, 37, 38, 39, 52, 53, 58, 59, 60, 67, 68, 69, 70, 71, 72, 78, 79	50,519

9.3 **Need for Power to Override Rights and Easements**

9.3.1 As well as the acquisition of the Order land, powers are sought (see Articles 27(2) and 31 of the draft Order) which enable the overriding of third party rights on land which is either already owned by Thames Water or which will be acquired by agreement or by exercise of compulsory acquisition powers in future. These powers are subject to the payment of compensation.

10 **APPROACH TO LAND ACQUISITION**

Strategy

10.1 The strategy for site selection determined that, where possible, use should be made of sites already in the ownership and control of Thames Water. Where

appropriate, Thames Water would minimise the purchase of land and use a range of alternative agreements for land required for temporary use or where rights only would suffice. Existing residential properties would be retained, only demolishing or seeking temporary relocation in exceptional circumstances, and demolition of or disruption to existing businesses should be minimised.

- 10.2 The principles for property acquisition which developed over the life of the site selection period and the consultation period included the need for freehold acquisitions for permanent structures; the nature of the project as a major piece of infrastructure and the fact that its operational life requires full ownership. Development opportunities should be accommodated and site layouts should be optimised to minimise disruption to existing and future development potential. Key sites should be secured as soon as possible, costs should be minimised and Thames Water's reputation, as a responsible corporate steward of land, should be maintained.
- 10.3 Since announcement of the preferred sites Thames Water has engaged or endeavoured to engage with all owners and occupiers of the land required for the project, as part of the consultation process, to obtain feedback on the proposals and where appropriate has had discussions about the potential implications for future use. Those discussions have, in many cases, developed into negotiations to agree acquisition or options to make acquisitions.
- 10.4 The acquisition of a subterranean stratum to enable construction of the tunnels will necessarily involve very large numbers of individual property owners whose interests are not generally expected to be affected by either the tunnelling works or operation of the tunnels for their intended purpose. No attempt has been or will be made to secure the subsoil interests by agreement in advance of the compulsory purchase (save where these can be captured in agreements relating to plots required for site works) on the basis that general vesting powers will be used to acquire the necessary stratum, and land owners compensated in accordance with the statutory compensation code. All deep subsoil owners have been contacted and an offer to settle compensation and fees has been made. There is in any event no prospect of successfully acquiring the rights required without use of compulsory powers.
- 10.5 Thames Water has included within the Order land plots which are already within its ownership together with land where it has secured contractual rights to acquire land or take possession of it. It is essential to do this to avoid any impediment to the ability to implement the project. In particular:-
- 10.5.1 Where Thames Water already owns the freehold of any land within the Order limits, it needs to have the ability to remove any third party interests (known or unknown) which could prevent or impede the use of that land for the purposes of construction and operation of the project. The ability to apply the powers in Article 33 of the draft DCO, which incorporates the general vesting procedure, allows the overriding of any third party ownership in that land, subject only to the payment of compensation.
- 10.5.2 In the case of land which Thames Water has secured by contract but which has not yet been transferred to Thames Water, again the use of vesting powers offers a superior method of acquisition, especially for the subsoil plots for the tunnel, as these can be acquired at the same time and in suitable lengths to reflect the programme for construction. Vesting powers in any event are a superior method of title acquisition which is effective against all interests in the land (even if unknown).

- 10.5.3 Contractual obligations are, by their nature, conditional upon the parties complying with their obligations. If for any reason a contracting party failed to lease or transfer land to Thames Water in line with the contract programme or at all, the exercise of compulsory powers and rights is a superior solution to the enforcement of contractual rights (both in terms of enforceability and programme) and will ensure the timely delivery of the project.

Progress on site acquisition

- 10.6 As well as the consultation exercise for the project, Thames Water has been in contact with all owners and occupiers on the sites with a view to seeking to negotiate agreements, where possible. What follows is a summary of the progress of negotiations which have developed out of those contacts.
- 10.7 Thirteen of the surface sites require acquisition or temporary use of foreshore areas in the Thames. These foreshore areas are owned by the Crown, the Duchy of Cornwall or the Port of London Authority. Negotiations for acquisition or use of these foreshore areas are progressing with all parties.
- 10.8 The majority of the Acton Storm Tanks site is already owned by Thames Water. Discussions with the London Borough of Ealing to secure consent for activities on adjoining land have been addressed in a Statement of Common Ground. The Council would prefer that Thames Water serve notice in accordance with the DCO to secure the rights required and so that any compensation will subsequently be assessed in accordance with the statutory code. Thames Water has also identified a potential adverse possession situation which affects a property owned by the London Borough of Ealing and its tenant. Again the Borough is content that notices are served and that any claims made are consistent with the legal ownership position which is eventually proven.
- 10.9 At the Hammersmith Pumping Station site the proposals would require an extension of the existing Thames Water compound onto land owned by St George, part of the Berkeley Group. Thames Water has an agreement in place with St George to carry out the works and acquire the land interests required to construct, operate and maintain the proposed CSO interception works, although the legal agreement states that in order to vest the land in Thames Water, cleanse title or in the event of breach of contract by St George, then the DCO compulsory acquisition rights will remain available to Thames Water.
- 10.10 The Barn Elms Site is the subject of negotiations with the owners, the London Borough of Wandsworth. Negotiation of an agreement with the London Borough of Wandsworth for use of their land is at an advanced stage and this agreement anticipates the grant of a 999 year lease for the permanent land and right of way to maintain access.
- 10.11 The Putney Embankment Foreshore site includes land owned by the London Borough of Wandsworth and the Port of London Authority. The interests in land owned by the London Borough of Wandsworth and required by Thames Water at this location are included in the same draft agreement as provides for the acquisition at Barn Elms. Negotiations with the PLA are progressing positively and Thames Water is hopeful that agreement will be reached to facilitate construction and operation of the CSO interception works required in this location.
- 10.12 The Carnwath Road Riverside site is in multiple ownership and occupation. Thames Water has now acquired the required freehold interest in Whiffin Wharf and leasehold interest in Hurlingham Wharf from the freehold owner of the site, Hildo Limited. Heads of terms for agreement to secure the required interests from the

freeholder (London Borough of Hammersmith and Fulham) and long leaseholder (Nortrust Nominees) of the Carnwath Road Industrial Estate are agreed subject to the formalities of exchange. Consultation and engagement with the five occupiers of the industrial estate is continuing, and in one case heads of terms for acquisition are very near agreement, and Thames Water remains desirous of reaching a negotiated agreement to facilitate works at this location.

- 10.13 The land at the Dormay Street site required for the CSO shaft has been acquired by Thames Water. There is also a wider collaboration agreement that is near to completion with the London Borough of Wandsworth which owns adjacent land. The intention is that, together with the acquired land, the works can be completed at this site without compulsory purchase of this land, although it is agreed that Thames Water retain the DCO powers of compulsory acquisition in order to cleanse title and vest the infrastructure to Thames Water on construction completion. There is now agreement with the owners of The Causeway that will facilitate the required access around the worksite. This is expected to be completed in February 2014.
- 10.14 The King George's Park site is owned by the London Borough of Wandsworth with whom negotiations are continuing so that the works in this location can be completed without compulsory purchase to secure the land required. The interests in land required by Thames Water at this site are included in the same draft agreement as provides for the acquisition at Barn Elms and Putney Embankment Foreshore.
- 10.15 The Falconbrook Pumping Station site is another extension of an existing Thames Water facility. The land surrounding the pumping station is owned by the London Borough of Wandsworth with whom negotiations are continuing so that works at this location can be completed without compulsory purchase to secure the land required. The interests in land required by Thames Water at this site are included in the same draft agreement as provides for the acquisition at Barn Elms, Putney Embankment Foreshore and King Georges Park.
- 10.16 Part of the Cremorne Wharf Depot site is owned by the Royal Borough of Kensington and Chelsea. The Borough has aspirations to redevelop this site which is currently a safeguarded wharf. Thames Water owns the adjacent listed Lots Road Pumping Station. Thames Water has entered into an agreement with the Royal Borough of Kensington and Chelsea for the acquisition of the necessary leasehold and freehold rights for the project to be constructed. The terms of the agreement seek to mitigate the potential impact on any future development. It is agreed within the contract between the parties that Thames Water should retain the DCO powers of compulsory acquisition in order to vest the land required for the infrastructure once constructed. The foreshore is owned by the PLA with whom negotiations are continuing.
- 10.17 At the Chelsea Embankment Foreshore site most of the land is owned by the Crown and cannot be subject to compulsory purchase. Thames Water now has signed heads of terms with the Crown Estate to acquire the interests required and is working towards legal completion of the agreement by end February 2014. Other land, owned by the Royal Hospital of Chelsea, the Royal Borough of Kensington and Chelsea and Transport for London, is the subject of negotiations which are continuing.
- 10.18 Land interests at the main tunnel Kirtling Street site involve a number of owners and occupiers all of whom have been engaged in the public consultation as well as meetings with Thames Water to receive information and feedback comments. The whole area forms part of the Vauxhall Nine Elms Battersea Opportunity Area which

includes Battersea Power Station. Thames Water has acquired 80 Kirtling St and 2a Battersea Park Road from the Ballymore Group and has also agreed Heads of Terms with The Battersea Project Land Company Ltd, who own further land parcels, as part of the Battersea Power Station redevelopment area. The objective with both landowners is that they provide the land required temporarily and permanently only where necessary to minimise the potential for impact on redevelopment of the area.

