

Planning and Borough Development
Kensington Town Hall, Hornton Street, LONDON, W8 7NX

Executive Director Planning and Borough Development
Mr Jonathan Bore



THE ROYAL BOROUGH OF
**KENSINGTON
AND CHELSEA**

Section 14 Order Consultation Responses
DEFRA
Ergon House (2A)
Horseferry Road
London SW1P 2AL

My reference: **Response to the consultation on
Streamlining the Planning Process for NSIP:
Wastewater Transfer and Storage**

Please ask for: Patricia Cuervo

30 September 2011

Dear Sir or Madam,

Please see enclosed our response to the above consultation.

Planning Process

We acknowledge the policy objective to streamline the planning process for nationally important waste water and transportation infrastructure. The aim is to avoid the decision making process taking longer than necessary, whilst being transparent, providing certainty, taking into account national need, and ensuring local communities are fully engaged and involved throughout.

We understand that national decision-making will potentially benefit from the process that the wider needs and interests of a region or the country as a whole can be considered. The Impact Assessment explains that, in the case of the Thames Tunnel, without the Section 14 Order, multiple applications for planning permission would need to be made to 14 separate local planning authorities making the process much more time consuming and expensive than necessary for everybody involved: local communities, local authorities, project sponsors and investors. However, whilst we recognise the potential benefits, there is also a danger that the needs and impact on a local community is not adequately catered for.

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The Evidence Base section in the Impact Assessment explains that inadequate local consultation limits the opportunity for local communities to influence proposed developments and can potentially exclude certain groups who are not made aware of a proposal. In theory, the consent process for NSIP applications require extensive and wide ranging consultation with local communities affected by a proposal which we welcome.

Costs to Local Authorities

We agree that in principle, applications which are initially and directly made to the IPC/MIPU can capture the range of consents at the outset, reducing the complexity and cost for the applicant and some third parties. However, we strongly disagree with the statement that the costs on local planning authorities will be negligible. This notion is based on the following assumptions:

- any loss in fee income to local authorities will be offset by the reduced administrative burden associated with the transfer of the decision making process from LPAs to IPC/MIPU;
- the decision-making responsibility transferred from local authorities to the IPC will involve a small reduction in the administrative burden for local government; and,
- the requirement for scheme promoters to seek the views of the relevant local authority will also be a negligible new administrative burden for local government.

The statement only takes into consideration the consent process and does not include the pre-application process which, in the case of the Thames Tunnel, started in 2008. The statement overlooks the significant amount of work that local authorities have already undertaken for the Thames Tunnel project which has involved many officer hours. Officers from Planning, Environmental Health, Ecology, Parks, and Property have supported the work of Thames Water for the last three years. This has had a serious impact on our resources. For example, a senior policy officer within the Planning Policy Team has taken over a coordinating role for the Council's responses to the various consultations (Code of construction Practice, Statement of Community Consultation, Environmental Impact Assessment, Flood Risk Report, Memorandum of Understanding, Phase 1 consultation, etc) and the responses to these mini- projects have involved many officer hours.

Regular meetings with Thames Water officers are attended by the coordinator and senior managers within the planning, transportation and environmental teams. A website dedicated to the Thames Tunnel project has been created on the Council's website and liaison with the project is high on the Council's agenda as it has created some anxiety in the communities that may be affected. A conservative estimate of the costs to the Council, taking into account officer time are £30,000 a year for the last 2 years and £10,000 a year for the first year where the combined sewer overflows to be intercepted were studied. A total sum of over £70,000 cannot be considered as 'negligible' or 'minimal', even more so in the current economic climate when limited resources are stretched. Furthermore, the Memorandum of Understanding that the Council is adhering to recover costs from Thames Water only covers costs from the present time until the Development Control Order is submitted to the IPC, which is less than a year's work.

Questions: Is the draft Section 14 Order's 350,000 cubic-metre (m³) volume threshold for a proposed wastewater transfer and storage infrastructure set at an appropriate level, capturing only those projects which should be classed as NSIPs and so undergo the same streamlined planning process as other NSIPs? If not, what threshold would be more appropriate and why?

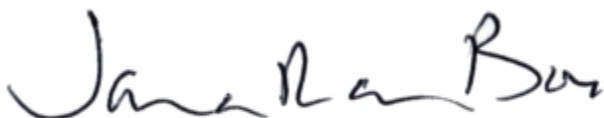
We agree that a balance needs to be struck between allowing LPAs to make decisions on proposed local infrastructure within their own areas and enabling a strategic central body such as the IPC/MIPU to determine infrastructure projects which are of at least regional and possibly national significance. It is difficult to define the right threshold for a project to be classed as NSIP but it is clear that a threshold which only takes into account capacity is a blunt tool for determining the national relevance of a project. Furthermore, the wide variation in impact between both schemes affected by this consultation, the smaller Lee Tunnel project (370,000m³ capacity), and the proposed Thames Tunnel project (1,580,000m³ capacity) do not give local authorities much certainty in terms of the IPC only being responsible for projects of truly pan-London or national significance. We consider that a threshold of 350,000m³ capacity is an inappropriately low level as it could capture projects that cater for local infrastructure needs which are most effectively dealt with by LPAs, or in the case of London, the GLA, who could play a useful coordinating role. It should be recognised that in a densely populated area, such as inner London, the wastewater capacity of a scheme could be potentially be very high and it is possible that several Councils may be involved. However, the impact remains of only local importance and as such applications should be determined at local level.

In particular we are concerned that the Counters Creek Sewer Alleviation Scheme could be classified as an NSIP. Although it is flood alleviation scheme which may assist in addressing the water catchment areas for up to seven London Boroughs, its impact is only significant at the local level. On this basis we do not recognise that this project should be classified as an NSIP. Thames Water officers have confirmed that the 2009 reference solution (in the public domain for some time) has an internal volume of less than 150,000m³. They have also informed us that it would be extremely unlikely that any Counters Creek scheme will reach the 350,000m³ threshold. However, we would like some reassurance that this type of scheme could not be classified as an NSIP.

We therefore favour Options 1 and 3 which involve classification of a project as an NSIP on a case-by-case basis rather than Option 2 as Options 1 and 3 remove the risk of possible misclassification associated with the Option 2 threshold.

Please do not hesitate to contact my officer, Patricia Cuervo if you have any queries regarding this matter.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Jonathan Bore', written in a cursive style.

Jonathan Bore
Executive Director Planning and Borough Development