

DATED 2 November 2010

**STATUTORY DECLARATION**

of

**RICHARD HILL**

Relating to land at  
Abbey Mills Pumping Station, London E15

I **RICHARD HILL** of 6 Wolsey Road, Caversham, RG4 8BY do solemnly and sincerely declare as follows:

1. I was employed by Thames Water Authority between 1981 and 1989 and have been employed by Thames Water Utilities Limited (hereinafter called "Thames Water") from 1989 to the present. I am currently working in the capacity of Property Strategy Manager.
2. I know and am well acquainted with the land known as Abbey Mills Pumping Station, London E15, as the same is identified on the statutory declaration made by Alan John Lenander dated 22 July 2009 ("the Said Land"). A copy of the statutory declaration is now produced to me and marked 'RH-1'.
3. I can declare from my personal knowledge that the Said Land has remained in Thames Water's ownership from 22 July 2009 to the present, and that Thames Water have continued to be in full free and undisputed possession and enjoyment without giving any acknowledgement of title to any other person to it or any part of it and without any claim adverse to their title. I can further declare in my capacity as Property Strategy Manager that no part of the Said Land has been sold to any third parties during this period.
4. I am able to make this declaration from the knowledge which I have acquired of the Said Land during the period for which I have been employed by Thames Water and its predecessors.

AND I make this solemn declaration conscientiously believing the same to be true and by virtue of the provisions of the Statutory Declarations Act 1835.

DECLARED by the said **RICHARD HILL** at Osborne Clarke, Apex Plaza

Forbury Road, Reading, RG1 1AX.

In the presence of MARCELINE ADAMS M. Adams  
Solicitor EMPLOYED TO ADMINISTER ESTATES.

This Second day of November 2010

R Hill

Land at Abbey Mills Pumping Station, London E15

This is the exhibit referred to in the Statutory Declaration of  
Richard Hill marked 'RH-1'

Made before me on the 2nd day of NOVEMBER 2010

Nadeen Adams. *N Adams*

Solicitor empowered to administer oaths

RH-1

DATED

22 July

2009

**STATUTORY DECLARATION**

of

**ALAN JOHN LENANDER**

Relating to land at  
Abbey Mills Pumping Station, London E15

We hereby certify this to be  
a true copy of the original  
*Berwin Leighton Paisner LLP*  
Berwin Leighton Paisner LLP  
Adelaide House  
London Bridge  
London EC4R 9HA

I Alan John Lenander of 3 Watermeadow, Watermead, Aylesbury, Buckinghamshire HP19 0GA, do solemnly and sincerely declare as follows:

1. I was employed by Thames Water Authority between 1974 and 1989 and have been employed by Thames Water Utilities Limited (hereinafter called "Thames Water") from 1989 to the present in the capacity of Area Capital Manager – East London
2. I know and am well acquainted with the land at Abbey Mills Pumping Station, London E15 part of which is shown edged red on the plan now produced to me and marked 'AJL1' (the "Land") which is an area of land in respect of which Thames Water Utilities Limited and its predecessors in title have been in continuous full free and undisputed possession and enjoyment without giving any acknowledgement of title to any other person to it or any part of it and without the consent of any such person and without any claim adverse to the title, and in receipt of the rents and profits thereof, for at least 28 years. The Land forms part of the Northern Outfall Sewers and main pumping station site at Abbey Mills and is used for the purposes of transporting and pumping sewage.
3. I am advised that our property records show that the Land is part of Thames Water's Holding and that title to the Land comes from various conveyances made in the nineteenth century to one of our predecessors, the Metropolitan Board of Works. The nature of the conveyances make it impossible to be exact about the boundaries contained in each conveyance, but the majority of the Land is comprised in the conveyance dated 23 November 1876 and made between (1) The Ironmongers Company and (2) The Metropolitan Board of Works a copy of which is now produced to me and marked 'AJL2'. The Land would then have devolved to Thames Water Utilities Limited as statutory successor and operator of the sewage system. A devolution of title setting this out in more detail is now produced to me and marked 'AJL3'.
4. I declare from my personal knowledge that the whole of the Land has been occupied continuously by Thames Water and mostly fenced off from adjoining lands since at least 1980. I further declare from my personal knowledge that Thames Water have remained in open and undisputed possession of the Land for at least 28 years without acknowledging the title of any other person to it and without any claim adverse to their title. Since that time, Thames Water have maintained and enjoyed the benefit of the Land and have been entitled to receipt of rent and profits thereof.

5 I am able to make this declaration from the knowledge which I have acquired of the Land during the period for which I have been employed by Thames Water

AND I make this solemn declaration conscientiously believing the same to be true and by virtue of the provisions of the Statutory Declarations Act 1835.

DECLARED by the said Alan John Lenander at.....  
PARROTT & COALES LLP  
SOLICITORS.....  
14 BOURBON STREET  
AYLESBURY, BUCKS.  
HP20 2RS.....

this..... 22 ..... day of..... July ..... 2009

Before me

*David Wilkins*

*[Signature]*

**DAVID R. WILKINS  
A COMMISSIONER FOR OATHS**

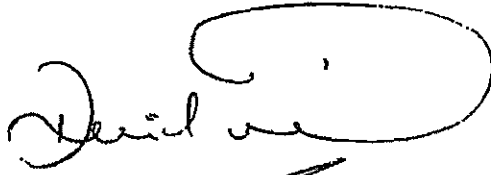
Land at Abbey Mills Pumping Station London E15

This is the exhibit referred to in the Statutory Declaration of

Alan John Lenander

marked "AJL1"

made before me on the 22nd day of July 2009



solicitor empowered to administer oaths

**DAVID R. WILKINS  
A COMMISSIONER FOR OATHS**

We hereby certify this to be  
a true copy of the original  
*Berwin Leighton Paisner LLP*  
Berwin Leighton Paisner LLP  
Adelaide House  
London Bridge  
London EC4R 9HJ

KEY



N

LEE TUNNEL AND DECKTOP

PRELIMINARY LAYOUT PLAN

Drawing Number: T-6774-01 and Revs

Contract No: 661 - Date: 10/20/02

Prepared by: [Redacted] Checked by: [Redacted]

Approved by: [Redacted] Date: 10/20/02

Project Name: Lee Tunnel and Decktop

Scale: 1" = 100'





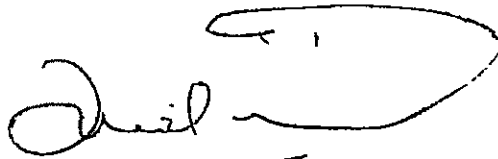
Land at Abbey Mills Pumping Station London E15

This is the exhibit referred to in the Statutory Declaration of

Alan John Lenander

marked "AJL2"

made before me on the *22nd* day of *July* 2009

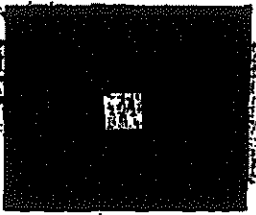


solicitor empowered to administer oaths

**DAVID R. WILKINS  
A COMMISSIONER FOR OATHS**

We hereby certify this to be  
a true copy of the original  
*Bonnie Lighter Purn LLP*  
Herwin Leighton Paisner LLP  
Adelaide House  
London Bridge  
London EC4R 9HA

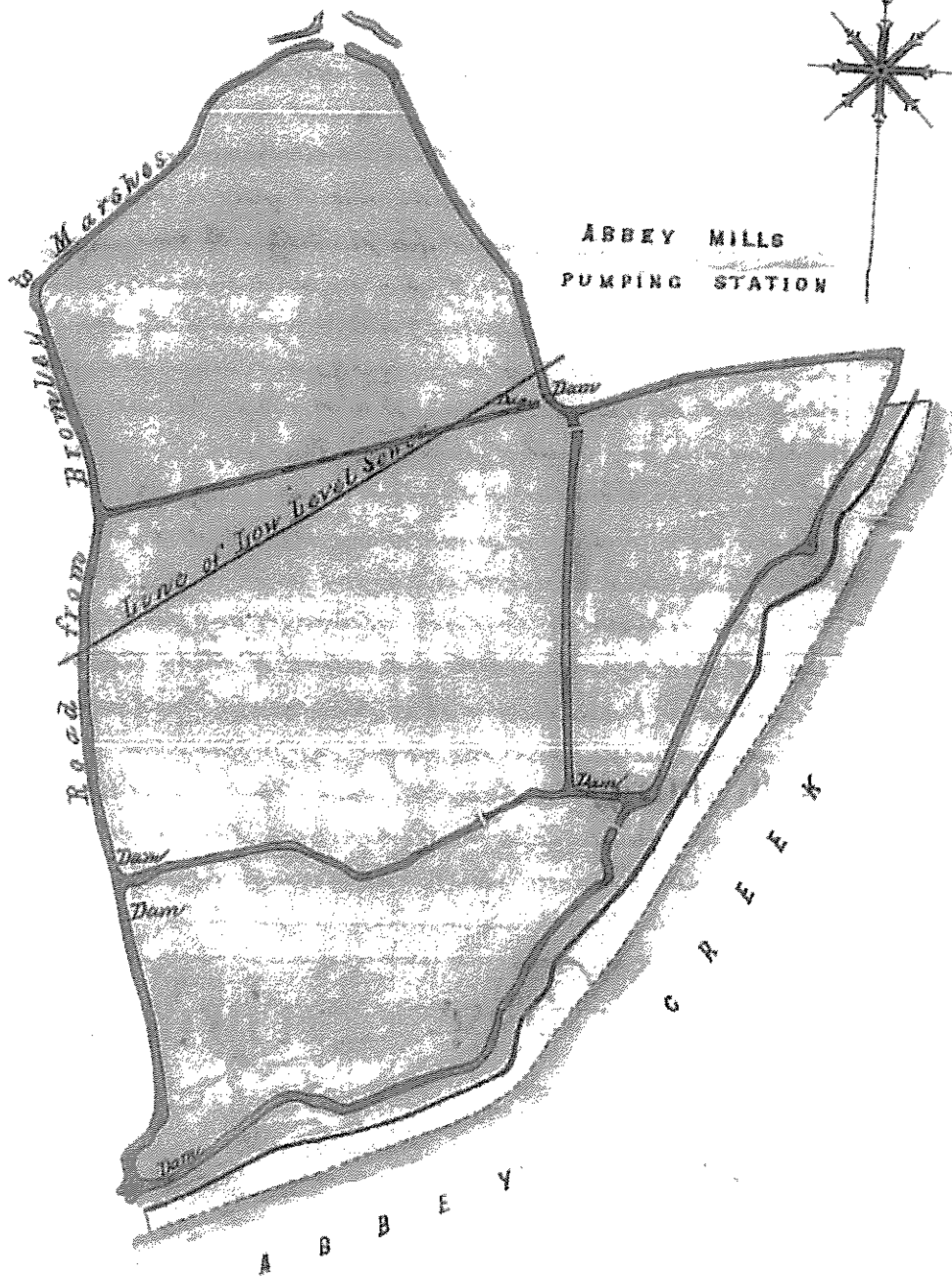
1875



**This Indenture** made the twenty third day of November One thousand eight hundred and seventy five between **The Master and Keepers or Wardens and Commonalty of the Mystery or Art of Ironmongers London** of the one part and **The Metropolitan Board of Works** hereinafter designated the Board of the other part **Whereas** the Board being by their Special Acts hereinafter mentioned or referred to authorized to take and requiring for the purposes of such Acts the lands and hereditaments hereinafter particularly described and intended to be hereby conveyed the said Master and Keepers or Wardens and Commonalty of the Mystery or Art of Ironmongers by virtue and in exercise of the powers for such purpose contained in the Lands Clauses Consolidation Act 1845 have agreed to sell and convey to the said Metropolitan Board of Works the same lands and hereditaments and the fee simple and inheritance thereof free from encumbrances **And whereas** the sum of Fourteen thousand nine hundred and sixty pounds has been determined by Arbitration in manner provided by the last mentioned Act as the amount or sum of money to be paid by the Board to the said Master and Keepers or Warden and Commonalty for the purchase of their estate and interest as aforesaid in the said lands and hereditaments **And whereas** in compliance with the directions of the last mentioned Act the said sum of Fourteen thousand nine hundred and sixty pounds had been duly paid by the Board into the Bank of England to the credit of **Esquire The Metropolitan Board of Works** in the Matter of the **Metropolis Management Act 1854** **The Metropolis Management Amendment Act 1858** and the **Metropolis Management Amendment Act 1862** **The Vendor** **The Company of Ironmongers London** being Trustees for a Charity **Now this Indenture witnesseth** that for effectuating the said Sale and in consideration of the said sum of Fourteen thousand nine hundred and sixty pounds so paid into the Bank of England as aforesaid **The said Master and Keepers or Wardens and Commonalty of the Mystery or Art of Ironmongers** by virtue and in exercise of the powers for this purpose given by the Lands Clauses Consolidation Act 1845 and of all other powers them enabling do hereby convey to the Board their several and assigned **And** those five pieces or parcels of Meadow or Pasture land called or known by the name of **Millmeads** situate in the parish of **West Ham** in the County of **Essex** containing



By estimation Thirty four Acres or thereabouts which said premises were lately  
on Lease to Samuel Haysner Esq by an Indenture dated the Twenty first  
November One thousand eight hundred and seventy six for the term of six  
Seven years from Michaelmas One thousand eight hundred and seventy three  
which term was determined on the Twenty ninth day of September One thousand  
eight hundred and seventy six under a proviso for that purpose contained  
in the said Indenture of Lease that the premises are delineated in the  
Plan in the margin hereof and therein colored Green Together with all  
Buildings fixtures cornmises mines minerals fences walls hedges ditches ways  
rights water courses ~~several~~ ~~rights~~ ~~privileges~~ ~~casements~~ ~~members~~ ~~and~~ ~~of~~ ~~any~~ ~~kind~~  
whichever to the said hereditaments and premises or any of them or any  
part thereof belonging or in anywise appertaining or with the same or any  
part thereof now or hereafter devised or enjoyed or reputed as part or a  
member thereof or as appurtenant thereto And all such estate right title and  
interest in and to the same as the said Master and Rectors or Wardens and  
Commonalty are or shall become seized or possessed of or are by the Lands  
Clauses Enrolment Act 1625 empowered to convey **CO HAVE AND TO**  
**HOLD** the said lands and hereditaments and all and singular other the  
premises hereby conveyed or intended so to be unto and to the use of the  
said Board their successors and assigns for ever **AND** the said Master and  
Rectors or Wardens and Commonalty of the Majesty or Act of Homage do  
hereby for themselves and their successors Covenant with the Board their  
successors and assigns that notwithstanding anything by them the said  
Master and Rectors or Wardens and Commonalty done or lawfully  
suffered to the contrary they the said Master and Rectors or Wardens or  
and Commonalty have power to convey the said lands hereditaments and  
premises hereby conveyed or intended so to be in manner aforesaid  
according to the true intent and meaning of these presents And that it shall  
be lawful for the Board their successors and assigns at all times peaceably and  
quietly to enter into and upon and to hold and enjoy the same lands or  
hereditaments and premises and every part thereof for their own use and  
benefit absolutely and that free and discharged from or otherwise by them  
the said Master and Rectors or Wardens and Commonalty or their  
successors sufficiently indemnified against all estates incumbrances claims  
and demands created occasioned or made by the said Master and Rectors  
or Wardens and Commonalty or by any person or persons lawfully or  
unlawfully claiming through or in trust for them **AND** further that  
they the said Master and Rectors or Wardens and Commonalty and



*Scale of Feet*



every person claiming through under or in trust for them any estate right title or interest in or to the said lands hereditaments and premises or any of them will at all times at the cost of the Board their successors or assigns execute and do every such lawful Assurance and thing for the Survival or more perfectly assuring all or any of the said lands or hereditaments and premises unto and to the use of the Board their successors or assigns as by them shall be reasonably required And further that the said Master and Keepers or Wardens and Commonalty their successors and assigns will from time to time and at all times or hereafter unless prevented by fire or other inevitable accident or misadventure and expence of the party or parties requiring the same produce or cause to be produced all or any of the Deeds and Writings specified in the Schedule hereto unto the Board their successors or assigns or unto their Counsel Solicitor or Agent or in any Court of Judicature or at any Commission for the examination of Writings or elsewhere in England or upon any other reasonable occasion for the better evidencing maintaining defending or proving of the Title of the Board their successors or assigns in or to the lands hereditaments and premises intended to be hereby assured or any part thereof and at the like request and expence make and deliver to them Attested or other Copies Abstracts or Extracts of or from the same Deeds and Writings and will in the meantime preserve the same safe uncancelled and undefaced —

*In witness* whereof the said Master and Keepers or Wardens and Commonalty and the said Metropolitan Board of Works have respectively caused their Common Seals to be hereunto affixed the day and year first above written.

## The Schedule

22 and 23 March  
1730

*Indentures of Lease and Release the Release made between Sir Gregory Page Baronet and Dame Martha Page his Wife of the one part and the Master and Keepers or Wardens and Commonalty of the Mystery or Art of Ironmongers of the City of London of the other part.*

29 April 1813.

*Counterpart of Lease between The Master and Keepers or Wardens and Commonalty of the Mystery or Art of Ironmongers*

6<sup>th</sup> July 1827.  
29<sup>th</sup> April 1834.

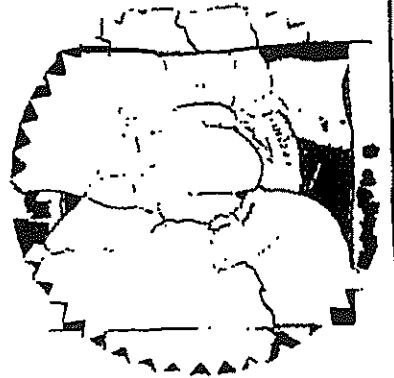
London of the one part Philip Motcalfe James Baker Samuel, or  
Jones Vasehall and James Mure of the other part. \_\_\_\_\_

Counterpart of another Lease between the same Parties. -

Counterpart of Lease made between the Master and or  
Hespes or Wardens and Community of the Mystery or Art of  
Ironmongers London of the one part and James Mure Philip William  
Mure and Joseph Benjamin Claypole of the other part. \_\_\_\_\_

Sealed by Order of General Quarters Court  
23<sup>rd</sup> November 1876.

James F. Firth Master  
H. R. Kelly & P. J. P. } Wardens  
J. S. P. J. P. }  
J. Adams Beck Clerk



Patented 23<sup>rd</sup> Dec 1876

Home Drainage  
Patent of West Ham

The Invention of  
The Invention of  
The Invention of

to

The Metropolitan Board  
of Works

Compendium

of Sands on West Ham Invention  
Co. Mill Works

NOTE: THE  
APR 116

L. B. / U. S.

REGISTERED IN  
30865

1876  
10 30865  
30865-598





DATED

4 November 2010

**THAMES WATER UTILITIES LIMITED**

to

**LONDON THAMES GATEWAY DEVELOPMENT CORPORATION**

**Planning obligation by unilateral undertaking pursuant to section 106 of the Town  
and Country Planning Act 1990**

in relation to development at Abbey Mills Pumping Station, Abbey Lane, Stratford in  
connection with the Lee Tunnel and Beckton Sewage Treatment Works Extension Scheme



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**THIS DEED OF UNDERTAKING** is given on *4<sup>th</sup> November* 2010 by:

(1) **THAMES WATER UTILITIES LIMITED**, a company incorporated in England with registered number 0236661 whose registered office is at Clearwater Court, Vastern Road, Reading, Berkshire RG1 8DB ("**Thames Water**")

to

(2) **LONDON THAMES GATEWAY DEVELOPMENT CORPORATION** of 9th Floor, South Quay Plaza 3, 189 Marsh Wall, London E14 9SH (the "**Corporation**")

## **BACKGROUND**

- (A) Words and phrases used in this Undertaking are defined in Clause 3 (*Interpretation*).
- (B) The Corporation is the local planning authority (by virtue of the London Thames Gateway Development Corporation (Planning Functions) Order 2005) for the purposes of the Act for the area in which the Land is situated.
- (C) Thames Water is the owner of the freehold interest in the Land.
- (D) *Thames Water is a statutory sewerage undertaker and has statutory powers for the provision and maintenance of sewerage infrastructure under sections 158 and 159 of the Water Industry Act 1991.*
- (E) Thames Water made an application for planning permission for the Lee Tunnel and Beckton STW Extension Scheme to the Corporation (application 08/01159/LTGDC), London Borough of Newham (application 08/01162/FUL) and the ODA (08/01158/ODA) which was accepted as valid on 23 July 2008.
- (F) The Section 106 Agreement was completed and the Lee Tunnel Permission was granted on 1 December 2009.
- (G) The Lee Tunnel Permission authorises, amongst other things, the construction and operation of the Connection Tunnel.
- (H) Thames Water submitted the Application to the Corporation on 8 June 2010 and the Corporation considers it expedient in the interests of the proper planning of its area and having regard to all other material considerations that provision should be made for regulating the Development in the manner set out in this Undertaking.
- (I) Thames Water has agreed that the Development shall be carried out only in accordance with the rights and obligations set out in this Undertaking.

## **OPERATIVE PROVISIONS**

### **1 STATUTORY POWERS**

This Undertaking entered into by deed creates planning obligations for the purposes of section 106 of the Act and it is acknowledged by Thames Water that the obligations contained within it are binding on the Land and are enforceable by the Corporation as local planning authority against Thames Water as owner of the Land and against its successors in title in respect of its interests in the Land.

## 2 LAND BOUND

The Land bound by the obligations in this Undertaking comprises:

- (a) the Development Site; and
- (b) the Connection Tunnel Site.

## 3 INTERPRETATION

3.1 In this Undertaking unless the context otherwise requires the following terms (arranged in alphabetical order) shall have the following meanings:

**"Abbey Mills Pumping Station Plan"** means the plan attached at Appendix 1 to the Section 106 Agreement;

**"Abbey Mills Pumping Station Site"** means the area of land edged orange on the Abbey Mills Pumping Station Plan;

**"Act"** means the Town and Country Planning Act 1990 (as amended);

**"Application"** means the application for the Development submitted by or on behalf of Thames Water to the Corporation which has been given Application Number 10/01854/LTGDC and the Corporation's reference LTGDC-10-076-FUL;

**"Connection Tunnel"** means the tunnel and associated infrastructure to connect Station A to Station F at the Abbey Mills Pumping Station Site in order to transfer sewage flows to the Lee Tunnel, as authorised by the Lee Tunnel Permission and shown illustratively in dark blue on the Plan;

**"Connection Tunnel Site"** means the area of land shaded green on the Plan;

**"Development"** means the construction and operation of a culvert and associated infrastructure at the Development Site as set out in the Application;

**"Development Site"** means the land edged red on the Plan;

**"Implementation"** means the carrying out of a Material Operation in respect of the Development by or on behalf of Thames Water (and **Implement**, **Implements**, **Implemented** and **Implementing** shall be construed accordingly);

**"Land"** means the land described in Clause 2 (*Land Bound*);

**"Lee Tunnel"** has the meaning given to it in the Section 106 Agreement;

**"Lee Tunnel and Beckton STW Extension Scheme"** means the construction and operation of Lee Tunnel and the Beckton STW Extension as those terms are defined under the Section 106 Agreement;

**"Lee Tunnel Permission"** means the planning permission granted for the Lee Tunnel and Beckton STW Extension Scheme on 1 December 2009;

**"Material Operation"** means a "material operation" as defined by section 56(4)(a) of the Act in relation to the Development under the Permission, save that none of the following operations shall constitute a Material Operation for the purposes of this Undertaking:

- (a) demolition of any building or structure;
- (b) ground investigations or site survey works;
- (c) laying, diversion or protection of services and service media;
- (d) construction of boundary fencing, other fencing or hoardings;
- (e) erection of site accommodation for construction contractors;
- (f) construction of temporary accesses and hard standing; or
- (g) site clearance and vegetation clearance;

**"Permission"** means planning permission for the Development in the form of the draft decision notice in Schedule 2;

**"Plan"** means the plan attached to this Undertaking in Appendix 1 and labelled "Drawing Number: TW/749/AMC/003D"; and

**"Section 106 Agreement"** means the deed entered into by Thames Water (1), the Corporation (2), London Borough of Newham (3) and Kennet Properties Limited (4) on 1 December 2009 which is attached to this Undertaking at Appendix 2.

- 3.2 References to any Plan are references to a plan attached to this Undertaking.
- 3.3 References to the masculine gender shall include the feminine gender and vice versa.
- 3.4 Unless the context otherwise requires, references to the singular shall include the plural and vice versa.
- 3.5 References to "Thames Water" shall include its respective successors in title to the Land and its assigns.
- 3.6 References in this Undertaking to "the Corporation" shall include any statutory successor to its functions as local planning authority.
- 3.7 References in this Undertaking to any statutes or statutory instruments include any statute or statutory instrument amending, consolidating or replacing them respectively from time to time in force and references to a statute include statutory instruments and regulations made pursuant to it.
- 3.8 The clause headings in this Undertaking are for convenience only and do not form part of the Undertaking.
- 3.9 References to clauses paragraphs schedules or recitals shall (unless the context otherwise requires) be references to clauses paragraphs and schedules or recitals in this Undertaking.
- 3.10 No provision of this Undertaking shall be interpreted so as unlawfully to fetter the Corporation or Thames Water in the exercise of their statutory duties.
- 3.11 No waiver whether express or implied by the Corporation of any breach or default in performing or observing any of the covenants terms or conditions of this Undertaking shall unless evident on the facts constitute a continuing waiver.

#### 4 **CONDITIONALITY**

The obligations in this Undertaking (save for the covenant in Clause 9 (*Legal Costs*)) are unless otherwise specified conditional upon:

- 4.1 the grant of the Permission; and
- 4.2 Implementation of the Permission by Thames Water or a person authorised by it.

#### 5 **OBLIGATIONS**

Thames Water **COVENANTS** that it will observe and perform the obligations contained in Schedule 1 (*Planning Obligations*) to this Undertaking.

#### 6 **RELEASE AND LAPSE**

- 6.1 No person shall be liable for a breach of any of its obligations under this Undertaking or obligations relating to any part of the Land after it shall have parted with all of its interests in the Land or the part in respect of which the breach arises (as the case may be) save in either case for antecedent breaches.
- 6.2 This Undertaking shall lapse and be of no further effect if:
  - 6.2.1 the Permission lapses without having been Implemented; or
  - 6.2.2 the Permission is varied or revoked otherwise than with the consent of Thames Water; or
  - 6.2.3 the Permission is quashed.
- 6.3 Subject to Clause 5 (*Obligations*), nothing in this Undertaking shall prohibit or limit the right to develop any part of the Land in accordance with a planning permission (other than the Permission) granted (whether or not on appeal) after the date of this Undertaking.

#### 7 **LOCAL LAND CHARGE**

This Undertaking may be registered by the Corporation as a local land charge in compliance with section 1 of the Local Land Charges Act 1975 on condition that the Corporation shall upon the request of Thames Water when any obligation under this Undertaking is performed use reasonable endeavours to note the fact of such performance on such register and shall accordingly discharge the land to the extent of such performance.

#### 8 **SEVERABILITY**

If any part of this Undertaking shall be declared unlawful or invalid by a Court of competent jurisdiction then (to the extent possible) the offending provisions will be severed from the Undertaking and the remainder of this Undertaking shall continue in full force and effect.

#### 9 **LEGAL COSTS**

Thames Water **COVENANTS** with the Corporation that it will within fourteen (14) days of the date of this Undertaking pay the Corporation's reasonable legal costs and disbursements properly incurred in connection with the negotiation preparation and completion of this Undertaking.

10 **CONTRACTS (RIGHTS OF THIRD PARTIES) ACT 1999**

Notwithstanding the provisions of the Contracts (Rights of Third Parties) Act 1999 no part of this Undertaking shall be enforceable by a third party who is not a party to the Undertaking and for the avoidance of any doubt the terms of the Undertaking may be varied by agreement between Thames Water and the Corporation without the consent of any third party being required.

11 **INTEREST ON LATE PAYMENTS**

Any payment due from Thames Water under this Undertaking which is not paid on the due date shall be payable with interest calculated at the rate of 3% above the base lending rate of the National Westminster Bank plc from time to time in force from the date that the relevant payment falls due to the date of actual payment.