- 10.19 Cemex UK is also an owner within this site and on their land they currently operate a concrete batching plant. The existing concrete batching facility would need to be demolished to enable the project works to take place and the project includes the provision of a new concrete batching plant to enable this important use of the site, including access to river transport, to continue. Arrangements are at an advanced stage which will provide for occupation of the site to be shared during the construction phase and, where compatible with Thames Water's needs to maintain its equipment and if so required by Cemex, to allow Cemex to subsequently re-occupy part of the land otherwise needed for the project works.
- 10.20 Brooks Court, a site in multiple ownership and occupation is also identified for temporary use for the Kirtling Street main drive site. Owners include Ballymore and The Battersea Project Land Company Ltd and in both cases terms are agreed for freehold acquisitions by Thames Water. The remaining owners are acting in concert and have been offered a freehold transfer should that be preferable to temporary possession under the powers sought in the DCO. These owners aspire to the longer term redevelopment opportunity which exists in the area and have yet to confirm how they wish to proceed. This is reflected in lease terms for these properties which all include termination provisions in the event of redevelopment. Thames Water continues to try and engage in discussions with occupiers about relocation plans and will continue to do so up to the point possession is required.
- 10.21 The proposals at Kirtling Street will also affect a number of the houseboats on Nine Elms Pier because of relocation and possibly in terms of dust and noise during construction of the Thames Tideway Tunnel. There are 21 houseboats on the pier and 5 must be moved in order to facilitate construction. Thames Water is in active dialogue with the Pier owners and the houseboat occupiers (through a Residents' Association) for whom a long term solution to matters, which will also involve the Riverlight residential scheme owned and currently being built by St James Developments, is being explored. Thames Water has worked with the parties to develop a package of compensation measures to meet the particular requirements of the houseboat community and to adequately protect where the precarious legal standing of many of the occupational arrangements might otherwise fail. This compensation arrangement will be secured through a s106 unilateral undertaking with the London Boroughs (see section 18 of this statement).
- 10.22 The Heathwall Pumping Station site is a Thames Water owned site, part is operational and the remainder is known as Middle Wharf. Middle Wharf was purchased by Thames Water several years ago and is currently vacant. The Battersea Barge restaurant and bar, which is moored in the vicinity under the terms of a River Works Licence from the Port of London Authority and an access agreement with St James Developments, would need to be temporarily relocated. All parties are being engaged in this process and a solution is emerging. Thames Water has recognised the potential for business loss during the relocation of the vessel at the start and then again at the end of construction. Mitigation for the Battersea Barge may also be secured through the compensation policies referred to in Section 18 of this statement.

- 10.23 At Albert Embankment the majority of the foreshore is owned by the Port of London Authority. The freehold of the land required, including a small part of the foreshore in Lack's Dock, is owned by the Duchy of Cornwall, whose interests in land cannot be subject to compulsory acquisition and the Foreign and Commonwealth Office (FCO), again whose land interests cannot be subject to compulsory acquisition. Consent of the Duchy will be forthcoming on completion of an agreement now in the hands of solicitors and discussions with the FCO are linked to the outcome of a private hearing requested by the occupiers of Vauxhall Cross. On the Duchy land is a large office block in multiple occupation known as Camelford House. In order to mitigate the financial concerns raised by the long leaseholder of Camelford House Thames Water has acquired this interest. The Duchy land also includes the access to Lack's Dock, leased to London Duck Tours Limited, with whom discussions are continuing.
- 10.24 At the Victoria Embankment Foreshore site the acquisition is another required from the Crown with whom Thames Water has signed Heads of Terms due to complete by an agreement in February 2014. There is also a small part of the foreshore in Port of London Authority ownership and these negotiations are continuing. The works also necessitate the relocation of a licensed vessel known as the Tattershall Castle. This is moored under the terms of a tri party lease with the landowners (Crown and PLA), a river works licence with the PLA and subject to an access licence with Westminster City Council. Thames Water has reached an advanced stage of negotiations with all parties which resolves the legal structure to permit a double move of the vessel to facilitate the construction works at this site. Minor changes to the DCO now accepted by the Examining Authority were reflective of the detailed additional work in connection with this vessel relocation.
- 10.25 Another foreshore site is proposed at Blackfriars Bridge Foreshore. Property interests are owned by the Port of London Authority and City of London, both of whom are engaged with Thames Water in detailed dialogue to enable the rights required to proceed with the project to be granted by agreement. The site also accommodates the Blackfriars Millennium Pier from which boat services are operated by London River Services and the Thames Clipper. The works necessitate the temporary relocation of an event venue on a vessel known as The President to Chrysanthemum Pier. This pier had until recently been vacant but is now in use by its owner, Crown River Cruises. The Millennium Pier would be relocated east of Blackfriars Bridge with the new facility up and running prior to decommissioning of the existing structure. This is also secured by Requirement in the draft DCO. Crown River Cruises have indicated willingness to vacate Chrysanthemum Pier to make way for the President temporarily. The owners of the President continue to investigate an alternative relocation option which it would pursue itself to avoid a double move. Thames Water is committed to continuing discussions with the vessel owners, pier owners, and boat operators and the Port of London Authority to reach mutually acceptable agreements that will enable works to proceed and minimise disruption to existing businesses.
- 10.26 The Shad Thames Pumping Station site is an existing Thames Water facility and the works at this location involve the temporary use of part of the adjoining private car park including one private parking space, and works within the public highway (Maguire Street and Gainsford Street). Thames Water is committed to securing the rights required through agreement with the London Borough of Southwark, as highway authority, and the landowners if at all possible, and has proposed alternative parking arrangements during construction.
- 10.27 The Chambers Wharf site was purchased by Thames Water in January 2011 when it was placed on the market for sale by its then owners, St Martins Investments Limited. This was at a stage prior to final site selection and the acquisition was

justified in order to keep options open for the site selection of a main tunnel site expected to be required in this area. It will be managed by Thames Water until required for tunnel construction and ultimately there is an option agreement with a housebuilder who will be able to acquire the site when Thames Water can declare it surplus for the development of riverside apartments previously planned for the site.

- 10.28 The Earl Pumping Station site is an extension of the existing Thames Water facility. The adjacent land is split into four ownerships and there has been an active dialogue with all four for several years. One of the ownerships forming part of a site known as Cannon Wharf recently transferred to Barratts the housebuilder. Negotiations with Barratts have been concluded, providing for development to proceed in parallel with the project and the agreement is with solicitors for completion. The other three owners currently run their businesses from premises on the site and they have been actively promoting the land as a single site for residential redevelopment in accordance with the Plough Way Strategic Policy Area. Thames Water is continuing to make progress in negotiations for an acquisition from all three and remains open to reaching agreement if at all possible.
- 10.29 The Deptford Church Street site is a site wholly owned by the London Borough of Lewisham. The Borough remains opposed to use of the area for the project however discussions have taken place with council officers on a possible property agreement, linked to the proposed section 106 planning agreement, and draft Heads of Terms have been provided for further discussions on the basis this does not prejudice the Borough's continued objections to the use of this site. Thames Water remains open to reaching agreement if at all possible.
- 10.30 The Greenwich Pumping Station site, which includes the existing pumping station, is an extension of the existing Thames Water facility. The adjacent land is required for temporary use and is in multiple ownerships including Network Rail, Docklands Light Railway and the Halliard Property Company Limited. Part of the Network Rail land and all of the Halliard Property Company Limited land is occupied under lease by builder's merchants Jewson Limited. Thames Water is in detailed discussion with the landowners and remains committed to these negotiations to enable the works to proceed. Draft Heads of Terms have been issued with a view to reaching agreement on the acquisition of the rights required with the various parties Thames Water is also in discussion with Jewson Limited and has offered to assistance with a search for potential alternative locations for the business currently operating at this site.
- 10.31 The King Edward Memorial Park Foreshore site is partly in the foreshore and partly within the public park owned by London Borough of Tower Hamlets. The foreshore is owned by the Port of London Authority with whom negotiations are ongoing. The London Borough of Tower Hamlets is opposed to the use of the park for the Foreshore site. However it has been possible to engage in a dialogue with council officers to establish grounds for agreement to permit works as proposed, linked to the proposed section 106 planning agreement and without prejudice to the Borough's continued objections for the use of this site. Draft Heads of Terms for a property agreement have been issued as a basis for further discussion. Thames Water remains open to reaching agreement if at all possible.
- 10.32 The works on the Bekesbourne Street site will take place mainly within the private estate road owned by Tower Hamlets Community Housing Association, and partly within the public highway (Ratcliffe Lane). During construction the works will affect access to residential properties owned by the Newlon Housing Association to the west of the street and Tower Hamlets Community Housing Association to the east, and use of a number of private parking spaces will be temporarily suspended,

while the permanent works may result in the loss of a small number of spaces. Thames Water has established a dialogue with both Associations. A small area of temporary worksite is situated on land owned by the Docklands Light Railway and leased to a private commercial tenant. Thames Water is liaising with Transport for London in this respect, and with the tenant. The highway authority for Ratcliffe Lane is the London Borough of Tower Hamlets.

