

Item No.	Classification: Open	Date: 15 October 2013	Decision Taker: Leader of the Council
Report title:		LB Southwark's Local Impact Report and Written Representation to the Planning Inspectorate in Response to the Thames Tideway Tunnel Application	
Ward(s) or groups affected:		Cathedrals, Riverside, Rotherhithe and Surrey Docks	
From:		Chief Executive	

RECOMMENDATIONS

That the Leader of the Council:

1. Agrees to submit the local impact report (Appendix A) and the written representation (Appendix B) to the Planning Inspectorate in response to the application submitted by Thames Water Ltd for the Thames Tideway Tunnel.
2. Gives delegated powers to the director of planning to make minor amendments to the local impact report (Appendix A) and the written representation (Appendix B) and submit further evidence in support of these documents, prior to their submission to the Planning Inspectorate, as new background information emerges.

BACKGROUND INFORMATION

1. The Thames Tideway Tunnel is a proposal by Thames Water Ltd (the applicant) to construct a large sewerage tunnel along the route of the River Thames to help clean up the river. Thames Water claim that in an average year, 39 million cubic metres of untreated sewage overflows into the Thames through London's combined sewer overflows (CSOs). Thames Water's rationale for the Thames Tunnel project (in its proposed form) is the need to comply with the EU Urban Waste Water Directive.
2. Thames Water previously consulted on the first stage of public consultation in September 2010. This consultation set out the preferred tunnel route and sites. The preferred tunnel route at the time included a main reception site at King's Stairs Gardens and a smaller Combined Sewer Overflow (CSO) site at Alfred Salter Playground on the St John's Estate. Southwark Council responded to the consultation objecting to the use of these two sites.
3. Following a review of the tunnelling strategy, Thames Water consulted on their stage two public consultation which set out the details of the preferred route and provided further details on the proposals for individual sites. Following a reassessment of available sites, Chambers Wharf was identified as the preferred site for a main tunnel shaft in place of King's Stairs Gardens.

4. Thames Water also revised their plans for the Shad Thames CSO and their preferred solution for addressing this CSO was changed from Alfred Salter Playground to modification works at Shad Thames Pumping station instead.
5. LB Southwark submitted a response to the Phase Two public consultation objecting to the use of Chambers Wharf as a main tunnel site and expressing significant concerns over the use of both Shad Thames Pumping Station and Earl Pumping Station as construction sites.
6. In July 2012 Thames Water published their Section 48 publicity documentation to notify members of the public of their intention to submit a Development Consent Order (DCO) application. The council submitted a response reiterating its objection to the proposals, stating that the council had significant concerns about the use of Chambers Wharf as a main drive site and that there were outstanding concerns with regards to the works proposed at the Shad Pumping Station and Earl Pumping Station sites.
7. Thames Water subsequently submitted the DCO application to the Planning Inspectorate on the 28 February 2013. The Planning Inspectorate then invited the council to submit comments on the adequacy of Thames Water's consultation. Southwark's response raised very strong concerns about the adequacy of the consultation and set out how the pre-application consultation did not, in the council's view, meet the requirements of the Planning Act 2008 and associated statutory guidance.
8. Notwithstanding the council's strong concerns about the adequacy of consultation carried out by Thames Water, the Planning Inspectorate accepted the DCO application for examination on 27 March 2013. The examination hearings are programmed to take place between November 2013 and February 2014. The council submitted a relevant representation to the Planning Inspectorate in May 2013 outlining the key issues and impacts arising from the application proposals.
9. The council now has the opportunity to make formal representations on the application including the submission of a Local Impact Report and Written Representations.
10. Final approval of the scheme will be determined by the Secretary of State in Autumn 2014, following a recommendation from the Panel of Inspectors, whose decision will be made primarily in accordance with the National Policy Statement on Waste Water designated under *section 5(2)*, of the 2008 Act (NPS). If approved, construction of the tunnel would start in 2016 and the project is due to be completed by 2022/23.