12 **VAT**

All sums referred to in this Undertaking are (unless otherwise stated) exclusive of Value Added Tax and if Value Added Tax is properly payable on any such sums at the date they fall due then it will be paid by Thames Water in addition to the principal sum **SAVE THAT:**

12.1 Thames Water shall only be required to pay Value Added Tax to the extent that the recipient of the payment is unable legally to do so itself; and

12.2 Thames Water shall not be required to pay Value Added Tax unless appropriate invoices addressed to Thames Water are provided to Thames Water by the recipient of the payment prior to the payment falling due and appropriate receipts for the payment are provided afterwards.

13 **COMMUNITY INFRASTRUCTURE LEVY**

If after the date of this Undertaking there shall be enacted any "tax" related to the grant of planning permission (whether the community infrastructure levy or otherwise) and the terms of such tax mean that any obligations under this Undertaking or under any condition attached to the Permission change or that Thames Water must pay a sum to any person (whether HM Government or to the Council or otherwise) which would duplicate, add to or overlap with any obligation of a party under this Undertaking then the terms of this Undertaking may at the election of the party affected be modified to such extent (if any) as is necessary to provide terms which are financially and practically no less advantageous and no more onerous than the terms of this Undertaking as at the date that they are entered into.

**This Undertaking has been executed as a deed and delivered on the date stated at the beginning of this Undertaking:**

**Schedule 1**  
**Planning Obligations**

- 1 Thames Water will comply with the obligations in Schedule 2 of the Section 106 Agreement as if those obligations bound the Development Site.
- 2 Thames Water will not bring the Lee Tunnel at the Abbey Mills Pumping Station Site into operation until it has completed construction of either:
  - (a) the Development; or
  - (b) the Connection Tunnel.
- 3 Thames Water may only Implement either the Development or the Connection Tunnel but not both.



**Schedule 2  
Permission**

Case no. LTGDC-10-076-FUL

Adams Hendry Consulting Limited  
7 St Peter Street  
Winchester  
Hampshire  
SO23 8BW

**NOTICE OF DECISION ON PLANNING APPLICATION**

TOWN AND COUNTRY PLANNING ACT 1990  
LONDON THAMES GATEWAY DEVELOPMENT CORPORATION  
(PLANNING FUNCTIONS ORDER) 2005

**APPLICATION NO:** 10/01854/LTGDC

**LOCATION:** Abbey Mills Pumping Station, Abbey Lane, Stratford,  
London E15 2RW

**PROPOSAL:** Construction and operation of a culvert and associated  
infrastructure to intercept storm flows and transfer to  
the Station F shaft associated with the Lee Tunnel  
scheme (Planning Permission 08/01159/LTGDC)

**APPLICANT:** Thames Water Utilities Limited

London Thames Gateway Development Corporation being the Local Planning  
Authority for the purposes of the application received on 08/06/2010 for  
Planning Permission, as described above has resolved to

**GRANT PLANNING PERMISSION SUBJECT TO CONDITIONS**

The conditions to which the permission is subject are as follows:

1. The development hereby permitted shall be commenced not later than  
the expiration of THREE YEARS from the date of this permission.

**Reasons:** To comply with the requirements of Section 91 of the Town  
and Country Planning Act 1990 as amended.

2. All works are to be completed in accordance with Drawings  
TW/749/AMC/001B, TW/749/AMC/002C, TW/749/AMC/003D,  
TW/749/AMC/004B, 106G-YY-01501 Rev A, 106G-YY-01502 Rev A,  
106G-YY-01503 Rev A, 106G-YY-01504 Rev A, 106G-YY-01505 Rev A,  
106G-YY-01506 Rev A, 106G-YY-01507 Rev A, 106G-YY-01508 Rev A,

and D117609-203 Rev D submitted by Adams Hendry Consulting Ltd. No further drawings apply, unless otherwise approved in writing by the Local Planning Authority.

**Reasons:** To ensure that the development is undertaken in accordance with the approved drawings, and to protect the local amenity with regard to Policy EQ19 of the London Borough of Newham Unitary Development Plan (adopted June 2001 and saved from the 27th of September 2007 in accordance with the direction from the Secretary of State), and Policy 4B.1 of the London Plan (Feb 2008, Consolidated with Alterations Since 2004). The development is acceptable on the basis of the particulars contained within the application and this condition seeks to ensure the development is undertaken in strict accordance with those details as approved.

3. The development hereby permitted shall be carried out in accordance with the environmental standards, mitigation measures, and requirements and methods of implementing the development, contained in the submitted planning application, Environmental Statement, appendices, addendum, and further submitted information (dated May 2008; December 2008, April 2009, and June 2010), unless otherwise agreed in writing by the Local Planning Authority.

**Reasons:** To ensure the development is carried out in accordance with the Environmental Statement and the mitigation measures proposed therein, in accordance with Policies EQ18, EQ19, EQ25, EQ26, EQ43, EQ45, EQ46, EQ47, EQ48, EQ49, EQ63 and EQ64 of the London Borough of Newham Unitary Development Plan (adopted June 2001 and saved from the 27<sup>th</sup> of September 2007 in accordance with the direction from the Secretary of State) and Policies 2A.1, 3A.28, 3C.3, 3C.23, 3D.13, 3D.14, 4A.1, 4A.2, 4A.3, 4A.4, 4A.5, 4A.6, 4A.7, 4A.8, 4A.9, 4A.10, 4A.11, 4A.12, 4A.13, 4A.14, 4A.15, 4A.16, 4A.17, 4A.18, 4A.19, 4A.20, 4B.1, 4B.2, 4B.3, 4B.10 of the London Plan (Feb 2008, Consolidated with Alterations Since 2004).

4. The recommendations set out in the submitted Tree Survey report dated June 2010 shall be followed at the times stated within that report to the satisfaction of the Local Planning Authority.

**Reasons:** To ensure the development is carried out in accordance with the Tree Survey and the mitigation measures proposed therein, in accordance with Policies EQ14 and EQ15 of the London Borough of Newham Unitary Development Plan (adopted June 2001 and saved from the 27<sup>th</sup> of September 2007 in accordance with the direction from the Secretary of State) and Policy 3D.15 of the London Plan (Feb 2008, Consolidated with Alterations Since 2004).

5. Operations in relation to construction for which noise is audible at the nearest residential boundary shall be restricted to the hours of 0800 and 1800 on Mondays to Fridays and between 0800 and 1300 on Saturdays and at no time on Sundays or Statutory holidays without the prior written approval of the Local Planning Authority.

**Reasons:** In the interests of residential amenity, in accordance with Policies EQ45, EQ47 and EQ48 of the London Borough of Newham Unitary Development Plan (adopted June 2001 and saved from the 27th of September 2007 in accordance with the direction from the Secretary of State) and Policies 4A.3 and 4A.20 of the London Plan (Feb 2008, Consolidated with Alterations Since 2004).

6. Prior to the commencement of works on the development hereby approved, a monitoring scheme for the tidal flood defences at Abbey Mills, including Abbey Creek and the Prescott Channel, shall be submitted to and approved in writing by the Local Planning Authority. Base readings should be taken early in advance of any construction works at these locations. The monitoring of these flood defences shall be undertaken at an agreed frequency as agreed by the Local Planning Authority.

**Reasons:** To protect the integrity of the flood defences and maintain the required standard of protection, in accordance with Policies EQ18, EQ19, EQ62 and EQ64 of the London Borough of Newham Unitary Development Plan (adopted June 2001 and saved from the 27th of September 2007 in accordance with the direction from the Secretary of State) and Policies 4A.12, 4A.13 and 4B.1 of the London Plan (Feb 2008, Consolidated with Alterations Since 2004).

7. The statutory tidal flood defence level of 5.49m AOD must be maintained at all times to the satisfaction of the Local Planning Authority.

**Reasons:** To protect the integrity of the flood defences and maintain the required standard of protection, in accordance with Policies EQ18, EQ19, EQ62 and EQ64 of the London Borough of Newham Unitary Development Plan (adopted June 2001 and saved from the 27th of September 2007 in accordance with the direction from the Secretary of State) and Policies 4A.12, 4A.13 and 4B.1 of the London Plan (Feb 2008, Consolidated with Alterations Since 2004).

8. Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved in writing by the Local Planning Authority:

- 1) A preliminary risk assessment which has identified:
  - all previous uses
  - potential contaminants associated with those uses
  - a conceptual model of the site indicating sources, pathways and receptors
  - potentially unacceptable risks arising from contamination at the site.

2) A site investigation scheme, based on 1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

3) The site investigation results and the detailed risk assessment 2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in 3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express consent of the Local Planning Authority. The scheme shall be implemented as approved.

**Reasons:** To protect groundwater below the site from the effects of previous land use and to protect the quality of groundwater beneath the site to safeguard the public, the environment and surface and groundwater as this site may have or is known to have been used in the past for activities that are likely to have resulted in it being contaminated with material that is potentially harmful to humans, or the environment and with regard to Policy EQ49 of the London Borough of Newham Unitary Development Plan (adopted June 2001 and saved from the 27th of September 2007 in accordance with the direction from the Secretary of State) and Policy 4A.33 of the London Plan (Feb 2008, Consolidated with Alterations Since 2004).

9. a) If, during development as hereby approved, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, an amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with.

b) The approved scheme as set out above shall be implemented prior to any further works on the development as hereby approved.

**Reasons:** To ensure that any unsuspected contamination is suitably remediated, and to protect the quality of groundwater beneath the site to safeguard the public, the environment and surface and groundwater as this site may have or is known to have been used in the past for activities that are likely to have resulted in it being contaminated with material that is potentially harmful to humans, or the environment and with regard to Policy EQ49 of the London Borough of Newham Unitary Development Plan (adopted June 2001 and saved from the 27th of September 2007 in accordance with the direction from the Secretary of State) and Policy 4A.33 of the London Plan (Feb 2008, Consolidated with Alterations Since 2004).

10. No infiltration of surface water drainage into the ground is permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approved details.

**Reasons:** To protect groundwater from inappropriate drainage allowing contamination to affect the groundwater beneath the site, in accordance with Policies S4, EQ18, EQ19 and EQ63 of the London Borough of Newham Unitary Development Plan (adopted June 2001 and saved from the 27th of September 2007 in accordance with the direction from the Secretary of State) and Policies 4A.3, 4A.14, 4A.16 and 4B.1 of the London Plan (Feb 2008, Consolidated with Alterations Since 2004).

11. Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

**Reasons:** To prevent inappropriate foundation solutions from allowing contamination from the site entering the groundwater beneath the site to ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, in accordance with Policies EQ4, EQ9, EQ10, EQ11, EQ12, EQ45 and EQ49 of the London Borough of Newham Unitary Development Plan (adopted June 2001 and saved from the 27th of September 2007 in accordance with the direction from the Secretary of State) and Policies 3D.14, 4A.3 and 4A.17 and 4A.33 of the London Plan (Feb 2008, Consolidated with Alterations Since 2004).

12. The development works hereby approved shall not be commenced until a programme of archaeological work for the site has been secured in

accordance with a written scheme for investigation which has been submitted to and approved in writing by the Local Planning Authority. The development at the site shall only take place in accordance with the approved scheme. The archaeological works for the site shall only be carried out by a suitably qualified investigating body acceptable to the Local Planning Authority.

**Reasons:** The development of this site is likely to damage archaeological remains. As important archaeological remains may exist on site the Local Planning Authority wishes to secure the provision of an archaeological investigation and the recording of any remains prior to commencement of development, in accordance with Policy EQ43 of the London Borough of Newham Unitary Development Plan (adopted June 2001 and saved from the 27th of September 2007 in accordance with the direction from the Secretary of State) and Policy 4B.15 of the London Plan (Feb 2008, Consolidated with Alterations Since 2004).

13. Unless otherwise agreed in writing by the Local Planning Authority the Long Wall Path shall be closed for a maximum of 27 months following the commencement of construction works. At the completion of the construction works the Long Wall Path must be re-opened as a permanent permissive public access to the satisfaction of the Local Planning Authority. If the Long Wall Path must be subsequently closed for any reason, full details of the reasons for, and duration of, that closure shall be submitted to and approved in writing by the Local Planning Authority no later than one (1) month prior to that closure.

**Reasons:** In the interest of maintaining a clearly signposted network of recreational walks across the Borough, in accordance with Policies T5 and T21 of the London Borough of Newham Unitary Development Plan (adopted June 2001 and saved from the 27th of September 2007 in accordance with the direction from the Secretary of State) and Policies 3C.3 and 3C.21 of the London Plan (Feb 2008, Consolidated with Alterations Since 2004).

14.
  - a) The development works hereby approved shall not be commenced until full details of a signed diversion route around the site have been submitted to and approved in writing by the Local Planning Authority.
  - b) The approved signed diversion route shall be implemented in full prior to the closure of the Long Wall temporary diversion route (as referred to in Condition 16), and shall be maintained to the satisfaction of the Local Planning Authority until the permissive path is re-opened. If the diversion route must be closed for any reason, full details of the reasons for, and duration of, that closure shall be submitted to and approved in writing by the Local Planning Authority no later than one (1) month prior to that closure.

**Reasons:** In the interest of maintaining a clearly signposted network of recreational walks across the Borough, in accordance with Policies T5 and T21 of the London Borough of Newham Unitary Development Plan (adopted June 2001 and saved from the 27th of September 2007 in accordance with the direction from the Secretary of State) and Policies 3C.3 and 3C.21 of the London Plan (Feb 2008, Consolidated with Alterations Since 2004).

15. The landscaping scheme shown on drawing D117609-203 Rev D shall be implemented within 12 months following the completion of the development to the satisfaction of the Local Planning Authority.

Any plants or trees that die or are removed, damaged or diseased within a period of FIVE years from the completion of the development hereby approved shall be replaced to the satisfaction of the Local Planning Authority in the next planting season with others of a similar size and species, unless the Local Planning Authority gives written consent for a variation.

**Reasons:** To protect and enhance the natural features and character of the area, to ensure satisfactory replacement tree planting and to ensure a satisfactory standard of external appearance of the development, in the interest of preserving open views to and from the canal and the living environment for future residents and with regard to Policy EQ4, EQ9, EQ10, EQ11, EQ12, EQ15, EQ18, EQ19 and EQ26 of the London Borough of Newham Unitary Development Plan (adopted June 2001 and saved from the 27th of September 2007 in accordance with the direction from the Secretary of State) and Policies 3D.15, 4B.1, 4B.2, 4B.3, 4B.6, 4C.3, and 4C.4 of the London Plan (Feb 2008, Consolidated with Alterations Since 2004).

16. a) No later than three (3) months following the date of this planning permission, full details of a temporary diversion route around the currently closed section of the Long Wall Path shall be submitted to and approved in writing by the Local Planning Authority.

b) The approved diversion route shall be completed and open to the public from May 2011 until the commencement of works on the development hereby approved, to the satisfaction of the Local Planning Authority. If the diversion route must be closed for any reason, full details of the reasons for, and duration of, that closure shall be submitted to and approved in writing by the Local Planning Authority no later than one (1) month prior to that closure.

**Reasons:** In the interest of maintaining a clearly signposted network of recreational walks across the Borough, in accordance with Policies T5 and T21 of the London Borough of Newham Unitary Development Plan



(adopted June 2001 and saved from the 27th of September 2007 in accordance with the direction from the Secretary of State) and Policies 3C.3 and 3C.21 of the London Plan (Feb 2008, Consolidated with Alterations Since 2004).

17. The development hereby permitted shall be carried out in strict accordance with the biodiversity mitigation measures contained in the submitted planning application, Environmental Statement, appendices, addendum, and further submitted information (dated May 2008; December 2008, April 2009, and June 2010), to the satisfaction of the Local Planning Authority unless otherwise agreed in writing by the Local Planning Authority.

**Reasons:** To ensure the development is carried out in accordance with the Environmental Statement and the mitigation measures proposed therein, in accordance with Policies EQ18, EQ19, EQ25, EQ26, EQ43, EQ45, EQ46, EQ47, EQ48, EQ49, EQ63 and EQ64 of the London Borough of Newham Unitary Development Plan (adopted June 2001 and saved from the 27<sup>th</sup> of September 2007 in accordance with the direction from the Secretary of State) and Policies 2A.1, 3A.28, 3C.3, 3C.23, 3D.13, 3D.14, 4A.1, 4A.2, 4A.3, 4A.4, 4A.5, 4A.6, 4A.7, 4A.8, 4A.9, 4A.10, 4A.11, 4A.12, 4A.13, 4A.14, 4A.15, 4A.16, 4A.17, 4A.18, 4A.19, 4A.20, 4B.1, 4B.2, 4B.3, 4B.10 of the London Plan (Feb 2008, Consolidated with Alterations Since 2004).

#### **INFORMATIVES:**

##### Environment Agency

1. Under the terms of the Water Resources Act 1991 and the Land Drainage Byelaws 1981, the prior written consent of the Environment Agency is required for any proposed works or structures either affecting or within 16 metres of the landward side of the tidal flood defences.

The works associated with the proposed culvert to the upstream end of Abbey Creek appear to fall within the byelaw zone. There should be no adverse effect on the structural integrity of the defences as a result of this work. Appropriate access to the flood defences for inspection, repair, raising and/or renewal must be maintained at all times.

## **RELEVANT PLANNING POLICY:**

### **National Planning Policy Statements / Guidance:**

Planning Policy Statement 1 - Delivering Sustainable Development  
Planning Policy Statement - Planning and Climate Change – Supplement to  
Planning Policy Statement 1  
Planning Policy Statement 3 - Housing  
Planning Policy Statement 5 - Planning for the Historic Environment  
Planning Policy Statement 9 - Biodiversity and Geological Conservation  
Planning Policy Statement 10 - Planning for Sustainable Waste Management  
Planning Policy Guidance 13 - Transport  
Planning Policy Statement 22 - Renewable Energy  
Planning Policy Statement 23 - Planning and Pollution Control  
Planning Policy Guidance 24 - Planning and Noise  
Planning Policy Statement 25 - Development and Flood Risk  
The London Biodiversity Action Plan (2001)

### **The London Plan – Consolidated with Alterations Since 2004 (adopted February 2008):**

Policy 2A.1 - Sustainability Criteria  
Policy 2A.2 - The Spatial Strategy for Development  
Policy 2A.3 - London's Sub-Regions  
Policy 2A.5 - Opportunity Areas  
Policy 3B.11 - Improving Employment Opportunities for Londoners  
Policy 3C.1 - Integrating Transport and Development  
Policy 3C.2 - Matching Development to Transport Capacity  
Policy 3C.3 - Sustainable Transport in London  
Policy 3C.4 - Land for Transport  
Policy 3C.11 - Phasing of Transport Infrastructure Provision and Improvements  
Policy 3C.17 - Tackling Congestion and Reducing Traffic  
Policy 3C.21 - Improving Conditions for Walking  
Policy 3C.23 - *Parking Strategy*  
Policy 3D.8 - Realising the Value of Open Space and Green Infrastructure  
Policy 3D.9 - Green Belt  
Policy 3D.14 - Biodiversity and Nature Conservation  
Policy 3D.15 - Trees and Woodland  
Policy 4A.1 - Tackling Climate Change  
Policy 4A.2 - Mitigating Climate Change  
Policy 4A.3 - Sustainable Design and Construction  
Policy 4A.4 - Energy Assessment  
Policy 4A.7 - Renewable Energy  
Policy 4A.12 - Flooding  
Policy 4A.13 - Flood Risk Management  
Policy 4A.14 - Sustainable Drainage  
Policy 4A.15 - Rising Groundwater  
Policy 4A.16 - Water Supplies and Resources

Policy 4A.17 - Water Quality  
 Policy 4A.18 - Water and Sewerage Infrastructure  
 Policy 4A.19 - Improving Air Quality  
 Policy 4A.20 - Reducing Noise and Enhancing Soundscapes  
 Policy 4A.21 - Waste Strategic Policy and Targets  
 Policy 4A.28 - Construction, Excavation and Demolition Waste  
 Policy 4A.30 - Better Use of Aggregates  
 Policy 4A.33 - Bringing Contaminated Land Into Beneficial Use  
 Policy 4B.1 - Design Principles for a Compact City  
 Policy 4B.2 - Promoting World-Class Architecture and Design  
 Policy 4B.11 - London's Built Heritage  
 Policy 4B.12 - Heritage Conservation  
 Policy 4B.13 - Historic Conservation-Led Regeneration  
 Policy 4B.15 - Archaeology  
 Policy 4C.1 - The Strategic Importance of the Blue Ribbon Network  
 Policy 4C.2 - Context for Sustainable Growth  
 Policy 4C.3 - The Natural Value of the Blue Ribbon Network  
 Policy 4C.4 - Natural Landscape  
 Policy 4C.6 - Sustainable Growth Priorities for the Blue Ribbon Network  
 Policy 4C.8 - Freight Uses on the Blue Ribbon Network  
 Policy 4C.11 - Increasing Access Alongside and to the Blue Ribbon Network  
 Policy 4C.14 - Structures Over and Into the Blue Ribbon Network  
 Policy 4C.15 - Safety On and Near to the Blue Ribbon Network  
 Policy 4C.16 - Importance of the Thames  
 Policy 4C.17 - Thames Policy Area  
 Policy 4C.18 - Appraisals of the Thames Policy Area  
 Policy 4C.20 - Development Adjacent to Canals  
 Policy 4C.22 - Rivers, Brooks and Streams  
 Policy 5A.1 - Sub-Regional Implementation Frameworks  
 Policy 5C.1 - The Strategic Priorities for North East London  
 Policy 5C.2 - Olympic and Paralympic Games  
 Policy 5C.3 - Opportunity Areas in North East London

**London Borough of Newham Unitary Development Plan (adopted June 2001 and saved from 27 September 2007 in accordance with the direction from the Secretary of State):**

Policy S3 - Quality of Development  
 Policy S4 - Sustainable Development  
 Policy S7 - Urban Regeneration: Promotion of Development  
 Policy S9 - S16 - Strategic Policies for Environmental Quality  
 Policy S24 - S28 - Strategic Policies for Employment  
 Policy S33 - S38 - Strategic Policies for Transport  
 Policy S39 - S41 - Strategic Policies for Leisure, Recreation and Open Space  
 Policy EQ1 - Waterway Improvements  
 Policy EQ2 - Waterside Access  
 Policy EQ4 - Quality of Waterside Development  
 Policy EQ9 - Protection of Sites of Nature Conservation Importance  
 Policy EQ10 - Development of Sites of Nature Conservation Importance

Policy EQ11 – Species Protection  
Policy EQ12 - Creation of Sites of Nature Conservation Importance  
Policy EQ14 - Tree Loss and Retention  
Policy EQ15 - Inclusion of Tree Planting in New Development  
Policy EQ18 - Promoting Urban Quality  
Policy EQ19 - Urban Design Considerations  
Policy EQ21 - New Development: Landscaping  
Policy EQ25 - Access  
Policy EQ26 - Safety  
Policy EQ30 - Planning Proposals Within Conservation Areas  
Policy EQ35 - Preservation of Listed Buildings  
Policy EQ38 - Planning Applications Affecting the Setting of a Listed Building  
Policy EQ43 - Archaeology: Investigation, Excavation and Protection  
Policy EQ45 - Pollution  
Policy EQ46 - Air Quality Management  
Policy EQ47 - Noise Impact Statement  
Policy EQ48 - Noise - Sensitive Development  
Policy EQ49 - Contaminated Land: Assessment, Remediation and Monitoring  
Policy EQ55 - Promoting Sustainable Waste Management  
Policy EQ60 - Recycling  
Policy EQ62 - Protection of the Flood Plain and Urban Washlands  
Policy EQ63 - Surface Water Disposal  
Policy EQ64 - Tidal Defences  
Policy EMP1 - Employment Growth  
Policy T1 - New Development: Environmental Impact  
Policy T2 - New Development: Public Transport Accessibility  
Policy T3 - New Development: Highway Capacity  
Policy T5 - Preferred Modes of Transport  
Policy T7 - Bus Services  
Policy T8 - River Transport  
Policy T10 - Road Hierarchy: Relation to Development Proposals  
Policy T19 - Improvement of Conditions for Pedestrians  
Policy T21 - Recreational Footway Network  
Policy T22 - Public Access to the River Thames  
Policy T23 - Cycle Network  
Policy T24 - Access by Cycle and Cycle Parking  
Policy OS6 - Green Chains: Developments and Implementation  
Policy OS7 - Green Space: Protection  
Policy LR5 - Visitor Attractions  
Policy UR20 – West Ham Mills: Land Use Proposals

**Additional Guidance:**

Mayor of London:

SPG - Sustainable Design and Construction (May 2006)  
SPG - East London Green Grid Framework (February 2008)  
Lower Lea Valley Opportunity Area Planning Framework (January 2007)  
Sub-Regional Development Framework: East London (May 2006)

LB of Newham:

SPG - Sustainability Checklist

**JUSTIFICATION FOR GRANTING CONSENT/REASONS FOR APPROVAL:**

The applicant is required to make a significant improvement to the environmental quality of the Rivers Lea and Thames in the London and Thames Gateway area. This need is driven by the statutory requirement to improve water quality within the Thames Tideway and by the need to support population growth within the STW catchments. This application is associated with the consented Lee Tunnel scheme which proposes such improvements to water quality.

It is considered that through the use of conditions the identified environmental impacts can be adequately dealt with and the proposal can be made to be consistent with strategic and local policies and objectives.

Signed

Director of Planning

Date of Decision:

Date Issued:

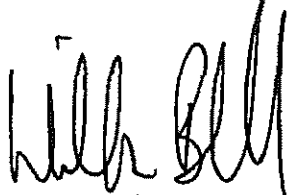
## TOWN AND COUNTRY PLANNING ACT 1990

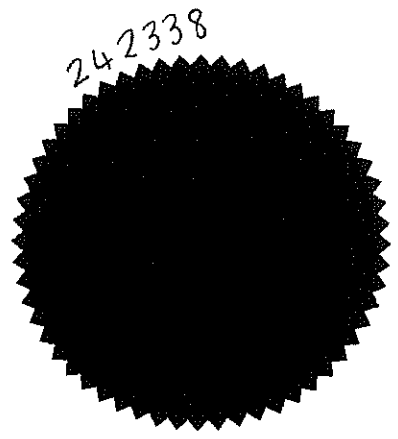
### Appeals to the Secretary of State

- If you are aggrieved by the decision of your Local Planning Authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State for the Environment under Section 78 of the Town and Country Planning Act 1990.
- If you want to appeal, then you must do so within SIX months of the date of this notice, using a form which is available from the Planning Inspectorate at 3/05 Kite Wing, Temple Quay Square, 2 The Square, Temple Quay, Bristol, BS1 6PN. A copy of the completed appeal form should be sent to the London Thames Gateway Development Corporation.
- The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- The Secretary of State need not consider an appeal if it seems to him that the Local Planning Authority could not have granted it without the conditions it imposed, having regard to the statutory requirements, to the provisions of the development order and to any directions given under the order.
- In practice, the Secretary of State does not refuse to consider appeals solely because the Local Planning Authority based its decision on a direction given by him.
- Purchase Notice
- If either the Local Planning Authority or the Secretary of State for Communities and Local Government refuses to grant planning permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor can he render the land capable of a reasonably beneficial use by carrying out any development which has been or would be permitted.
- In these circumstances, the owner may serve a purchase notice on the Council in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with Part VI of the Town and Country Planning Act 1990.

