

Appendix 1: Response to Thames Water's consultation on the proposed Thames Tideway Tunnel

Dear Sir,

THAMES TUNNEL CONSULTATION

Thank you for consulting London Borough of Southwark on the proposed routes and sites for the Thames Tunnel.

As a borough with around 4.5 miles of River Thames frontage, Southwark has a strong interest in reducing the amount of sewage which overflows into the river every year.

Notwithstanding this, Southwark objects very strongly to the use of open spaces at King's Stairs Gardens and Alfred Salter Playground (Druid Street) as sites for a reception shaft and CSO shaft respectively.

Site Selection methodology

The methodology Thames Water used to select the preferred sites is far from clear. The Site Suitability Report and the "How we chose the preferred site" document assess each of the Southwark sites from a planning, engineering, environmental, socio-economic and property perspective. However there is no attempt to use an appropriate weighting mechanism to compare sites and evaluate impacts which in turn would inform a sequential approach to the selection of sites. The council considers that this undermines the selection process. Thames Water are urged to reconsider the selection of the preferred sites in the light of a systematic and transparent mechanism for assessing the impacts on all sites, informing a comparison of sites and the use of a sequential approach.

King's Stairs Gardens

In response to consultation on Thames Water's shortlist of sites carried out in December 2009, Southwark ranked sites in order of preference. King's Stairs Gardens was the least preferred site. It is with great disappointment therefore, that the council learned that King's Stairs Gardens has been selected as a preferred site. It does not consider King's Stairs Gardens an appropriate site for a reception shaft for the following reasons:

Open space

Open space has the highest level of protection in the London Plan. Its value to London is recognised in objective 1 of the London Plan which states that London's growth should be accommodated within its boundaries without encroaching on open spaces. Objective 6 makes it clear that the protection of green spaces is integral to London's status as a world city. Among the key policy directions for objective 6 are the imperative of developing brownfield sites rather than developing on green space, and the need to protect and enhance open spaces. Development of a greenfield site in preference to available brownfield sites would run contrary to these objectives.

King's Stairs Gardens is designated as metropolitan open land (MOL) in the Southwark Plan. As MOL, it is an open space of regional importance. London Plan policy 3D.10 states that MOL should be afforded similar protection to greenbelt. It

indicates that there are a number of purposes for including land within MOL, including its contribution to the physical structure of London by being clearly distinguishable from the built up area. In addition to being a sizable space in its own right, in linking Southwark Park with the River Thames, King's Stairs Gardens plays a critical role in forming a much larger break in London's built development.

It is also a valuable amenity to local people, a fact recognised by the award of a national lottery grant in 1998. In preparing the draft core strategy, Southwark collected evidence on open space, in accordance with guidance in Planning Policy Guidance 17. This evidence demonstrated that while King's Stairs Gardens is not itself located in an area of open space deficiency, it is located close to areas in which there is a deficiency in open space. Between them the 5 wards which comprise the Borough and Bankside and Bermondsey community council areas have 1 park of local size (over 2ha) and no parks of district size (over 20ha). Against a Southwark-wide average of 0.62ha of local and district parks per 1000 population, Borough and Bankside has 0.18ha and Bermondsey has 0ha.

Policy 3D.11 in the London plan provides a benchmark for provision of open space. It categorises spaces according to their size and sets out a desirable distance which Londoners should travel in order to access each size of open space. Table 3.1 indicates that people should live within 1.2ha of a district park and 400m of a local park. Map 5.1 in Southwark Open Spaces Evidence Base, 2009, CDEN3 (enclosed), demonstrates there are few areas in the Borough and Bankside community council which have access to a district park within 1.2km. Similarly there are few areas in both community councils which have a local park located within 400m.

The loss of much of King's Stairs Gardens over a seven year period and the construction of residual permanent structures would exacerbate an existing deficiency in access to local and district parks. This would be compounded by the loss of the existing play facilities.

In the reasons for selecting King's Stairs Gardens, Thames Water point to the presence of Southwark Park immediately to the south of the site. However, in the council's view, the proximity of Southwark Park does not diminish the role which King's Stairs Gardens plays in providing a clear break in the urban fabric of this part of London and nor can it compensate for an existing deficiency in district and local parks.