KEY ISSUES FOR CONSIDERATION

Local Impact Report (Appendix A)

11. First and foremost, the Local Impact Report sets out why Officers consider that the proposal would result in unacceptable impacts from construction works at Chambers Wharf on the surrounding area. Officers consider that Abbey Mills Pumping Station in Newham is a better site from which to drive the tunnel resulting in less environmental, transport and amenity impacts. Significantly greater mitigation is also required at the Shad Thames, Earl Pumping Station

and Blackfriars Bridge Foreshore sites to off-set the negative impacts of construction on the residential amenity of the local community.

12. Officers consider that Chambers Wharf is wholly unsuitable as a drive site and will result in significant harm to the area, including noise, air quality, highway safety and traffic impacts. The site is very constrained by its proximity to sensitive receptors including many residential properties directly adjacent to and facing the site, along with three local schools, two of which are located in very close proximity to the site.
13. The site is located in a heavily populated residential area, as well as having properties sited immediately adjacent to three sides of the site, there are several hundred more properties within the wider vicinity of the site along with businesses and community facilities. In total, more than 4000 residents live within 400m of the Chambers Wharf site. The Thames Path runs alongside the site via Chambers Street which is also very well used by pedestrians, joggers and cyclists.
14. Taking account of its sensitive location, the proposed works on this constrained site, along with related traffic and barge activity, taking place over a period of six years or more, and seeking to involve 24 hour working for long periods, will result in significant harm to the amenities, residential living conditions and the schools in the vicinity of the site.
15. Proposed construction traffic including HGV movements (up to 110 per day) and other light vehicle movements raise serious concerns with regard to road and pedestrian safety. The uncertainty of the applicant's commitment towards barge movements means that these movements could increase further, with severe consequential effects for the living conditions of residential properties, schools (particularly Riverside Primary School) and local highway conditions.
16. The cumulative impacts on the area around the site should not be underestimated. The very close proximity to sensitive receptors, the long construction period and the unsatisfactory mitigation put forward by the applicant to date, coupled with a combination of the recognised impacts including those resulting from noise, air quality, visual amenity and highway safety means that residents and school children will experience significant harm to their living and learning environment for several years. Such an impact will be compounded by the fact the project is likely to follow two years of construction works currently taking place on an adjacent site (180 dwellings) and will be followed by a further two to three years of construction works on the permitted residential development (407 dwellings) on the site itself.
17. The concerns over the impacts of the construction activities on the surrounding area are exacerbated by the lack of detail and certainty within the application proposals regarding the layout and operation of what will be a long term construction site. There currently exists far too great an amount of flexibility as to how the construction process will unfold, and the layout of the site for each construction phase, creating the potential for greater than necessary impacts and significant uncertainty for local residents and schools.
18. The site at Chambers Wharf is not large enough to contain all the required construction activities and operations without resulting in significant impacts upon the surrounding area. There is not an opportunity to provide the appropriate amount of space within the site for storage, equipment, office/welfare buildings,

vehicle maneuvering and parking space without adverse impacts resulting. The need to construct an extensive coffer dam to provide barge access will result in further significant noise and transport impacts.

19. The proposed mitigation measures included within the draft requirements and planning obligations accompanying the application are wholly inadequate to provide any meaningful protection for local residents, schools and highway users. The applicant's inability to provide appropriate mitigation measures to mitigate the detrimental effects of the construction works demonstrates the inappropriateness of Chambers Wharf as a main drive site.
20. Abbey Mills is a more suitable site from which to drive the tunnel and would result in significantly less environmental impact than at Chambers Wharf. Officers are recommending that the application should be amended so that Chambers Wharf is only used as a receptor site which, with appropriate mitigation, would reduce the impacts at Chambers Wharf to acceptable levels.
21. Notwithstanding the council's objections to the use of Chambers Wharf as a drive site, should the Panel decide that it should remain as a drive site, much more effective mitigation, including off set of impacts, must be secured. This should include a package of DCO requirements and obligations to mitigate the adverse impacts of the development on a wide range of matters including in relation to construction works and impacts, residential living conditions, visual amenity, local schools and quality of learning environment, heritage, community facilities, transport and sustainability, employment, local procurement, public realm, other community impacts and costs of administration and monitoring.
22. The proposed construction works at Shad Thames, Earl Pumping Station and Blackfriars Bridge Foreshore sites have the potential to result in significant effects upon their surrounding areas and need to be very carefully mitigated in order to minimise impacts upon residents, office users (at Shad Thames) and local highway conditions.
23. These sites are located in close proximity to residential properties and the mitigation currently proposed in the draft requirements and obligations is not sufficient to address the impacts resulting from the construction works. At Earl Pumping Station a package of highway mitigation measures is also required in order to prevent serious impacts upon local highway conditions.
24. Although Earl Pumping Station is located within the London Borough of Lewisham, it is in close proximity to the boundary with Southwark including areas of residential properties.
25. Similarly, whilst located in the City of London, the works proposed at Blackfriars Bridge Foreshore also have the potential to affect Southwark's residents and roads if not properly mitigated against.