EXECUTION PAGE

Executed as a deed by **THAMES WATER** )  
by affixing its common seal in the presence )  
of: )

  
Authorised Signatory







**Appendix 1  
Plan**



AGRE - MILLIS, DIST

**RELATIONSHIP BETWEEN PROPOSED ABBEY MILLS CULVERT APPLICATION AREA AND CONSENTED LEE TUNNEL PLANNING PERMISSION AREA**

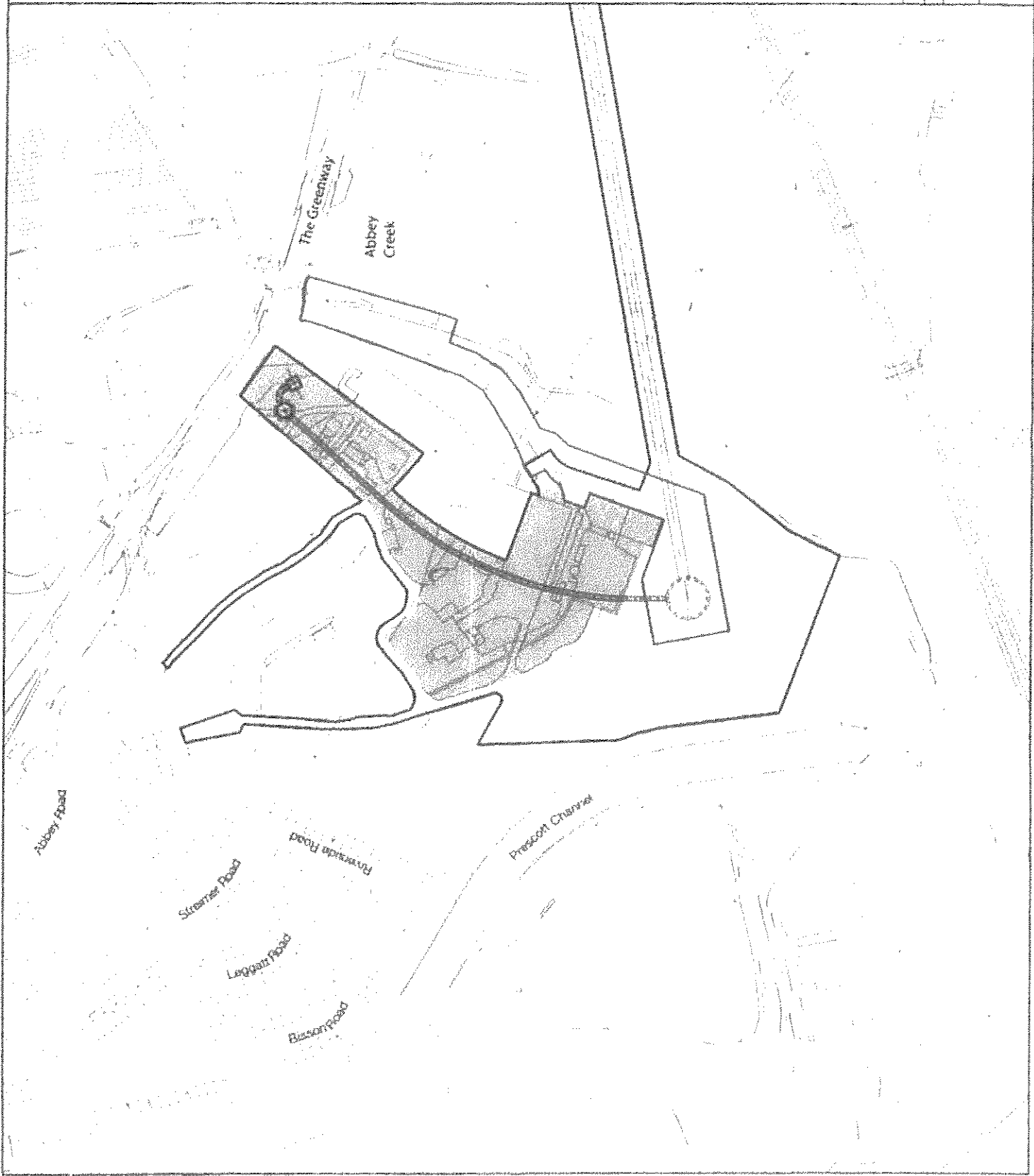
-  Abbey Mills Culvert Application Area
-  Lee Tunnel and Beckton STW Exterior Planning Permission Area
-  Area of Existing Lee Tunnel Consent not Required / Consent by Abbey Mills Culvert is Granted
-  Elements of Existing Lee Tunnel Consent not Required / Consent by Abbey Mills Culvert is Granted



Drawing Number: TW709-MHC-030

Drawings No.	Scale	Date	Author
030	1:1000	10/01/03	...

Project Name: ...  
Drawing Title: ...  
Drawing No: TW709-MHC-030



**Appendix 2**  
**Section 106 Agreement**

DATED 1<sup>st</sup> December 2009

THAMES WATER UTILITIES LIMITED (1)

KENNET PROPERTIES LIMITED (2)

LONDON THAMES GATEWAY DEVELOPMENT CORPORATION (3)

-and-

LONDON BOROUGH OF NEWHAM (4)

---

**THE LEE TUNNEL & BECKTON SEWAGE  
TREATMENT WORKS EXTENSION SCHEME**

**Agreement under section 106 of the  
Town and Country Planning Act 1990  
(as amended)**

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We hereby certify this to be  
a true copy of the original

*J. J. & Good*  
Berwin Leighton Paisner LLP  
Adelaide House  
London Bridge  
London EC4R 9HA

**NORTON ROSE**

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THIS DEED is made on 1<sup>st</sup> December 2009

**BETWEEN:**

- (1) **THAMES WATER UTILITIES LIMITED**, a company incorporated in England with registered number 02366661 whose registered office is at Clearwater Court, Vastern Road, Reading, Berkshire RG1 8DB (**Thames Water**);
- (2) **KENNET PROPERTIES LIMITED**, a company incorporated in England with registered number 02498997 whose registered office is situated at Clearwater Court, Vastern Road, Reading, Berkshire RG1 8DB (**Kennet**);
- (3) **LONDON THAMES GATEWAY DEVELOPMENT CORPORATION** of 9th Floor, South Quay Plaza 3, 189 Marsh Wall, London E14 9SH (**Corporation**); and
- (4) **LONDON BOROUGH OF NEWHAM**, of Newham Dockside, 1000 Docklands Road, London E16 2QU (**Newham**).

**WHEREAS**

(A) Words and phrases used in this Agreement are defined in Clause 2.

(B) Local planning authorities

The Authorities are the local planning authorities (by virtue of the London Thames Gateway Development Corporation (Planning Functions) Order 2005 in the case of the Corporation) for the purposes of the Act for the area in which the Site is situated.

(C) Thames Water

C.1 Thames Water is the owner of the freehold interest in the Abbey Mills Pumping Station Site and part of the Beckton STW Site excluding the Kennet Land.

C.2 Thames Water is a statutory sewerage undertaker and has statutory powers for the provision and maintenance of the Lee Tunnel under sections 158 and 159 of the Water Industry Act 1991.

(D) Kennet

D.1 Kennet is the owner of the freehold interest in the Kennet Land.

(E) Environment Agency

The Agency has statutory responsibilities relating to water resources, water quality and the environment.

(F) The Application

F.1 Thames Water made the Application for the Development to the Authorities and the ODA on 30 May 2008 and which was validated on 23 July 2008.

F.2 Newham resolved to grant planning permission in respect of application 08/01162/FUL and acting as agent for the ODA in respect of application 08/01158/ODA subject to this Agreement and the imposition of planning conditions on 3 June 2009, and the Corporation resolved to grant planning permission in respect of application 08/01159/LTGDC subject to this Agreement and the imposition of planning conditions on 11 June 2009.

F.3 The Authorities consider it expedient in the interests of the proper planning of their areas and having regard to all other material considerations that provision should be made for regulating the Development in the manner set out in this Agreement.

(G) 1993 Agreement

G.1 This Agreement revokes clauses 6 and 8 of the 1993 Agreement and replaces them with the provisions of this Agreement set out at paragraph 2, 3, 4 and 5 of Schedule 2 but in the event that the Permission is not implemented the terms of the 1993 Agreement are retained in full pending a variation of the 1993 Agreement to be agreed between the parties to this Agreement at that time.

(H) Additional Odour Control Measures

H.1 Thames Water applied to Ofwat for Funding Authorisation for the Additional Odour Control Measures on 7 April 2009.

(I) DLR Extension

I.1 On *30<sup>th</sup> November* 2009 Thames Water and DLRL completed the DLR Agreement.

I.2 The Corporation and Newham are satisfied that the DLR Agreement meets the requirement set out in the report to the Corporation's Planning Committee dated 11th June 2009 relating to the DLR Extension as approved in the resolution of the Planning Committee on that date.

NOW THIS DEED WITNESSETH as follows:

## 1 Powers and Planning Obligations

- 1.1 This Agreement is made pursuant to section 106 of the Act and section 111 of the Local Government Act 1972.
- 1.2 Subject to Clause 3 (Conditions Precedent) and Clause 6 (Agreements and Declarations) this Agreement creates planning obligations for the purposes of section 106 of the Act and are enforceable as such.

## 2 Definitions and Interpretation

- 2.1 In this Agreement unless the context otherwise requires the following expressions shall have the following meanings:

**Abbey Mills Pumping Station Plan** means the plan attached to this Agreement at Appendix 1 and marked "Abbey Mills Pumping Station Plan";

**Abbey Mills Pumping Station Site** means the area of land edged red on the "Abbey Mills Pumping Station Plan";

**Act** means the Town and Country Planning Act 1990 (as amended by the Planning and Compensation Act 1991 and the Planning and Compulsory Purchase Act 2005) and any subsequent amendments to or re-enactment of that Act;

**Access Conditions** means the provisions concerning access to the Walkways and the Trail set out in Schedule 3;

**Additional Odour Control Works** means the covering of and provision of odour control for all or part of the existing primary settlement tanks shown edged blue on the Beckton STW Plan including any associated works;

**Agency** means the Environment Agency whose principal office is Rio House, Waterside Drive, Aztec West, Almondsbury, Bristol BS12 4UD and any successor to its statutory functions;

**1993 Agreement** means under section 106 of the Act agreement in relation to the provision of an incinerator at Beckton Sewage Treatment Works made between Newham (1) and Thames Water (2) dated 23 July 1993;

**Agreement** means this deed;

**Annual Odour Review Meeting** means the meeting held under paragraphs 6.5 or 6.6 of Schedule 2;

**Anticipated Commissioning Date** means the 31 March 2014 or such other date as is notified to the Authorities by Thames Water from time to time pursuant to clause 4 and paragraph 1 of Schedule 2;

**Application** means Thames Water's application to the Authorities for planning permission for the Development of the Site bearing the following reference numbers:

(a) for the Corporation - 08/01159/LTGDC;

(b) for Newham - 08/01162/FUL;

(c) for the ODA - 08/01158/ODA.

**Authorities** means the Corporation and Newham;

**Audit Specification** means the specification set out at Schedule 4;

**Barking Creekside** means the area of land bounded by the River Roding and/or Barking Creek and Beckton STW shown edged red on the Barking Creekside Plan;

**Barking Creekside Plan** means the plan attached to this Agreement at Appendix 1 and marked "Barking Creekside Plan";

**Barking Creekside Scheme** means the scheme that will be submitted to the Corporation and Newham under paragraph 5.1 of Schedule 2;

**Beckton Desalination Plant** means the desalination plant on the Beckton STW Site the location of which is shown edged brown on the Beckton STW Plan;

**Beckton Loop Study** means the project to develop the North Circular Route identified within the Cross River Park Feasibility Study to scope, design and plan the delivery of paths and green spaces in East Beckton, from Royal Docks Road to Gallions Reach, along Thames Waterfront and up Barking Creek, in the form published at the time the Landscape and Ecology Masterplan is submitted to the Authorities for approval pursuant to paragraph 3 of Schedule 2;

**Beckton STW** means Beckton STW, Jenkins Lane, East Ham, London IG11 OAD;

**Beckton STW Extension** means the extension of the Beckton STW through the provision of additional preliminary, primary and secondary sewage and sludge treatment facilities;

**Beckton STW Plan** means the plan attached to this Agreement at Appendix 1 and marked "Beckton STW Plan";

**Beckton STW Site** means the area of land shown edged red on the "Beckton STW Plan";

**Business Plan** means Thames Water's Business Plan that is submitted to and approved by Ofwat every five years pursuant to all relevant statutory requirements and guidance (the next submission of which is due in 2014 for the funding period from 2015 to 2020);

**Commission** means bring into operation following completion of all pre-commissioning trials and testing procedures;

**Commissioned** means brought into operation following completion of all pre-commissioning trials and testing procedures;

**Commissioning** means bringing into operation following completion of all pre-commissioning trials and testing procedures;

**Compensation Code** means the rules and principles by which compensation for the compulsory purchase of land in England fall to be determined whether contained in Statute or case law;

**Conditions** means the First Condition and the Second Condition;

**Creekside Trail** means the walkway to be provided through Barking Creekside, the route of which is shown illustratively in green on the "Barking Creekside Plan";

**Cross River Park** means the Mayor of London's proposed Cross River Park;

**Development** means the construction and operation of the Lee Tunnel (including all necessary infrastructure at Abbey Mills Pumping Station Site) and Beckton STW Extension (as described



in more detail in Schedule 1) for the purposes described in the Application pursuant to the Permission;

**Development Consent** means consent for development granted under the Planning Act 2008 and all enabling and secondary legislation further to the provisions of that Act of Parliament;

**DfL** means Design for London which was established by the Mayor of London in January 2007 to support the delivery of good urban change and well-designed projects across London, and to make sure that design excellence is reflected within all projects that the Mayor's agencies commission or fund;

**DLR Agreement** means the agreement entered by DLRL and Thames Water to facilitate the construction and the operation of the DLR Extension, the Beckton STW and the Beckton STW Extension, the Lee Tunnel and the Thames Tunnel and the continued construction and operation of the Beckton Desalination Plant.

**DLR Extension** means the extension of the Docklands Light Railway from Gallions Reach to Dagenham Dock.

**DLRL** means Docklands Light Railway Limited of P.O. Box 154, Castor Lane, Poplar, London E14 0DX.

**Draft Landscape and Ecology Masterplan** means the draft landscape and ecology masterplan attached to this Agreement at Appendix 2;

**EIA Development** means development as defined in regulation 2 of the 1999 Regulations.

**Emergency Services** means the police (including the Thames river police), fire, ambulance or coast guard.

**Emergency Situation** means the occurrence of:

(i) extreme adverse weather conditions; and/or

(ii) extreme high tides or flood surge; or

(iii) other circumstances associated with the operation of the STW or occupation (however temporary) of the Thameside Walkway and/or the Riverside Walkway, whereby use of the Thameside Walkway and/or the Riverside Walkway would in the reasonable opinion of Thames Water represent an unacceptable risk to the health and safety of individuals actually or intending to use the Thameside Walkway and/or the Riverside Walkway or individuals within Beckton STW Site arising from a prevailing set of circumstances or a particular event or set of events; or

(iv) in circumstances where criminal activity is occurring or has occurred or for other reasons the Emergency Services need to gain access to the Thameside and/or Riverside Walkway.

**Environmental Statement** means the Lee Tunnel and Beckton Sewage Treatment Works Extension Environmental Statement (3 volumes) (May 2008) submitted as part of the Application and the Lee Tunnel and Beckton Sewage Treatment Works Extension Response to Regulation 19 Request and Additional Points of Clarification (2 volumes) (December 2008);

**Expert** means person appointed under clause 6.13.1;

**Feasibility Study Contribution** means the sum of ten thousand pounds (£10,000) (Indexed) for the commissioning of a feasibility study by Newham in order to identify a suitable site for the relocation of the Outfall Sailing Club;

**First Condition** means the grant of the Permission;

**Funding Authorisation** means funding authorised by Ofwat pursuant to the application made by Thames Water on 7 April 2009 for the cost of constructing and operating the Additional Odour Control Works;

**Implementation** means the carrying out of a Material Operation in respect of the Development by or on behalf of Thames Water (and **Implement, Implements, Implemented and Implementing** shall be construed accordingly);

**Indexed** means adjusted in line with the upward movement of the Retail Prices Index (or such other index as may replace that Index) from the date of this Agreement;

**Interested Organisations** means Natural England, the Agency and DfL;

**Kennet Land** means the part of the Beckton STW Site registered at HM Land Registry under title number EGL431551 and shown for identification purposes edged orange on the Beckton STW Plan;

**Landscape and Ecology Masterplan** means the plan to be submitted to the Corporation for approval pursuant to paragraph 3.1 of Schedule 2;

**Lee Tunnel** means the tunnel connecting from the Abbey Mills Pumping Station Site to the Beckton STW Site on the route shown edged red on Site Plan A and Site Plan B including all necessary infrastructure at Abbey Mills Pumping Station Site and the new outfall from the Lee Tunnel at Beckton STW as described in more detail in Schedule 1;

**Material Operation** means (subject to Clause 6.9) a "material operation" as defined by section 56(4) (a) of the Act in relation to the Development under the Permission;

**Northern Lagoon** means the area of land shown edged red on the "Northern Lagoon Plan";

**Northern Lagoon Plan** means the plan attached to this Agreement at Appendix 1 and marked "Northern Lagoon Plan";

**Northern Lagoon Walkway** means the permissive pedestrian route shown illustratively in blue on the Northern Lagoon Plan and the Walkways Plan;

**Northern Lagoon Restoration Scheme** means the restoration scheme for the Northern Lagoon submitted to the Corporation and approved pursuant to paragraph 4.1 of Schedule 2;

**Ofwat** means the Water Services Regulation Authority for England and Wales of Centre City Tower, 7 Hill Street, Birmingham B5 4UA or their successors;

**ODA** means the Olympic Delivery Authority of One Churchill Place, Canary Wharf, London E14 5LN;

**Odour Audit Contribution** means the sum of up to three thousand pounds (£3,000) per audit (Indexed) plus VAT and disbursements reasonably incurred (as evidenced by appropriate time records) in the audit of the OMP and the Odour Management Protocols in accordance with the Audit Specification further to paragraph 6.11 to 6.14 of Schedule 2;

**Odour Management Plan** means the odour management plan for the Beckton STW submitted to and approved by the Corporation under the conditions attached to the Permission as amended from time to time in consultation with and as provided to the Authorities;

**Odour Management Protocols** means the odour management protocols (or any individual one of them) submitted to and approved by the Corporation under the conditions attached to the Permission as amended from time to time with the approval of the Corporation;

**OMP** means the Odour Management Plan;

**OMP and Odour Management Protocol Approval Contribution** means the cost of up to eight thousand and five hundred pounds (£8,500) (Indexed) plus VAT and disbursements reasonably incurred by the Corporation and/or Newham in approving the OMP and the Odour Management Protocols;

**Operational Land** means land falling with the definition in section 263(1) of the Act;

**Operational Period** means the period beginning with the date that the Lee Tunnel and/or Beckton STW are Commissioned;

**Outfall Sailing Club** means the sailing club previously located on the Beckton STW Site;

**Permission** means planning permission for the Development pursuant to the Application to be granted by each of the Authorities in the form of the draft permissions in Schedule 6;

**Permitted Development** means development falling within Part 16 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995;

**Planning Obligations** means the obligations entered under section 106 of the Act established under Clause 4 and Schedule 2;

**Primary Target Area** means the London Borough of Newham;

**1999 Regulations** means the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999;

**Renewable Energy Scheme** means the scheme to be submitted to the Corporation for approval pursuant to paragraph 10.2 of Schedule 2;

**Replacement Sailing Club Facilities** means the provision of new club rooms, jetty and moorings for the Outfall Sailing Club;

**Riverside SDP** means the proposed sewage sludge advanced digestion facility at Riverside STW which is the subject of planning application reference U0005.08/LBHG dated 2 June 2008 and amended on 6 October 2008;

**Riverside Walkway** means a permissive walkway route from the north east corner of the Northern Lagoon running adjacent to the Barking Creek and then adjacent to the Beckton STW Site to terminate at the Thameside Walkway shown illustratively in green on the Walkways Plan;

**Sailing Club Contribution Notice** means the notice which may be served by Newham in accordance with paragraph 9.2 of Schedule 2 requesting payment of the Sailing Club Contribution;

**Sailing Club Contribution** means the sum of fifty thousand pounds (£50,000) (Indexed) for use towards the Replacement Sailing Club Facilities further to paragraph 9.3 of Schedule 2;

**Secondary Target Area** means the London Boroughs of Barking and Dagenham, Havering, Greenwich, Waltham Forest and Tower Hamlets;

**Second Condition** means the service of written notice by Thames Water on the Authorities that it intends to Implement the Development or the earlier Implementation of the Development;

**Secretary of State** means the Secretary of State for Communities and Local Government;

**Section 106 Monitoring Contribution** means the sum of five thousand five hundred pounds (£5,500) (Indexed) towards the cost of a Section 106 Monitoring Officer to be paid pursuant to paragraph 14 of Schedule 2;

**Section 106 Monitoring Officer** means the officer assigned by Newham from time to time to monitor the implementation of this Agreement and the performance of and/or discharge of the obligations herein contained in this Agreement on the part of Thames Water other than the odour management and control obligations contained in paragraph 6 of Schedule 2;

**Site** means the area edged red on "Site Plan A" and "Site Plan B";

**Site Plan A** and **Site Plan B** mean the plans attached to this Agreement at Appendix 1 and marked "Site Plan A" and "Site Plan B";

**STW** means sewage treatment works;

**Successors** means successors in title of Thames Water to the Abbey Mills Pumping Station Site and the Beckton STW Site excluding the Kennet Land and the successors in title of Kennet to the Kennet Land and/or any person(s) claiming through or under Thames Water or Kennet;

**TfL** means Transport for London of Windsor House, 42-50 Victoria Street, London SW1H 0TL

**TGB** means the Thames Gateway Bridge or such other above-ground river crossing utilising land within the TGB Safeguarded Land in the vicinity of the previously-proposed Thames Gateway Bridge;

**TGB Safeguarded Land** means the part of the Beckton STW Site shown edged yellow on the Beckton STW Plan being land safeguarded under the TGB Safeguarding Direction;

**TGB Safeguarded Land Value** means a value equivalent, at the date of transfer, to that which would be payable if the TGB Safeguarded Land to be transferred were to be acquired compulsorily on that date, as is agreed between the parties pursuant to paragraph 11 of Schedule 2 or as set by the Lands Chamber of the Upper Tribunal in accordance with the Compensation Code;

**TGB Safeguarding Direction** means the safeguarding direction made by the then Secretary of State for the Environment Transport and the Regions under Articles 10 and 27 of the Town and Country Planning (General Development Procedure) Order 1995 on 4th May 2001 for the TGB;

**Thameside Walkway** means a permissive walkway adjacent to the River Thames running from a point adjacent to the western side of the Barking Creek Flood Prevention Barrier to the south west corner of the Beckton STW Site, the route of which is shown illustratively in red on the Walkways Plan;

**Thames Tunnel** means the separate tunnel that terminates at Beckton STW to be constructed in the future as part of Thames Water's compliance with the requirements of the Urban Waste Water Treatment (England and Wales) Regulations 1994 (SI: 1994/2841);

**Trail** means the Creekside Trail;

**Transport Corridor Land** means the land shown edged purple on the Beckton STW Plan within the TGB Safeguarded Land;

**Transport Corridor Land Value** means a value equivalent at the date of transfer to that which would be payable if the Transport Corridor Land to be transferred were to be acquired compulsorily on that date as is agreed between the parties pursuant to paragraph 12 of Schedule 2 or as set by the Lands Chamber of the Upper Tribunal in accordance with the Compensation Code;

**Walkway Works** means the works described in Schedule 5 relating to the Riverside and Thameside Walkways and shown on the illustrative drawings included in that Schedule (subject to any amendments to the described works that may be agreed in writing with Newham);

**Walkways** means the Thameside Walkway, the Riverside Walkway and the Northern Lagoon Walkway;

**Walkways Plan** means the plan attached to this Agreement at Appendix 1 and marked "Walkways Plan";

**Working Days** means days on which banks in the City of London are open for business;

**Workplace Contribution** means the sum of fifty thousand pounds (£50,000) (Indexed) to increase the skill levels of the local population to access jobs presented by the Development.

- 2.2 References to any recital clause schedule paragraph or appendix (or any part of them) shall (unless the context otherwise requires) be references to a recital clause schedule paragraph or appendix (or any part of any of them) of this Agreement.
- 2.3 References to any Plan are references to a plan attached to this Agreement.
- 2.4 References to the masculine gender shall include the feminine gender and vice versa.
- 2.5 Unless the context otherwise requires references to the singular shall include the plural and vice versa.
- 2.6 Headings in this Agreement are for ease of reference only and are not intended to be construed as part of this Agreement.
- 2.7 References to Thames Water or Kennet include and constitute (once Thames Water or Kennet has parted with an interest in either the Abbey Mills Pumping Station Site and/or the Beckton STW Site and/or the Kennet Land as appropriate) references to Thames Water's or Kennet's Successors.
- 2.8 References to the Corporation, Newham and the ODA include references to any statutory successor to them as local planning authority for part of the Site.
- 2.9 References to the Act and to any section of the Act include any re-enactment of it unless the context otherwise requires.
- 2.10 Nothing in this Agreement shall unlawfully fetter or restrict the exercise by the Authorities as local planning authorities or Thames Water as a statutory sewerage and water undertaker of their rights discretions duties powers or obligations under any statute orders regulations and byelaws.
- 2.11 No provision of this Agreement shall be interpreted so as unlawfully to fetter the Authorities or Thames Water in the exercise of their statutory duties.
- 2.12 No waiver whether express or implied by any of the Authorities or by Thames or Kennet of any breach or default in performing or observing any of the covenants terms or conditions of this Agreement shall unless evident on the facts constitute a continuing waiver.

### **3 Conditions Precedent**

- 3.1 Clauses 1, 2, 3 and 6 shall take effect on completion of this Agreement.
- 3.2 Clauses 4 and 5 and paragraphs 2; 6.1 to 6.3 (inc); 9; 11; 12; 13 and 14 of Schedule 2 are conditional upon the satisfaction of the First Condition.
- 3.3 All of the other Planning Obligations contained in this Agreement are conditional upon the satisfaction of the First Condition and the Second Condition.

#### **4 The Planning Obligations on the Parties**

- 4.1 Subject to Clause 3 (Conditions Precedent), Clause 5 (The 1993 Agreement) and Clause 6 (Agreements and Declarations) Thames Water and Kennet jointly and severally covenant with the Authorities to carry out and comply with the Planning Obligations.
- 4.2 Subject to Clause 3 (Conditions Precedent), Clause 5 (The 1993 Agreement) and Clause 6 (Agreements and Declarations) the Authorities covenant to each other and to Thames Water and Kennet to carry out and comply with their obligations set out in the Planning Obligations.

#### **5 The 1993 Agreement**

- 5.1 Subject to the satisfaction of the First Condition, Thames Water, Kennet and the Authorities agree that:
  - 5.1.1 Clauses 6 and 8 of the 1993 Agreement shall be revoked with immediate effect; and
  - 5.1.2 Clauses 6 and 8 of the 1993 Agreement should be replaced by the provisions of Clause 4 and paragraphs 2 to 5 of Schedule 2.

#### **6 Agreements and Declarations**

##### **6.1 Lapse Revocation or Modification of the Permission**

- 6.1.1 The Planning Obligations and the other terms of this in this Agreement shall lapse and all entries on the Register of Local Land Charges and the Register of Title of the Site relating to it shall be deleted if:
  - (a) the Permission
    - (i) lapses without having been Implemented; or
    - (ii) is revoked; or
    - (iii) is modified other than at the request of Thames Water; or
    - (iv) is quashed; or
  - (b) Thames Water or Kennet before Commencement of Development pursuant to the Permission implements (through the carrying out of a material operation as defined in section 56(4)(a) of the Act) any subsequent planning permission for the permanent development of the Abbey Mills Pumping Station Site and/or the Beckton STW Site and/or the Kennet Land which prevents Implementation of the Development.

##### **6.2 Notices**

*Any notice or other written communication to be served or given under the terms of this Agreement shall be deemed to have been validly served or given if delivered by hand or sent by registered or recorded delivery post to the party upon whom it is to be served or to whom it is to be given at the address as specified above and marked for the attention of:*

- (a) the Director of Planning if addressed to the Corporation;
- (b) the Head of Legal Services if addressed to Thames Water;
- (c) Company Secretary if addressed to Kennet; and
- (d) the Borough Planning Officer if addressed to Newham

or as otherwise notified on the parties to this Agreement for the purpose by notice in writing.

### **6.3 Parting with Interests in the Site and Successors in Title**

6.3.1 Subject to clause 6.3.2, Thames Water and Kennet shall upon parting:

- (a) with their respective freehold interests in any part of the Abbey Mills Pumping Station Site or the Beckton STW Site or the Kennet Land be released from all obligations and duties under the terms of this Agreement insofar as they relate to or are binding on that part of the Site;
- (b) with the entirety of their respective interests in the Site as a whole be released from all liabilities whatsoever under the terms of this Agreement.

6.3.2 The releases provided for in paragraph 6.3.1 shall not apply to any prior or existing breach as at the date of disposal of the relevant interests.