There is a presumption against inappropriate development on MOL. Appropriate development is defined tightly as comprising agriculture or forestry, essential facilities for outdoor sport and recreation, cemeteries and other uses which do not conflict with the purpose of including land in MOL. Use of MOL for access to a tunnel construction sites and erection of permanent residual buildings would not comprise appropriate development and would be contrary to policy 3.25 in the Southwark Plan, draft Core Strategy policy 11 and policy 3D.10 in the London Plan. The fact that another open space, Southwark Park, is located close to King's Stair's Gardens should not comprise a reason for departing from MOL policy.

In its response to Thames Water's December 2009 consultation on the shortlisted sites, Southwark attached very significant weight to the fact that King's Stairs Gardens is designated MOL. The council does not consider that Thames Water has given sufficient weight to this designation in selecting its preferred site. Given the strength of London Plan objectives 1 and 6, as well as the MOL designation, Southwark's view remains that non-MOL sites which are available, should be regarded as sequentially preferable to King's Stairs Gardens.

Nature conservation

London Plan paragraph 3.318 states that one of the key objectives of the Mayor's Biodiversity Strategy is to ensure that all Londoners have ready access to wildlife and natural green spaces. Moreover, the plan states that this is particularly important where there is a shortage of green space and in Areas for Regeneration.

The evidence on biodiversity presented at the core strategy examination advised that the combinations of habitats in King's Stairs Gardens are not commonly found in Southwark outside its parks and moreover that the site forms part of an unbroken green chain between Surrey Quays and the Thames (see Biodiversity and Sites of Importance for Nature Conservation, CDB9 enclosed). Consequently, King's Stairs Gardens is proposed as a site of importance for nature conservation in Southwark's draft core strategy.

Whilst the King's Stairs Gardens site suitability report acknowledges its nature conservation and biodiversity value, there is no evidence of the weight attributed to this or the way in which impacts compare with those on other sites. This is a deficiency in the selection methodology, which, as in the case of open space, makes the sequential ranking of sites difficult to ascertain.

Map 3D.4 in the London Plan shows areas of deficiency in access to nature in London. Much of the Borough and Bankside community council area and a part of the Bermondsey community council area are shown in the area of deficiency. Even if it were possible to mitigate the potential harm of proposals in the long term, once the park had been restored, the loss of King's Stairs Gardens over a 7 year period would exacerbate this deficiency in access to nature and compound problems associated with a shortage of open space, contrary to the expectation of policy 3D.14 in the London Plan.

In addition, while the proposal to transport excavated material away from the site by barge is welcomed, the construction of a new jetty may have biodiversity impacts on the Thames and river bed which have not yet been fully considered.

Thames policy area

King's Stairs Gardens is located in the Thames Policy Area (TPA) as designated in the Southwark Plan. This responds to policies 4.16 and 4.17 of the London Plan which state that boroughs should recognise that the Thames plays an essential role in maintaining London as an exemplary, sustainable world city.

King's Stairs Gardens comprises one of few open spaces which have a river frontage in Southwark, and plays an important part in enabling Southwark residents to enjoy the river and its environs. In accommodating the Thames Path, it also provides a valuable amenity for residents and visitors, which encourages enjoyment of the river and helps connect Southwark's designated strategic cultural areas in Borough, Bankside and London Bridge to the west, with St Mary's conservation area to the east.

It is noted that the King's Stairs Gardens Site Suitability Report concludes that:

"This site is unsuitable as an intermediate shaft site with CSO connection as, in addition to the impacts associated with an intermediate shaft site, works would involve a large jetty protruding into the river, disrupting views from the Angel public house and riverside residences in the area. The overflow culvert that would remain after the works is also likely to affect the user's experience of the park in future.

The proportion of the park likely to be lost for any of the three types of sites is a significant issue, especially the loss of the new children's play area. This loss of open

space can, in part, be mitigated for, due to the availability of alternative open space in the vicinity in the form of Southwark Park. However, the character of King's Stairs Gardens as a river-facing public open space may be difficult to replicate" (p. 17, paragraphs 10.5.4 and 10.5.5).

The loss of the park over a 7 year period would be detrimental to the enjoyment of the river Thames, while the residual structures in the park are likely to be harmful to its character and appearance. In view of this, the proposal is not consistent with Policy 3.29 of the Southwark Plan, draft Core Strategy policy 12 or London Plan policy 4C.6 which seek to ensure that character of the TPA is protected and enhanced.