Written Representation (Appendix B)

26. Officers are also proposing to submit a written representation to the Planning Inspectorate which sets out our wider strategic arguments on the preparation of the Thames Tideway Tunnel application.

Strategic Environmental Assessment

27. Officers consider that a proper assessment of the locational options for dealing with London's sewerage problem including the alternatives to the preferred route for the tunnel now proposed in the DCO has not been carried out. It is a mandatory requirement under Directive 2001/42/EC (as transposed by the Environmental Assessment of Plans and Programmes Regulations 2004) for a SEA to be submitted with plans or programmes which are prepared for waste and/or water management schemes and set the framework for development consent of EIA projects.
28. The absence of a SEA is a significant failing in that there has been no adequate assessment of the cumulative impacts of the development or an evaluation of the positive and negative impacts of the preferred tunnel scheme against other reasonable alternatives. Moreover, the assessment that has been done is out of date and is not an adequate basis for lawful decision making in relation to the DCO.
29. Officers have sought legal advice on this issue from Pinsent Masons LLP dated 20 September 2013. A copy of this advice has been sent to Thames Water and the Planning Inspectorate. This advice confirms the council's assessment that the National Policy Statement (NPS) Appraisal of Sustainability has been inadequate at meeting the requirements of the SEA directive.

Inadequate pre-application consultation

30. Officers also consider that the pre-application consultation process has been neither effective nor meaningful. Thames Water has failed to adequately respond to the council's pre-application responses and many significant concerns remain outstanding.
31. The lack of provision of key environmental and other information regarding important elements of the project has meant that it has not been possible for officers to give proper consideration to matters such as site selection and the controls and mitigation that would be required to protect the areas around the sites. Insufficient background information has been provided during the pre-application stages on the reasons for the selection of Chambers Wharf as a main drive site and no clarification has been given on the weighting given to each of the site selection criteria.
32. Relevant information on matters such as those affecting local schools, health impacts and archaeology has also not been forthcoming making it difficult for participants to properly comment in a way which can help to influence the development proposals.
33. The Planning Act 2008 requires the 'front loading' of the application process. The developer must also demonstrate how they have taken account of any feedback that has been provided by the local community, the local authority and statutory consultees. Officers consider that this process has not been adequately undertaken by Thames Water and therefore it has not been possible for the council to engage with the process to provide advice to the applicant or discuss suitable mitigation in a way that has informed the content of the application.

Site Selection Methodology

34. Officers consider that the site selection methodology process carried out by Thames Water is seriously flawed. This process has resulted in the Chambers Wharf site being proposed as a main drive site to drive a tunnel boring machine (TBM) to Abbey Mills.
35. The basis upon which the applicant has sought to choose Chambers Wharf as a main drive site in preference to Abbey Mills is fundamentally flawed. It remains far from clear why the applicant has chosen Chambers Wharf as a main drive site in preference to Abbey Mills. No detail has been provided as to the weighting that has been given to the relevant factors in arriving at the proposed site selection. The only area in which the outcome of the assessment favours Chambers Wharf relates to barge transport, in that it is claimed to be easier and more practicable for barges to access this site to remove the spoil from the tunnelling than at Abbey Mills. Thames Water has submitted no reports to show justification or allow testing of this conclusion. Officers do not consider that this factor overrides the real and significant harm that would result for residents, schools and others around the Chambers Wharf site from the development as currently proposed.
36. Officers consider that this flawed methodology has led to the wrong decision by Thames Water in its selection of Chambers Wharf as a drive site and inadequate mitigation of impacts at Shad Thames and Earl Pumping Station sites and Blackfriars Bridge Foreshore.