- 10.33 The works at Abbey Mills Pumping Station site would take place upon land already owned and controlled by Thames Water, with some minor works in the highway and the possibility of works in the Prescott Channel, the latter including temporary diversion of the towpath (public footpath).
- 10.34 The works at the Beckton sewage treatment works would take place almost entirely upon land already owned and controlled by Thames Water.
- 10.35 Thames Water has recognised that in some cases the works on these proposed sites, whilst contained within existing Thames Water facilities, public parks, river foreshore or industrial areas could have an impact on residential properties nearby. This impact has the potential to manifest at any time during the project, through the Application for development consent process, then the enabling phase, construction programme and until areas occupied temporarily have been reinstated and landscaped in accordance with the Order.
- 10.36 To address concerns of residential owner occupiers, in August 2011 Thames Water introduced a non-statutory compensation policy and associated Exceptional Hardship Procedure to invite home owners near to the sites to qualify and apply for their property to be acquired by Thames Water. The details of these policies are set out in *A Guide to the Thames Tunnel Compensation Programme* which is annexed to this Statement at Schedule 2. The scheme operates so that applications may only be made after a period of three months active marketing of the property for sale on the open market. In the absence of offers the applicant is required to demonstrate that the reason for lack of interest is due to the project proposals and that the inability to sell at the present time would lead to unnecessary and unacceptable levels of hardship. An independent panel considers applications for hardship and reaches its conclusions on the basis of majority decision. Thames Water has given a commitment to refine the scheme to make it equitable and workable in the period after the Order is made. To date the scheme has received six exceptional hardship applications which have been reviewed by the independent panel, of which two were withdrawn (one because of a market sale and one is a reapplication) and four have been rejected.
- 10.37 Thames Water is also actively engaged with key stakeholders whose assets would be affected by the project, including various utility companies, Transport for London, Network Rail and (as noted above) the Port of London Authority.
- 10.38 Further details regarding Thames Water policies addressing impacts on property owners and occupiers are set out in section 18 of this statement.

11 **ALTERNATIVES TO COMPULSORY ACQUISITION**

- 11.1 In order to construct and operate the project, land and rights in the ownership of parties other than Thames Water would need to be acquired. Any practicable alternative location for the project would similarly require the acquisition and use of third party land. This means that acquisition of third party rights and interests cannot be avoided.

- 11.2 The details set out in section 6 of this statement establish why all the land within the Order Limits is required for the project. The ongoing attempts by Thames Water to acquire the sites by negotiation is set out in section 10 of the statement. Ten sites (Acton Storm Tanks, Hammersmith and Falconbrook Pumping Stations, Cremorne Wharf, Heathwall, Shad Thames, Earl and Greenwich Pumping Stations, Abbey Mills Pumping Station and the Sewage Treatment Works at Beckton) are either wholly owned existing Thames Water premises or already part owned Thames Water operational facilities. Six sites (all formally designated "Foreshore" in their titles) are to be constructed as extensions from the river wall out into the foreshore, where Crown or Port of London Authority consent is actively progressing. Part or all of four sites (Chambers Wharf, Dormay Street, Hammersmith Pumping Station and approximately 40% of the land area at Kirtling Street), are already subject to the completed acquisition of necessary rights and negotiations are progressing where possible with regard to the acquisition of the remaining permanent or temporary rights required for the project. Thames Water has also now secured major interests in three further sites, being Cremorne Wharf, Albert Embankment Foreshore, and Carnwath Road Riverside.
- 11.3 Without all the land identified within the Order Limits the project cannot be constructed and operated. In addition, as indicated by the NPS and as evidenced by the infraction proceedings against the UK Government and the judgment of the Court, the improvements which the project would deliver are required urgently. The need to ensure that the project can be delivered, and the requirements in relation to the timely provision of the project, accordingly requires the acquisition of a large number of property interests in so much of the Order land as is not owned by Thames Water and, further, to extinguish and/or override existing rights over that land.
- 11.4 Without the powers of acquisition being compulsory, the land and rights required in the Order land may not be assembled, uncertainty as to construction will continue and Thames Water considers that its objectives would not be achieved. Furthermore the national need for the project could not be met.
- 11.5 **Alternatives**
- Alternatives to the project***
- 11.6 There are a number of possible strategies for dealing with the unacceptable discharges of sewage into the Thames from the CSOs. The Thames Tideway Strategic Study (Steering Group Report February 2005, section 0.5 and others), divided these into four main strategies based upon the location of the solution.
- 11.7 These are:
- 11.7.1 addressing the problem at source before the sewerage system by exclusion or control of rainwater run-off into the sewerage system, eg, source control, detention ponds and other similar Sustainable Urban Drainage Systems (SUDS) techniques;
- 11.7.2 addressing the problem within the sewerage system itself by attenuation within the system or by the provision of new on- or off-line tanks and separation of the sewerage system;
- 11.7.3 addressing the problem in the river using remedial measures eg, by increasing dissolved oxygen with river craft and treatment with hydrogen peroxide; and
- 11.7.4 addressing the problem at the CSOs themselves (by capture and / or storage and / or treatment).

- 11.8 Each option has been explored. A full account of the way in which the options were examined and the response of the NPS and the London Mayor to this exercise is set out in section 3.3 of the *Environmental Statement* (Doc ref: 6.2).
- 11.9 The strategy which proposed addressing the problem at the CSOs has been identified as providing the only feasible solution to the CSO problem. Thames Water has concluded that it is the only strategy which (i) is capable of providing a complete solution and (ii) does not require an extensive retro-fit or replacement of existing systems, which would be impractical to implement.
- 11.10 Paragraphs 2.6.24-2.6.25 from the NPS provide policy support for this conclusion. In addition, the NPS states (paragraph 2.6.31):
- "Intercepting the CSOs at their point of discharge to the river and conveying to a suitable site for treatment (the preferred option). This strategy, which has developed into the Thames Tunnel, would allow the CSOs to continue to operate but would collect the discharges and transfer them to a new treatment facility prior to discharge to the river. There are many advantages in adopting this strategy because it causes minimum disruption to the existing system and to inner London thus making it less expensive to deliver and, because it specifically captures CSO discharges, its effectiveness is assured and more predictable."*
- 11.11 Having determined the preferred strategic solution of intercepting the CSO's a number of sub-options were reviewed. Those sub-options, which included, for example, multiple screened outlets with and without storage and various hybrid solutions, were considered and the preferred solution of a storage and transfer tunnel was identified. This is the only solution which combines capture of the unacceptable discharges with primary and secondary treatment thus meeting water quality objectives and capacity requirements in an appropriate way. The approach is supported by the NPS since it combines capture of the unacceptable discharges with primary and secondary treatment sufficient to achieve the water quality objectives.

Alternatives to the sites

- 11.12 The identification of the preferred sites was undertaken during the pre-application process and is documented in the *Final Report on Site Selection Process* (Winter 2012/2013) (Doc ref: 7.05). Section 4 of the *Planning Statement* explains the careful approach taken to route and site selection. Determining the route of the tunnel and the location of main tunnel and CSO sites through the centre of London called for a specific, comprehensive site selection process, the detail of which was consulted upon before it was adopted and applied.
- 11.13 A multi-disciplinary approach was used to select the route and sites, informed by detailed engagement with relevant stakeholders and by two full rounds of extensive public consultation in addition to further interim and targeted consultation to address specific issues, sites or changes. The Abbey Mills route was selected as the tunnel route alignment – as the shortest route it would minimise disruption and cost, whilst requiring fewer sites.
- 11.14 Multiple options for the tunnel drive strategy were assessed before concluding that drive sites at Carnwath Road Riverside, Kirtling Street (a double drive site) and Chambers Wharf should be used. Multiple factors were taken into account including the ability for those sites to be served by river barges so that excavated material would not need to travel by road through London. The selection of the CSO sites was equally painstaking and public consultation played a significant part with a number of sites being changed from those proposed at Phase one

consultation as a result of feedback as well as further design development. Shortlisted sites were subject to detailed site suitability reports and all relevant planning and environmental considerations were taken into account in the final scheme selection.