Archeological priority zone

It should be noted that King's Stairs Gardens is located within an archeological priority zone. Archeology, and in particular the site of the Manor House of Edward III which is a scheduled monument (the highest historic designation – more significant than a grade I listed building) has a historic connection with the river is a visible feature in the area and plays a significant role in shaping the character of the area.

This scheduled monument is visible from the public realm particularly from the Thames footway. The setting of the scheduled monument and its connection to the river are part of its historical significance. Inappropriate development in this area is likely to have a harmful impact on the setting of this site of national importance. Failure to demonstrate adequate mitigation of impacts would be contrary to Southwark Plan policy 3.19 and London Plan policy 4B.15.

Listed and locally listed buildings

There are two listed buildings in the proximity of King's Stairs Gardens: the Angel public house which is grade II listed and the grade II listed Sir William Gaitskell House. Both are listed due to their architectural or historic significance, the former is a public house dated at 1830, possibly incorporating parts of an earlier 17th century public house of the same name. The latter is a house dated at 1814 which was a police station from 1838 and most recently used as offices. The listing description extends to the building's railings, handrails and a historic lampholder and includes a detailed description of the interior most of which survives.

The Site Suitability Report acknowledges that the proposed jetty would disrupt views from the Angel Public House (paragraph 10.5.4). In addition, the council considers that the permanent structures proposed are likely to be detrimental to the setting of these two listed buildings particularly the public house which is viewed from the river and the Thames path and is sensitive to large engineered structures nearby.

The St Peter's and the Guardian Angels RC Church on Paradise Street, adjacent to King's Stairs Gardens is included on the council's draft local list as a building of architectural and historic significance. This church is a positive contributor to conservation value of the area, is a local landmark and is visible from King's Stairs Gardens across the way on Paradise Street.

Proposals which harm the setting of the listed buildings and or locally listed buildings would be contrary to Southwark Plan policies 3.15 and 3.18, and London Plan policy 4B.12.

Heritage

King's Stairs Gardens also plays a key role in preserving the setting on the scheduled monument at the site of Edward III's Manor House, as well as the setting and views to and from Southwark Park, which is a grade II registered historic park. These settings are also greatly improved by the trees in the park. A recent tree survey undertaken by the council demonstrates that many of the trees in the park are of good quality. They contribute to the character and appearance of the park, particularly in its role of providing views into and out of Southwark Park and providing an open and attractive link between Southwark Park and the river.

The council consider that there is considerable merit in the proposal to designate King's Stairs Gardens and Edward III's Manor House as a conservation area. The designation would recognise the park's key role in preserving the setting on the scheduled monument at the site of Edward III's Manor House and the setting and views to and from Southwark Park, which is a grade II registered historic park. The council will shortly commence public consultation on this proposal. The Site Suitability Report recognises the impact which the proposed use of the site would have:

"Removal of mature vegetation and the presence and operation of machinery, materials stores and buildings on site is likely to severely impact character of the park and river frontage. This site is, therefore, not suitable.... Permanent elements would potentially result in permanent, adverse direct impacts on the character of the park, the River and its frontage" (appendix 9, pp. 17-18).

Use of the park as a construction site, loss of trees within the construction site and the erection of permanent residual structures would harm the heritage and conservation value of the area contrary to Southwark Plan policy 3.15, 3.18 and draft Core Strategy policy 12.

For the reasons set out above, Southwark object very strongly to the use of King's Stairs Gardens as a proposed shaft site. Use of King's Stairs Gardens would harm many interests of acknowledged importance, including MOL, nature conservation and heritage. In the light of this, the council urge Thames Water to consider the use of alternative sites and routes which avoid the use of King's Stairs Gardens.

Alfred Salter Playground, St John's Estate, Druid Street

The loss of the playground, albeit over a temporary period, would result in the loss of an important residential amenity in an area with limited access to open spaces. The council's open spaces evidence base demonstrates that this site lies in an area which is deficient in local and district parks (refer to Map 5.1 in Southwark Open Spaces Evidence Base, 2009, CDEN3).

The Mayor's SPG on providing for children and young people's play and informal recreation indicates that housing should generally have a doorstep playable space within 100m to provide play facilities for 0-5 year olds (see appendix A, B.5). Other than the very small second play area on the St John's estate which has very limited facilities, there are no other play spaces within 100m of the estate.