Summary of impacts on Chambers Wharf as a Drive Site

37. As set out in the local impact report, the written representation reiterates our opinion that Chambers Wharf is wholly unsuitable as a drive site and will result in significant harm to the area, including noise, air quality, highway safety and traffic impacts. The site is very constrained by its proximity to sensitive receptors including many residential properties directly adjacent to and facing the site, along with three local schools, two of which are located in very close proximity to the site.

Abbey Mills is more suitable as a drive site

38. The written representation also sets out how officers consider that the information contained in the application demonstrates that Abbey Mills is a more appropriate drive site than Chambers Wharf. In particular, the use of Chambers Wharf as a drive site will result in very significant harm to the living conditions of residents and schools located in close proximity to the site along with highways safety and capacity issues.
39. Abbey Mills is less constrained than Chambers Wharf, it is located much further away from residential properties and schools, and has ample space for the layout of site operations and storage. The impacts from road traffic would also be less significant than at Chambers Wharf.
40. The only criterion on which the applicant claims Abbey Mills is less appropriate is barge access. However, there is no proper justification of this conclusion, nor is there any proper consideration of other options for the removal of spoil either alone or in combination with barges. The weight given to this factor cannot override the other considerations, particularly the very serious harm to the area

around Chambers Wharf. A separate study carried out on behalf of the council has found that it would be feasible to transport the majority of the spoil by barge (at least 63%) subject to a requirement for additional dredging. The need for dredging would be outweighed by the benefits accruing from the switch in the direction of the tunnel drive. It is also pertinent that, even if significantly less materials can be removed by barge at Abbey Mills, the road network at Abbey Mills is considered capable of absorbing additional traffic without significant highway impacts.

41. The council is recommending to the Planning Inspectorate that the project should therefore be amended so that the tunnel is driven from Abbey Mills to Chambers Wharf (as proposed in Phase One of the applicant's pre-application consultation). Chambers Wharf would thus remain in use for the project, but only as a receptor site which would significantly reduce the intensity and length of works required at the site. Whilst adverse impacts would still result, these would be more manageable and more suited to the constrained nature of this site within a high density residential area and in very close proximity to two schools.

Reduced impacts at Chambers Wharf as a receptor site

42. In the event that Chambers Wharf is used as a receptor site (receiving tunnel boring machines from Abbey Mills, Kirtling Street and Greenwich) and not a drive site, the tunnel could still be constructed avoiding the need for a long drive and allowing for the use of alternative tunnel boring machines appropriate to the relevant geology.
43. Significantly, several benefits would accrue serving to reduce the impacts upon the area surrounding Chambers Wharf. These can be summarised as:
 - A reduced site area would be needed and the site would be able to more comfortably accommodate the construction activities with consequently reduced impacts upon the surrounding area.
 - HumanResources.Payroll@southwark.gov.uk The cofferdam would not be required so avoiding the impacts from its construction.
 - The period of works would be significantly decreased.
 - The overall impacts of noise upon the surrounding area would be significantly reduced.
 - Vehicle movements in and out of the site would be significantly reduced.
 - Site offices would be reduced in size, avoiding day/sun light impacts on adjacent residential properties.
44. The extent and duration of the works would be reduced with corresponding benefits for residential amenity, the learning environment of school children and highway safety and congestion.

Summary of impacts at Shad Thames, Abbey Mills and Blackfriars Foreshore and mitigation required for these sites

45. The proposed construction works at Shad Thames, Earl Pumping Station and Blackfriars Bridge Foreshore sites also have the potential to result in significant effects upon their surrounding areas and need to be very carefully mitigated in order to minimise impacts upon residents, office users (at Shad Thames) and local highway conditions.