- 11.15 In total more than 1,150 sites were examined for their suitability in what was an exemplary process in the selection of the scheme.
- 11.16 The *Site Selection Methodology Paper* provided a framework to examine sites and the site selection process used a site sieving method to help distinguish differences between sites and levels of suitability (*Final Report on Site Selection Process (FRSSP)*, Doc ref: 7.05, Vol 2). In relation specifically to property considerations and compulsory purchase matters, there was a need to judge each site on its own merits.
- 11.17 A site suitability report (SSR) was prepared for all shortlisted sites and each report contains a property assessment, Section 9 (for details of topics considered by property see the *FRSSP*, Vol 1, paras. 4.8.26 to 4.8.28). The property assessment in the SSR focused on issues of procedural risk, the prospect of acquisition risks and the potential for compensation events. Compulsory purchase order risk was one of the factors considered by property. For all sites, however, property was always only one discipline and the four other disciplines (engineering, planning, environment and socio-economic and community) also needed to be factored into the assessment of the overall level of suitability of a site.
- 11.18 The adopted property strategy ensured that use of Thames Water owned land was maximised in site selection and where additional land would be needed the availability of that land in each case had to be considered individually. The extent of land required to facilitate the construction and operation of the Thames Tideway Tunnel is significant and complex. The purpose of the scheme necessitates the interception of existing outfall structures in locations where Thames Water has no existing land ownership. In response to the requirements of paragraph 8 of the Guidance, which refers to the need to demonstrate that all reasonable alternatives to compulsory acquisition to the scheme, including modifications, have been explored, no extent of modifications to the scheme could achieve an alternative to compulsory acquisition.

12 **NATIONAL POLICY AND GOVERNMENT POSITION**

12.1 **Designation as NSIP**

- 12.1.1 On 13 July 2011 the Government began consultation on a draft order under section 14(3) of the Act, the effect of which (if made) would be to designate the project as a Nationally Significant Infrastructure Project ("NSIP"). This was achieved on 23rd June 2012. By virtue of its location, purpose and storage capacity, the project constitutes an NSIP, under sections 14(1)(o) and 29(1A) of the Act .
- 12.1.2 In accordance with the Act, Thames Water is making an application for development consent (the 'Application') seeking the consent and powers necessary for the construction, operation and maintenance of the project. The project has evolved through a robust site selection process, in response to extensive consultation and engagement with stakeholders, and through on-going design development.
- 12.1.3 Regulation 3 of the section 14(3) order makes supplementary provision in relation to the Thames Tideway Tunnel so that anything done in relation to this project

prior to the commencement of the Order may be treated by the Secretary of State as compliance with the Act, as if it had been done after the Order came into force.

12.2 **National Planning Policy**

12.2.1 The NPS for Waste Water was designated on 26 March 2012. The NPS sets out Government policy for the provision of major waste water infrastructure and is to be used by the Planning Inspectorate and the decision maker (the relevant Secretaries of State) as the primary basis for considering and determining applications for waste water developments that fall within the definition of an NSIP.

12.2.2 The NPS makes clear that it has taken account of all other relevant national planning policy. Section 104(3) of the Act requires that the decision maker must decide an application for waste water infrastructure in accordance with the relevant NPS except to the extent it is satisfied that to do so would:

- (a) lead to the UK being in breach of its international obligations;
- (b) be in breach of any statutory duty that applies to the decision maker;
- (c) be unlawful;
- (d) result in adverse impacts from the development outweighing the benefits;
or
- (e) be contrary to regulations about how its decisions are to be taken.

12.2.3 The NPS makes clear that the decision maker should start with a presumption in favour of granting consent for applications for Waste Water NSIPs. That presumption applies unless more specific policies set out in the NPS itself clearly indicate that consent should be refused.

12.2.4 The NPS confirms the need for the Thames Tunnel project which is considered crucial in order to meet the UK's obligations under the UWWTD. In paragraphs 2.6.34, it is confirmed as the preferred solution and the Planning Inspectorate (for NSIPs) is instructed as follows:

"The examining authority and the decision maker should undertake any assessment of an application for the development of the Thames Tunnel on the basis that the national need for this infrastructure has been demonstrated. The appropriate strategic alternatives to a tunnel have been considered and it has been concluded that it is the only option to address the problem of discharging unacceptable levels of untreated sewage into the River Thames within a reasonable time at a reasonable cost. It would be for Thames Water to justify in its application the specific design and route of the project that it is proposing, including any other options it has considered and ruled out."

12.2.5 The NPS specifically identifies the "Thames Tunnel" project as being an NSIP; paragraphs 2.6.14 to 2.6.34 discuss drivers for demand, the UWWTD, the Water Framework Directive, climate change and population growth, development of the preferred solution, alternatives and conclusions on need. Annex A1.3 describes the background to the project, the relationship with the rest of the NPS, geographical coverage, the Appraisal of Sustainability and the interaction with the Habitats Directive.

- 12.2.6 The NPS sets out the issues to be addressed for consideration of the Application by the Planning Inspectorate. Section 3 considers factors for examination and determination of applications, comprising:
- (a) Environmental impact assessment;
 - (b) Habitats regulations assessment;
 - (c) Alternatives;
 - (d) Criteria for good design;
 - (e) Climate change adaptation;
 - (f) Pollution control and other environmental consenting regimes;
 - (g) Safety Hazardous substances;
 - (h) Health;
 - (i) Common law nuisance and statutory nuisance; and
 - (j) Security considerations.
- 12.2.7 Section 4 of the NPS deals with generic impacts, in terms of water quality and resources, odour, flood risk, biodiversity and geological conservation, and coastal change, landscape and visual impacts, land use including open space, green infrastructure and green belt, noise and vibration, historic environment, air quality and emissions, dust, artificial light, smoke, steam and insect infestation, traffic and transport, waste management and socio-economic.
- 12.2.8 Section 104 (2) of the Act provides that the decision maker must have regard to any NPS that has effect and to any other matters which it thinks are both important and relevant to its decision. These "other matters" include the National Planning Policy Framework (NPPF) which was published on 27th March 2012. The NPPF now replaces the majority of the Planning Policy Guidance Notes and Statements, with the exception of a small number of documents including PPS 10 ("Planning for Sustainable Waste Management").
- 12.2.9 The NPPF does not contain specific policies for NSIPs for which particular considerations apply. Paragraph 3 states: "*These are determined in accordance with the decision-making framework set out in the Planning Act 2008 and relevant national policy statements for major infrastructure, as well as any other matters that are considered both important and relevant (which may include the National Planning Policy Framework). National policy statements form part of the overall framework of national planning policy, and are a material consideration in decisions on planning applications*".
- 12.2.10 Although the NPPF does not apply directly to the Thames Tideway Tunnel it does provide a recent and useful summary of government policy towards infrastructure, including waste water infrastructure.
- 12.2.11 Local planning authorities are urged to work with other authorities and providers to "*take account of the need for strategic infrastructure including nationally significant infrastructure within their areas.*"

- 12.2.12 The NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development (paragraph 6). This requires the planning system to perform economic, social and environmental roles. The economic role explicitly recognises the need for "*identifying and coordinating development requirements, including the provision of infrastructure*" and the environmental role recognises the need to "*minimise waste and pollution and mitigate and adapt to climate change*".
- 12.2.13 In preparing local plans paragraph 162 states that "*authorities should work with other authorities and providers to assess the quality and capacity of infrastructure for transport, **water supply, wastewater and its treatment ...**, and to **take account of the need for strategic infrastructure including nationally significant infrastructure within their areas***". [emphasis added].
- 12.2.14 In other words, the NPPF does not set policies or tests for wastewater NSIPs. It does advise, however, that planning authorities must take into account plans for nationally significant infrastructure when preparing plans and states that policies in a National Policy Statement shall be material considerations in the determination of town and country planning applications.
- 12.2.15 While the decision maker will also have regard to "*any other matter which (it) thinks is both important and relevant*", the potential relevance of planning policy set out in other local or national policy documents is reduced by the following factors:
- (a) The NPS itself advises (para. 1.1.6) that it has already taken account of relevant Planning Policy Statements (PPS) and Planning Policy Guidance Notes, which were in any event cancelled on the publication of the NPPF except for PPS 10, which deals with waste.
 - (b) Unlike normal planning applications considered under the Town and Country Planning regime, the Planning Act 2008 contains no express requirement for the decision maker to have regard to the terms or policies of the local development plan.
 - (c) The NPS advises (para. 1.1.6) that, in the event of a conflict between the NPS and any other document, the NPS prevails for the purposes of decision making.
- 12.2.16 The project has been developed, however, in having regard to local planning policies and, particularly, local land use planning designations. As the NPS advises (para.4.8.5), that applicants should assess any effects of precluding a new development or use proposed in the development plan. When it comes to assessing the acceptability of the Application proposals on that development or use (or in assessing any other effect), however, it is the NPS that sets the relevant criteria to be applied to the Application. The NPS is the primary basis for decision making on all planning issues raised by the Application.

Planning for Sustainable Waste Management (PPS10)

- 12.2.17 PPS 10 was not cancelled by the publication of the NPPF, but its direct relevance to the Application proposals is limited by the fact that the NPS itself contains advice on waste management (as set out above).