6.3.3 Any obligation under the terms of this Agreement which is expressed to be binding on a particular area of land shall be binding on Thames Water's or Kennet's Successors but only insofar as they are Successors to that area of land or relevant part of it and on the basis that such successors benefit from this Clause 6.3 in (mutatis mutandis) the same way as Thames Water and Kennet.

### **6.4 Liability of Successors**

6.4.1 No Successor to Thames Water or Kennet shall be liable for any breach of any obligation which occurs in relation to any area of the Site in which that Successor had no interest at the time of the breach.

6.4.2 No obligation under this Agreement shall be enforceable against any mortgagee or receiver unless such mortgagee or receiver shall have taken possession of the relevant part of the Site in exercise of its power of sale but no Successor to any such mortgagee or receiver shall (without prejudice to this Clause 6.4) take free of any obligation which binds that part of the Site to which it or they are a Successor.

### **6.5 Discharge by Performance**

6.5.1 Upon the discharge of the covenants and obligations (or any of them) under the terms of this Agreement such covenant obligation or obligations shall absolutely cease and determine save in respect of any antecedent breach.

6.5.2 Upon reasonable request from Thames Water or Kennet and subject to payment of the reasonable and proper professional costs and charges of the relevant Authorities, the Corporation or Newham (as appropriate) will certify compliance or partial compliance (as and if appropriate) with the provisions of this Agreement.

### **6.6 Registration as a Local Land Charge**

Subject to the satisfaction of the First Condition this Agreement may be registered by the Authorities as a local land charge in compliance with section 1 of the Local Land Charges Act 1975 on condition that the Authorities shall upon the request of Thames Water or Kennet when any obligation under this Agreement is performed use reasonable endeavours to note the fact of such performance on such register and shall accordingly discharge the land to the extent of such performance.

### **6.7 Waiver of Conditions Precedent**

6.7.1 Thames Water may by notice in writing explicitly expressing intention to do so to the Authorities at any time waive any item of conditionality referred to in Clause 3.

6.7.2 No action in respect of any obligation under this Agreement by or on behalf of Thames Water short of an express written waiver for the purposes of and in accordance with Clause 6.7.1 constitutes either a waiver of conditionality or part performance of this Agreement.

## 6.8 Overdue Payments

6.8.1 Payments required to be made under the terms of this Agreement shall for the purposes of this Clause 6.8.1 be deemed to fall due and to be payable within 21 days of the date specified for payment in the relevant Clause or if no date is specified in the relevant Clause then within 21 days after the occurrence of the event triggering the relevant payment.

6.8.2 In the event of any delay in making any payment required under this Agreement simple interest shall be payable on the amount payable at the rate of two per cent per annum above the National Westminster Bank plc base lending rate from time to time in force from the date that the relevant payment falls due to the date of actual payment.

## 6.9 Material Operations

Irrespective of section 56(4)(a) of the Act none of the following operations shall constitute a Material Operation for the purposes of this Agreement:

- (a) demolition of any building or structure;
- (b) ground investigations or site survey works;
- (c) laying, diversion or protection of services and service media;
- (d) construction of boundary fencing, other fencing or hoardings;
- (e) erection of site accommodation for construction contractors;
- (f) construction of temporary accesses and hard standing; or
- (g) site clearance and vegetation clearance.

## 6.10 Cessation of Obligations of Thames Water

The obligations of Thames Water and Kennet shall absolutely cease and determine upon the occurrence of any of the events and to the extent specified below:

- (a) as provided for in Clause 6.1;
- (b) as provided for in Clause 6.3;
- (c) as provided for in Clause 6.5;
- (d) in the circumstances contemplated by sections 106A and 106B of the Act.

## 6.11 Contracts (Rights of Third Parties) Act 1999

6.11.1 This Agreement does not and is not (save where this Clause is in any other Clause expressly or by express reference excluded) intended to confer any rights whatsoever on any person who is not a party to this Agreement pursuant to Contracts (Rights of Third Parties) Act 1999.

6.11.2 Without prejudice to Clause 6.11.1 this Agreement may be varied revoked or supplemented without the consent of any third party.

## 6.12 Variation



No variation to this Agreement will be effective unless made by deed or pursuant to the determination of an application made under section 106A of the Act.

### 6.13 **Dispute Resolution**

- 6.13.1 Save where expressly provided for in this Agreement (including the Schedules to it) any dispute arising out of the provisions of this Agreement shall be referred to a person having appropriate qualifications and experience in such matters ("the Expert") for the determination of that dispute.
- 6.13.2 The Expert shall be appointed by the relevant parties to the dispute ("the Relevant Parties") or in default of agreement by a person nominated by the President for the time being of the Royal Institution of Chartered Surveyors on the application of any of the parties being a surveyor of no less than 10 years post qualification experience in the area of expertise relevant to the dispute.
- 6.13.3 The decision of the Expert shall be final and binding upon the Relevant Parties and the following provisions shall apply:
- (a) the Expert shall give the Relevant Parties an opportunity to make representations and counter representations to him before making his decision;
  - (b) the Expert shall be entitled to obtain opinions from others if he so wishes;
  - (c) the Expert shall make his decision within the range of any representations made by the Relevant Parties themselves;
  - (d) the Expert shall comply with any time limit or other directions agreed by the Relevant Parties on or before his appointment which shall require a decision in not less than one calendar month from the date of appointment of the Expert;
  - (e) each Relevant Party shall bear their own costs in relation to preparing and submitting evidence to the Expert save that the Expert shall have the power to determine how costs are to be awarded as part of the decision on the dispute in question.

### 6.14 **Other Permissions**

This Agreement shall not in any way constrain the development or use of the Site (or any part or parts of it) under any planning permission other than the Permission.

### 6.15 **Third Party Land**

Nothing in this Agreement shall require Thames Water or Kennet to perform any Planning Obligation or other obligation on or in relation to land outside of its ownership and control.

### 6.16 **Community Infrastructure Levy**

If after the date of this Agreement there shall be enacted any tax or charge related to the grant of planning permission (whether the "community infrastructure levy" or otherwise) and the terms of such tax or charge mean that Thames Water must pay a sum to any person which would duplicate add to or overlap with any of the Planning Obligations or any conditions attached to the Planning Permission the parties agree that the terms of this Agreement may at the election of Thames Water be modified to such extent (if any) as is reasonably necessary to provide terms which are as at the date that the modified obligations are entered into financially and practically no less advantageous and no more onerous than the terms of this Agreement.

### 6.17 **The Corporation's Legal and other Professional Costs**

Thames Water agrees that upon completion of this Agreement it will pay the Corporation's reasonable professional costs and disbursements properly incurred in the negotiation and completion of this Agreement.

6.18 **Choice of Laws**

This Agreement is governed by and shall be interpreted in accordance with the law of England and Wales.

6.19 **Parties to Act Reasonably**

6.19.1 Where any agreement, consent, approval or other authorisation is required to be given or any discretion is required to be exercised by any of the parties to this Agreement the same shall be given or exercised in writing and shall not be unreasonably withheld or delayed and each party shall act reasonably in discharging its obligations under the terms of this Agreement.

6.19.2 Where any party is entitled to recover its costs or expenses in performing its obligations under the terms of this Agreement the recoverable costs and expenses are those reasonably incurred in relation to the relevant obligation.

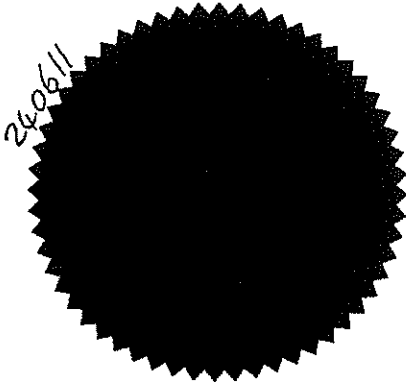
**7 Counterparts**

This Deed may be executed and delivered in any number of counterparts, each of which is an original and which, together, have the same effect as if each party had signed the same document.

**IN WITNESS** whereof this Deed has been executed by the parties hereto and is intended to be and is delivered on the date first above written

THE COMMON SEAL of THAMES )  
WATER UTILITIES LIMITED )  
was hereunto affixed in the )  
presence of: )

  
Authorised Signatory



6.18 Choice of Laws

This Agreement is governed by and shall be interpreted in accordance with the law of England and Wales.

6.19 Parties to Act Reasonably

6.19.1 Where any agreement, consent, approval or other authorisation is required to be given or any discretion is required to be exercised by any of the parties to this Agreement the same shall be given or exercised in writing and shall not be unreasonably withheld or delayed and each party shall act reasonably in discharging its obligations under the terms of this Agreement.

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7 Counterparts

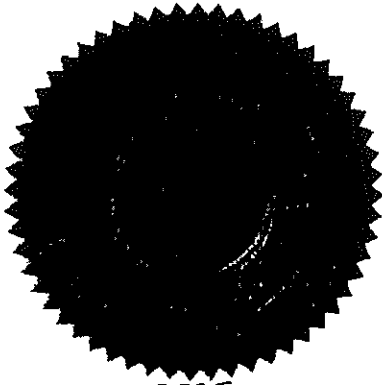
This Deed may be executed and delivered in any number of counterparts, each of which is an original and which, together, have the same effect as if each party had signed the same document.

IN WITNESS whereof this Deed has been executed by the parties hereto and is intended to be and is delivered on the date first above written

THE COMMON SEAL of KENNET )  
PROPERTIES LIMITED was )  
hereunto affixed in the presence of: )

Director

Director/Secretary



5528

6.18 **Choice of Laws**

This Agreement is governed by and shall be interpreted in accordance with the law of England and Wales.

6.19 **Parties to Act Reasonably**

6.19.1 Where any agreement, consent, approval or other authorisation is required to be given or any discretion is required to be exercised by any of the parties to this Agreement the same shall be given or exercised in writing and shall not be unreasonably withheld or delayed and each party shall act reasonably in discharging its obligations under the terms of this Agreement.

6.19.2 Where any party is entitled to recover its costs or expenses in performing its obligations under the terms of this Agreement the recoverable costs and expenses are those reasonably incurred in relation to the relevant obligation.

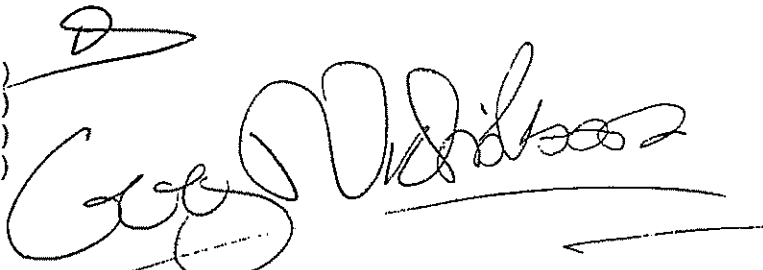
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**IN WITNESS** whereof this Deed has been executed by the parties hereto and is intended to be and is delivered on the date first above written

**THE COMMON SEAL** of LONDON  
**THAMES GATEWAY DEVELOPMENT**  
**CORPORATION** was hereunto affixed  
in the presence of:



  
\_\_\_\_\_  
Authorised Signatory

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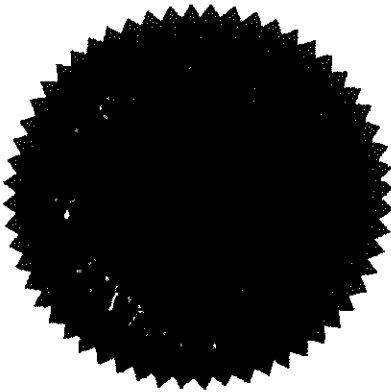
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*IN WITNESS* whereof this Deed has been executed by the parties hereto and is intended to be and is delivered on the date first above written

THE COMMON SEAL of LONDON )  
BOROUGH OF NEWHAM was )  
hereunto affixed in the presence of: )



Authorised Signatory

## Schedule 1

### The Development

The Lee Tunnel & Beckton STW Extension incorporating the following elements:

- (a) Within the area for which the Corporation is the local planning authority:
  - (i) at Abbey Mills Pumping Station: works to enable interception of combined sewer overflows and transfer into the new Lee Tunnel; including shafts, transfer tunnels, connecting culverts, connecting chambers and associated control units;
  - (ii) an underground wastewater storage and transfer tunnel (the Lee Tunnel) between Abbey Mills Pumping Station and the boundary of the administrative area of the ODA east of Canning Road, and between the western boundary of the administrative area for the ODA west of the Jubilee Line railway and the London Thames Gateway Corporation Boundary east of the Jubilee Line railway, and between Royal Docks Road and Beckton STW;
  - (iii) at the Beckton STW: shafts and a pumping station associated with the construction and operation of the Lee Tunnel; additional preliminary, primary, secondary sewage treatment and sludge treatment facilities, including buildings, structures, plant, underground connection pipelines and associated works; odour control units; security gatehouse; wind turbine; tree felling; landscaping and habitat creation; excavation and land remediation;
  - (iv) associated temporary construction compounds, material storage and handling areas and tanks, hardstandings, temporary portable site offices and welfare accommodation at Abbey Mills Pumping Station;
  - (v) associated temporary construction compounds, material storage and handling areas and tanks, hardstandings, parking areas, manufacture of concrete tunnel and shaft segments, temporary portable site offices and welfare accommodation at Beckton STW and a jetty bridge for construction purposes.
- (b) Within the area of which Newham is the local planning authority:
  - (i) an underground wastewater, storage and transfer tunnel (the Lee Tunnel) between the boundary of the administrative area of the London Thames Gateway Corporation east of the Jubilee Line railway and Royal Docks Road;
- (c) Within the area for which the ODA is the local planning authority:
  - (i) an underground wastewater storage and transfer tunnel (the Lee Tunnel) between the administrative boundary of the ODA east of Canning Road and the administrative boundary of the ODA west of the Jubilee Line railway.

**Schedule 2**  
**The Planning Obligations**

**1 Anticipated Commissioning Date**

Thames Water shall notify the Authorities in writing of any changes to the Anticipated Commissioning Date.

**2 Riverside Walkway and Thameside Walkway and the Walkway Works**

- 2.1 The Walkway Works shall be carried out and completed and the Riverside Walkway and the Thameside Walkway shall be opened to the public not more than twenty (20) weeks after the grant of the Permission.
- 2.2 Following completion of the Walkway Works Thames Water will permit permissive public access to the Riverside Walkway and the Thameside Walkway in accordance with and subject to the Access Conditions.

**3 Landscape and Ecology Masterplan**

- 3.1 Not later than twelve (12) months prior to the Anticipated Commissioning Date the Landscape and Ecology Masterplan shall be submitted to the Authorities for approval.
- 3.2 The Landscape and Ecology Masterplan shall be in accordance with the Draft Landscape and Ecology Masterplan and shall include (but shall not be limited to):
- (i) the Northern Lagoon Restoration Scheme;
  - (ii) the Barking Creekside Scheme;
  - (iii) details of any further works that may be proposed to be carried out to the Riverside Walkway over and above the Walkway Works completed under paragraph 2.1;
  - (iv) details of any further works that may be proposed to be carried out to the Thameside Walkway over and above the Walkway Works completed under paragraph 2.1;
  - (v) measures to ensure that there is no net loss in ecology/habitat (by reference to the ecology and habitat that exists on the Beckton STW Site and as reported in the Environmental Statement) by the provision of on site initiatives or off-site initiatives in the event that no net loss of habitat cannot be secured within the Beckton STW Site;
  - (vi) an overall programme for implementation of the Landscape and Ecology Masterplan having regard to paragraphs 4.3 and 5.3;
  - (vii) measures for reviewing and monitoring the Landscape and Ecology Masterplan and its implementation;
  - (viii) details of the ongoing maintenance of the landscape, works and measures to be carried out pursuant to the approved Landscape and Ecology Masterplan;
  - (ix) provisions for ongoing monitoring, inspection and maintenance of the Riverside Walkway and the Thameside Walkway,

PROVIDED THAT if replacement and/or enhanced habitat is provided in the TGB Safeguarded Land further to paragraph 3.2(v) and it is lost as a result of construction of the TGB that habitat shall be re-provided either on the Beckton STW Site or elsewhere further to a scheme submitted by Thames Water to the Authorities and approved by them in writing (such approval not to be unreasonably withheld) at the time the habitat is confirmed to be lost.

- 3.3 In preparing the Landscape and Ecology Masterplan prior to its submission to the Authorities under paragraph 3.1 Thames Water shall consult the Interested Organisations and take any representations made by those Interested Organisations into consideration in the preparation of the Landscape and Ecology Masterplan.
- 3.4 Thames Water shall as part of the consultation process referred to in paragraph 3.3 offer to meet with all Interested Organisations on 3 occasions in the period of preparation of the Landscape and Ecology Masterplan prior to its submission to the Authorities.
- 3.5 In the event that one or more of those Interested Organisations accept the offer of a meeting Thames Water shall arrange and hold such meeting at a date, time and location to be agreed between the accepting Interested Organisation(s) and Thames Water (all acting reasonably).
- 3.6 Thames Water shall offer to meet with the Authorities twice a year during the period expiring on the date 2 years from the Anticipated Commissioning Date in order to discuss the progress of the implementation of the Landscape and Ecology Masterplan and in the event that the offer is accepted by one or more of the Authorities Thames Water shall arrange and hold any such meeting at a date, time and location to be agreed between the accepting Authorities and Thames Water (all acting reasonably).
- 3.7 At any meeting held pursuant to paragraph 3.5 or 3.6 Thames Water shall discuss and have regard to (i) the emerging policies or adopted policy relating to Cross River Park; and (ii) the Beckton Loop Study.
- 3.8 The approved Landscape and Ecology Masterplan shall be implemented in full in accordance with the approved programme and maintained in accordance with its terms unless otherwise agreed in writing by the Authorities.

#### **4 Northern Lagoon Restoration Scheme**

- 4.1 Not later than twelve (12) months prior to the Anticipated Commissioning Date the Northern Lagoon Restoration Scheme shall be submitted to the Authorities for approval.
- 4.2 The Northern Lagoon Restoration Scheme shall include (but shall not be limited to):
  - 4.2.1 details of the Northern Lagoon Walkway;
  - 4.2.2 a statement of the ecological value of the Northern Lagoon;
  - 4.2.3 measures for reviewing and monitoring the Northern Lagoon Restoration Scheme and its implementation;
  - 4.2.4 details of the landscaping, works and measures to be carried out in order to restore the Northern Lagoon and ongoing maintenance of the works and measures to be carried out in the Northern Lagoon;
  - 4.2.5 a programme for implementation of the scheme which shall comply with the requirements of paragraph 4.3;
  - 4.2.6 and shall be prepared recognising and acknowledging that the Northern Lagoon is Operational Land that may need to be utilised in the future by Thames Water at its discretion for the purpose of meeting and discharging its statutory undertaking and duties.



- 4.3 Subject to it being approved by the Authorities the Northern Lagoon Restoration Scheme shall be completed by 31 December 2015.
- 4.4 Thames Water shall maintain the Northern Lagoon until needed for development further to Thames Water's duty as statutory sewerage undertaker and having reasonable regard to the status of the Northern Lagoon as Operational Land in accordance with the terms of the Landscape and Ecology Masterplan approved further to paragraph 3.1 and will permit permissive public access to the Northern Lagoon Walkway in accordance with and subject to the Access Conditions.

## **5 Barking Creekside Scheme**

- 5.1 Not later than twelve (12) months prior to the Anticipated Commissioning Date the Barking Creekside Scheme shall be submitted to the Authorities for approval.
- 5.2 The Barking Creekside Scheme shall include (but shall not be limited to):
- 5.2.1 details of the Creekside Trail;
- 5.2.2 details of the groups of individuals who may gain access to the Barking Creekside Site and the Creekside Trail;
- 5.2.3 the times and days on which access may be secured;
- 5.2.4 the method by which arrangements for access are made;
- 5.2.5 the rules and regulations concerning the availability and use of Barking Creekside and the Creekside Trail;
- 5.2.6 a statement of the ecological value of the Barking Creekside Site;
- 5.2.7 measures for reviewing and monitoring the Barking Creekside Scheme and its implementation;
- 5.2.8 details of landscaping, works and measures to be carried out in order to conserve enhance and maintain the ecological interest of Barking Creekside and ongoing maintenance of those works and measures to be carried out in Barking Creekside; and
- 5.2.9 a programme for implementation of the Barking Creekside Scheme which shall comply with the requirements of paragraph 5.3.
- 5.3 The landscaping works and measures referred to in paragraph 5.2.8 forming part of the Barking Creekside Scheme and the Creekside Trail shall be completed within 12 months of Commissioning of the Beckton STW Extension.
- 5.4 Thames Water shall maintain Barking Creekside in accordance with the terms of the Landscape and Ecology Masterplan approved further to paragraph 3.1 and will permit permissive public access to the Barking Creekside including the Creekside Trail in accordance with and subject to the Access Conditions.

## **6 Odour Management and Control**

### *Additional Odour Control Works*

- 6.1 If Thames Water secures the Funding Authorisation it shall within three (3) months of the Funding Authorisation being secured submit to the Corporation a request for a screening opinion (further to regulation 5 of the 1999 Regulations) as to whether the Additional Odour Control Works are either:
- 6.1.1 Permitted Development;

6.1.2 development requiring an express grant of planning permission; or

6.1.3 EIA Development.

6.2 If the Corporation confirms that the Additional Odour Control Works are Permitted Development:

6.2.1 a programme for the completion of the Additional Odour Control Works will be submitted to the Authorities by Thames Water (or its appointed contractors or agents) for approval such programme to be submitted within three (3) months of adoption by the Corporation of the screening opinion applied for under paragraph 6.1 further to regulation 5 of the 1999 Regulations; and

6.2.2 the Additional Odour Control Works shall be carried out in accordance with the programme approved by the Authorities further to paragraph 6.2.1 above.

6.3 If the Corporation confirms that the Additional Odour Control Works are either:

6.3.1 development requiring an express grant of planning permission; or

6.3.2 EIA Development,

*Thames Water will,*

(a) use its reasonable endeavours to prepare and submit an application for express planning permission within six (6) months following adoption of the screening opinion applied for under paragraph 6.1 by the Corporation (or such other period as is agreed in writing by the Corporation having regard to the content of that opinion);

(b) keep the Authorities informed of the progress of the preparation of that planning application;

(c) within two (2) months of an express grant of planning permission for the Additional Odour Control Works that is satisfactory to Thames Water (such satisfaction not to be unreasonably withheld and to be confirmed in writing by Thames Water within two (2) weeks of the grant of that planning permission) Thames Water will submit for approval a programme for completion of the Additional Odour Control Works to the Authorities having regard to:

(i) the planning conditions imposed on that planning permission;

(ii) any obligations entered into pursuant to section 106 of the Act in respect of that planning permission; and

(iii) all relevant considerations relating to the continued operation of the Beckton STW;

and

(d) the Additional Odour Control Works shall be carried out in accordance with the programme approved by the Authorities further to paragraph 6.3.2(c) above.

#### *Odour Management Review*

6.4 Thames Water will keep the business case for the management and potential reduction of odour at Beckton STW under review for the duration of the operation of the Development further to the provisions of paragraphs 6.5 and 6.6 below;

6.5 For the period of five years from Commissioning of the Beckton STW Extension Thames Water will meet the Authorities at least annually to:

- 6.5.1 report on and discuss the odour performance of the Beckton STW by reference to the OMP and Odour Management Protocols;
- 6.5.2 report on and discuss any odour complaints relating to Beckton STW that may have been received by Thames Water during the year prior to the first Annual Odour Review Meeting and then during the periods between each Annual Odour Review Meeting and the planned or implemented response to those complaints;
- 6.5.3 report on and discuss any changes in the management of odour from Beckton STW that Thames Water has implemented or plans to implement under or further to the OMP and/or the Odour Management Protocols or otherwise;
- 6.5.4 report on and consult with the Authorities as to whether, having regard and by reference to:
- (a) the relevant Ofwat guidelines and requirements from time to time in force including the requirement that funding represents best value for money and is proportionate to the issue to be addressed; and
  - (b) the matters set out in paragraphs 6.5.1 to 6.5.3 (inclusive),

there exists the opportunity for Thames Water to apply for funding for works for the management and further reduction of odour at the Beckton STW as part of its Business Plan.

- 6.6 In each year after the fifth anniversary of the Commissioning of the Beckton STW Extension Thames Water shall offer (in writing) to meet with the Authorities to report, discuss and consult (as appropriate) on the matters set out at paragraphs 6.5.1 to 6.5.4 (inclusive) above.
- 6.7 Thames Water shall submit such applications for funding that are identified by them under paragraphs 6.5.4 and 6.6 (above) to Ofwat as part of its draft Business Plan submission to Ofwat and shall implement such works for which funding is authorised in the relevant Business Plan approved by Ofwat.

#### *OMP and Odour Management Protocol Approval Contribution*

- 6.8 The amount of the OMP and Odour Management Protocol Approval Contribution shall be notified to Thames Water by the Corporation within 14 days of the approval of the OMP or the last of the Odour Management Protocols (whichever is the later to occur).
- 6.9 The OMP and Odour Management Protocol Approval Contribution shall be paid to the Corporation by Thames Water within 30 days of being notified by the Corporation of the amount of the contribution, pursuant to paragraph 6.8.
- 6.10 In the event that Thames Water subsequently request that an Odour Management Protocol or Protocols be amended the reasonable cost incurred by the Authorities in obtaining expert advice reasonably required in order to consider that application shall be borne by Thames Water PROVIDED THAT Thames Water shall not be liable to pay more than the OMP and Odour Management Protocol Approval Contribution in relation to each request.

#### *Audit of the OMP and the Odour Management Protocols*

- 6.11 Thames Water and the Authorities shall jointly instruct a consultant to be agreed between them to audit compliance with the OMP and the Odour Management Protocols in accordance with the Audit Specification with the frequency set out at paragraph 6.12 and in default of agreement the consultant shall be appointed by the Chairman for the time being of the Society for the Environment.
- 6.12 The audit of compliance with the OMP and Odour Management Protocols will be undertaken by the appointed consultant for the period of for five years following Commissioning of the Beckton STW Extension with the following frequency:

- 6.12.1 in the first year following Commissioning - quarterly;
- 6.12.2 in the second year following Commissioning - bi-annually;
- 6.12.3 in the third, fourth and fifth years following Commissioning - annually.
- 6.13 The obligation to audit compliance and the appointment of the consultant identified under paragraph 6.11 will expire on the fifth anniversary of Commissioning of the Beckton STW Extension.
- 6.14 Thames Water will place the order for the Audit on behalf of Thames Water and the Authorities and the reasonable cost of the consultant appointed pursuant to paragraph 5.116.11 shall be borne by Thames Water up to the amount of the Odour Audit Contribution for each audit.

## **7 Local Labour**

- 7.1 Thames Water shall use (consistent with any relevant legislative requirements) its reasonable endeavours to ensure in connection with the construction of the Development the recruitment of local residents being defined as living in Newham postcodes: E6, E7, E12, E13, E15 and E16. Thames Water shall require its contractors and sub-contractors to use reasonable endeavours to achieve a target of 20% of employees from Newham and a target of 5% of the total workforce to be created as trainee/apprenticeship positions which are marketed towards Newham residents.
- 7.2 That recruitment will be through the following measures:
  - 7.2.1 Contractors will work in partnership with Workplace, Newham's One Stop Shop for Job brokerage and Business Supply Chain. Staff in Workplace will develop close working relationships with Thames Water's main contractor and then the sub-contractors who will be asked to provide Workplace staff with the following:
    - (a) skills and labour projections as early as possible;
    - (b) details of initial and ongoing job vacancies throughout their operations on the Site;
    - (c) monitoring information in relation to the workforce (age/ethnicity/borough residence/disability/previous employment status - employees are asked to provide this information voluntarily);
    - (d) details of all supply-chain opportunities as soon as they are available so that the information can be disseminated to local companies;
    - (e) commitment that they will interview suitably qualified and experienced people who are put forward for job vacancies via Workplace; and
    - (f) interview feedback following interviews with any people put forward by Workplace so that staff can address any skills/experience shortages that have been identified by the contractor.
  - 7.2.2 Thames Water shall procure that the main contractor provides space within the Beckton STW Site for an on-site job brokerage facility from which Workplace staff can operate and develop good working relationships with contractors
  - 7.2.3 on Implementation of the Development Thames Water shall pay the Workplace Contribution to Newham.
  - 7.2.4 Newham shall work with Thames Water and its main contractors to target the skills that would be of greatest benefit to potential employers (including Thames Water and its contractors) for the purpose of informing the target spend of the Workplace Contribution by Newham.