46. These sites are located in close proximity to residential properties and the mitigation currently proposed in the draft requirements and obligations is not sufficient to address the impacts resulting from the construction works. At Earl Pumping Station a package of highway mitigation measures is also required in order to prevent serious impacts upon local highway conditions.
47. Shad Thames: Whilst the works at Shad Thames are of less magnitude than those at other sites such as Chambers Wharf, they still have the potential to cause significant disturbance to local residents, businesses and impact upon local highway conditions. Given the close proximity of both residents and officers to this site, particular concern is raised in relation to adverse impacts resulting from noise and vibration. Further mitigation and requirements are required beyond that currently proposed in the application.
48. Earl Pumping Station is located within the London Borough of Lewisham, but it is in close proximity to the boundary with Southwark including areas of residential properties. Several residential properties adjacent to the site would be significantly impacted by noise. As at Chambers Wharf, the lack of detail within the application, the flexibility given to how the construction works will take place and the lack of appropriate mitigation compound this concern.
49. Significant traffic impacts would also result on roads within Southwark. The Lower Road gyratory suffers from congestion at peak times and lacks resilience. Additional traffic from EPS will exacerbate this. Lower Road and Jamaica Road are busy with cyclists and Lower Road is a busy high street with a high level of pedestrians with high levels of record collisions already recorded. This would again be significantly exacerbated by traffic from construction works, including the cumulative impacts of traffic from both Earl Pumping Station and Chambers Wharf.
50. Further mitigation and requirements are required in order to properly mitigate and control the impacts upon residents and highway conditions.
51. Blackfriars Bridge foreshore: Whilst located in the City of London, the works proposed at Blackfriars Bridge foreshore also have the potential to affect Southwark's residents and roads if not properly mitigated against. Adverse air quality, noise and highway impacts are likely to result from construction vehicles being routed through Southwark. This will be exacerbated by the cumulative impacts generated by concurrent regenerations projects at the Elephant and Castle and Blackfriars Road.
52. Officers consider that, if not properly controlled and restricted, there is potential for adverse noise impacts upon Southwark residents on the opposite side of the River Thames.
53. Further mitigation and requirements are required in order to properly mitigate and control the impacts upon residents and highway conditions.

Comments on detail of DCO provisions

54. The draft Order fails to strike the correct balance between the powers required for the project and the necessary limitations and controls on those powers. Generally in these areas it goes further than all granted development consent orders. Thames Water offers no detailed justification for the sweeping powers granted and disapplication of the pre-existing statutory limitations and controls.

Thames Water should set this justification out in full, together with explanation of how the interests of the various parties affected are protected. Southwark has not received this information.

55. It is not clear how all of the mitigation steps set out in the Environmental Statement and other application documents are effectively secured by the terms of the Order and section 106 obligations. Thames Water should produce a detailed analysis of this on a project wide and site-by-site basis. This ought to act as a guide to all of the mitigation proposed; making it clear how each item of mitigation is secured.
56. As currently drafted the terms of the draft Order and plans are insufficient to secure the mitigation proposed in the application documents. That mitigation is itself inadequate for the impacts of the project.
57. The Order and application documents fail to adequately secure compliance with the terms of the Code of Construction Practice by contractors working on the project.

Community impact statement

58. The Thames Tideway Tunnel will have significant impacts on the community. In particular these relate to the impact on residential amenity of surrounding properties, impact on local schools and on the local transport network which are outlined above. There may also be impacts associated with loss of amenity due to noise, dust and odour. Thames Water will need to demonstrate that these can be mitigated.
59. A key consideration in pre-application is equality and making sure that consultation has been undertaken in accordance with the Equality Act 2010. The applicant has failed to provide an Equalities Impact Assessment during the pre-application process and has not made reference in its consultation statement as to how equality has been considered in the pre-application consultation. In the absence of such information, it is not clear how the decision maker will be able to discharge its own duties under the Equality Act 2010.

Financial implications

60. This report is recommending that the Leader agrees to the local impact report (Appendix A) and written representation (Appendix B) being sent to the Planning Inspectorate in relation to Thames Waters' application for the Thames Tideway Tunnel.
61. There are no immediate financial implications from the adoption of the recommendations in this report.
62. However, it must be noted that the potential future impact from the recommendations may be significant but the long term financial implications cannot be quantified at this stage as consultation is still on-going.
63. Any specific financial implications arising from the final Thames Water Tideway Tunnel proposals or project will be included in subsequent reports for consideration and approval.