National Infrastructure Plan 2011

- 12.2.18 The National Infrastructure Plan (NIP) (2011) contains the Government's 40 priority infrastructure projects for meeting the infrastructure needs of the UK, including the Thames Tideway Tunnel project.
- 12.2.19 In section 3.125, the NIP states that: *"the increasing level of sewage overflowing into the River Thames is an example of where the capacity of the drainage system to cope with an increasing population and increasing urbanisation has been exceeded and there is now a need to build new infrastructure to meet both current and future needs. The proposed Thames Tunnel will, in combination with other measures, also provide resilience to likely increased intensity of rainfall as a result of climate change and help prevent the ecological status of the Thames Tideway from deteriorating after decades of improvement"*.
- 12.2.20 The Appraisal of Sustainability Post-Adoption Statement relating to the NPS (published at the same time as the NPS was designated) reviews the alternative solutions that have been proposed since the Thames Tideway Strategic Study was undertaken and confirms the *"Government is satisfied that the development of the Thames Tideway Tunnel is the most cost effective and timely solution to address the problem of untreated sewage is [sic] sewage discharging into the River Thames as demonstrated in the Waste Water National Policy Statement"*.

13 SPECIAL CONSIDERATIONS AND IMPEDIMENTS

13.1 Special category land

- 13.1.1 The project includes a requirement for a total of 47,754 square metres of open space to be acquired permanently in the sites. These plots are shown shaded pink on the Crown and special category land plans within the *Book of Plans* and identified in detail in Part 5 of the *Book of Reference*. A total of 41,676 square metres is also required temporarily, and permanent rights are required over 2,546 square metres of these temporary plots. They comprise land at Barn Elms, Putney Bridge Foreshore (Waterman's Green), King George's Park, Falconbrook Pumping Station (York Gardens), Chelsea Embankment Foreshore, King Edward Memorial Park, land at Deptford Church Street and four areas of foreshore. Because of the nature of these areas and the inability to identify new sites in a built-up urban area to serve the users of the land to be taken, it is not proposed to provide replacement land. For that reason applications have been made pursuant to Section 131 (4A) and Section 132 (5) of the Planning Act 2008 to secure appropriate certification.¹⁶
- 13.1.2 The Order land also includes some plots that are Crown land within the scope of section 135(1) of the Act. Section 135(1)(a) of the Act prevents an Order from authorising the compulsory acquisition of Crown land. Compulsory purchase powers sought by the Order therefore do not seek the compulsory acquisition of plots identified as Crown land. These plots are set out in Part 4 of the Book of Reference.
- 13.1.3 Crown land are plots of land that are owned outright by a Crown institution, such as The Crown Estate Commissioners, Duchy of Cornwall and Government departments. These plots can be reviewed per borough in Part 4 of the Book of

¹⁶ See sections 131 and 132 of the Planning Act 2008 and the comments relating to the Growth and Infrastructure Act at section 17 of this Statement.

Reference. Many of the plots are in respect of the foreshore and subsoil beneath the River Thames. For all Crown land plots, Thames Water will negotiate for the purchase of the land by agreement, or for the consent of the Crown to include powers over these plots.

13.1.4 Some land is owned or occupied by statutory undertakers. Care has been taken to identify all interests of statutory undertakers, including both freehold and other rights. There are some instances where the proposed scheme requires additional land in order to provide for utility diversions, such as in the cases of plots 46, 47, 48, 49 and 50 (Chambers Wharf, Southwark) and plot 44 (Chelsea Embankment Foreshore, Kensington and Chelsea). In these cases, discussions have taken place and will continue with the appropriate statutory undertakers.

13.1.5 A full list of plots which are either owned by statutory undertakers or in which statutory undertakers hold rights and/or apparatus is contained in the *Update on status of Statutory Undertaking and Communication Code Operators land and apparatus* (Doc ref APP 44.1).

13.2 **Sites within Conservation Areas:**

13.2.1 Hammersmith Pumping Station – Fulham Reach Conservation Area

13.2.2 Putney Embankment Foreshore – Putney Embankment Conservation Area

13.2.3 Carnwath Road Riverside – Sands End Conservation Area

13.2.4 Dormay Street – Wandsworth Town Conservation Area

13.2.5 Cremorne Wharf Depot – Thames Conservation Area

13.2.6 Chelsea Embankment Foreshore – Royal Hospital and Thames Conservation Areas

13.2.7 Albert Embankment Foreshore – Albert Embankment Conservation Area

13.2.8 Victoria Embankment Foreshore– Whitehall Conservation Area

13.2.9 Blackfriars Bridge Foreshore – Whitefriars and Temples Conservation Areas

13.2.10 Shad Thames Pumping Station – Tower Bridge Conservation Area

13.2.11 King Edward Memorial Park Foreshore– Wapping Wall Conservation Area

13.2.12 Deptford Church Street – St Paul’s Conservation Area

13.2.13 Abbey Mills Pumping Station – Three Mills Conservation Area

13.3 **Sites including physical works to Listed Buildings/Structures:**

13.3.1 Putney Embankment Foreshore – Grade II Listed Putney Bridge and walls, Grade II Listed bollards at junction of Lower Richmond Road

13.3.2 Cremorne Wharf Depot– Grade II Listed Lots Road Pumping Station

13.3.3 Chelsea Embankment Foreshore – Grade II Listed Park and Gardens (Ranelagh)

13.3.4 Albert Embankment Foreshore – Grade II* Listed Vauxhall Bridge

- 13.3.5 Victoria Embankment Foreshore – Grade II Listed catenary lighting, sturgeon lamps, sphinx and camel benches and Grade II Listed river wall
- 13.3.6 Blackfriars Bridge Foreshore – Grade II Listed Blackfriars Bridge, Grade II Listed Victoria embankment wall with cast iron lamp standards and benches
- 13.3.7 Greenwich Pumping Station – Grade II Listed beam engine house and cooling tank, Coal Sheds (Grade II)
- 13.4 **Sites including works which affect the setting of Listed Buildings/Structures:**
 - 13.4.1 Putney Embankment Foreshore
 - 13.4.2 Cremorne Wharf Depot
 - 13.4.3 Chelsea Embankment Foreshore
 - 13.4.4 Albert Embankment Foreshore
 - 13.4.5 Victoria Embankment Foreshore
 - 13.4.6 Blackfriars Bridge Foreshore
 - 13.4.7 Shad Thames Pumping Station
 - 13.4.8 Deptford Church Street
 - 13.4.9 Greenwich Pumping Station
 - 13.4.10 King Edward Memorial Park Foreshore
 - 13.4.11 Abbey Mills Pumping Station
 - 13.4.12 Beckton Sewage Treatment Works
- 13.5 **National environmental designations:**
 - 13.5.1 Barn Elms: Barns Elms Wetlands SSSI lies adjacent the site.
 - 13.5.2 Thames Path diversions at various sites (National Trail).
- 13.6 **Regional and local environmental designations:**
 - 13.6.1 Acton: UK BAP Priority species; Chiswick Eyot Site of Metropolitan Importance
 - 13.6.2 Dormay Street: Bell Lane Creek forms part of the River Thames and tidal tributaries Site of Metropolitan Importance for Nature Conservation.
 - 13.6.3 Chelsea Embankment Foreshore - Ranelagh Gardens, Site of Nature Conservation Importance (Policy CE4 RBKC's Core Strategy)
 - 13.6.4 Deptford Church Street: St Paul's Churchyard and Crossfield Street Open Space SINC
 - 13.6.5 Greenwich Pumping Station: Deptford Creek SINC

- 13.6.6 King Edward Memorial Park Foreshore: Shadwell Basin SINC
- 13.6.7 Abbey Mills Pumping Station: London Canals SINC, Back Bow SINC
- 13.6.8 Beckton Sewage Treatment Works: Greenway and Old Fort SINC
- 13.6.9 The River Thames and tidal tributaries are designated as a Site of Metropolitan Importance for Nature Conservation. The tidal Thames is also subject of a Habitat Action Plan.
- 13.7 **Sites within archaeological priority areas/zones:**
 - 13.7.1 Hammersmith Pumping Station
 - 13.7.2 Barn Elms
 - 13.7.3 Putney Embankment Foreshore
 - 13.7.4 Dormay Street
 - 13.7.5 King George's Park
 - 13.7.6 Falconbrook Pumping Station
 - 13.7.7 Kirtling Street
 - 13.7.8 Heathwall Pumping Station
 - 13.7.9 Albert Embankment Foreshore
 - 13.7.10 Victoria Embankment Foreshore
 - 13.7.11 Blackfriars Bridge Foreshore
 - 13.7.12 Chambers Wharf
 - 13.7.13 Earl Pumping Station
 - 13.7.14 Deptford Church Street
 - 13.7.15 Abbey Mills Pumping Station
- 13.8 **Sites that are subject to safeguarding directions:**
 - 13.8.1 Carnwath Road Riverside: (Hurlingham Wharf) Safeguarded Wharf
 - 13.8.2 Heathwall Pumping Station: (Middle Wharf) Safeguarded Wharf
 - 13.8.3 Cremorne Wharf Depot: Safeguarded Wharf
 - 13.8.4 Chelsea Embankment Foreshore: Site intersected by Safeguarded Area for Crossrail 2
 - 13.8.5 Abbey Mills Pumping Station: Western part of site is a Rail Safeguarded Line

13.9 **Safeguarding for the purposes of the Thames Tideway Tunnel:**

The Secretary of State has issued safeguarding directions in relation to the project. The effect of these directions is that the local authorities concerned cannot grant planning permission for any alternative development without specific authorisation from the Secretary of State for Communities and Local Government.