- 7.2.5 for the avoidance of doubt, notwithstanding paragraph 7.2.4 Newham shall determine how the Workplace Contribution is allocated and spent.
- 7.2.6 Thames Water shall procure that their main contractor provides input into the development of the new school-based diplomas (particularly the Construction and the Built Environment Diploma) which are being developed within schools in the London Borough of Newham. This input will involve two hour talks within a Newham school three times per year for the duration of the construction of the Development unless otherwise agreed in writing by Newham.

## **8 Local goods and services**

- 8.1 Thames Water shall procure that its contractors shall use reasonable endeavours to ensure that local businesses benefit directly from the opportunities arising from the construction of the Development such measures to include:
- 8.1.1 upon Implementation and at 6 monthly intervals thereafter, the provision of a list by Thames Water to Newham containing details of the gross composite value and proportion of the total value of all contracts between Thames Water and its contractors with companies based in the Primary and Secondary Target Areas and including the name of businesses to which contracts have been let and the location of such businesses (but not the individual value attribute to each contract);
- 8.1.2 upon Implementation and at 6 monthly intervals thereafter, the provision by Thames Water to Newham of a schedule identifying opportunities existing or anticipated to exist at the Site for contracted and sub-contracted work;
- 8.1.3 following Implementation, liaison by Thames Water and its contractors with Newham's Business Development Team, Members of the Newham Business Network and Business Link on a quarterly basis; and
- 8.1.4 advertising construction and other contracts associated with the Development in the local area and the local press and on the internet.

## **9 Sailing Club**

- 9.1 The Feasibility Study Contribution shall be paid to Newham upon presentation of written confirmation and proof that the Feasibility Study has been commissioned.
- 9.2 At any time during the period of 5 years from the date on which the Permission is granted and following:
- 9.2.1 the grant of planning permission for Replacement Sailing Club Facilities;
- 9.2.2 the legal securing of the land on which the Replacement Sailing Club Facilities will be provided either by acquisition or, planning obligation under section 106 of the Act or planning condition; and
- 9.2.3 the award of a contract for the contribution of the Replacement Sailing Club Facilities,
- Newham may serve the Sailing Club Contribution Notice on Thames Water requesting payment of the Sailing Club Contribution.
- 9.3 The Sailing Club Contribution shall be paid to Newham within 3 months of the date on which the Sailing Club Contribution Notice is served on Thames Water pursuant to paragraph 9.2.

## **10 Energy Strategy**

- 10.1 The Development shall achieve at least a 20% reduction in carbon emissions through the use of renewable energy technologies.

10.2 Not later than twelve (12) months prior to the Anticipated Commissioning Date Thames Water shall submit a Renewable Energy Scheme which may include (but which shall not be limited to) the wind turbine to be provided at Beckton STW as part of the Development and the Riverside SDP and a programme for its implementation to the Corporation for approval.

10.3 The approved Renewable Energy Scheme shall be implemented in full in accordance with the approved programme.

## **11 TGB Safeguarding**

11.1 Until such time as the TGB Safeguarding Direction is revoked no permanent physical or built development (including Permitted Development) other than temporary works or landscaping shall be carried out or provided by Thames Water or Kennet on the TGB Safeguarded Land without the prior written approval of the Authorities in consultation with TfL.

11.2 For the avoidance of doubt and notwithstanding the generality of paragraph 11.1 the pond located wholly within the TGB Safeguarded Land shown on the Draft Landscape and Ecology Masterplan is not part of the Development and shall not be implemented by Thames Water.

11.3 In the event that the construction of the TGB proceeds within the TGB Safeguarded Land, any development carried out or provided by Thames Water or Kennet or by other parties with the permission given either expressly or by default of either Thames Water or Kennet within the TGB Safeguarded Land shall be removed at Thames Water's expense unless otherwise agreed in writing with TfL.

11.4 Thames Water or Kennet may request that the Secretary of State remove the safeguarding from the TGB Safeguarded Land to the extent that it falls within the Beckton STW Site if it is of the reasonable opinion that the development of the TGB will not proceed.

11.5 Thames Water and Kennet shall on the written request of TfL vacate and transfer their interest in the TGB Safeguarded Land (or such part of that land as is requested by TfL) to TfL for the purposes of the construction of the TGB (such transfer to be at the TGB Safeguarded Land Value) PROVIDED THAT:

11.5.1 Thames Water or Kennet shall not be required to vacate and transfer any part of the TGB Safeguarded Land until the Beckton STW Extension has been Commissioned;

11.5.2 TfL may only submit the written request for the transfer of all or part of the TGB Safeguarded Land when the funding and consents necessary for construction of the TGB have been secured and this has been confirmed in writing to Thames Water and Kennet;

11.5.3 this obligation shall expire and Thames Water or Kennet shall not be required to vacate and transfer any part of the TGB Safeguarded Land after the TGB Safeguarding Direction has been cancelled or withdrawn by the Secretary of State; and

11.5.4 TfL agree in writing (prior to the transfer provided for under this paragraph taking place) to meet and reimburse in full (including all VAT and disbursements) the reasonable legal and professional fees incurred by Thames Water and Kennet in connection with the transfer.

## **12 Transport Corridor**

12.1 If TfL serve written notice on Thames Water within ten (10) years of the date of this Agreement requesting that the Transport Corridor Land or part of it be transferred to TfL for the creation of a transport corridor to be developed within the Transport Corridor Land Thames Water and Kennet shall vacate and transfer their interest in the Transport Corridor Land (or such part of that land as is requested by TfL) to TfL for that purpose (such transfer to be the Transport Corridor Value). PROVIDED THAT:

- 12.1.1 TfL may only serve one notice requesting transfer of the Transport Corridor Land to them within the specified 10 year period and not two or more notices within the ten year period allowing incremental acquisition of sections of the Transport Corridor Land;
- 12.1.2 this paragraph shall not apply of the Transport Corridor Land or the relevant part of it had already been transferred to TfL pursuant to paragraph 11;
- 12.1.3 Thames Water or Kennet shall not be required to vacate and transfer any part of the Transport Corridor Land until the Beckton STW Extension has been Commissioned;
- 12.1.4 TfL may only submit the written request for the transfer of all or part of the Transport Corridor Land when the funding and consents necessary for construction of the transport corridor have been secured and this has been confirmed in writing to Thames Water and Kennet; and
- 12.1.5 TfL agree in writing (prior to the transfer provided for under this paragraph taking place) to meet and reimburse in full (including all VAT and disbursements) the reasonable legal and professional fees incurred by Thames Water and Kennet in connection with the transfer.

### **13 Groundwater Monitoring**

- 13.1 Prior to Implementation Thames Water shall submit for approval and obtain the written approval of the Corporation to a Groundwater Monitoring and Management Scheme.
- 13.2 During the six months prior to Implementation Thames Water shall carry out hydrological quality monitoring to obtain baseline data which fully characterises the groundwater flow and quality regime and groundwater compliance and control levels in line with the scheme agreed under paragraph 13.1.
- 13.3 For the avoidance of doubt the Development shall not be Implemented until at least six (6) months of data have been collected pursuant to paragraph 13.2.
- 13.4 Prior to Implementation Thames Water shall submit for approval a long-term groundwater monitoring and management scheme known as Overarching Groundwater Monitoring Strategy (OGM Strategy) to the Agency, which will include as a minimum:
  - 13.4.1 six (6) months pre-development monitoring data obtained by compliance with paragraphs 13.2;
  - 13.4.2 specific groundwater compliance (control and trigger) levels derived from the baseline data for all appropriate groundwater boreholes obtained by compliance with paragraph.13.2;
  - 13.4.3 a monitoring programme for all future monitoring against baseline data (updated from the monitoring component of the Groundwater Monitoring and Management Scheme required under paragraph 13.1); and
  - 13.4.4 a named position within the Thames Water who will act as a contact point/liaison with the Agency in respect of the OGM Strategy.
- 13.5 Once approval of the OGM Strategy referred to in paragraph 13.4 (above) has been obtained, Thames Water shall undertake long-term groundwater monitoring of the agreed area in accordance with the OGM Strategy, for the life of the Lee Tunnel, currently estimated to be some 120 years, unless otherwise agreed in writing by the Agency.
- 13.6 Thames Water shall provide quarterly updates of the results and an annual interpretive report to the Agency unless another timescale is agreed in writing with the Agency.
- 13.7 Thames Water shall meet with the Agency on the fifth anniversary of the commencement of the scheme and then every following five (5) years (unless otherwise agreed in writing), to review the monitoring data and the details of the OGM Strategy for the purposes of considering and

agreeing any variation as a result of the analysis of the data, any legislative requirements or any other unforeseen contingency.

- 13.8 Thames Water shall obtain the approval of the Agency to the location of any replacement or additional boreholes and all new boreholes (whether replacement or additional) will be installed in accordance with this approval. Thames Water shall approach the Agency in relation to replacement or additional boreholes whenever there is considered to be an appropriate need and is not subject to the five (5) yearly review outlined in paragraph 13.7 above.
- 13.9 Thames Water shall submit for approval, prior to the installation of any replacement or additional groundwater monitoring boreholes, a Construction Quality Assurance (CQA) programme. Installation, construction and completion or replacement or additional groundwater monitoring boreholes will be in accordance with the CQA.
- 13.10 Thames Water shall submit for approval a maintenance and inspection programme together with deadlines for repair, with the Agency prior to the bringing on line of the Lee Tunnel, and then once the programme has been approved, to carry out such programme for the life of the Lee Tunnel, unless amended, varied or otherwise agreed in writing with the Agency.
- 13.11 Prior to any borehole being declared redundant or decommissioned the details/programme of how this shall take place shall be submitted for approval to the Agency and then once approved to take place in accordance with the approved programme.
- 13.12 Prior to Implementation, Thames Water shall submit for approval by the Agency, a Contingency and Action Plan (CAP) for remediation of groundwater should the results of the OGM Strategy show that the groundwater control or trigger levels have been exceeded.
- 13.13 Should it become apparent to Thames Water that the groundwater control or trigger levels have been exceeded then they must, within one (1) month of the sample being taken, notify the Agency of the exceedance and confirm that the CAP has been applied/is now being implemented.
- 13.14 Thames Water shall within fourteen (14) days of notice being given by the Agency, which notice may be given if comparison of the monitoring data against the baseline shows a deterioration in water quality sufficient to activate the agreed remediation triggers, implement the CAP.
- 13.15 Where there are any differences, disputes or disagreement between the Agency and Thames Water in relation to the operation of this paragraph 13 in any manner whatsoever then the matter shall be resolved in the following order:
- 13.15.1 by discussion between relevant personnel in each organisation. If agreement cannot be reached then;
- 13.15.2 by referral to the appropriate "Regional Director" in each organisation following a clear statement of why agreement cannot be reached. They shall meet within 28 days in order to endeavour to resolve the issue. If agreement still cannot be reached then;
- 13.15.3 by referral to the dispute resolution clause in clause 6.13.

#### **14 Section 106 Monitoring Contributions**

- 14.1 The Development shall not be Implemented until the Section 106 Monitoring Contribution has been paid to Newham.
- 14.2 Thames Water shall liaise with the Authorities and the Section 106 Monitoring Officer (including attending meetings) at the reasonable request of the Corporation, Newham or the Section 106 Monitoring Officer and without prejudice to the specific obligations in this Agreement responding to reasonable requests for information in relation to the progress of the Development and performance and/or discharge of the obligations under this Agreement.



14.3 In the event that the identity of the Section 106 Monitoring Officer changes Newham shall notify the change to Thames Water within 28 Working Days of that change taking place.

## Schedule 3

### Public Access to the Walkways and the Trail

#### 1 Status

- 1.1 The Thameside Walkway, the Riverside Walkway, the Northern Lagoon Walkway and the Creekside Trail (defined at Clause 2.1 as the "Walkways" and the "Trail") shall be made available by Thames Water on a permissive basis subject to the Access Conditions and Thames Water shall for the Specified Period permit members of the public to pass and re-pass over those routes without creating any public right of way and appropriate signage to that effect will be provided.
- 1.2 The Thameside Walkway, the Riverside Walkway, the Northern Lagoon Walkway and the Creekside Trail shall not be dedicated as public rights of way.
- 1.3 The "Specified Period" referred to in paragraph 1.1 is:
- 1.3.1 for as long as there is an operational STW on the Beckton STW Site; or
- 1.3.2 in the case of the Trail and the Northern Lagoon Walkway until either the Northern Lagoon and/or Barking Creekside are needed for operational development by Thames Water further to its duties as a statutory sewerage undertaker that is inconsistent with the retention of one or more of the specified routes and either:
- (a) the Corporation grant planning permission for that development; or
  - (b) Development Consent is granted for that development; or
  - (c) Thames Water notify that development to the Corporation as permitted development;

in which case Thames Water will use all reasonable endeavours to provide an alternative route to the Northern Lagoon Walkway and/or the Trail as appropriate.

#### 2 Availability of and Access to the Walkways and the Trail

##### 2.1 *Thameside Walkway*

The Thameside Walkway shall be available for use by the public on the basis set out at paragraph 1 subject to the provisions at paragraphs 3, 4, and 5 below.

##### 2.2 *The Riverside Walkway*

The Riverside Walkway shall be available for use by the public on the basis set out at paragraph 1 subject to the provisions at paragraphs 3 and 4.

##### 2.3 *The Northern Lagoon Walkway*

The Northern Lagoon Walkway shall be available for use by the public on the basis set out at paragraph 1 subject to the provisions at paragraphs 3 and 6.

##### 2.4 *The Creekside Trail*

2.4.1 Access to the Trail will be restricted. Full time permanent permissive access to the Trail will not be available.

2.4.2 The Trail shall be available for use by the public on the basis set out at paragraph 1 subject to the arrangements concerning access in the Barking Creekside Scheme approved further to paragraph 5 in Schedule 2 and the provisions of paragraphs 3 and 6 of this Schedule 3.

### 3 General Access Conditions

- 3.1 Thames Water may suspend access to the Walkways and the Trail either generally or in respect of a specific type or use or class of use on the occurrence of any of the circumstances described in paragraphs 3.1.1 to 3.1.8 in accordance with the provisions set out at paragraph 3.2:
- 3.1.1 where in the reasonable opinion of Thames Water it is necessary to enable maintenance, repair or renewal of the whole or any part or parts of the Beckton STW or the Desalination Plant including the Walkways and the Trail;
- 3.1.2 where in the reasonable opinion of Thames Water it is necessary to enable the development, renewal, redevelopment, modification or demolition of the whole or part or parts of the Beckton STW or the Desalination Plant;
- 3.1.3 where in the reasonable opinion of Thames Water the manner or nature of use of the relevant Walkway and/or the Trail by the public represents:
- (a) a threat to the operational integrity or security of the Beckton STW or the Beckton Desalination Plant or its ability to meet its duties as a statutory sewerage and water undertaker or an unacceptable risk to the health and safety of individuals within those areas; or
  - (b) a nuisance that is causing Thames Water to alter the way it maintains Beckton STW or the Beckton Desalination Plant as a result of the nature or manner of the use of the Walkways and/or the Trail;
- 3.1.4 where in the reasonable opinion of Thames Water there would be a risk to the health and safety of the general public using or intending to use the Walkways and/or the Trail;
- 3.1.5 where in the reasonable opinion of Thames Water, Natural England and/or the Agency it is necessary to protect ecological features or protect or maintain flood defences;
- 3.1.6 where in the reasonable opinion of Thames Water it is necessary in order to protect Thames Water's property or the property of a third party;
- 3.1.7 where in the reasonable opinion of Thames Water it is necessary in order to undertake essential maintenance, repair, cleaning or renewal and resurfacing works;
- 3.1.8 for one day per year (Christmas Day) to assert rights of proprietorship preventing public rights from coming into being by means of prescription or other process of law.
- 3.2 Subject to paragraphs 3.3, 3.4, 3.5 and 3.6 in the event that Thames Water is of the reasonable opinion that it is necessary to suspend access to the Walkways (or any of them) and/or the Trail for any of the reasons listed in paragraph 3.1 the following provisions shall apply:
- 3.2.1 Thames Water shall use all reasonable endeavours to provide notice of the suspension of access to the Authorities seven Working Days in advance of the first day on which access will be suspended specifying:
- (a) why access is being suspended by reference to the reasons set out at paragraph 3.1;
  - (b) the expected duration of the suspension and date of reopening;
  - (c) what action or events need to occur for the suspension of access to be lifted; and
  - (d) details of the time within which each of the actions or events referred to in 3.2.1(c) will be taken or are expected to occur;

- 3.2.2 Thames Water shall use all reasonable endeavours to post notice of the suspension of access at either end of the relevant Walkway or Walkways and/or the Trail seven Working Days in advance of the first day on which access will be suspended specifying the details set out in paragraphs 3.2.1(a) and 3.2.1(b) and shall maintain those notices for the duration of the suspension of access to the relevant Walkway and/or the Trail.
- 3.2.3 If access is suspended before notice is provided in accordance with paragraph 3.2.1 Thames Water shall give notice complying with paragraph 3.2.1(a), 3.2.1(b), 3.2.1(c) and 3.2.1(d) to the Authorities as soon as reasonably practical after the date on which the suspension first occurs.
- 3.2.4 If access is suspended before the notice is provided in accordance with paragraph 3.2.2 Thames Water shall post notice of the suspension complying with paragraph 3.2.1(a) and 3.2.1(b) at either end of the relevant Walkway and/or the Trail as soon as reasonably practical after the date on which the suspension first occurs and shall maintain those notices for the duration of suspension of access to the relevant Walkway and/or the Trail.
- 3.3 The Authorities shall be entitled to comment on the reasons for and duration of the suspension of access and the expected re-opening date notified further to paragraph 3.2. Thames Water will take comments received from the Authorities into consideration and shall provide to the Authorities a written explanation of the reason for suspension and its duration and the proposed opening date in response to any comments on those matters received from the Authorities in response to notice given under paragraphs 3.2.1 and 3.2.3
- 3.4 Where access to the Walkways or any of them is suspended for any reason set out in paragraph 3.1 Thames Water shall re-open the relevant Walkway immediately on the completion of the action or occurrence of the event notified to the Authorities pursuant to paragraph 3.2.1(c) if it is safe to do so having regard to paragraph 3.1.
- 3.5 Thames Water shall serve written notice on the Authorities within 7 Working Days of the re-opening of the Walkway following closure for any reason stating the date on which the Walkway re-opened.
- 3.6 If a Walkway is closed to the public for more than 100 days or 10 occasions during a period of 1 year and the Authorities or either of them so request in writing Thames Water shall:
- 3.6.1 within 30 days (or such other period as may be agreed) of a request pursuant to this paragraph 3.6 submit a feasibility study to the Authorities reporting options that may secure public access to the Walkway on a more consistent basis and avoiding the need for such frequent suspension of public access;
- 3.6.2 within 14 days (or such other period as may be agreed) of the receipt of the feasibility study by the Authorities hold a meeting with them in order to discuss the options set out in the feasibility study;
- 3.6.3 within 6 weeks (or such other period as may be agreed) of the meeting referred to at paragraph 3.6.2 the actions identified at the meeting shall be undertaken.

#### **4 Access Conditions Applying to the Thameside Walkway and Riverside Walkway Only**

- 4.1 Thames Water may suspend access to the Thameside Walkway and/or the Riverside Walkway without complying with the requirements of paragraph 3.2 in an Emergency Situation.
- 4.2 Where access is suspended in accordance with paragraph 4.1 notice (complying with paragraphs 3.2.1(a) to (d)) shall be provided to the Authorities as soon as reasonably practicable after the date on which the suspension first occurs.
- 4.3 Where access is suspended in accordance with paragraph 4.1 the relevant Walkway shall be re-opened immediately on cessation of the Emergency Situation.

## **5 Access Conditions applying to Thameside Walkway only**

- 5.1 Subject to paragraphs 5.2 and 5.3 Thames Water may suspend access to or block the Thameside Walkway between Point A and Point B on the Walkways Plan for the purpose of constructing the Lee Tunnel and in the future the Thames Tunnel PROVIDED THAT:
- (a) in relation to the construction of the Lee Tunnel and Thames Tunnel and prior to the commencement of the first of those works that necessitate closure of the Thameside Walkway for construction of either of those tunnels Thames Water shall submit a feasibility study to the Authorities to demonstrate why it is not reasonably possible to keep the Thameside Walkway open or unblocked;
  - (b) in the event of blockage to enable the construction of either the Lee Tunnel or the Thames Tunnel Thames Water shall use its reasonable endeavours to provide a reasonable alternative route either over or around the part of the Thameside Walkway to be blocked.
- 5.2 Prior to suspending access to or blocking the Thameside Walkway for the purpose of construction of the Lee Tunnel or the Thames Tunnel Thames Water will provide at least 20 Working Days notice of the suspension of access to or blocking of the Walkway to the Authorities and shall place on the Walkway notices specifying the matters set out at paragraphs 3.2.1(a) and 3.2.1(b) and shall at the same time notify the Authorities of the date on which it is anticipated the Walkway will re-open.
- 5.3 Where access is suspended in accordance with paragraph 5.1 the Walkway shall be re-opened on the anticipated date notified under paragraph 5.2 or on a date to be agreed with the Authorities if the re-opening date will be later than the anticipated date.
- 5.4 In the event that the owner of the land to the west of Point B on the Walkways Plan (who is understood to be National Grid) shall not open the existing gate in the vicinity of Point B on the Walkways Plan or otherwise permit access to the westward continuation of the permissive pedestrian route of which the Thameside Walkway forms part, so that is not possible to either:
- 5.4.1 join the Thameside Walkway at Point B travelling in an easterly direction; or
  - 5.4.2 leave the Thameside Walkway at Point B travelling in a westerly direction,

Thames Water shall be entitled to block the Thameside Walkway at Points A and B on the Walkways Plan for such period as access and egress to and from the Thameside Walkway is not possible in the manner set out at paragraphs 5.4.1 and 5.4.2.

## **6 Northern Lagoon Walkway and Creekside Trail Access Conditions**

- 6.1 Thames Water may suspend access to the Northern Lagoon Walkway and/or the Trail in adverse weather conditions and on the occurrence of extreme high tides whether occurring naturally or as a result of weather conditions without complying with requirements of paragraph 3.2.
- 6.2 Where access is suspended in accordance with paragraph 6.1 the Northern Lagoon Walkway and/or the Trail shall be re-opened as soon as reasonably practicable.

**Schedule 4**  
**Scope for Audit of Odour Management Plan and Protocols (“the Audit Specification”)**

**SCOPE**

- Stage 1: Review of the terms and provisions of the OMP and the Protocols that apply to the STW and are in force at the time the audit of the OMP and the Protocols is carried out for the purpose of completing the tasks at Stages 2 to 5 below.
- Stage 2: Review and audit the records kept by Thames Water further to the terms of that OMP and those Protocols in order to report on Thames Water's record of compliance with the terms of the OMP and the Protocols.
- Stage 3: To prepare a draft report on the audit of Thames Water's compliance with the terms of the OMP and the Protocols further to the review carried out under Stage 2 and to provide the Report to Thames Water and the Authorities.
- Stage 4: To meet with Thames Water and the Authorities to receive comments and questions on and to discuss the draft Report of the audit.
- Stage 5: To finalise the Report on the audit of the OMP and the Protocols taking account of the comments, questions and discussions at the meeting referred to at Stage 4 and to issue the finalised report to Thames Water and the Authorities.

**TIME LIMITS**

STAGE	TIME LIMIT
Stage 1:	Half a day.
Stage 2:	1 day.
Stage 3:	Within 4 weeks of completion of Stage 2.
Stage 4:	To occur within 4 weeks of completion of Stage 3.  Meeting duration: 4 hours.
Stage 5:	To occur within 2 weeks of the meeting held under Stage 4.

**Schedule 5**  
**The Walkway Works**

*Spreadsheet and accompanying plans to be inserted*

Riverside Thameside Walkway Schedule of Work.xls

8W8F. Beckton STW Extension Riverside and Thameside Walkway Schedule of Work	
Item No	Chainage (m)
Work elements	
Note 1	Palisade security fencing shall conform to BS 1722 and shall consist of 2.4m high, 2mm pales with split spearheads similar to that existing on site. (Pales shall be either black epoxy coated galvanised or hot dipped galvanised to match existing)
Note 2	Palisade fencing shall conform to BS 1722 and shall consist of 6.0mm vertical wires and twin 8.0mm horizontal wire, 50x200mm mesh welded at every intersection. The fence shall be 1230mm high in a finish of galvanised and & polyester powder coated in colour RAL 6002 (Leaf Green).
Note 3	Locks shall be provided for all gates and shall have single suited master key.
Note 4	Sign boards shall be of 3mm PVC rigid board approx 450mm x 300mm or similar in size to existing and conform to Health and Safety (Signs and Signals) Regulations of 1996 and BS 5499.
1	0
	Repair and re-install damaged 50mm square mesh fence section approx 2.0m high and 5m wide with excess vegetation and scrubs cleared as required.
2	0-50
	Clear scrub vegetation on either side of both paths (Riverside walk and access path from Cinema complex), including vegetation on palisade fencing.
3	50
	Repair 1 no damaged and replace 3 no missing galvanised pales in existing palisade fencing with black epoxy coated galvanised pales to match.
4	50
	Remove existing double leaf gate and replace with 2.4m high fixed black epoxy coated galvanised palisade fence panels and 3m wide single leaf lockable gate with black epoxy coated galvanised pales to match.
5	54
	Install new metal kissing gate with 'Radar' lock to prevent motorcycle access but with provision for disable access. The kissing gate shall conform to BS5709 requirements and Scottish Natural Heritage design guides (Fig 1). Install approx 3m of 1230mm high fixed pallas fence but in colour RAL 9011 (Graphite Black) abutting the kissing gate, across the path and joining the new security fence on the STW (Northern Lagoon) side and vertical bar (railings) fence along the creekside edge of path.
6	50-100
	Clear approx 4m wide path and 1m width on either side of path (total 6m from existing vertical bar fence on creekside) of all vegetation, including vegetation on vertical bar fence.
7	100-180
	Clear approx 4-5m wide path and 1m width on either side of path (6-7m from existing vertical bar fence on creekside) of all vegetation, including vegetation on vertical bar fence.
8	50-250
	Expose/reinstate existing timber edging on either side of path. Repair damage/rutting caused to path by motorcycles and resurface path to match existing, consisting of 6mm to dust limestone aggregate.



Riverside Thameside Walkway Schedule of Work.xls

9	50-250	Provide new 2.4m black epoxy coated palisade fencing along west edge of footpath (security fencing to N lagoon), approx 1m from western edge of path ( 6-7m from existing vertical bar fence) and joining existing palisade fencing at either end.
10	230 approx	Install access gates to provide access to pylon on Northern Lagoon, within the new fence on the western edge of foot path. The double leaf gates and gate post removed from path at chainage 50, shall be used to provide this new access. Ground bolt holes with fix vertical bolts (stays) on each existing gate leaf to close gate in place, shall be provided with lock-off caps to gate hinges to prevent removal of gate.
11	250-300	Clear scrub vegetation on either side of path including vegetation on palisade fencing to STW along edge of fishing pond. Provide "Danger -Deep Water" sign boards fixed to cleared fence at 20m intervals. Minor resurfacing to path.
12	300	Clear scrub vegetation and close gap between existing fence & gate by correcting the vertical alignment of the post or by filling the gap with bolted galvanised pales as appropriate
13	350	Repair/replace 3 no damaged galvanised pales on gate. Fix "No Unauthorised Access" sign on gate. Ground bolt holes with fix vertical bolts (stays) on each existing gate leaf to close gate in place, shall be provided with lock-off caps to gate hinges to prevent removal of gate.
14	390-420	Clear scrub vegetation to 1m strip within works for access to fence and on either side of path including vegetation on palisade fence on west (STW side) and to palisade and vertical bar fences on creekside.
15	400-1285	Install new 1230mm high plastic coated green pallas fence abutting vertical bar fencing adjacent to east edge of path (approx 25m from end of palisade fence on creekside wall). New pallas fence shall be a minimum 4m from the existing effluent channel wall and approx 1m from creekside edge of path. Precise location to be determined in due course with consideration to existing underground HV services and sludge mains between approx chainage 775 to 1250.
16	400-1285	Fix "Danger - Deep Water " safety signs, similar to existing on chain link fence along effluent channel on STW side of footpath. All existing signs (Danger, Emergency Telephone etc) fixed to fence to be removed and replace with new safety signs at 20m intervals along the length of the path
17	420-800	Clear scrub vegetation up to 1m strip beyond the creekside edge of path with minor clearing along effluent wall and centre of path.
18	420-800	Remove existing wooden single rail fence along creekside edge of path.
19	Approx 560 & 700	Install 2no 3m wide lockable double gates within new pallas fence for access to pylon on creek side at approx chainage 560 & 700. Gates shall have a metal frame and panels to match adjacent pallas fence.
20	880	Remove redundant electrical kiosks. Clear vegetation to path and seating (bench) area adjacent to effluent channel.
21	800-1285	Clear scrub vegetation along effluent wall edge of path and 1m beyond edge of path on creek side.
22	Approx.1000	Raise sludge main chamber to path level.
23	1175	Provide lock to gate of fenced Air Release Valve enclosure adjacent to STW and fix approx 2.8m long 1200mm wide galvanised steel plate across front edge (along path) of enclosure, to prevent reaching Air valve thru fence.