The Mayor's SPG also advises that 300m is a reasonable benchmark for accessibility to play spaces for 0-11 year olds (local playable space). The nearest local playable spaces to the estate are on the Arnold Estate which is around 400m away.

The loss of the play facilities would leave the 79 homes on the St John's Estate without adequate play facilities, contrary to Southwark Plan policy 3.1, London Plan policies 3A.17 and 3D.13.

Thames Water's Site Suitability Report notes that the site formerly accommodated a cooperage, built upon a burial ground. This is the site of Butler's Burial Ground, one of a number of commercial burial operations which sprang up around London in the later years of the 18th century and which were closed by the Burial Act of 1852.

The presence of a post-medieval cemetery in this area would require a significant programme of archaeological excavation and recording prior to the commencement of any construction works. English Heritage and the Advisory Panel on the Archaeology of Burials in England are presently drawing up guidelines for the excavation of post-medieval cemeteries. Failure to demonstrate adequate mitigation of impacts would be contrary to Southwark Plan policy 3.19 and London Plan policy 4B.15.

For the reasons set out above, Southwark object strongly to the use of Alfred Salter Playground as a CSO shaft site and urge Thames Water to review sites along the alignment of the CSO, including sites on its original long-list, to find an acceptable solution.

All sites

The construction of the tunnel is likely to have significant social, economic and environmental impacts. Thames Water has indicated that planning proposals will be subject to environmental impact assessment (EIA). Southwark wishes to be consulted on the scoping of EIAs. In addition to the impacts set out in the analysis above, the EIAs will be expected to cover a broad spectrum of issues including: traffic and transport, odour, air quality (all sites are located in a designated Air Quality Management Area), noise, the local economy, jobs and local educational and community facilities.

All shortlisted sites are located within an air quality management area. Thames Water will be expected to demonstrate that proposals do not result in a reduction in air quality, through an air quality assessment, as set out in Southwark plan policy 3.8. Construction of shafts and the residual ventilation structures will also have noise and odour impacts.

In this context, the council notes with great concern the statement about King's Stairs Gardens in the Site Suitability report that:

"This site is considered less suitable for use as an intermediate, intermediate with CSO or main shaft site, due to the proximity of residential receptors to the west, south and east. Any shielding afforded by the site perimeter barriers would be largely ineffectual due to the height of these receptors. Twenty-four hour working has particular potential to adversely impact upon the closest receptors, and it may be necessary to restrict some of the noisier activities to daytime only. Access of HGVs to the site is also likely to result in disturbance, as they approach through residential streets.

For a main shaft and the intermediate with CSO, the importing and exporting of material by barge would also result in an adverse impact on residential receptors located near to the barge jetties" (p. 11, paragraphs 7.9.1-7.9.2).

Proposals which do not demonstrate that they can mitigate these impacts satisfactorily would be considered unacceptable by Southwark, in line with Southwark Plan policies 3.1 and 3.2.

With regard to transport, while Thames Water have committed to transporting excavated materials by barge where possible, in the case of a number of sites, such as the Alfred Salter Playground, this is not feasible. All proposals will be expected to be accompanied by a transport assessment, which demonstrates that transport and traffic impacts have been addressed.

Sustainability Appraisal

Whilst any future applications affecting Southwark sites would be subject to an environmental impact assessment, it should be noted that an EIA tests the environmental impacts of a particular development. In 2005, the Thames Water Tideway Strategic Study identified a number of strategic options for addressing the environmental problems of CSOs and concluded that the Thames Tideway Tunnel was the preferred option. Whilst this study included a regulatory impact assessment, it is not clear whether the identified options were subjected to any sustainability or environmental appraisal before selecting the Thames Tideway Tunnel or the preferred route.

The government has recently commenced consultation in respect of the draft National Policy Statement for Waste Water which addresses the need for nationally significant infrastructure projects and includes the Thames Tideway Tunnel. Whilst the draft NPS is the subject of a separate consultation response, it is noted that it relies on the 2005 study and states that Thames Tunnel is the preferred infrastructure solution and that the sustainability appraisal will include “an assessment of the specific aspects” of the Thames Tunnel proposal. In the council’s view, this suggests that options should have been subject to sustainability appraisal at the time the 2005 study was conducted.

We urge Thames Water to reconsider the use of King’s Stairs Gardens and Alfred Salter Playground and trust that these comments will be taken into account when making a final decision on sites and the route.

Yours faithfully,