13.10 **Open Space**

The following sites affect foreshore and land which fall within the definition of open space as defined in the NPS:

- 13.10.1 Barn Elms - Metropolitan Open Land, adjacent Public Open Space
- 13.10.2 Putney Embankment Foreshore – Public Open Space (Watermans Green) and foreshore
- 13.10.3 King George’s Park – Metropolitan Open Land – District Park
- 13.10.4 Carnwath Road Riverside – foreshore
- 13.10.5 Falconbrook Pumping Station – York Gardens Public Open Space
- 13.10.6 Cremorne Wharf Depot – foreshore
- 13.10.7 Chelsea Embankment Foreshore – Ranelagh Gardens and foreshore
- 13.10.8 Heathwall Pumping Station – foreshore
- 13.10.9 Albert Embankment Foreshore – foreshore
- 13.10.10 Victoria Embankment Foreshore – foreshore
- 13.10.11 Blackfriars Bridge Foreshore – foreshore
- 13.10.12 Chambers Wharf – foreshore
- 13.10.13 Deptford Church Street – Public Open Space
- 13.10.14 King Edward Memorial Park Foreshore – Public Open Space

14 **FUNDING THE PROJECT**

14.1 The Application for development consent is accompanied by a *Funding Statement* that explains how an order, which includes powers for the compulsory acquisition of land, will be funded. The *Funding Statement* explains the funding position in respect of the project at the time this statement is delivered. It will need to be updated as the funding arrangements for the project are finalised with Ofwat and Defra.

14.2 The *Funding Statement* explains the current preference as to how the project will be funded through an Infrastructure Provider established under the Water Industry Act 1991. The *Funding Statement* demonstrates that there is an established regulatory regime for funding delivery of projects of this nature by sewerage undertakers and how this regime will apply to the Infrastructure Provider with modifications to reflect the specific circumstances of the project.

- 15 **THE HUMAN RIGHTS ACT 1998**
- 15.1 The European Convention on Human Rights (“the Convention”) is applied within UK domestic law by the Human Rights Act 1998.
- 15.2 The decision maker, as a public body, is under a duty to consider whether the exercise of its powers engages the rights protected by the Convention. The approach to be taken to give effect to rights under the Convention is set out in the Guidance.
- 15.3 The Order has the potential to infringe the human rights of persons who own property in the Order land. Such infringement is authorised by law provided that:
- (a) the statutory procedures for making the Order are followed and there is a compelling case in the public interest for the inclusion of powers of compulsory acquisition in the Order; and
 - (b) any interference with any Convention right is proportionate to the legitimate aim(s) served.
- 15.4 The following Articles of the Convention are relevant to the determination as to whether the Order should be made so as to include powers of compulsory acquisition:
- 15.4.1 *Article 1 of the First Protocol to the Convention*
- This protects the right of everyone to the peaceful enjoyment of possessions. No one can be deprived of possessions except in the public interest and subject to the relevant national and international laws.
- 15.4.2 *Article 6*
- This entitles those affected by powers sought for the project to a fair and public hearing. This includes property rights and can include opportunities to be heard in the consultation process.
- 15.4.3 *Article 8*
- This protects private and family life, home and correspondence. No public authority can interfere with these interests except if it is in accordance with the law and is necessary in the interest of national security, public safety or the economic well-being of the country.
- 15.5 As a general principle, the procedure for compulsory acquisition which apply in the United Kingdom are considered compliant with the need for a fair hearing. Under the Act, land owners who are affected by NSIP projects must be consulted and notified of the approval procedures and may call for an examination in public for their concerns to be heard by the Secretary of State.
- 15.6 Where property is acquired or affected, the statutory compensation code will provide compensation for qualifying claims.
- 15.7 This statement and the documentation cited in support of the Application demonstrates the need for the project, the validity of the solution proposed, the necessity of acquiring sites for construction and operation and the importance and urgency of delivering a solution. Upon that basis Thames Water believes that it can demonstrate that there is a compelling case in the public interest. This,

coupled with the processes and policies it has adopted to mitigate the inevitable impact on land owners and occupiers, should demonstrate that any interference with Convention rights is proportionate to the legitimate aim of constructing and operating the Thames Tideway Tunnel.

16 RELATED APPLICATIONS AND ORDERS ETC.

16.1 The consents required to construct, operate and maintain the project have been identified.

16.2 The draft Order contains, insofar as possible, all consents and powers required to construct, operate and maintain the project. In respect of the consents that are being dealt with through the draft Order, discussions and negotiations have been sought with the usual consenting body, and wherever possible appropriate protective provisions and requirements have been consulted upon and included in the draft Order. This will protect the normal consenting body moving forward. These bodies include the Environment Agency, Natural England, Transport for London and the Port of London Authority. In some instances the detail of the protective provisions or requirements is still to be agreed. Negotiations on this are ongoing but there is no reason to doubt that agreement as to those provisions or requirement will not be secured. The process is positive and the relevant stakeholders are engaged.

16.3 The following consents will need to be addressed outside the DCO powers:

16.3.1 Canals and Rivers Trust licences including: trading licence, trade plate licence, workboat licence, freight licence (further to the British Waterways Act 1983 etc.)

16.3.2 Crown consent - Section 4 (1) of Crown Estate Act 1961

16.3.3 Environment Agency:

- (a) Declaration by independent qualified person to the Environment Agency; regarding materials management plan (MMP) either for use of soils within site, hub and cluster sites or transfer of clean natural soils between sites.
- (b) Permit to Discharge under Environmental Permitting Regulations 2010 (formally s.104 Water Resources Act 1991)
- (c) Herbicide authorisation under the Food and Environment Protection Act 1985 (Control of Pesticides Regulations 1986, as amended)
- (d) Mobile Plant Licence under The Environmental Permitting (England and Wales) Regulations 2010 (as amended)
- (e) Other licences under Environmental Permitting (England and Wales) Regulations 2010 (as amended)
- (f) A consent under the Control of Pesticide Regulations 1986
- (g) Hazardous waste premises notification code under the Registration of Hazardous Waste (England & Wales) Regulations 2005 (as amended)
- (h) Application for a standard or bespoke waste operations permit with the EA under Environmental Permitting (England and Wales) Regulations 2010 (as amended)

- (i) U1 exemption consent from Environment Agency under Environmental Permitting (England and Wales) Regulations 2010 (as amended)
 - (j) T5 exemption consent - Screening and blending of waste under Environmental Permitting (England and Wales) Regulations 2010 (as amended)
 - (k) T6 exemption consent - Treatment of waste wood and waste plant matter by chipping, shredding, cutting or pulverising under Environmental Permitting (England and Wales) Regulations 2010
 - (l) S2 exemption consent - Storage of waste in a secure place - under Environmental Permitting (England and Wales) Regulations 2010 (as amended)
 - (m) Waste (England and Wales) Regulations 2011 - A public register maintained under the Control of Pollution (Amendment) Act 1989
- 16.3.4 Local highways authority – certain consents under:
- (a) s.122 of the Road Traffic Regulation Act 1984
 - (b) Road Traffic Regulation Act 1984
- 16.3.5 HSE/ Local Authority - Manufacture and Storage of Explosives Regulations 2005
- 16.3.6 Local Authorities:
- (a) Greater London (Restriction of Goods Vehicles) Traffic Order 1985
 - (b) Licence for use of crane which oversails the public highway
 - (c) Licence for use of tower crane
 - (d) Consent under s.80 of Building Act 1984 (as amended)
 - (e) IPPC under the PPC Act 1999
 - (f) Consent under the Clean Air Act 1993
- 16.3.7 Local Authority (Environmental Health): - Consent under s.61 Control of Pollution Act 1974
- 16.3.8 Maritime and Coastguard Agency (MCA): - National Boatmasters Licence
- 16.3.9 Natural England:
- (a) European Protected Species Licence - Bat licence: The Conservation of Habitats and Species Regulations 2010
 - (b) Consent under Protection of Badgers Act 1992. s.10(1)(d)
- 16.3.10 Port of London Authority - Licence(s) further to the Port of London Act 1968
- 16.4 These consents will generally be left to the contractors employed to construct the project to obtain. This is because the contractors are best placed to provide the information needed to secure the consent that is necessary. A number of these

additional consents are procedural, in as much as there is a requirement that they be obtained but that in practice the obtaining of them is as a matter of process or compliance rather than principle. There is no reason to suggest these consents will not be forthcoming.