Riverside Thameside Walkway Schedule of Work.xls

24	1180	Remove redundant emergency phone fixed to external wall of building to EDF cable tunnel.
25	1255	Clear vegetation between path and STW and remove steelwork and debris within area.
26	Approx 1270	Install 3m wide lockable double gates within new pallas fence for access to TW outfall equipment & navigation lights, adjacent to creek. Retain existing palisade fencing around outfall.
27	1285	Join new pallas fence to existing 1.1m high vertical bar (railings) fence on creek side of path.
28	1285-1540	Clear vegetation on path between vertical bar fence and effluent channel wall, including vegetation on fence and wall.
29	1310 -2410	Provide 8 no new lifebelts to replace missing/damaged lifebelts to be located within existing lifebelt holders/enclosure along path at Approx chainages:1310,1505,1680,1760,1930,2045,2080,2110
30	1550	Close gap between gate and palisade fence on STW side
31	1550-1670	Existing palisade security fencing to STW to be re-instated
32	1550-1670	Repair damaged palisade fence on creekside.
33	1700-1730	Install security fencing and gate around Thames Gateway Water Treatment Plant outfall and monitoring chamber.
34	1720	Remove VCBs under pylon.
35	1750-1920	Clear ground vegetation adjacent to river wall and grade area between road and wall.
36	1750-1920	Reinstate road and kerbing. Re-instate existing palisade security fencing to STW
37	1750-1920	Remove disused cable attached to river wall.
38	1850	Install anti-intruder fencing to Thames Gateway Water Treatment Plant intake main gantry.
39	1950	Fix safety sign 'No Unauthorised Access' to STW double gates. Close gap between reinstated road surface and bottom of gate to be a maximum 50mm, by fixing bottom plate to both gate leaves. Repair damaged pales and replace missing pales on gate with black epoxy coated galvanised pales similar to existing. Ground bolt holes with fix vertical bolts (stays) on each existing gate leaf to close gate in place, shall be provided with lock-off caps to gate hinges to prevent removal of gate.
40	1980	Clear vegetation on path-ramp. Repair damaged surface on path.
41	1980 -2100	Clear vegetation on path. Repair damaged surface on path.
42	2040	Repair padlock/locking arrangements at slipway gates and fix 'Danger slipway' sign to gates.
43	2040	Fix 'Keep out', 'Danger - Pedestrians' signs on either side of double gates to boat club/STW.
44	2075	Fix 'Danger - Pedestrians' and 'Keep out' signs on double gates to jetty.
45	2075	Repair damaged pales on double gates to boat club/STW. Fix 'Danger - Pedestrians' and 'Keep out' signs on gates.
46	2100	Clear scrub and excess vegetation from grassed area and vegetation from path. Clean and apply 2 coats of outdoor wood paint to existing 2 No benches
47	2115 -2150	Clear debris from river beach. Re-instate section of vertical bar fence along path.
48	2150	Lop overhanging branches and dead wood from tree overhanging STW security fence. Clear vegetation and undergrowth along path.
49	2150-2200	Clear heavy vegetation and undergrowth along path.





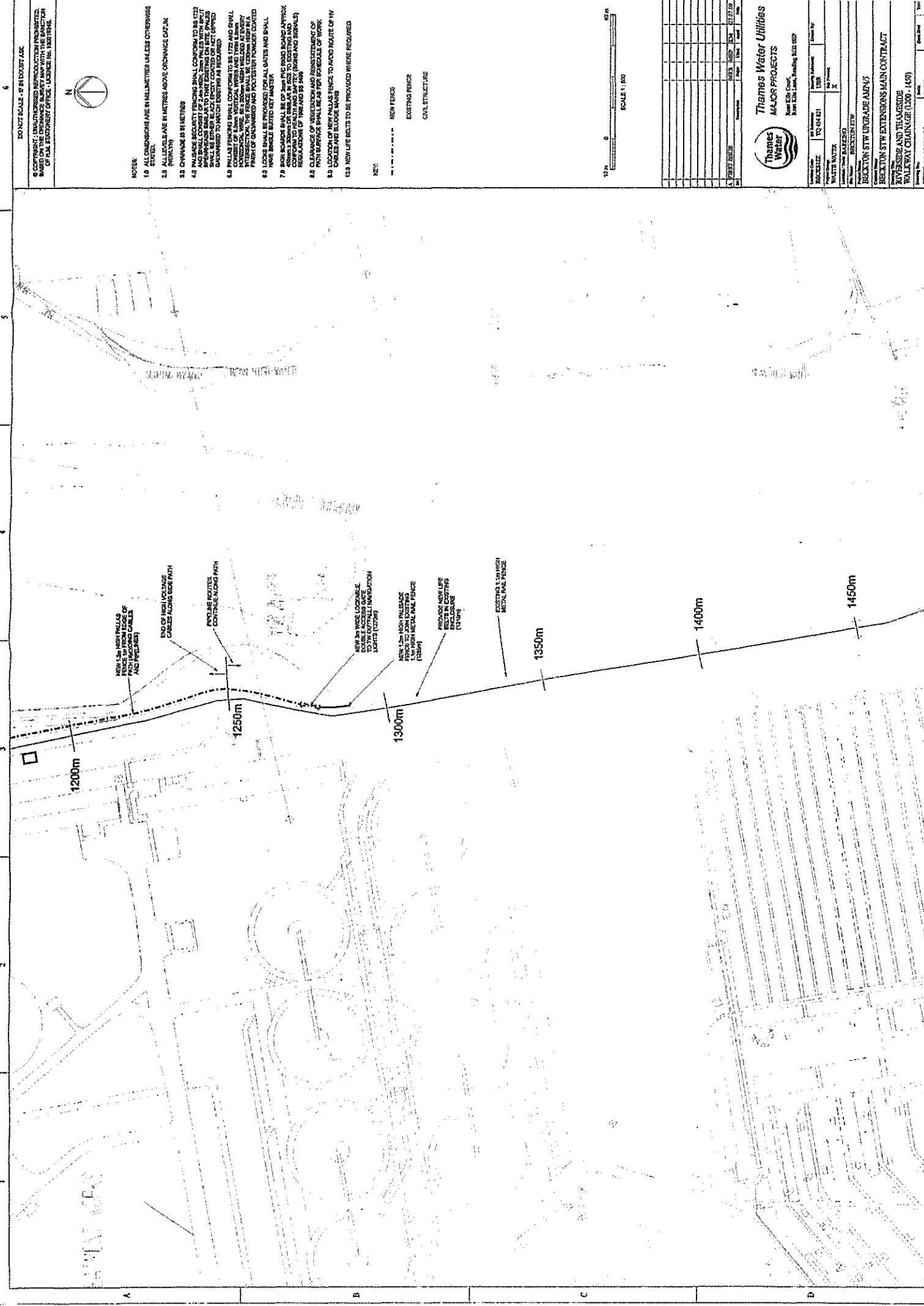












DO NOT SCALE - IF IN DOUBT, ASK  
 COMMENT: THIS DRAWING IS A PRELIMINARY DESIGN AND SHOULD BE BASED ON THE ORDNANCE SURVEY MAP WITH THE PERMISSION OF THE ORDNANCE SURVEY OFFICE. LICENSE NO. 10070946.

- NOTE:
1. ALL DIMENSIONS ARE IN METRES UNLESS OTHERWISE SPECIFIED.
  2. ALL DIMENSIONS ARE IN METRES UNLESS OTHERWISE SPECIFIED.
  3. CHANGING IN METRES
  4. FENCE SECURITY FENCING SHALL CONFORM TO BS 5712 (PART 1) AND SHALL BE CONSTRUCTED TO THE REQUIREMENTS OF THE FENCING ACT 1949 AND THE FENCING ACT 1968. FENCING SHALL BE CONSTRUCTED TO THE REQUIREMENTS OF THE FENCING ACT 1949 AND THE FENCING ACT 1968. FENCING SHALL BE CONSTRUCTED TO THE REQUIREMENTS OF THE FENCING ACT 1949 AND THE FENCING ACT 1968.
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KEY:  
 - - - - - NEW FENCE  
 - - - - - EXISTING FENCE  
 - - - - - CIVIL STRUCTURE



NO.	DESCRIPTION	DATE	BY	CHECKED
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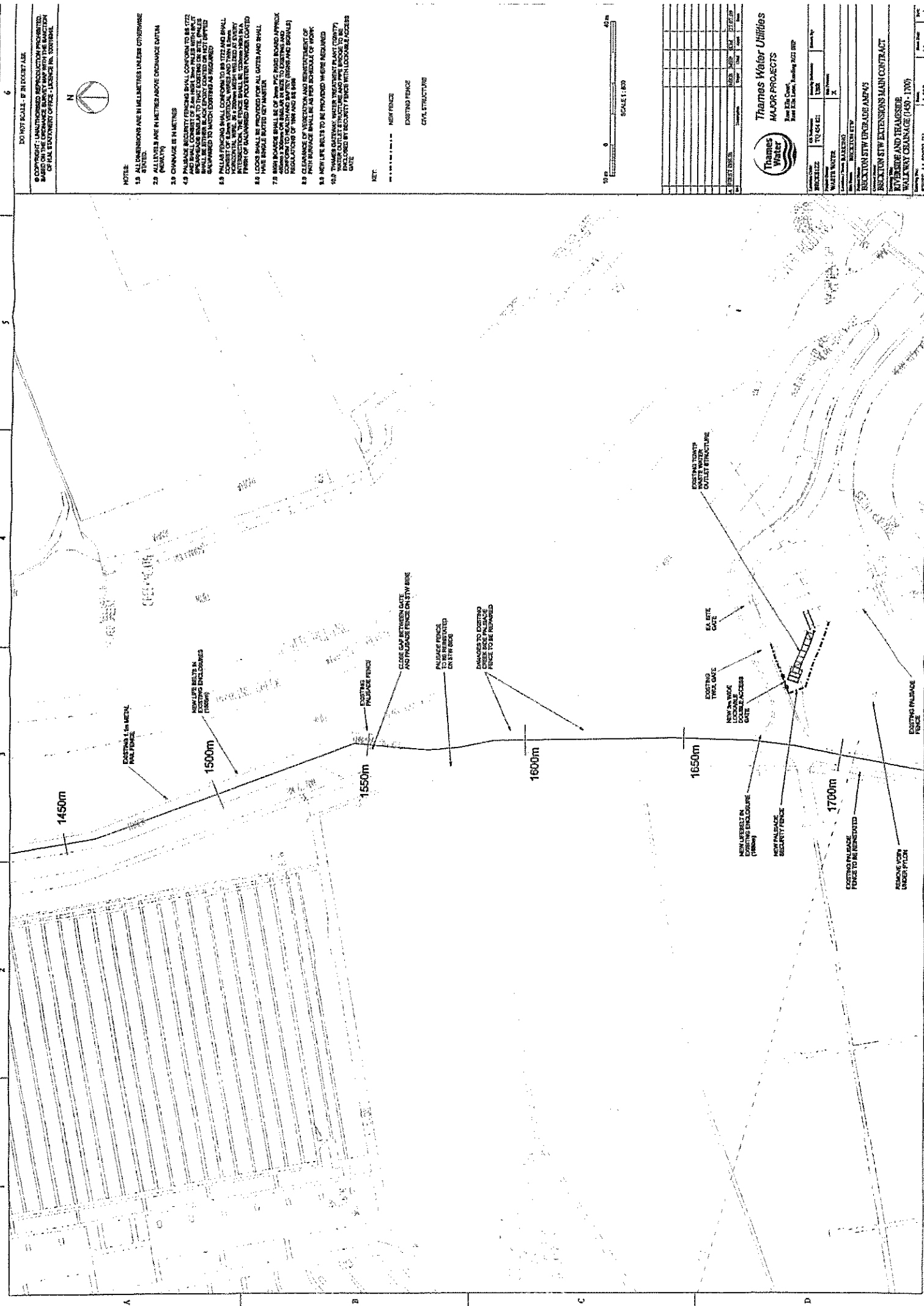
**Thames Water Utilities**  
 MAJOR PROJECTS

**Thames Water**  
 New ESR Chart,  
 New ESR Chart, Reading RG2 0GB

PROJECT NO: TWS 04121  
 PROJECT NAME: ...  
 PROJECT LOCATION: ...  
 PROJECT STATUS: ...

CLIENT: ...  
 CONTRACT NO: ...  
 CONTRACT VALUE: ...

DATE: 15/03/2011  
 DRAWN BY: ...  
 CHECKED BY: ...



DO NOT SCALE - P IN COURSE CASE

1.8 ALL DIMENSIONS ARE IN METRES UNLESS OTHERWISE STATED.  
 2.9 ALL LEVELS ARE IN METRES ABOVE CHINCHAMBA DATUM (P.M.S.L.)

NOTE:  
 1.8 ALL DIMENSIONS ARE IN METRES UNLESS OTHERWISE STATED.  
 2.9 ALL LEVELS ARE IN METRES ABOVE CHINCHAMBA DATUM (P.M.S.L.)

4.9 PALFENCE SECURITY FENCING SHALL CONFORM TO BS 5772 AND BE INSTALLED TO THE EXTERIOR OF THE PALFENCE ENCLOSURE. THE PALFENCE SHALL BE EITHER BLACK ENAMEL COATED OR HOT DIPPED GALVANIZED TO PREVENT CORROSION AS REQUIRED.

5.9 PALFENCE SECURITY FENCING SHALL CONFORM TO BS 5772 AND BE INSTALLED TO THE EXTERIOR OF THE PALFENCE ENCLOSURE. THE PALFENCE SHALL BE EITHER BLACK ENAMEL COATED OR HOT DIPPED GALVANIZED TO PREVENT CORROSION AS REQUIRED.

6.9 PALFENCE SECURITY FENCING SHALL CONFORM TO BS 5772 AND BE INSTALLED TO THE EXTERIOR OF THE PALFENCE ENCLOSURE. THE PALFENCE SHALL BE EITHER BLACK ENAMEL COATED OR HOT DIPPED GALVANIZED TO PREVENT CORROSION AS REQUIRED.

7.9 BUNK INCHARGE SHALL BE OF 3mm PVC RIBBED BOARD APPROX 400mm x 200mm OR IN LIKE IN SIZE TO EXISTING AND REGULATIONS OF 1998 AND BS 6149.

8.9 CLEARANCE OF VEGETATION AND REINSTATEMENT OF PINE PLANTAGE SHALL BE AS PER SCHEDULE OF WORK.

9.9 NEW LIFE BELTS TO BE PROVIDED WHERE REQUIRED.

10.9 THAMES DRAINAGE WATER TREATMENT PLANT (TWP) WATER OUTLET STRUCTURE AND PIPE INCHARGE TO BE INSTALLED BY SECURITY FENCE WITH LOCKABLE ACCESS GATE.

11.9 NEW LIFE BELTS TO BE PROVIDED WHERE REQUIRED.

12.9 THAMES DRAINAGE WATER TREATMENT PLANT (TWP) WATER OUTLET STRUCTURE AND PIPE INCHARGE TO BE INSTALLED BY SECURITY FENCE WITH LOCKABLE ACCESS GATE.

13.9 NEW LIFE BELTS TO BE PROVIDED WHERE REQUIRED.

14.9 THAMES DRAINAGE WATER TREATMENT PLANT (TWP) WATER OUTLET STRUCTURE AND PIPE INCHARGE TO BE INSTALLED BY SECURITY FENCE WITH LOCKABLE ACCESS GATE.

15.9 NEW LIFE BELTS TO BE PROVIDED WHERE REQUIRED.

16.9 THAMES DRAINAGE WATER TREATMENT PLANT (TWP) WATER OUTLET STRUCTURE AND PIPE INCHARGE TO BE INSTALLED BY SECURITY FENCE WITH LOCKABLE ACCESS GATE.

17.9 NEW LIFE BELTS TO BE PROVIDED WHERE REQUIRED.

18.9 THAMES DRAINAGE WATER TREATMENT PLANT (TWP) WATER OUTLET STRUCTURE AND PIPE INCHARGE TO BE INSTALLED BY SECURITY FENCE WITH LOCKABLE ACCESS GATE.

19.9 NEW LIFE BELTS TO BE PROVIDED WHERE REQUIRED.

20.9 THAMES DRAINAGE WATER TREATMENT PLANT (TWP) WATER OUTLET STRUCTURE AND PIPE INCHARGE TO BE INSTALLED BY SECURITY FENCE WITH LOCKABLE ACCESS GATE.

21.9 NEW LIFE BELTS TO BE PROVIDED WHERE REQUIRED.

22.9 THAMES DRAINAGE WATER TREATMENT PLANT (TWP) WATER OUTLET STRUCTURE AND PIPE INCHARGE TO BE INSTALLED BY SECURITY FENCE WITH LOCKABLE ACCESS GATE.

23.9 NEW LIFE BELTS TO BE PROVIDED WHERE REQUIRED.

24.9 THAMES DRAINAGE WATER TREATMENT PLANT (TWP) WATER OUTLET STRUCTURE AND PIPE INCHARGE TO BE INSTALLED BY SECURITY FENCE WITH LOCKABLE ACCESS GATE.

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26.9 THAMES DRAINAGE WATER TREATMENT PLANT (TWP) WATER OUTLET STRUCTURE AND PIPE INCHARGE TO BE INSTALLED BY SECURITY FENCE WITH LOCKABLE ACCESS GATE.

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28.9 THAMES DRAINAGE WATER TREATMENT PLANT (TWP) WATER OUTLET STRUCTURE AND PIPE INCHARGE TO BE INSTALLED BY SECURITY FENCE WITH LOCKABLE ACCESS GATE.

29.9 NEW LIFE BELTS TO BE PROVIDED WHERE REQUIRED.

30.9 THAMES DRAINAGE WATER TREATMENT PLANT (TWP) WATER OUTLET STRUCTURE AND PIPE INCHARGE TO BE INSTALLED BY SECURITY FENCE WITH LOCKABLE ACCESS GATE.

31.9 NEW LIFE BELTS TO BE PROVIDED WHERE REQUIRED.

32.9 THAMES DRAINAGE WATER TREATMENT PLANT (TWP) WATER OUTLET STRUCTURE AND PIPE INCHARGE TO BE INSTALLED BY SECURITY FENCE WITH LOCKABLE ACCESS GATE.

33.9 NEW LIFE BELTS TO BE PROVIDED WHERE REQUIRED.

34.9 THAMES DRAINAGE WATER TREATMENT PLANT (TWP) WATER OUTLET STRUCTURE AND PIPE INCHARGE TO BE INSTALLED BY SECURITY FENCE WITH LOCKABLE ACCESS GATE.

35.9 NEW LIFE BELTS TO BE PROVIDED WHERE REQUIRED.

36.9 THAMES DRAINAGE WATER TREATMENT PLANT (TWP) WATER OUTLET STRUCTURE AND PIPE INCHARGE TO BE INSTALLED BY SECURITY FENCE WITH LOCKABLE ACCESS GATE.

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39.9 NEW LIFE BELTS TO BE PROVIDED WHERE REQUIRED.

40.9 THAMES DRAINAGE WATER TREATMENT PLANT (TWP) WATER OUTLET STRUCTURE AND PIPE INCHARGE TO BE INSTALLED BY SECURITY FENCE WITH LOCKABLE ACCESS GATE.

41.9 NEW LIFE BELTS TO BE PROVIDED WHERE REQUIRED.

42.9 THAMES DRAINAGE WATER TREATMENT PLANT (TWP) WATER OUTLET STRUCTURE AND PIPE INCHARGE TO BE INSTALLED BY SECURITY FENCE WITH LOCKABLE ACCESS GATE.

43.9 NEW LIFE BELTS TO BE PROVIDED WHERE REQUIRED.

44.9 THAMES DRAINAGE WATER TREATMENT PLANT (TWP) WATER OUTLET STRUCTURE AND PIPE INCHARGE TO BE INSTALLED BY SECURITY FENCE WITH LOCKABLE ACCESS GATE.

45.9 NEW LIFE BELTS TO BE PROVIDED WHERE REQUIRED.

46.9 THAMES DRAINAGE WATER TREATMENT PLANT (TWP) WATER OUTLET STRUCTURE AND PIPE INCHARGE TO BE INSTALLED BY SECURITY FENCE WITH LOCKABLE ACCESS GATE.

47.9 NEW LIFE BELTS TO BE PROVIDED WHERE REQUIRED.

48.9 THAMES DRAINAGE WATER TREATMENT PLANT (TWP) WATER OUTLET STRUCTURE AND PIPE INCHARGE TO BE INSTALLED BY SECURITY FENCE WITH LOCKABLE ACCESS GATE.

NET:  
 - - - - - NEW FENCE  
 - - - - - EXISTING FENCE  
 - - - - - CIVIL STRUCTURE

SCALE 1:800

Thames Water  
 MAJOR PROJECTS

RECKTON STW EXTENSIONS MAIN CONTRACT  
 WALKWAY CHANGE (150 - 1700)

DATE: 15/01/10

BY: [Signature]

PROJECT NO: [Number]





**Schedule 6**  
**The Permission**

Adams Hendry Consulting Ltd  
7 St. Peter Street  
Winchester  
SO23 8BW

**NOTICE OF DECISION ON PLANNING APPLICATION**

**TOWN AND COUNTRY PLANNING ACT 1990  
LONDON THAMES GATEWAY DEVELOPMENT CORPORATION  
(PLANNING FUNCTIONS ORDER) 2005**

**APPLICATION NO:** 08/01159/LTGDC

**LOCATION:** Beckton Sewage Treatment Works, Jenkins Lane, East Ham, London IG11 0AD; Abbey Mills Pumping Station, Abbey Lane, Stratford, London E15 2RW; Land between Abbey Mills Pumping Station and the Olympic Delivery Authority boundary east of Canning Road; Land between the Olympic Delivery Authority boundary west of Jubilee Line Railway and the London Thames Gateway Development Corporation boundary east of Jubilee Line Railway; and Land between Royal Docks Road and Beckton STW.

**PROPOSAL:** The Lee Tunnel and Beckton STW extension scheme incorporating the following elements within the London Thames Gateway Development Corporation area:

1) Abbey Mills Pumping Station: works to enable interception of combined sewer overflows and transfer into the new Lee Tunnel including shafts, transfer tunnels, connecting culverts, connection chambers and associated odour control units.

2) An underground wastewater storage and transfer tunnel ('Lee Tunnel') between Abbey Mills Pumping Station and the Olympic Delivery Authority boundary east of Canning Road; between the Olympic Delivery Authority boundary west of Jubilee Line Railway and the London Thames Gateway Development Corporation boundary east of Jubilee Line Railway; and between Royal Docks Road and Beckton STW.

3) At the Beckton STW: shafts and a pumping station associated with the construction and operation of the Lee Tunnel; additional preliminary, primary, secondary sewage treatment and sludge treatment facilities, including buildings, structures, plant, underground connection pipelines and associated works; odour control units; security gatehouse; wind turbine; tree felling; landscaping and habitat creation; excavation and land remediation.

4) Associated temporary construction compounds; material storage and handling areas and tanks; hardstandings; temporary portable site offices and welfare accommodation at Abbey Mills Pumping Station.

5) Associated temporary construction compounds; material storage and handling areas and tanks; hardstandings; parking areas; the manufacture of concrete tunnel and shaft segments; temporary portable site offices and welfare accommodation at Beckton STW and a jetty bridge for construction purposes

**APPLICANT:** Thames Water Utilities Limited

London Thames Gateway Development Corporation being the Local Planning Authority for the purposes of the application received on 23/07/2008 for Planning Permission, as described above has resolved to

#### **GRANT PLANNING PERMISSION SUBJECT TO CONDITIONS**

The conditions to which the permission is subject are as follows:

##### Time Limit

1. The development hereby permitted shall be commenced not later than the expiration of THREE YEARS from the date of this permission.

**Reasons:** To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended.

##### In Accordance With Plans

2. All works are to be completed in accordance with the following drawings and figures submitted by Adams Hendry Consulting Ltd:

**Figures:**

- Figure 1 – Location Plan
- Figure 2a – Planning Application Area (Drawing No. TW/749/01.1/B)
- Figure 2b – Planning Application Area (Drawing No. TW/749/01.2/D)
- Figure 3 – Constraints Plan
- Figure 4 – Listed Chimney Location

**Drawings:**

Abbey Mills Pumping Station

- 106G-YY-01001 B 03.07.08 Abbey Mills - Key Plan
- 106G-YY-01004 B 03.07.08 Site Plan South – Contractor's Compound
- 106G-YY-01005 B 03.07.08 Site Plan North – Contractor's Compound
- 106G-YY-01002 B 03.07.08 Site Plan
- 106G-YY-01022 A 23.05.08 Station A – Connection Shaft – Plans and Sections
- 106G-YY-01023 A 23.05.08 Station A – Connection Chamber – Plan and Sections
- 106G-YY-01012 B 03.07.08 Station A – Elevations
- 106G-YY-01030 A 23.05.08 Station F Screens & Connection Channel – Plan and Long Section
- 106G-YY-01031 A 23.05.08 Station F Connection Channel – Plans and Sections
- 106G-YY-01028 B 03.07.08 Proposed Shaft 'F' Area – Elevations
- 106G-YY-01032 A 23.05.08 Station F Connection Shaft – Plans
- 106G-YY-01033 A 23.05.08 Station F Connection Shaft – Sections

Lee Tunnel

- 106G-YY-01000 A 23.05.08 Lee Tunnel – Key Plan
- 106G-YY-01101 B 03.07.08 Longitudinal Geological Profile – Sheet 1
- 106G-YY-01102 A 23.05.08 Longitudinal Geological Profile – Sheet 2
- 106G-YY-01103 A 23.05.08 Longitudinal Geological Profile – Sheet 3
- 106G-YY-01104 A 23.05.08 Longitudinal Geological Profile – Sheet 4
- 106G-YY-01105 A 23.05.08 Longitudinal Geological Profile – Sheet 5
- 106G-YY-01100 A 23.05.08 Typical Tunnel Cross Section

Beckton Sewage Treatment Works

- 8W8F-YY-02006-IN B 12.05.08 Existing Site Plan
- 8W8F-YY-02000-IN C 16.04.09 Proposed Site Plan
- 8W8F-YY-02007-IN C 16.04.09 Site Activities - Plan
- 8W8F-YY-02249-IN B 16.04.09 Site Compounds & Stockpile Area
- 8W8F-YY-00100-IN A 12.05.08 Thames Water Land Ownership - Beckton STW
- 8W8F-YY-02010-IN D 07.07.08 Overall Layout – Sheet 1
- 8W8F-YY-02011-IN D 16.04.09 Overall Layout – Sheet 2
- 8W8F-YY-02012-IN B 07.07.08 Overall Layout – Sheet 3



106G-XX-01301 A 23.05.08 Pumping Station – Site Plan  
 106G-YY-01305 A 29.05.08 Pumping Station - Sections  
 106G-YY-01341 A 23.05.08 Beckton Connection Shaft – Plans and Elevation  
 106G-YY-01343 A 23.05.08 Beckton Connection Shaft – Sections  
 106G-XX-01351 B 14.04.09 Beckton Overflow Shaft – Location Plan  
 106G-YY-01352 B 15.04.09 Beckton Overflow Shaft – Plans  
 106G-YY-01353 B 15.04.09 Beckton Overflow Shaft – Sections  
 106G-YY-01361 B 15.04.09 Beckton Outfall Culvert – Location Plan  
 8W8F-YY-02239-IN A 23.05.08 Inlet Works - Elevations  
 8W8F-YY-02218-IN A 14.05.08 Site Plan showing Locations of Sections and Elevations – Sheet 1 of 2  
 8W8F-YY-02220 B 23.05.08 Sections through Site Sheet 1  
 8W8F-YY-02221 A 19.05.08 Sections through Site Sheet 2  
 8W8F-YY-02222-IN A 23.05.08 Sections through Site Sheet 3  
 8W8F-YY-02224-IN A 23.05.08 ASP4A Final Settlement Tanks Area Elevations  
 8W8F-YY-02227-IN A 23.05.08 ASP4 Aeration Tank Area Elevations – Sheet 1  
 8W8F-YY-02228-IN A 23.05.08 ASP 4A Aeration Tank Area Elevations – Sheet 2  
 8W8F-YY-01004 A - Blower House – Plans & Elevations  
 8W8F-YY-01003 A - Lamella Building - Elevations  
 8W8F-YY-01005 A - Power Supply Complex – Plans & Elevations  
 8W8F-YY-01002 A - Pumpout Building – Plan & Elevations  
 8W8F-YY-01007 A - S.A.S Thickening Building – Plans & Elevations  
 8W8F-YY-01006 A - Raw Sludge Thickening Building – Plans & Elevations  
 106G-YY-01331 A - Power Supply Complex – Plan & Elevations  
 8W8F-YY-02219-IN A 14.05.08 Site Plan showing Locations of Sections and Elevations – Sheet 2 of 2  
 8W8F-YY-02233-IN A 23.05.08 Lamella & FOGG Plant - Elevations  
 8W8F-YY-02234-IN A 23.05.08 Lamella & FOGG Plant - Elevations  
 8W8F-YY-02240-IN A 23.05.08 Raw Sludge Thickening Area - Elevations  
 8W8F-YY-02241-IN A 27.05.08 Primary Settlement Tanks Odour Control Unit Elevations  
 8W8F-YY-02242-IN A 28.05.08 Storm Overflow – Odour Control Unit Elevations  
 8W8F-YY-02243-IN A 27.05.08 Final Effluent Discharge Structure  
 8W8F-YY-01001 A - Security Kiosk – Plans & Elevations  
 106G-XX-01401 A 23.05.08 Typical Control Cabinet Details  
 106G-YY-01207 A 09.05.08 Beckton – Suggested Layout for Jetty  
 10.6 - Beckton STW – Landscape & Ecology Masterplan

No further drawings apply, unless otherwise approved in writing by the Local Planning Authority.

