



Ms Megan Nugent

Chief Executive's Directorate
Legal Services

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Your ref
Our ref 100-CO-CMN-LBTOW-000001
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17 September 2012

Dear Ms Nugent,

Thames Tideway Tunnel, Section 48 Publicity, Request for Information

Thank you for your letter of 4 September 2012. I should begin by making it absolutely clear that we do not accept that our Section 48 Publicity is unlawful or in some other way defective. We are under a statutory duty to publish our proposed application further to Section 48 of the Planning Act 2008. We are satisfied that sufficient information has been provided to enable stakeholders to comment in a meaningful way on the proposed application and are content that we have met our legal duties in this regard.

The foreshore site at King Edward Memorial Park was identified as the preferred site for interception of the North East Storm Relief combined sewer overflow (CSO) at phase two consultation, having been originally identified at phase one without objection from the LB Tower Hamlets. At the time of phase one consultation the indication was that the borough would object to the Heckford Street option because of its status as employment land. In response to earlier correspondence from yourself on behalf of the authority, my letter of 24 January 2012 explained how the foreshore site had been selected as the preferred location for the interception of the North East Storm Relief CSO in accordance with the project's adopted site selection methodology. It specifically explained how the site selection process works and that the adopted methodology did not require environmental impact assessments to be undertaken on preferred and alternatives sites for the purpose of selecting the preferred sites. I would repeat the observation in my 24 January letter that your authority supported that methodology in its response to phase one consultation.

Our response to the comments received during phase two consultation was published in our report on phase two consultation and is available on our website. Chapter 26 of the Main Report, covers the responses we received in respect of the foreshore site. Section 26.5 confirmed that there was no basis upon which to change the selection of foreshore site as our preferred site for the interception of the North East Storm Relief CSO. In contrast to some of our other preferred phase two sites, no information was received in response to phase two consultation on

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the preferred foreshore site that in our opinion necessitated further targeted consultation in respect of the site following phase two consultation. The selection of the foreshore site has therefore been confirmed in our Section 48 Publicity of our proposed application for development consent for the project.

Our phase two consultation complied with sections 42 and 47 of the Planning Act 2008. Having undertaken that consultation process, we are obliged to publish our proposed application further to Section 48 of the Planning Act 2008. We have allowed the period from 16 July 2012 to 5 October 2012 for receipt of comments in response to publicity of the proposed application. This is double the length of time provided for Section 48 Publicity in our statement of community consultation in order to allow for the Olympic and Paralympic Games and the summer holiday period (and three times the statutory minimum period of 28 days). We have a duty to take account of the comments we receive during that period in finalising our application. This will be done and our response to those comments received will be published as part of our Consultation Report that we are required to submit as part of our application for development consent for the Thames Tideway Tunnel. If any comments we receive in response to our Section 48 Publicity lead us to believe that it would be inappropriate to submit our application without further consultation in respect of the selection of our proposed sites, then this approach will be reconsidered and adjusted as necessary.

As you know, we take our obligations in respect of pre-application consultation and publicity on the Thames Tideway Tunnel Project extremely seriously. We have adopted and followed a very rigorous consultation exercise in accordance with our published statement of community consultation and our published community consultation strategy.

We note that the London Borough of Tower Hamlets has concerns over the adequacy of our consultation, and presumably it will make those concerns known to the Planning Inspectorate in the statement it is entitled to make in response to the submission of our application concerning the adequacy of pre-application consultation. The Planning Inspectorate will take account of any representations the Borough might submit at that point in reaching its decision as to whether to accept the application. For our part we are satisfied that the pre application consultation and publicity we have undertaken meet the requirements of Sections 42, 47 and 48 of the Planning Act 2008.

Our application for development consent will be accompanied by a full Environmental Statement as well as significant other materials including our final report on site selection which explain the nature and characteristics of the Thames Tideway Tunnel Project and how our proposed sites have been selected. Specifically that material will include information as to our consideration of alternatives to our proposed sites including the proposed foreshore site at King Edward Memorial Park and the reasons why proposed sites have been selected. It will include a full explanation as to why foreshore site is preferred to the site at

Heckford Street. We are required to undertake a very similar exercise in respect of the responses we have received to pre-application consultation and publicity in our Consultation Report that must be submitted as part of our application.

Your authority will no doubt wish to respond to that material in due course and to raise any concerns it has as to the selection of the foreshore site. That does not mean, however, that the information we have published at this time is insufficient to meet the statutory requirements of Section 48 Publicity. We published our preliminary environmental information report in respect of the preferred foreshore site at phase two consultation. Additional information was provided to your authority at that time and we have consistently offered to meet with and have indeed met with officers from the authority on each occasion requested.

Our Section 48 materials include a project description and environmental information report. We do not believe that provision of the additional information you now request is necessary in order to meet the requirements of section 48 of the Planning Act 2008, or to enable your authority to make an informed and meaningful response to Section 48 Publicity. In the light of that we will not be providing the further information you have requested at this time. We are content that the authority has the information it requires in order to make an informed response to our Section 48 Publicity within the 12 week period provided, by 5 October 2012.

Given the pressing need to address the issue of CSO discharges into the Thames Tideway, we intend to proceed with our application, subject to the consideration of any responses we receive to Section 48 Publicity, and we do not believe it necessary to provide any further information at this stage.

Yours sincerely,



Phil Stride
Head of Thames Tideway Tunnel