

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**

Jan Bessell
Lead Member of the Examining Authority
Planning Inspectorate
3/18 Eagle Wing
Temple Quay House
2 The Square
Bristol, BS1 6PN

Your reference: WW010001
My reference: LR16311
Responses to second round of
ExA's questions
Please ask for: Patricia Cuervo

10 January 2014

Dear Ms Bessell,

Thank you for your letter sent on the 19 December 2013. Please see enclosed the Council's response to the panel's questions.

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

Yours sincerely,

Jonathan Bore
Executive Director Planning and Borough Development

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Examination of the Thames Tideway Tunnel

Second round of questions

Biodiversity, Biological Environment & Ecology

Q.21.2 The updated Terrestrial Ecology Survey (Doc2 9.10.04) refers to a bat roost at Cremorne Wharf which would be affected by the proposed works of demolition. Mitigation is referred to in the Design Principles (CREWD.10) but does not appear to be covered directly in the Requirements. Can the Applicant and Natural England comment on whether this approach would provide sufficient certainty in relation to mitigation for impacts on a protected species?

Response to Q.21.2 Although the Council has not been asked to respond to this question, a response has been included in the most recent Statement of Common Ground. The response can be seen in paragraphs 3.5.9 to 3.5.12 below:

- 3.5.9 With regards to Ecology - terrestrial (operation), since the application for development consent was submitted on 28 February 2013, an updated Terrestrial Ecology Survey identified a bat roost in Cremorne Wharf Depot which would be affected by the proposed demolition (Doc 9.10.04). The ExA second written question 21.2 is regarding mitigation and identifies that design Principle CREWD.10 refers to mitigation but it is not covered directly in the Requirements. The ExA asked whether TWUL and Natural England considered whether this approach would provide sufficient certainty in relation to mitigation for impacts on a protected species.
- 3.5.10 TWUL has met with the RBKC Ecology Officer on site in Cremorne Gardens and agreed three trees for bat boxes to provide replacement bat habitat and the *CoCP Part B* (secured by Requirement PW6) has been updated to reflect the discussions as follows:
- "A minimum of three bat boxes shall be installed on trees in Cremorne Gardens no later than one year in advance of the start of the demolition of the depot building and in advance of the removal or filling in of the crevice in the depot building identified as supporting a transitory roost."*
- 3.5.11 TWUL note that Design Principle CREWD.10 is not mitigation related to this identified bat roost as it was included as an ecological enhancement before the need for mitigation was identified.
- 3.5.12 The bat boxes that are now specified in the *CoCP Part B* would remain *in situ* permanently, irrespective of the creation of bat roosting opportunities in the replacement depot building referred to in the design principle.

Policy

Q31.1 Can the Applicant, the Mayor of London and the local planning authorities comment on any implications the Revised Early Modifications to the London Plan may have in relation to the application?

Response to Q31.1 The Council has reviewed the Revised Early Modifications document and concludes that there are no negative implications for the draft Development Consent Order in relation to our sites.

The alterations to chapter seven (London's Living Spaces and Places, paragraph 7.31: supporting Policy 7.8 Heritage assets and archaeology) aims to protect and adapt heritage buildings and their settings. This supports the Council's aspiration and vision for the Chelsea Embankment foreshore site.

The amendment of paragraph 7.75 (supporting Policy 7.26: Increasing the use of the blue ribbon network for freight transport) supports water based freight transport and explains it is in line with the NPPF. The use of the River Thames for freight transport during the construction of the Thames Tideway Tunnel is also supported by the Council for both sites in the Royal Borough.

Traffic, Travel and Transportation

Q34.1 Can the Applicant and each highway authority, (jointly if possible but if not separately), provide an update on what issues now remain outstanding? For any remaining outstanding issue, where it is anticipated that the issue will in due course be resolved, provide a programme for its resolution. For any issues where it is not expected that the matter will be resolved in the near future provide a statement summarising the differences between the views taken by the highway authority and the Applicant respectively.

Response to Q.34.1 The Council has asked Thames Water to include a response to this question in the most recent Statement of Common Ground. The response is set out in paragraphs 3.7.2 and 3.7.3 below:

3.7.2 In their second written question 34.1, the Examining Authority asked the Applicant and each highway authority to provide an update on what issues now remain outstanding and for any remaining outstanding issue, where it is anticipated that the issue will in due course be resolved and to provide a programme for its resolution. For any issues where it is not expected that the matter will be resolved in the near future provide a statement summarising the differences between the views taken by the highway authority and the Applicant respectively.

3.7.3 **Error! Reference source not found.** below identifies the outstanding transport matters that remain between the Royal Borough of Kensington and Chelsea and TWUL in regards to transport assessment matters. These tables were sent to RBKC for approval on 1 January 2014 and identify the:

- a. Outstanding issue;
- b. TWUL's commentary on the outstanding issue;
- c. Whether it is anticipated the issue will be resolved;
- d. The programme of resolution; and
- e. Implications of issues not being resolved.

Issue to be Resolved	TTT Commentary	Anticipate to be resolved	Programme of resolution	Implications if not resolved
<p>Transport modelling - awaiting TfL approval of modelling in particular the calibration and validation of the junction models.</p>	<p>Following transport modelling review workshops between TTT, TfL and their consultants in December 2013. There are no more red issues remaining on the modelling trackers. Only 14 amber issues remain (both Cremorne Wharf and Chelsea Embankment sites). Please refer to "Traffic modelling issues outstanding with Transport for London" note for more information. This is contained in the appendix to the Transport for London Statement of Common Ground submitted to the Examining Authority on the 13th January 2014.</p>	<p>Possibly</p>	<p>Further discussions will take place between TTT and TfL in January 2014 with the aim of resolving as many remaining issues as possible prior to February 2014</p>	<p>The nature of the detailed modelling issues being discussed is not likely to lead to changes in the findings of the TA and ES and therefore TTT consider that the conclusions of the TA and ES remain applicable even if modelling issues cannot fully be resolved. The project has proposed a mechanism by which the detailed design of traffic management schemes, including appropriate traffic modelling, would be submitted for approval by the contractor at a later stage.</p>
<p>Chelsea Embankment Foreshore</p>				
<p>The re-opening of the Thames Path every weekend (not just outside of working hours and method how Thames Path will be open to be detailed.</p>	<p>The project will not be able to commit to open the Thames Path during working hours at the weekend. Details on how the Thames Path will be reopened will be within the Traffic Management Plan submitted by the contractor.</p>	<p>No</p>	<p>n/a</p>	<p>If matters are not agreed, the ExA would need to make a decision based on the positions of each party as set out in the final SoCG to be submitted on 12 February 2014.</p>