SUPPLEMENTARY ADVICE FROM OTHER OFFICERS

Director of Legal Services

64. This report seeks the Leader's agreement to the submission of the local impact report (Appendix A) and the written representation (Appendix B) to the Planning Inspectorate in response to the application for a development consent order submitted by Thames Water Ltd, for the construction of the Thames Tideway Tunnel, and for delegated powers to be provided to the director of planning to include further details in both the local impact report (Appendix A) and the written representation (Appendix B) as further background information emerges.
65. The application for the Thames Tideway Tunnel is a National Infrastructure Project ("NSIP") made by way of Development Consent Order ("DCO") pursuant to the Planning Act 2008 (as amended by the Localism Act 2011) ("the Planning Act"). The Planning Act created a new statutory development consent regime for nationally significant infrastructure projects. This process includes an examination of major proposals relating to energy, transport, waste and waste water and includes opportunities for the public to have their say before a decision is made by the Secretary of State.
66. Paragraphs 2-6 of the report set out the background to the pre-application and consultation stages of the application. Paragraphs 7 and 8 of the report advise that Thames Water submitted the DCO application to the Secretary of State on 27 February 2013 and that the application was subsequently accepted by the Secretary of State in accordance with the criteria set out in section 55 of the Planning Act on 27 March 2013. This triggered the examination of the DCO process, in accordance with the statutory criteria set out in the Planning Act, The Infrastructure Planning (Examination Procedure) Rules 2010 ("the Procedure Rules") and The Infrastructure Planning (Interested Parties) Regulations 2010.
67. Once an application has been accepted for examination, the Secretary of State appoints an 'Examining Authority' ("ExA") to examine the application. The ExA, comprising of a panel of three inspectors, has now been appointed. The ExA held a preliminary meeting on 12 September 2013, marking the formal opening of the examination process pursuant to the Planning Act 2008. Following this meeting the examination timetable was published on 26 September 2013 in accordance with Rule 8 of the Procedure Rules. This document details the examination timetable in respect of the various aspects of the examination to all interested parties. In particular, it details the deadline for the submission of Local Impact Reports ("LIR") and Written Representations ("WR"), and the period within which interested parties will have the opportunity to make written comments. In accordance with the timetable the council is required to submit LIRs to ExA by 4 November 2013.
68. As part of this process, all relevant local authorities are invited by the Secretary of State to submit a Local Impact Report ("LIR"), providing details of the likely impact of the proposed development on the authority's area. Section 102 of the Planning Act, and The Infrastructure Planning (Interested Parties) Regulations 2010, define the key bodies and individuals who have important roles in the examination of applications. The statutory definition of an "interested party" is important as interested parties are given important entitlements before, during and after the examination process. These include the right to be invited to a preliminary meeting; the right to be heard at an open-floor hearing; the right to be heard at an issue-specific hearing, if one is held; the right to be notified of when

the ExA has completed its examination; and the right to be notified of the reasons for the decision. The council falls within this definition.