**Reasons:** To ensure that the development is undertaken in accordance with the approved drawings, and to protect the local amenity with regard to Policy EQ19 of the London Borough of Newham Unitary Development Plan (adopted June 2001 and saved from the 27<sup>th</sup> of September 2007 in accordance with the direction from the Secretary of State), and Policy 4B.1 of the London Plan (Feb 2008, Consolidated with Alterations Since 2004). The development is acceptable on the basis of the particulars contained within the application and this condition seeks to ensure the development is undertaken in strict

accordance with those details as approved.

### In Accordance with Environmental Statement

3. The development hereby permitted shall be carried out in accordance with the environmental standards, mitigation measures, requirements and methods of implementing the development, contained in the submitted planning application, Environmental Statement, appendices, and further submitted information (dated May 2008; December 2008; and April 2009), unless otherwise agreed in writing by the Local Planning Authority.

**Reasons:** To ensure the development is carried out in accordance with the Environmental Statement and the mitigation measures proposed therein, in accordance with Policies EQ18, EQ19, EQ25, EQ26, EQ43, EQ45, EQ46, EQ47, EQ48, EQ49, EQ63 and EQ64 of the London Borough of Newham Unitary Development Plan (adopted June 2001 and saved from the 27<sup>th</sup> of September 2007 in accordance with the direction from the Secretary of State) and Policies 2A.1, 3A.28, 3C.3, 3C.23, 3D.13, 3D.14, 4A.1, 4A.2, 4A.3, 4A.4, 4A.5, 4A.6, 4A.7, 4A.8, 4A.9, 4A.10, 4A.11, 4A.12, 4A.13, 4A.14, 4A.15, 4A.16, 4A.17, 4A.18, 4A.19, 4A.20, 4B.1, 4B.2, 4B.3, and 4B.10 of the London Plan (Feb 2008, Consolidated with Alterations Since 2004).

### ODOUR CONDITIONS

#### Provision of an Odour Management Plan and Protocols

4. The Beckton STW Extension shall not be brought into operation until the developer has submitted:

(i) an Odour Management Plan (OMP) to the Local Planning Authority for approval and obtained the written approval of the Local Planning Authority to the OMP. The OMP shall deal with the management of odour at Beckton STW. The developer shall not amend the approved OMP without first:

1. Giving the Local Planning Authority no less than 28 days to comment on the proposed amendments; and
2. Taking any comments received into account.

The developer shall provide the Local Planning Authority with a copy of the amended OMP within 21 days of the OMP being amended.

The development shall be operated in accordance with the OMP from time to time in force under the provisions of this condition.

(ii) the following Protocols:

- Hydrogen Sulphide Monitoring and Odour Emissions Protocol which shall include the matters set out in Condition 8.
- Olfactometric Testing and Performance Protocol which shall include the matters set out in Condition 10.
- Performance Testing and Monitoring Protocol for Riverside Sludge Treatment Facility and Beckton Sludge Liming Plant which shall include the matters set out in Condition 12.
- Displaced Air Protocol which shall include the matters set out in Condition 15.
- Sludge Depth Monitoring Protocol which shall include the matters set out in Condition 16.

The development shall be operated in accordance with the approved Protocols which shall not be changed without the prior written approval of the Local Planning Authority.

In the event of a conflict between the OMP and any Protocol the provisions of the Protocol shall prevail.

**Reasons:** To enable the Local Planning Authority to monitor odour control activities within the development, to comply with Defra guidance, to ensure that the required OMP and Protocols are provided and agreed, to ensure emissions accord with the prescribed levels and to minimise the risk of off-site odour impact of emissions from the development, to ensure reliable operation of the plant and to ensure compliance with Policy EQ45 of the London Borough of Newham Unitary Development Plan (adopted June 2001 and saved from the 27<sup>th</sup> of September 2007 in accordance with the direction from the Secretary of State)

#### Odour Control, Mitigation and Abatement Plant

5. The following parts of the Lee Tunnel, and the Primary and Secondary Sewage Treatment Facilities hereby approved shall not be brought into operation until the following odour mitigation measures (and the ancillary hydrogen sulphide monitors required under Condition 8) associated with those parts and as described in the Odour Impact Assessment ("OIA") dated May 2008, are installed and are operational as set out below. Emissions from those sources shall be discharged through the stacks described in the OIA and at the heights and discharge air speeds specified in the OIA.

#### BECKTON STW EXTENSIONS - PRIMARY AND SECONDARY TREATMENT FACILITIES:

1. The Existing Inlet Works have been covered and odour extracted to

treatment through the associated abatement plant (OCU C in the OIA), with treated air discharged through a 12 metre tall stack.

2. The Existing Storm Overflow Channels and channels upstream of the Fine Screens House, and the Lee Tunnel Storm Overflow Channel have all been covered and extracted air is ducted to treatment through the associated new abatement plant (OCU D in the OIA), with treated air discharged through an 8 metre stack.
3. The Existing PST Distribution Channels have all been covered and odour extracted to treatment through the associated new abatement plant (OCU E in the OIA), with treated air discharged through a new 8 metre stack.
4. The new Fat Oil Grease and Grit (FOGG) removal lanes, Lamella primary settlement tanks and associated channels have been enclosed and odour extracted to treatment through the associated (proposed) new abatement plant (OCU B in the OIA), with treated air discharged through a 13 metre tall stack.

#### **RAW SLUDGE THICKENING PLANT:**

1. The raw sludge thickening plant has been commissioned, complete with odour extracted to treatment through the associated abatement plant (PFT Sludge Plant OCU in the OIA), with treated air discharged through a 14.5 metre tall stack.

#### **LEE TUNNEL:**

1. The Lee Tunnel Pump Out Chamber and Lee Tunnel Overflow Shaft have been enclosed and extracted to dedicated and operational odour control systems (OCUs A & B - Lee Tunnel in the OIA) prior to dispersion through 8 metre tall stacks.

**Reasons:** To minimise odour emissions from the development and their off-site impact in the local area and to ensure compliance with Policy EQ45 of the London Borough of Newham Unitary Development Plan (adopted June 2001 and saved from the 27<sup>th</sup> of September 2007 in accordance with the direction from the Secretary of State).

#### Operation of Odour Control Plant

6. The following parts of the Lee Tunnel and the Primary and Secondary Sewage Treatment Facilities hereby approved shall be used and operated such that the odour emission rates in respect of air released from the odour control units are maintained at or below the predicted levels specified in the OIA dated May 2008:

**BECKTON STW EXTENSIONS - PRIMARY AND SECONDARY TREATMENT FACILITIES:**

1. The Existing Inlet Works: 7316 ou<sub>E</sub>/s (OCU C in the OIA);
2. The Existing Storm Overflow Channels and channels upstream of the Fine Screens House: 1409 ou<sub>E</sub>/s (OCU D in the OIA);
3. The Existing PST Distribution Channels: 2329 ou<sub>E</sub>/s (OCU E in the OIA);
4. The new Fat Oil Grease and Grit (FOGG) removal lanes, Lamella primary settlement tanks and associated channels: 17,639 ou<sub>E</sub>/s (OCU B in the OIA);

**RAW SLUDGE THICKENING PLANT:**

1. The raw sludge thickening plant: 10,819 ou<sub>E</sub>/s, as described in the OIA;

**LEE TUNNEL:**

1. The Lee Tunnel Pump Out Chamber and Lee Tunnel Overflow Shaft: 10,000 ou<sub>E</sub>/s each (OCUs A & B - Lee Tunnel in the OIA);

or such other limits as are agreed in writing by the Local Planning Authority.

**Reasons:** To minimise odour emissions from the development and their off-site impact in the local area and to ensure compliance with Policy EQ45 of the London Borough of Newham Unitary Development Plan (adopted June 2001 and saved from 27<sup>th</sup> of September 2007 in accordance with the direction from the Secretary of State)

**Treatment of Sewage Influent**

7. All sewage influent flowing in to (previously in) the Beckton STW from the Lee Tunnel (with the exception of any overflow to the River Thames) will be received and treated utilising the covered and odour controlled plant authorised by this permission (including the pumping wells/shafts, inlet works, Fat Oils Grease and Grit (FOGG) separation, fine screening and lamella primary settlement facilities) and will not receive secondary treatment until it has been fully processed through these facilities, other than with the prior written agreement of the Local Planning Authority.

**Reasons:** To minimise the risk of odour emissions arising from any influent from the Lee Tunnel and to ensure compliance with Policy EQ45 of the London

Borough of Newham Unitary Development Plan (adopted June 2001 and saved from the 27<sup>th</sup> of September 2007 in accordance with the direction from the Secretary of State).

Hydrogen Sulphide Monitoring Equipment and Protocol

8. The Beckton STW Extension, the Raw Sludge Thickening Plant and the Lee Tunnel hereby approved shall not be brought into operation until hydrogen sulphide monitoring instruments with a resolution of 0.001 parts per million have been fitted to the exhausts from all odour control units associated with the parts of the development specified in Condition 5 and such instruments are in working order and the Hydrogen Sulphide Monitoring and Odour Emissions Protocol has been approved in writing by the Local Planning Authority.

The Hydrogen Sulphide Monitoring and Odour Emissions Protocol shall include the following:

- A. Initial hydrogen sulphide emissions limits to be agreed for each OCU listed below, which limits shall be reviewed by the Local Planning Authority in light of data provided by the developer within 6 months of the commencement of operation of the development:
  - Existing inlet works
  - Existing storm overflow channels
  - Existing PST distribution channels
  - The new fat, oil and grease removal lanes
  - The new raw sludge thickening plant
  - The Lee Tunnel pump out chamber and Lee Tunnel overflow shaft.
- B. Procedures for the maintenance and operation of monitoring instruments.
- C. The frequency of measurements.
- D. The approach to be taken to any emissions exceedences.
- E. Procedures and methodology for the calibration of hydrogen sulphide monitoring instruments including the setting of "alarm" hydrogen sulphide concentration levels.

**Reasons:** To enable the emissions from the development to be properly monitored, to ensure that the Hydrogen Sulphide Monitoring and Odour Emissions Protocol is provided and agreed, and to ensure compliance with Policy EQ45 of the London Borough of Newham Unitary Development Plan (adopted June 2001 and saved from the 27<sup>th</sup> of September 2007 in accordance with the direction from the Secretary of State).

## Odour Emissions

9. In the event that any of the monitoring instruments fitted pursuant to Condition 8 shows that hydrogen sulphide concentrations in emissions from any of the odour control units exceeds the concentration limits prescribed in the approved Hydrogen Sulphide Monitoring and Odour Emissions Protocol agreed under Condition 8 for six or more hours, on three or more days within any calendar month then the developer shall notify the Local Planning Authority and shall take appropriate remedial action within a further 30 days to bring odour emissions and hydrogen sulphide concentrations back within the levels specified in the approved Hydrogen Sulphide Monitoring and Odour Emissions Protocol. Within 14 days of such remedial action having been taken, the developer shall provide the Local Planning Authority with monitoring data recorded in accordance with the approved Hydrogen Sulphide Monitoring and Odour Emissions Protocol to demonstrate that the hydrogen sulphide concentration levels have not exceeded the limits specified in that Protocol after the remedial action was taken.

If there are any other deteriorations in performance, or any failures or breakdowns of odour abatement plant, which are not detected by the hydrogen sulphide monitoring instruments, they shall be notified to the Local Planning Authority within 48 hours of the operator becoming aware of them and the plant shall be returned to fully operational conditions in compliance with the emissions limits set out in the Hydrogen Sulphide Monitoring and Odour Emissions Protocol agreed under Condition 8 as soon as practicable and in any event within 30 days.

**Reasons:** To enable the emissions from the development to be properly monitored, to ensure that the Hydrogen Sulphide Monitoring and Odour Emissions Protocol is provided and agreed, and to ensure compliance with Policy EQ45 of the London Borough of Newham Unitary Development Plan (adopted June 2001 and saved from the 27<sup>th</sup> of September 2007 in accordance with the direction from the Secretary of State).

## Olfactometric Testing

10. The Beckton STW Extension, the Raw Sludge Thickening Plant and the Lee Tunnel shall not be brought into operation until the Olfactometric Testing and Performance Protocol has been submitted to and approved in writing by the Local Planning Authority.

The developer shall at least annually carry out olfactometric tests of the emissions from all odour abatement or odour control unit stacks within the development in accordance with the methodology in the agreed Olfactometric Testing and Performance Protocol.

The Olfactometric Testing and Performance Protocol shall include the following matters:

- A. Procedures to ensure the testing of each newly installed OCU within 30 days of the relevant OCU being brought into use.
- B. Provision to ensure that the Local Planning Authority is notified not less than 7 days before all testing and is supplied with the results within 30 days.
- C. Methodology and procedure for monitoring and sampling including the calculation of emission rates for each OCU or stack.
- D. Provisions to ensure that odour samples are analysed in accordance with BSEN 13725.
- E. Procedures for reporting of exceedences to the Local Planning Authority.
- F. Provisions as to actions and remediation measures (including provisions to ensure that such measures are taken within a reasonable time) in the event of exceedences.

All olfactometric tests should be undertaken in accordance with the approved Olfactometric Testing and Performance Protocol.

**Reasons:** To ensure emissions accord with the prescribed levels and to ensure compliance with Policy EQ45 of the London Borough of Newham Unitary Development Plan (adopted June 2001 and saved from the 27<sup>th</sup> of September 2007 in accordance with the direction from the Secretary of State).

#### Surplus Activated Sludge Thickening Building

11. The Surplus Activated Sludge Thickening Building hereby approved shall only be used for the thickening of surplus activated sludge.

**Reasons:** To ensure compliance with Policy EQ45 of the London Borough of Newham Unitary Development Plan (adopted June 2001 and saved from the 27<sup>th</sup> of September 2007 in accordance with the direction from the Secretary of State).

#### Processing of Sludge

12. The Lee Tunnel Inlet Works and Primary and Secondary Sewage Treatment Facilities hereby approved shall not commence operation until:

- A. the developer has submitted a Performance Testing and Monitoring Protocol to the Local Planning Authority, setting out means by which the developer will demonstrate average daily processing rates of sewage sludge by the Riverside Sludge Treatment Facility and such protocol has been approved in writing by the Local Planning Authority; and



- B. the Local Planning Authority has been reasonably satisfied that the Riverside Sludge Treatment Facilities and the Beckton Liming Plant are capable of operating up to their respective design capacities of 70 tonnes of sludge dry solids per day from Beckton STW and 110 tonnes of sludge dry solids per day respectively.

**Reasons:** To ensure that additional sludge produced at Beckton as a result of the development can be processed as proposed by the Riverside Sludge Treatment Facility and having regard to Policy EQ45 of the London Borough of Newham Unitary Development Plan (adopted June 2001 and saved from the 27<sup>th</sup> of September 2007 in accordance with the direction from the Secretary of State).

#### Storage of Sludge

13. Unless otherwise agreed in writing with the Local Planning Authority, no sludge or sludge cake, whether limed or unlimed, shall be stored within the Beckton STW boundaries on a temporary or permanent basis otherwise than within fully enclosed and odour extracted and abated, or otherwise mitigated, facilities (or temporarily in removal trailers or vehicles while they are being loaded and prior to their transportation for disposal). No sludge or sludge cake will be stored outside or in the open.

Trailers and/or lorries which are used for the removal of sludge shall be sheeted before arrival on site. Such trailers and/or lorries shall remain sheeted up to and immediately before loading and be re-sheeted immediately after loading.

**Reasons:** To minimise odour emissions generally, and specifically from sludge liming operations treating sludge from the development, and to ensure compliance with Policy EQ45 of the London Borough of Newham Unitary Development Plan (adopted June 2001 and saved from the 27<sup>th</sup> of September 2007 in accordance with the direction from the Secretary of State).

#### Processing of Sludge

14. Unless otherwise agreed in writing with the Local Planning Authority, no temporary or permanent sludge/sludge cake liming, or any other mechanical or chemical treatment involving raw or treated sludge cake shall be carried out anywhere in Beckton STW other than within fully enclosed and odour extracted and abated/mitigated facilities. No such sludge or sludge cake treatments will be undertaken outside or in the open.

**Reasons:** To minimise odour emissions from the development and to ensure compliance with Policy EQ45 of the London Borough of Newham Unitary Development Plan (adopted June 2001 and saved from the 27<sup>th</sup> of September 2007 in accordance with the direction from the Secretary of State).

### Management of Displaced Air from the Lee Tunnel

15. The Lee Tunnel shall not be brought into operation until a Protocol for the release of displaced air from the Lee Tunnel (Displaced Air Protocol) has been submitted to and approved in writing by the Local Planning Authority.

All air displaced by sewage from within the Lee Tunnel and all air otherwise vented or extracted from the Lee Tunnel, will at all times be treated through odour abatement plant for the Lee Tunnel Shafts. In the event of any failure of that odour abatement plant, then the developer will manage all displaced air in accordance with the Displaced Air Protocol.

The Local Planning Authority shall be notified in advance of any planned use of such discharge facility and within 48 hours of any unplanned discharges.

The Displaced Air Protocol shall include:

- A. Procedures to deal with any failure or unavailability of odour abatement plant to deal with odorous air from the Lee Tunnel including "alarm" warning systems.
- B. Procedures for investigating any unplanned discharge event to identify any necessary measures to prevent reoccurrence.
- C. Procedures for reporting unplanned discharge events to the Local Planning Authority.
- D. Procedures for the maintenance and provision to the Local Planning Authority of records of any odorous emissions arising from by-pass events associated with air extracted from the Lee Tunnel.

**Reasons:** To minimise the risk of off-site odour impact of emissions from sewage in the Lee Tunnel and to ensure compliance with Policy EQ45 of the London Borough of Newham Unitary Development Plan (adopted June 2001 and saved from the 27<sup>th</sup> of September 2007 in accordance with the direction from the Secretary of State).

### Sludge Depth Monitoring

16. No later than 60 days prior to the commencement of the operation of the new sludge thickening plant, and in any case prior to operation of the Beckton STW Extension hereby approved, the developer shall submit a Sludge Depth Monitoring Protocol for agreement with the Local Planning Authority.

The Beckton STW shall be operated in accordance with the approved Sludge Depth Monitoring Protocol at all times.

The Sludge Depth Monitoring Protocol shall include:

- A. A target limit on sludge depths in open or uncovered Primary Settlement Tanks, which shall initially be no more than 30cm in any tank.
- B. Provision for required actions in the event of exceedences of set actual limits, which shall initially be: If sludge depth in any tank exceeds 35cm for more than 3 days; or 50cm for more than two days; or 90cm at any time, the developer is to immediately notify the Local Planning Authority and within a further 48 hours submit in writing remedial measures proposed for the affected tank or tanks and a timescale for their implementation to be approved in writing by the Local Planning Authority.
- C. Methodology for measuring sludge depth.
- D. Provisions for recording, keeping and supplying to the Local Planning Authority sludge depth monitoring results.
- E. Procedures concerning the prompt emptying and cleaning of any Primary or Final Settlement Tanks not in use.

**Reasons:** To ensure reliable operation of the plant and to minimise the risk of odour emissions from the development as a result of retained sludge and to ensure compliance with Policy EQ45 of the London Borough of Newham Unitary Development Plan (adopted June 2001 and saved from the 27<sup>th</sup> of September 2007 in accordance with the direction from the Secretary of State).

#### Sniffing Ports

17. All odour abatement plants or OCUs shall be fitted with an odour sniffing port with safe and adequate access to allow routine (weekly) "sniffing" of the treated air off all abatement plants by Thames Water personnel without the need for any specialised access equipment, sampling pumps or other sampling equipment. All sniffing ports should be located and fitted so that they provide a mixed and representative air stream off the odour control unit they serve, and they should be accessible and available for use by Planning or Environmental Health Officers carrying out their normal inspections and other duties.

**Reasons:** To ensure emissions stay within acceptable limits and to ensure compliance with Policy EQ45 of the London Borough of Newham Unitary Development Plan (adopted June 2001 and saved from the 27<sup>th</sup> of September 2007 in accordance with the direction from the Secretary of State).

## **GENERAL CONDITIONS**

### **Landscaping**

18. Within 6 months of the date of planning permission being granted a landscaping scheme will be submitted to the Local Planning Authority for their approval in writing. The landscaping scheme shall include the following:

- i. A plan showing hard and soft landscaping works to be carried out on the site; including a planting scheme to screen the proposed shaft chambers at Abbey Mills Pumping Station;
- ii. A tree replacement scheme for trees lost due to the development. This shall include planting location, common and Latin names for replacement specimens, size and plot height, density or number, tree girth and method of growth (i.e. container or open ground);
- iii. Maintenance schedule and maintenance responsibilities for all areas of landscaping;
- iv. Full details of materials to be used on paved areas and other hard surfaces;
- v. Full details of suppliers and/or manufacturers of all planting and materials;
- vi. Guide to construction of all landscaped areas and structures;
- vii. Details of paving/fencing and walls/colours/finishes;
- viii. Full details of any signage and information boards;
- ix. Details of long-term design objectives for all landscaped areas;
- x. Location and appearance of lighting; and
- xi. Details of any boundary treatment.

All planting, seeding or turfing shall be implemented in the first planting season following occupation of the buildings or the completion of the development hereby approved, whichever is the sooner.

Any plants or trees that die or are removed, damaged or diseased within a period of FIVE years from the completion of the development hereby approved shall be replaced to the satisfaction of the Local Planning Authority in the next planting season with others of a similar size and species, unless the Local Planning Authority gives written consent for a variation.

**Reasons:** To protect and enhance the natural features and character of the area, to ensure satisfactory replacement tree planting and to ensure a satisfactory standard of external appearance of the development, in the interest

of preserving open views to and from the canal and the living environment for future residents and with regard to Policy EQ4, EQ9, EQ10, EQ11, EQ12, EQ15, EQ18, EQ19 and EQ26 of the London Borough of Newham Unitary Development Plan (adopted June 2001 and saved from the 27<sup>th</sup> of September 2007 in accordance with the direction from the Secretary of State) and Policies 3D.15, 4B.1, 4B.2, 4B.3, 4B.6, 4C.3, and 4C.4 of the London Plan (Feb 2008, Consolidated with Alterations Since 2004).

#### Water Borne Transport of Tunnel and Shaft Arisings

19. Excavation arisings from the tunnel and shaft works shall be disposed of by water borne modes of transport unless specifically agreed in writing in advance with the Local Planning Authority.

**Reasons:** To ensure construction arisings are disposed of in a sustainable manner with minimal transport impact and to maximise the use of the river and promote sustainable transport, in accordance with Policy EQ4 of the London Borough of Newham Unitary Development Plan (adopted June 2001 and saved from the 27<sup>th</sup> of September 2007 in accordance with the direction from the Secretary of State) and Policies 4A.3, 4B.1 and 4C.8 of the London Plan (Feb 2008, Consolidated with Alterations Since 2004).

#### Transportation of Materials by Water

20. Transportation of bulk materials to and from the site shall not commence until details of a strategy to seek to maximise the use of both the River Thames and River Lea for the transport of construction and waste materials to and from the construction sites both during the construction period and following completion of the development has been submitted to and approved in writing by the Local Planning Authority. The construction and operation of the development hereby approved shall not be carried out other than in accordance with the approved strategy and to the satisfaction of the Local Planning Authority.

**Reasons:** To maximise the use of the river and to promote sustainable transport, in accordance with Policies EQ4, EQ5 and EQ18 of the London Borough of Newham Unitary Development Plan (adopted June 2001 and saved from the 27<sup>th</sup> of September 2007 in accordance with the direction from the Secretary of State) and Policies 4A.3, 4B.1 and 4C.8 of the London Plan (Feb 2008, Consolidated with Alterations Since 2004).

#### Construction Compounds to be Within the Site

21. All construction compounds for the development hereby permitted shall be erected within the site, unless otherwise agreed in writing by the Local Planning Authority.

**Reasons:** In order to minimise noise and disturbance, in the interest of residential amenity, in accordance with Policies EQ45, EQ46 and EQ47 of the London Borough of Newham Unitary Development Plan (adopted June 2001 and saved from the 27<sup>th</sup> of September 2007 in accordance with the direction from the Secretary of State) and Policies 4A.3, 4A.19, 4A.20 and 4B.1 of the London Plan (Feb 2008, Consolidated with Alterations Since 2004).

#### Green / Brown Roofs

22. No development shall commence on any of the proposed buildings identified to have brown or green roofs until details of the proposed brown and green roofs, including details of location, design, dimensions, materials and a maintenance scheme for each relevant building or buildings, have been submitted to and approved in writing by the Local Planning Authority. The brown and green roofs shall be provided in accordance with the approved details and prior to the occupation of the building to which they relate. The brown and green roofs shall be maintained as such and shall not be used for any other purpose.

**Reasons:** To promote biodiversity, maximise the ecological potential of the site and contribute to the mitigation for the net loss of habitat for invertebrates, to increase the habitat available to invertebrates on the site, and in the interest of the appearance of the development, in accordance with Policies EQ4, EQ9, EQ10, EQ11, EQ12, EQ18, EQ19 and EQ21 of the London Borough of Newham Unitary Development Plan (adopted June 2001 and saved from the 27<sup>th</sup> of September 2007 in accordance with the direction from the Secretary of State) and Policies 3D.14, 4A.3, 4B.1 and 4C.3 of the London Plan (Feb 2008, Consolidated with Alterations Since 2004).

#### Full Details of Wind Turbine

23. The development hereby approved shall not be brought into operation until details of the proposed wind turbine, including design, dimensions, materials and a maintenance scheme, have been submitted to and approved in writing by the Local Planning Authority. The wind turbine shall be provided in accordance with the approved details prior to the operation of the development and shall be permanently maintained thereafter.

**Reasons:** To ensure a satisfactory standard of external appearance and in the interests of the long term sustainability of the site, with regard to Policy EQ19 of the London Borough of Newham Unitary Development Plan (adopted June 2001 and saved from the 27<sup>th</sup> of September 2007 in accordance with the direction from the Secretary of State), and Policies 4A.1, 4A.7 and 4B.1 of the London Plan (Feb 2008, Consolidated with Alterations Since 2004).