17 **OPEN SPACE AND THE GROWTH AND INFRASTRUCTURE ACT**

- 17.1 Where a development consent order seeks to authorise the compulsory acquisition of land or a right over land forming part of a common, open space or fuel or field garden allotment, section 131 and/or 132 requires that order to be subject to special parliamentary procedure, unless the Secretary of State is satisfied that one of the exceptions in section 131(4)-(5) and/or section 132(3)-(5) respectively applies and, where required, so certifies.
- 17.2 In relation to the Application, the only Order land that falls within sections 131 and 132 is 'open space', which is defined as *"any land laid out as a public garden, or used for the purposes of public recreation, or land being a disused burial ground"*¹⁷. The general term "public recreation" has been understood by Thames Water as referring to any open area where the public can and do have access for recreational purposes, and therefore includes Thames foreshore areas where these are dry at certain states of the tide and where the public are able to access them from the land. Deep subsoil plots have been excluded from this definition for both legal and practical reasons (because the tunnelling for the project will not impact on the use of the land for public recreation at the surface) and land included within the DCO for temporary use has been excluded because it will not be subject to "compulsory acquisition" for the project. Certain deep subsoil plots beneath common land adjacent to the site at Barn Elms have been excluded for similar reasons; deep subsoil is not part of the common.
- 17.3 Because of the nature and location of the sites for construction of the project it has not been possible to identify suitable replacement land for the open space areas included within the DCO for compulsory acquisition.
- 17.4 The Growth and Infrastructure Act 2013 introduced new certification procedures for the purposes of section 131 and 132 where no replacement land is offered. Under Section 131 (4A) where the applicant can show there is no suitable land available to be given as exchange open space or any suitable land can only be given in exchange at "prohibitive cost" and the Secretary of State determines that it is "strongly in the public interest for the development ... to be capable of being begun sooner than is likely to be possible" if Special Parliamentary Procedure were to apply, then the Secretary of State may so certify and the application would not require approval through Special Parliamentary Procedure. It also includes a new certification procedure where land is only required temporarily and in that case the qualifications relating to availability of replacement land and public interest do not apply. Similar provisions apply under section 132 where rights (rather than acquisition of land) are needed over open space land.
- 17.5 Following enactment of the Growth and Infrastructure Bill the first commencement order was made in May 2013. That provided (see Article 4) that the provisions relating to development consent applications (Sections 23 and 24) would come into force on 25th June 2013. The provisions of Section 24 (re S131 and 132) are subject to transitional provisions. The effect of these transitional provisions is that, for the Thames Tideway Tunnel project, the new certification process is dealt with

¹⁷ See section 19(4) of the Acquisition of Land Act 1990

in a separate procedure by the Secretary of State for Communities and Local Government with its own notification and inquiry procedures.

- 17.6 A separate application with a section 131 / 132 statement in support (which replaces the Replacement Land Report) was submitted to the Secretary of State for Communities and Local Government on 7 November 2013 and is being considered as a separate process with its own public inquiry, should the Secretary of State deem it necessary to hold one. Copies of that application and the supporting information can be found on the National Infrastructure Planning website within the Thames Tideway Tunnel project area.

18 **INFORMATION FOR PEOPLE AFFECTED BY THE ORDER**

- 18.1 Thames Water has a compensation programme for owners and occupiers who may be affected by the project. There are a number of policy and procedure documents that have been produced and made available to individuals for some time however these are currently being reviewed and refreshed.

- 18.2 The basic principles guiding the revisions include:

- (a) The policies need to be more proactive on the part of Thames Water
- (b) The policies need to be effectively secured now as part of the application for development consent
- (c) The policies need to be simplified and additional clarity is needed to assist in the public's understanding and navigation through the policies
- (d) Independent support should be available to advise the public on the compensation policies and
- (e) Decisions on potential claims should be made by an independent body.

- 18.3 In response to this, we have taken the following action in updating the policies:

- (a) Redrafting the policies to place an obligation on Thames Water to proactively engage with potentially eligible individuals and to ensure that they are aware of and assisted with their entitlement to mitigation or compensation
- (b) Creation of a s106 Unilateral Undertaking given to all relevant London authorities which will secure the policies by 12 February 2014
- (c) Creation of an Independent Advisory Service (IAS) which is being funded by but will remain independent of Thames Water and the Infrastructure Provider¹⁸
- (d) Creation of an Independent Compensation Panel (ICP) which is being funded by but will remain independent of Thames Water and the Infrastructure Provider

¹⁸ An Infrastructure Provider is the body to whom powers under the DCO may be transferred under the provisions of Article 9 (1) of the DCO.

- (e) Discretionary elements of the policies (where it is up to Thames Water to decide if a party qualifies) are being removed
- (f) Clarification on qualifications for Exceptional Hardship which include any property within 100m of the LLAU around surface sites rather than 100m from the construction worksite

18.4 We have also consolidated several of the policies for simplification. At present there are five separate compensation policies – the Settlement Information Paper, Noise Insulation and Temporary Rehousing Policy, Non-statutory Mitigation Policy, Non-statutory Disturbance Policy and the Exceptional Hardship Procedure (EHP). These have been consolidated into:

- (a) Non-Statutory Offsite Mitigation and Compensation Policy (ExA doc ref: APP68)
- (b) Settlement Information Paper (ExA doc ref: APP71)
- (c) Exceptional Hardship Procedure (ExA doc ref: APP69)

18.5 **Section 106 Unilateral Undertaking**

18.5.1 It is proposed to secure the obligations on Thames Water in relation to the policies as set out below.

Pre the granting of development consent

18.5.2 A Legal Agreement is to be offered to all relevant London local authorities in which Thames Water commit to:

- (a) setting up the Independent Compensation Panel (ICP) and the Independent Advisory Service (IAS) which is to occur as soon as reasonably practicable or within 6 months of the date of the Legal Agreement and securing the completion of the trigger action plans for noise mitigation and compensation measures for properties that may suffer significant noise effects (including special cases such as schools and places of worship) (further information on trigger action plans is provided below); and
- (b) entering into a Unilateral Undertaking (pursuant to section 106 of the Town and Country Planning Act 1990 Act) on granting of the development consent to bind the obligations in the Legal Agreement to all of the order land, and to secure further obligations that will ensure the mitigation and compensation policies/measures are effectively and efficiently operated until at least 1 year after the completion of the construction of the project.¹⁹

18.5.3 It is proposed that Thames Water will offer to enter into this Legal Agreement with the relevant London local authorities, but Thames Water will make clear that where any relevant London local authorities refuse or fail to sign the Agreement, Thames Water will comply with the terms of the Agreement with all the relevant London local authorities named on the Legal Agreement as if they were a signatory party.

¹⁹ Note that by special provision in the DCO – Schedule 19 – amendments to the Town and Country Planning Act 1990 – Thames Water and any successor to the powers under the DCO will be deemed to be “interested in land” for the purposes of Section 106.

This approach is necessary since Thames Water does not have interests in land in all of the relevant London local authorities so is unable to create obligations which are enforceable by all Boroughs under Section 106 of the 1990 Act before the DCO is made by the Secretary of State.

On granting of the development consent

- 18.5.4 Thames Water will complete the s106 Unilateral Undertaking appended to the Agreement to ensure that all obligations relating to the policies are section 106 planning obligations and are binding on Thames Water and on the order land.
- 18.5.5 The s106 Unilateral Undertaking will require mitigation or compensation measures as appropriate to be in place prior to the commencement of the construction activity that leads to the need for the particular mitigation or compensation. The mitigation and compensation will be identified further to the trigger action plans that are to be prepared.
- 18.5.6 Drafts of the Legal Agreement and the s106 Unilateral Undertaking have been submitted to the ExA on 13 January 2014 (document references APP74.2 and APP74.3) with final versions incorporating comments and feedback to follow on 12 February 2014.

18.6 Independent Advisory Service (IAS)

- 18.6.1 The Independent Advisory Service (IAS) will be available to advise the public and other parties on their rights and available options relating to the Settlement Information Paper, the *Non-Statutory Off-site Mitigation and Compensation Policy* and the Exceptional Hardship Procedure. Advice is being made available to individuals and other affected parties, such as schools and communities, who may be entitled to mitigation or compensation under the policies. The IAS will advise how they may qualify for the policies and will explain the role of the Independent Compensation Panel which is described further below. The IAS will also assist parties with completing the application forms and making a claim.
- 18.6.2 Specific provision will be made to ensure that the services of the IAS are available to harder to reach groups and for those whom English is not their first language.
- 18.6.3 The IAS will be funded by, but will remain independent of, Thames Water and the Infrastructure Provider. The IAS staff will consist of qualified Chartered Surveyors with experience in compensation and claims. They will have to demonstrate that they do not have a conflict of interest with Thames Water or the IP.
- 18.6.4 It should be noted that work of the IAS is in addition to the 24 hour service currently provided by Thames Water and already available to the public for general project-wide issues.

18.7 Independent Compensation Panel

- 18.7.1 The ICP will supervise the implementation of the procedure under the Settlement Information Paper and the *Non-Statutory Off-site Mitigation and Compensation Policy* and will determine applications and settle any claims or disputes arising from the policies.
- 18.7.2 The ICP will consist of a chair person plus two additional voting members chosen on a case by case basis from an established panel of experts.