69. s60 (3) of the Planning Act defines the LIR as '*a report in writing giving details of the likely impact of the proposed development on the authority's area (or any part of that area)*'. The content of the LIR is a matter for the local authority concerned as long as it falls within this statutory definition. Guidance issued by the Secretary of States advises that topics which may be of assistance in the report include: Site description and surroundings/location; Relevant planning policies, development plan policies, Local area characteristics, Local transport patterns and issues; Site and area constraints; Designated sites; Socio-economic and community matters; Consideration of the impact of the proposed articles and requirements within the draft Order; DCO obligations and their impact on the local authority's area. The council's LIR is appended at Appendix A of the report and builds upon the position set out in its Relevant Representation, which was submitted to the Planning Inspectorate in 28 May 2013.
70. In addition to the LIR's, local authorities are able to submit a separate WR if it wishes to express a particular view on whether the application should be granted. The council has prepared a WR (Appendix B) which addresses the council's wider strategic arguments concerning the preparation of the DCO application. The Leader will note, that this sets out the council's position in regards to a number of matters including: Strategic Environmental Assessment; Inadequacy of the pre-application consultation; Site selection methodology; Summary of impacts on Chambers Wharf as a drive site; Consideration of Abbey Mills as a more appropriate drive site; and the council's position on the DCO.
71. The council is under no obligation to prepare or submit a LIR, but if one is submitted it should have a clear auditable trail providing authority for its content and submission.
72. In May 2010, the council adopted an executive leader and cabinet model of governance pursuant to the Local Government and Public Involvement in Health Act 2007. By virtue of this model, the leader is responsible for all the Executive functions of the council, which are in turn annually delegated to cabinet, members and officers. The Southwark Constitution 2012/13 is silent as to the mode or reservation of decisions regarding DCO applications. However, consideration has been given to the nature of, and the appropriate level, at which decisions related to the DCO application should be taken, whilst ensuring the procedure is fair and transparent. It is considered that this decision can be taken by the Leader.
73. Under the Southwark Constitution 2012/13, the Leader is responsible for providing leadership, setting the strategic direction, setting key priorities, representing the council in the community and in negotiations with regional and national organisations. Communications generally and matters impacting regeneration are also within the Leader's portfolio remit. Accordingly, the Leader can approve the submission of the LIR and WR (substantially in the form attached at Appendices A and B) to the Secretary of State.
74. It is noted that the recommendation requests that the Leader delegate powers to the director of planning to include further details to the LIR and WR as new information arises, prior to submission on these documents to the Secretary of State. This decision is not reserved to Council Assembly, cabinet or any Committee. Therefore pursuant to Part 30 Matters Delegated to Officers *'all*

matters not reserved to council assembly, to the cabinet or to a committee for decision are delegated to the appropriate chief officer and/or head of service'. This decision is therefore considered to fall within the Leaders decision making remit and such changes to these documents can be undertaken by the director of planning in the future.

75. Further, Under Part 3O(3), of the Constitution, it is the responsibility of and duty of chief officer (in this instance the director of planning) to ensure that that the Leader is consulted upon such changes as appropriate.
76. The Leader is advised that, following the conclusion of the examination the ExA will make a recommendation to the Secretary of State, who will make the decision on whether or not to make a DCO authorising the project. The Leader is advised that the ExA and the Secretary of State must have specific regard to the LIR when making their recommendation and decision. Therefore, the guidance issued by the Secretary of State strongly encourages Local Authorities to produce LIR's as part of the Examination process.

Strategic Director of Finance and Corporate Services

77. This report is seeking agreement from the Leader of the Council to submit the Local Impact Report and Written Representation to the planning inspectorate on the proposed Thames Tideway Tunnel. Financial implications are detailed in paragraphs 60 to 63.
78. There are no immediate financial implications arising from the report and any future decisions arising will be brought to the relevant decision maker with full financial implications clearly identified. Officer time to effect the recommendations will be contained within existing budgeted revenue resources.

BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Response to phase one consultation	http://www.southwark.gov.uk/info/200074/planning_and_building_control/2968/thames_tideway_tunnel	Kate Johnson 0207 5255345
Response to phase two consultation	http://www.southwark.gov.uk/info/200074/planning_and_building_control/2968/thames_tideway_tunnel	Kate Johnson 0207 5255345
Response to the Section 48 publicity	http://www.southwark.gov.uk/info/200074/planning_and_building_control/2968/thames_tideway_tunnel	Kate Johnson 0207 5255345
LB Southwark's Relevant representation	http://www.southwark.gov.uk/info/200074/planning_and_building_control/2968/thames_tideway_tunnel	Kate Johnson 0207 5255345

APPENDICES

No.	Title
Appendix A	LB Southwark's local impact report
Appendix B	LB Southwark's written representation

AUDIT TRAIL

Lead Officer	Eleanor Kelly, Chief Executive	
Report Author	Kate Johnson, Planning Policy Team Leader	
Version	Final	
Dated	15 October 2013	
Key Decision?	Yes	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER		
Officer Title	Comments Sought	Comments Included
Director of legal services	Yes	Yes
Strategic Director of Finance and Corporate Services	Yes	Yes
Cabinet Member	Yes	No
Date final report sent to Constitutional Team		15 October 2013