- 18.7.3 The panel of experts will provide specialist advice on technical issues and be available to the ICP. Experts will include noise and vibration specialists, transport specialists, building surveyors, quantity surveyors, tunnelling engineers, chartered surveyors, medical professionals, legal advisors, representatives from Thames Water and its contractors and other such specialists the chair person may deem necessary. The panel of experts will also be independent of Thames Water and will not include anyone who is connected to the appointed contractors.
- 18.7.4 Thames Water will consult the relevant London local authorities on the identity of the Chair Person of the ICP and will take reasonable account of their representations prior to the ICP being appointed.
- 18.7.5 Decisions on applications and disputes would be resolved by a simple majority amongst the three members of the ICP with each member having a single vote. In the event a majority cannot be achieved, the chair person's vote will be the casting vote.
- 18.7.6 The ICP will be funded by, but will remain independent of, Thames Water and the Infrastructure Provider.

18.8 **Help Guide and Pamphlets**

- 18.8.1 Thames Water is updating the pamphlets for public information in line with the revisions to the policies. The overall 'Guide to Compensation' leaflet is appended in draft to the *Non-Statutory Off-site Mitigation and Compensation Policy*.
- 18.8.2 The IAS will also develop a user-friendly guide to assist the public's understanding of the policies. This will be one of the early tasks of the IAS and will be available by the end August 2014.

Exceptional Hardship procedure – Document APP69

- 18.8.3 The *Exceptional Hardship Procedure* (Doc ref APP69) applies to those who would not otherwise have a statutory claim for compensation. It sets out the application process for householders with a pressing need to sell and who contend that they are suffering hardship as a result of being unable to sell their property because it is potentially affected by the project.
- 18.8.4 This policy has been updated to reflect the changes within the *Non-Statutory Off-site Mitigation and Compensation Policy* and also to incorporate the provisions relating to independent advice and support.
- 18.8.5 Applications will be assessed by the ICP. Applicants may also seek advice from the IAS.
- 18.8.6 Property owners making an application must be able to demonstrate that they meet all of the following criteria:
- (a) they are owner-occupiers of either residential or small business property. They could also be mortgagees or personal representatives of a deceased owner;
 - (b) the property is in proximity to the Thames Tideway Tunnel works – defined as being within 100 metres of the LLAU around each surface site. Decisions on marginal cases will be left for the discretion of the ICP;

- (c) they have made all reasonable efforts to sell the property but have not received an offer within 15 per cent of the property's unaffected fair value;
- (d) they purchased the property before there was public awareness of the Thames Tideway Tunnel project proposals; and
- (e) there is a pressing need to sell the property and the owner would suffer exceptional hardship if unable to sell the property before Thames Water completes the project.

18.8.7 For the *Exceptional Hardship Procedure* Thames Water has published an Application Form, an Assistance Guide to help fill out the application form and a set of Frequently Asked Questions about the *Exceptional Hardship Procedure*.

Non Statutory Off-site mitigation and compensation policy - Document APP68

18.8.8 As stated above this policy is a consolidation of the previous non statutory mitigation and compensation policies and the Noise insulation and temporary rehousing policy.

18.8.9 Thames Water appreciate that off-site mitigation such as noise insulation or temporary re-housing can be unpopular and disruptive for people and communities around the construction sites. The *Code of Construction Practice* (Doc ref: 9.21.01) therefore requires that mitigation is maximised on-site to minimise adverse effects and hence minimise the need for such off-site mitigation. However in some instances this may not be possible.

18.8.10 Under the new policy Thames Water have committed to proactively develop Trigger Action Plans (TAPs) to provide clarity on precisely (a) what off-site mitigation would be provided, (b) the noise and vibration thresholds that would trigger the provision of the mitigation and (c) to ensure that all necessary plans and approvals are in place to implement the mitigation quickly should it be required.

18.8.11 TAPs will be prepared for:

- (a) properties identified by the *Environmental Statement*, as revised during the Examination period, as being potentially significantly affected by noise of vibration for certain periods of time
- (b) special cases immediately around the sites (such as schools, places of worship, houseboats or sheltered accommodation for example) where there is the potential for in-combination effects from noise and vibration.

18.8.12 A draft list of TAPs to be developed is appended to the *Non-Statutory Off-Site Mitigation and Compensation Policy* and is included in document APP68.

18.8.13 TAPs and the process for their preparation, agreement and enforcement are set out in the revised *Non-Statutory Off-site Mitigation and Compensation Policy* described in section 4 and secured through the Legal Agreement and s106 Unilateral Undertaking. TAPs will also consider the combined impact of noise and vibration where necessary. Thames Water will continue developing TAPs ahead of development consent approval and have developed an ambitious programme to complete them as soon as possible.

- 18.8.14 The provisions of the Unilateral Undertaking will require mitigation measures to be in place prior to the commencement of the construction activity that leads to the need for the particular mitigation.

Settlement Information Paper (Doc ref: APP71)

- 18.8.15 For this project, settlement is a term used to describe how the ground can move due to the construction of new infrastructure below the surface. The construction of the shafts, tunnels and CSO interception works for the project could cause some small movements in the ground. The extent of the ground movements caused by construction will depend on a number of factors, including the size and depth of the construction works as well as the existing soil conditions. The project team's knowledge of the effects on the ground of tunnelling and other related construction activities includes recent information from major tunnelling projects in London including the Jubilee Line Extension and the Channel Tunnel Rail Link. These projects have established proven methods to assess the impact of these ground movements on infrastructure and buildings.

- 18.8.16 During construction of tunnels and other construction related activities some limited ground movement could occur, which may have an effect on nearby infrastructure and buildings. Thames Water is committed to designing the tunnels and controlling construction activities to limit ground movement, as much as possible. In seeking to provide protection against the effects of settlement to control and limit ground movement Thames Water would:

- (a) align the proposed tunnels to reduce the number of affected properties;
- (b) use the latest tunnelling methods and equipment;
- (c) assess the potential effects of ground movement in advance and where necessary, carry out protective measures; and
- (d) monitor actual ground movement during and after tunnelling to check that the ground is reacting as predicted.

- 18.8.17 Thames Water has also developed a policy on settlement (the *Settlement Information paper* (Doc ref: APP71) including the ability of potentially affected owners to ask for a Settlement Deed prior to the grant of a DCO and notification and application processes for a Settlement Deed (Doc ref: APP04.29.01) after the grant of a DCO. The details are set out in section 5 and Appendix C of that paper. Thames Water will offer suitably qualified building owners within the zone of influence, which will be specified by the final tunnel alignment design (determined by Thames Water), the ability to call for surveys before project works commence, to monitor any movement in property caused by construction and take appropriate measures to deal with this. Settlement Deeds are available prior to relevant construction works for qualifying owners to give reassurance during the lifetime of the project. Powers to protect, repair and survey buildings are included in the draft Order.

18.9 Further Information

- 18.9.1 Further information can be obtained about these policies and about the project generally from the Thames Tideway Tunnel website at:

www.thamestidewaytunnel.co.uk

Enquiries by e mail should go to:

info@tidewaytunnels.co.uk

Postal enquiries can be sent to:

Thames Water Utilities Limited
7th Floor, The Point
37 North Wharf Road W2 1AF

Telephone enquiries can be made to Thames Water at: 020 3147 7700.

19 **CONCLUSION**

19.1 The purpose of this Statement is to explain the various characteristics of the project with a view to explaining why it believes the proposals comply with the requirements on the decision-maker as set out in section 122 of the Act where it is proposed to include powers to compulsorily acquire land. As a reminder, the decision maker in respect of the Application must be satisfied that the land is:

19.1.1 required for the development;

19.1.2 required to facilitate or is incidental to the development; or

19.1.3 is replacement land for commons, open spaces, etc.

19.2 It is also necessary for the decision-maker in respect of the Application to be satisfied that there is a compelling case in the public interest for the inclusion of powers of compulsory acquisition in the Order.

19.3 The need for the project has been explained above. It is fundamentally endorsed by the NPS, as is the tunnel solution proposed. As demonstrated above, the site selection process, the refinements achieved through consultation and further research and the Application of a site acquisition strategy all combine to the conclusion that the Order land is all required to facilitate or is incidental to the development. No replacement land is included in the proposed acquisition powers.

19.4 The case for need for the project, the Government policy in support of that need and for the tunnel solution and the very urgent requirement for the implementation of an effective solution to the problem of CSO discharges provides a compelling case for the Thames Tideway Tunnel to be implemented and operated. Thames Water has demonstrated that this cannot be achieved without the acquisition of land and rights over land and the scale of the project and the urgency of the need for it mean that acquisition by private treaty cannot be achieved in a timescale which reflects that urgent need. Thames Water therefore concludes that the Secretary of State will find that there is a compelling case in the public interest for the inclusions of powers of compulsory acquisition in the Order. The ability of the Secretary of State to be satisfied on the matters contained in section 122 of the Act also means that the principles of proportionality in respect of human rights should also be discharged.

Berwin Leighton Paisner LLP

13 January 2014

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