### External Building Materials

24. No development shall commence on a proposed building(s) or a structure(s) until samples of all materials to be used in the external construction of the relevant building(s) or structure(s) have been submitted to and approved in writing by the Local Planning Authority. Such external surfaces shall only be finished using the approved materials.

**Reasons:** To ensure a satisfactory standard of external appearance, with regard to Policy EQ19 of the London Borough of Newham Unitary Development Plan (adopted June 2001 and saved from the 27<sup>th</sup> of September 2007 in accordance with the direction from the Secretary of State) and Policy 4B.1 of the London Plan (Feb 2008, Consolidated with Alterations Since 2004).

### Declaration re Soils / Infill Materials

25. No soils, or infill materials, are to be brought onto the site unless it has been demonstrated to the reasonable satisfaction of the Local Planning Authority that they are uncontaminated and present no risks to human health, planting or the environment. A declaration to this effect, together with acceptable documentary evidence to confirm the origin of all imported soils and infill materials, supported by appropriate chemical analysis test results, must be submitted to and approved in writing by the Local Planning Authority prior to the use of the approved development.

**Reasons:** To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off-site receptors in accordance with Policies EQ45 and EQ49 of the London Borough of Newham Unitary Development Plan (adopted June 2001 and saved from the 27<sup>th</sup> of September 2007 in accordance with the direction from the Secretary of State) and Policies 3D.14, 4A.3, 4A.17 and 4A.33 of the London Plan (Feb 2008, Consolidated with Alterations Since 2004).

### No Caravans / Mobile Homes / Temporary Residential Accommodation

26. Notwithstanding the provisions of Parts 4 and 5 of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 1995, no part of the site shall be used for the stationing of caravans or mobile homes or any other form of temporary residential accommodation, unless otherwise agreed in writing by the Local Planning Authority.

**Reasons:** To maintain planning control and in the interest of residential amenity, in accordance with Policies EQ45, EQ46 and EQ47 of the London Borough of Newham Unitary Development Plan (adopted June 2001 and saved from the 27<sup>th</sup> of September 2007 in accordance with the direction from the Secretary of State) and Policies 4A.3, 4A.19, 4A.20 and 4B.1 of the London

Plan (Feb 2008, Consolidated with Alterations Since 2004).

### Hours of Construction

27. Operations in relation to construction (except for the operation of the tunnel boring machine and diaphragm wall pours which shall be subject to an application under Section 61 of the Control of Pollution Act) for which noise is audible at the nearest residential boundary shall be restricted to the hours of 0800 and 1800 on Mondays to Fridays and between 0800 and 1300 on Saturdays and at no time on Sundays or Statutory holidays without the prior written approval of the Local Planning Authority.

**Reasons:** In the interests of residential amenity, in accordance with Policies EQ45, EQ47 and EQ48 of the London Borough of Newham Unitary Development Plan (adopted June 2001 and saved from the 27<sup>th</sup> of September 2007 in accordance with the direction from the Secretary of State) and Policies 4A.3 and 4A.20 of the London Plan (Feb 2008, Consolidated with Alterations Since 2004).

### No Impact Piling

28. No impact piling shall take place without the prior written approval of the Local Planning Authority and shall only take place in accordance with the terms of any such approval.

**Reasons:** In order to minimise noise and disturbance, in the interest of residential amenity, in accordance with Policies EQ45, EQ46 and EQ47 of the London Borough of Newham Unitary Development Plan (adopted June 2001 and saved from the 27<sup>th</sup> of September 2007 in accordance with the direction from the Secretary of State) and Policies 4A.3, 4A.19, 4A.20 and 4B.1 of the London Plan (Feb 2008, Consolidated with Alterations Since 2004).

## **ABBEY MILLS PUMPING STATION**

### Construction Phase Travel Management Plan

29. The development works hereby approved at Abbey Mills Pumping Station shall not be commenced until a Construction Phase Travel Management Plan for the site has been submitted to and approved in writing by the Local Planning Authority in consultation with TfL.

The Construction Phase Travel Management Plan for Abbey Mills Pumping Station shall include evidence of written approval from, and/or appropriate agreements with, the Highways Authority with regards to construction phase signing, routeing, traffic management measures and any temporary measures associated with the highway network. It shall also include a car parking



management strategy and Construction Phase Travel Plan and provision for the implementation, monitoring and review of such plans.

The Construction Phase Travel Management Plan for Abbey Mills Pumping Station as submitted will relate only to the site that its details cover and, if approved, will only allow development to proceed at the site to which it relates.

The Construction Phase Travel Management Plan shall be implemented for the entire period of the works at the site to which it relates, to the satisfaction of the Local Planning Authority.

**Reasons:** To ensure the transport impact of the construction phase is reduced as far as possible, to promote the use of sustainable modes of transport to the site during the construction phase and to ensure construction operations are carried out in a safe manner with due regard for the optimum operation of the highway network, in accordance with Policies EQ45, T14, T19, T23, T24 and T26 of the London Borough of Newham Unitary Development Plan (adopted June 2001 and saved from the 27<sup>th</sup> of September 2007 in accordance with the direction from the Secretary of State) and Policies 3C.3, 3C.17, 3C.25, 4A.3, 4A.19, 4A.20 and 4B.1 of the London Plan (Feb 2008, Consolidated with Alterations Since 2004).

#### Construction Management Plan

30. The development works hereby approved at Abbey Mills Pumping Station shall not be commenced until a site Construction Management Plan for that site has been submitted to and approved in writing by the Local Planning Authority.

The Construction Management Plan for Abbey Mills Pumping Station shall detail all methods of site preparation and construction of the development, including: demolition, clearance, ground works, sourcing of materials, smoke, avoidance of fires, wheel washing, noise, vibration, hours of operation, and implementation and monitoring during construction.

The Construction Management Plan for Abbey Mills Pumping Station as submitted will relate only to the site that its details cover and, if approved, will only allow development to proceed at the site to which it relates.

The Construction Management Plan shall be implemented for the entire period of the works at the site to which it relates, to the satisfaction of the Local Planning Authority.

**Reasons:** In the interests of pollution prevention, residential amenity and to ensure construction operations are carried out in a safe manner, in accordance with Policies EQ45, EQ46 and EQ47 of the London Borough of Newham Unitary Development Plan (adopted June 2001 and saved from the 27<sup>th</sup> of September 2007 in accordance with the direction from the Secretary of State) and Policies 3C.3, 3C.17, 3C.25, 4A.3, 4A.19, 4A.20 and 4B.1 of the London Plan (Feb 2008, Consolidated with Alterations Since 2004).

### Operational Phase Travel Plan

31. The development hereby approved for Abbey Mills shall not commence operations until an Operational Phase Travel Plan for that development has been submitted to and approved in writing by the Local Planning Authority. The Operational Phase Travel Plan shall be permanently implemented thereafter, to the satisfaction of the Local Planning Authority.

**Reasons:** To ensure the transport impact of the operational site is reduced as far as possible to promote the use of sustainable modes of transport to the site, and in the interest of minimising pollution in accordance with Policies T5, EQ45 and EQ46 of the London Borough of Newham Unitary Development Plan (adopted June 2001 and saved from the 27<sup>th</sup> of September 2007 in accordance with the direction from the Secretary of State) and Policies 3C.3, 3C.17, 3C.25, 4A.3, 4A.19, 4A.20 and 4B.1 of the London Plan (Feb 2008 Consolidated with Alterations Since 2004).

### External Appearance of Above Ground Structures at Abbey Mills

32. No development at Abbey Mills Pumping Station shall commence on any of the proposed above ground structures until a detailed plan and samples of all materials to be used in the external construction of the relevant above ground structures have been submitted to and approved in writing by the Local Planning Authority. Such external surfaces shall only be finished using the approved materials.

**Reasons:** To ensure a consistent standard of external appearance of the Victorian buildings on the site, with regard to Policies EQ19 and EQ39 of the London Borough of Newham Unitary Development Plan (adopted June 2001 and saved from the 27<sup>th</sup> of September 2007 in accordance with the direction from the Secretary of State) and Policies 4B.1 and 4B.11 of the London Plan (Feb 2008 Consolidated with Alterations Since 2004).

### Safeguards with Regard to the Structural Stability of Listed Buildings and Conservation Area Buildings

33. Development at Abbey Mills Pumping Station shall not commence until a method statement has been submitted to and approved in writing by the Local Planning Authority to protect the Listed Buildings and Conservation Area Buildings at Abbey Mills Pumping Station during construction and, if necessary, post construction.

**Reasons:** To ensure the structural stability of Listed Buildings and Conservation Area Buildings at the site, in accordance with Policies EQ30 and EQ38 of the London Borough of Newham Unitary Development Plan (adopted June 2001 and saved from the 27<sup>th</sup> of September 2007 in accordance with the

direction from the Secretary of State) and Policy 4B.12 of the London Plan (Feb 2008, Consolidated with Alterations Since 2004).

### Archaeology

34. The development works hereby approved at Abbey Mills Pumping Station shall not be commenced at the site until a programme of archaeological work for the site has been secured in accordance with a written scheme for investigation which has been submitted to and approved in writing by the Local Planning Authority.

The scheme shall also include a detailed design and method statement for the foundation design and all new ground works associated with the site.

The scheme as submitted will relate only to the site that its programme of work covers and, if approved, will only allow development to proceed at the site to which it relates.

The development at the site shall only take place in accordance with the approved scheme for that site.

The archaeological works for the site shall only be carried out by a suitably qualified investigating body acceptable to the Local Planning Authority.

**Reasons:** The development of this site is likely to damage archaeological remains. As important archaeological remains may exist on site the Local Planning Authority wishes to secure the provision of an archaeological investigation and the recording of any remains prior to commencement of development, in accordance with Policy EQ43 of the London Borough of Newham Unitary Development Plan (adopted June 2001 and saved from the 27<sup>th</sup> of September 2007 in accordance with the direction from the Secretary of State) and Policy 4B.15 of the London Plan (Feb 2008, Consolidated with Alterations Since 2004).

### Lighting

35. No external lighting associated with the development hereby approved at Abbey Mills Pumping Station shall be installed and operated at the site until the details of that external lighting, including details of location of lighting and details of lighting levels (wattage), have been submitted to and approved in writing by the Local Planning Authority. The external lighting shall be provided in accordance with the approved details prior to the use of the development and shall thereafter be permanently maintained, to the satisfaction of the Local Planning Authority.

All external lighting shall be designed so as not to cause light spill into the watercourse or adjacent river corridor habitat. Artificial lighting should be directional and focused with cowlings to light sources in close proximity to the

river corridor.

**Reasons:** In the interest of visual amenity, residential amenity, highway safety and public safety, in accordance with Policies EQ18, EQ19, EQ21, EQ26, EQ45 and T14 of the London Borough of Newham Unitary Development Plan (adopted June 2001 and saved from the 27<sup>th</sup> of September 2007 in accordance with the direction from the Secretary of State) and Policies 4B.1, 4B.2, 4B.3 and 4B.6 of the London Plan (Feb 2008, Consolidated with Alterations Since 2004).

#### British Waterways – Risk Assessment and Method Statement

36. The development hereby approved at Abbey Mills Pumping Station shall not commence until a risk assessment and method statement outlining all works to be carried out adjacent to Channelsea Creek and Prescott Channel has been submitted to and approved in writing by the Local Planning Authority. The risk assessment shall include details of the proposed safety equipment adjacent to Channelsea Creek and Prescott Channel, which shall be installed prior to the use of the development hereby permitted.

**Reasons:** In the interest of maintaining waterway health and safety and to protect and conserve the natural features of importance for biodiversity of the foreshore, in accordance with Policies EQ4, EQ9, EQ10, EQ11, EQ12, EQ18, EQ19 and EQ21 of the London Borough of Newham Unitary Development Plan (adopted June 2001 and saved from the 27<sup>th</sup> of September 2007 in accordance with the direction from the Secretary of State) and Policies 3D.14, 4A.3, 4B.1, 4C.3 and 4C.4 of the London Plan (Feb 2008, Consolidated with Alterations Since 2004).

#### British Waterways – CCTV

37. The CCTV to be provided at the Abbey Mills Pumping Station Development hereby approved shall not be installed and operated until full details of that proposed CCTV scheme have been submitted to and approved in writing by the Local Planning Authority. The approved CCTV scheme shall be implemented prior to the use of the development to the satisfaction of the Local Planning Authority and shall be retained for the duration of the operation of the development.

**Reasons:** In the interest of crime prevention, ecology, visual amenity and the river/creek setting, in accordance with Policies EQ18, EQ19 and EQ26 of the London Borough of Newham Unitary Development Plan (adopted June 2001 and saved from the 27<sup>th</sup> of September 2007 in accordance with the direction from the Secretary of State) and Policies 4B.1, 4B.2, 4B.3 and 4B.6 of the London Plan (Feb 2008, Consolidated with Alterations Since 2004).

## Protection of Trees/Shrubs at Abbey Mills Pumping Station

38. The development hereby approved for Abbey Mills Pumping Station shall not commence until a scheme for the protection of all trees and shrubs to be retained on the development site at Abbey Mills Pumping Station, to the minimum standards as set out in BS 5837 'Trees in relation to Construction Sites' 1991 has been submitted to and approved in writing by the Local Planning Authority.

No development shall take place until the fencing constructed to protect such trees and shrubs has been inspected by the Local Planning Authority. The development shall be carried out in accordance with the approved scheme.

**Reasons:** The existing trees represent an important visual amenity that the Local Planning Authority considers should be maintained and with regard to Policy EQ14 of the London Borough of Newham Unitary Development Plan (adopted June 2001 and saved from the 27<sup>th</sup> of September 2007 in accordance with the direction from the Secretary of State) and Policies 4B.1 and 3D.15 of the London Plan (Feb 2008, Consolidated with Alterations Since 2004).

## ENVIRONMENT AGENCY CONDITIONS

### Dewatering Scheme

39. No dewatering associated with the development hereby approved at Abbey Mills Pumping Station shall be carried out on site until a dewatering scheme for the Abbey Mills Pumping Station site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include:

- a. A detailed programme of dewatering for the shafts and tunnels to be constructed at Abbey Mills Pumping Station in terms of quantities likely to be abstracted and pumping durations;
- b. An assessment into the change in groundwater levels likely to be seen at local abstractors, both licensed and unlicensed, and the risk of reducing that abstractors ability to abstract water;
- c. Details of methods of mitigation to counteract these effects; and
- d. Details of a groundwater monitoring programme to confirm the assessment results and success of any mitigation measures proposed.

**Reasons:** In the interest of ensuring that the construction activities will not adversely impact abstractions within the local area of the tunnel and to prevent pollution of the water environment, in accordance with Policies S4, EQ18, EQ19 and EQ63 of the London Borough of Newham Unitary Development Plan (adopted June 2001 and saved from the 27<sup>th</sup> of September 2007 in accordance with the direction from the Secretary of State) and Policies 4A.3, 4A.14, 4A.16,

4A.17 and 4B.1 of the London Plan (Feb 2008, Consolidated with Alterations Since 2004).

Scheme to Deal with the Risks Associated with Contamination

40. The development at Abbey Mills Pumping Station hereby approved shall not commence until the following components of a scheme to deal with the risks associated with contamination of the site have been submitted to and approved in writing by the Local Planning Authority (unless such other date or stage in development is agreed in advance and in writing by the Local Planning Authority for the submission of the scheme):

- a. A preliminary risk assessment which identifies:
  - All previous uses of the site;
  - Potential contaminants associated with those uses;
  - A conceptual model of the site indicating sources, pathways and receptors; and
  - Potentially unacceptable risks arising from contamination at the site.
- b. A site investigation scheme, based on (a) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
- c. The site investigation results and the detailed risk assessment (b) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
- d. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (c) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

**Reasons:** To safeguard the public, the environment and surface and groundwater as this site may have or is known to have been used in the past for activities that are likely to have resulted in it being contaminated with material that is potentially harmful to humans, or the environment and with regard to Policy EQ49 of the London Borough of Newham Unitary Development Plan (adopted June 2001 and saved from the 27<sup>th</sup> of September 2007 in accordance with the direction from the Secretary of State) and Policy 4A.33 of the London Plan (Feb 2008, Consolidated with Alterations Since 2004).

Contamination

41. If, during the construction of the development hereby approved at Abbey Mills Pumping Station, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in

writing with the Local Planning Authority) shall be carried out until the developer has submitted to, and obtained written approval from, the Local Planning Authority for an amendment to the remediation strategy set out in Chapter 12 (Land Quality) of the Environmental Statement detailing how this unsuspected contamination shall be dealt with.

**Reasons:** To prevent pollution of the water environment, in accordance with Policies S4, EQ18, EQ19 and EQ63 of the London Borough of Newham Unitary Development Plan (adopted June 2001 and saved from the 27<sup>th</sup> of September 2007 in accordance with the direction from the Secretary of State) and Policies 4A.3, 4A.14, 4A.16 and 4B.1 of the London Plan (Feb 2008, Consolidated with Alterations Since 2004).

#### Piling / Foundation Designs / Tunnelling

42. Piling or any other foundation designs and any tunnelling associated with shafts or other tunnel ancillary works using penetrative methods at Abbey Mills Pumping Station shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

**Reasons:** The Preliminary Risk Assessment indicates that land has been affected by contamination. A risk assessment should therefore be submitted for all proposed sub-surface structures for the application, including a construction methodology and composition of the proposed materials and supporting information (such as grouting material leach test results) used, to ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off-site receptors in accordance with Policies EQ4, EQ9, EQ10, EQ11, EQ12, EQ45 and EQ49 of the London Borough of Newham Unitary Development Plan (adopted June 2001 and saved from the 27<sup>th</sup> of September 2007 in accordance with the direction from the Secretary of State) and Policies 3D.14, 4A.3 and 4A.17 and 4A.33 of the London Plan (Feb 2008, Consolidated with Alterations Since 2004).

#### Waste Management Plan and Strategy

43. The development hereby approved at Abbey Mills Pumping Station shall not commence until a Waste Management Plan and Strategy for Abbey Mills Pumping Station has been submitted to and approved in writing by the Local Planning Authority. The approved Waste Management Strategy for Abbey Mills Pumping Station shall be implemented at all times during construction of Abbey Mills Pumping Station, to the satisfaction of the Local Planning Authority.

**Reasons:** To ensure that waste management issues are fully addressed in accordance with the waste management hierarchy, in accordance with Policies EQ18, EQ19, EQ45, EQ54 and EQ61 of the London Borough of Newham Unitary Development Plan (adopted June 2001 and saved from the 27<sup>th</sup> of September 2007 in accordance with the direction from the Secretary of State) and Policies 4A.3, 4A.21, 4A.22 and 4A.28 of the London Plan (Feb 2008, Consolidated with Alterations Since 2004).

#### Details of Site Drainage

44. The development hereby approved at Abbey Mills Pumping Station shall not commence until details of site drainage have been submitted to and approved in writing by the Local Planning Authority.

**Reasons:** To prevent pollution of the water environment, in accordance with Policies S4, EQ18, EQ19 and EQ63 of the London Borough of Newham Unitary Development Plan (adopted June 2001 and saved from the 27<sup>th</sup> of September 2007 in accordance with the direction from the Secretary of State) and Policies 4A.3, 4A.14, 4A.16 and 4B.1 of the London Plan (Feb 2008, Consolidated with Alterations Since 2004).

#### Japanese Knotweed

45. The development hereby approved at Abbey Mills Pumping Station shall not commence until a detailed method statement for the removal or long-term management of Japanese knotweed present on the site has been submitted to and approved in writing by the Local Planning Authority. The submitted method statement shall include proposed measures to prevent its spread during any operations relating to the proposal, such as mowing, strimming or soil movement. Any soils brought to the site shall be free of the seeds/root/stem of any invasive plant covered under the Wildlife and Countryside Act. Development shall proceed in accordance with the approved method statement to the satisfaction of the Local Planning Authority.

**Reasons:** In the interest of impacts on biodiversity and maximising the ecological potential of the site, in accordance with Policies EQ4, EQ9, EQ10, EQ11, EQ12, EQ18, EQ19 and EQ21 of the London Borough of Newham Unitary Development Plan (adopted June 2001 and saved from the 27<sup>th</sup> of September 2007 in accordance with the direction from the Secretary of State) and Policies 3D.14, 4A.3, 4B.1, 4C.3 and 4C.4 of the London Plan (Feb 2008, Consolidated with Alterations Since 2004).

#### No Spoil or Materials Within 16m of Tidal Flood Defences

46. No spoil or materials shall be deposited within 16m of the tidal flood defences.



**Reasons:** To preserve access to the tidal flood defences for inspection, maintenance and repair in accordance with Policies EQ18, EQ19, EQ62 and EQ64 of the London Borough of Newham Unitary Development Plan (adopted June 2001 and saved from the 27<sup>th</sup> of September 2007 in accordance with the direction from the Secretary of State) and Policies 4A.12, 4A.13 and 4B.1 of the London Plan (Feb 2008, Consolidated with Alterations Since 2004).

#### Monitoring Scheme for Flood Defences

47. The development hereby approved for the works at Abbey Mills Pumping Station shall not commence until a monitoring scheme for flood defences on the Channelsea River at Abbey Mills has been agreed in writing with the Local Planning Authority. The monitoring scheme shall cover vertical, lateral and rotational movements of the flood defences and provide for contingency measures to ensure the integrity of the flood defences is maintained at all times during the period of construction for the works at Abbey Mills Pumping Station and for an agreed period and frequency, to be agreed by the Local Planning Authority, following commissioning of the development hereby approved.

The scheme shall also cover the following.

- Duration
- Frequency
- Location of monitoring points
- Methodology
- Base readings (taken at least two weeks before construction commences).

**Reasons:** To protect the integrity of the flood defences, in accordance with Policies EQ18, EQ19, EQ62 and EQ64 of the London Borough of Newham Unitary Development Plan (adopted June 2001 and saved from the 27<sup>th</sup> of September 2007 in accordance with the direction from the Secretary of State) and Policies 4A.12, 4A.13 and 4B.1 of the London Plan (Feb 2008, Consolidated with Alterations Since 2004).

#### BECKTON SEWAGE TREATMENT WORKS

##### Construction Phase Travel Management Plan

48. The development works hereby approved at Beckton STW (Proposed Extension) shall not be commenced until a Construction Phase Travel Management Plan for the site has been submitted to and approved in writing by the Local Planning Authority in consultation with TfL.

The Construction Phase Travel Management Plan for Beckton STW (Proposed Extension) shall include evidence of written approval from, and/or appropriate agreements with, the Highways Authority with regards to construction phase

signing, routing, traffic management measures and any temporary measures associated with the highway network. It shall also include a car parking management strategy and Construction Phase Travel Plan and provision for the implementation, monitoring and review of such plans.

The Construction Phase Travel Management Plan for Beckton STW (Proposed Extension) as submitted will relate only to the site that its details cover and, if approved, will only allow development to proceed at the site to which it relates.

The Construction Phase Travel Management Plan shall be implemented for the entire period of the works at the site to which it relates, to the satisfaction of the Local Planning Authority.

**Reasons:** To ensure the transport impact of the construction phase is reduced as far as possible, to promote the use of sustainable modes of transport to the site during the construction phase and to ensure construction operations are carried out in a safe manner with due regard for the optimum operation of the highway network, in accordance with Policies EQ45, T14, T19, T23, T24 and T26 of the London Borough of Newham Unitary Development Plan (adopted June 2001 and saved from the 27<sup>th</sup> of September 2007 in accordance with the direction from the Secretary of State) and Policies 3C.3, 3C.17, 3C.25, 4A.3, 4A.19, 4A.20 and 4B.1 of the London Plan (Feb 2008, Consolidated with Alterations Since 2004).

#### Construction Management Plan

49. The development works hereby approved at Beckton STW (Proposed Extension) shall not be commenced until a site Construction Management Plan for that site has been submitted to and approved in writing by the Local Planning Authority.

The Construction Management Plan for Beckton STW (Proposed Extension) shall detail all methods of site preparation and construction of the development, including demolition, clearance, ground works, sourcing of materials, smoke, avoidance of fires, wheel washing, noise, vibration, hours of operation, and implementation and monitoring during construction.

The Construction Management Plan for Beckton STW (Proposed Extension) as submitted will relate only to the site that its details cover and, if approved, will only allow development to proceed at the site to which it relates.

The Construction Management Plan shall be implemented for the entire period of the works at the site to which it relates, to the satisfaction of the Local Planning Authority.

**Reasons:** In the interests of pollution prevention, residential amenity and to ensure construction operations are carried out in a safe manner, in accordance with Policies EQ45, EQ46 and EQ47 of the London Borough of Newham Unitary Development Plan (adopted June 2001 and saved from the 27<sup>th</sup> of September

2007 in accordance with the direction from the Secretary of State) and Policies 3C.3, 3C.17, 3C.25, 4A.3, 4A.19, 4A.20 and 4B.1 of the London Plan (Feb 2008, Consolidated with Alterations Since 2004).

#### Operational Phase Travel Plan

50. The development hereby approved at Beckton STW (Proposed Extension) shall not commence operations until an Operational Phase Travel Plan for that development has been submitted to and approved in writing by the Local Planning Authority. The Operational Phase Travel Plan shall be permanently implemented thereafter, to the satisfaction of the Local Planning Authority.

**Reasons:** To ensure the transport impact of the operational site is reduced as far as possible to promote the use of sustainable modes of transport to the site, and in the interest of minimising pollution in accordance with Policies T5, EQ45 and EQ46 of the London Borough of Newham Unitary Development Plan (adopted June 2001 and saved from the 27<sup>th</sup> of September 2007 in accordance with the direction from the Secretary of State) and Policies 3C.3, 3C.17, 3C.25, 4A.3, 4A.19, 4A.20 and 4B.1 of the London Plan (Feb 2008, Consolidated with Alterations Since 2004).

#### Archaeology

51. The development works hereby approved at Beckton STW (Proposed Extension) shall not be commenced at the site until a programme of archaeological work for the site has been secured in accordance with a written scheme for investigation which has been submitted to and approved in writing by the Local Planning Authority.

The scheme shall also include a detailed design and method statement for the foundation design and all new grounds works associated with the site.

The scheme as submitted will relate only to the site that its programme of work covers and, if approved, will only allow development to proceed at the site to which it relates.

The development at the site shall only take place in accordance with the approved scheme for that site.

The archaeological works for the site shall only be carried out by a suitably qualified investigating body acceptable to the Local Planning Authority.

**Reasons:** The development of this site is likely to damage archaeological remains. As important archaeological remains may exist on site the Local Planning Authority wishes to secure the provision of an archaeological investigation and the recording of any remains prior to commencement of development, in accordance with Policy EQ43 of the London Borough of Newham Unitary Development Plan (adopted June 2001 and saved from the

27<sup>th</sup> of September 2007 in accordance with the direction from the Secretary of State) and Policy 4B.15 of the London Plan (Feb 2008, Consolidated with Alterations Since 2004).

### Lighting

52. No external lighting associated with the development hereby approved at Beckton STW shall be installed and operated at the site until the details of that external lighting, including details of location of lighting and details of lighting levels (wattage), have been submitted to and approved in writing by the Local Planning Authority. The external lighting shall be provided in accordance with the approved details prior to the use of the development and shall thereafter be permanently maintained, to the satisfaction of the Local Planning Authority.

All external lighting shall be designed so as not to cause light spill into the watercourse or adjacent river corridor habitat. Artificial lighting should be directional and focused with cowlings to light sources in close proximity to the river corridor.

**Reasons:** In the interest of visual amenity, residential amenity, highway safety and public safety, in accordance with Policies EQ18, EQ19, EQ21, EQ26, EQ45 and T14 of the London Borough of Newham Unitary Development Plan (adopted June 2001 and saved from the 27<sup>th</sup> of September 2007 in accordance with the direction from the Secretary of State) and Policies 4B.1, 4B.2, 4B.3 and 4B.6 of the London Plan (Feb 2008, Consolidated with Alterations Since 2004).

### Reptiles

53. The development works hereby approved at Beckton STW (Proposed Extension) shall not commence until the results of the reptile trapping exercise have been submitted to and approved in writing by the Local Planning Authority.

In the event that the trapping exercise identifies a need for mitigation greater than that anticipated in the Environmental Statement, development at that site shall not commence until a scheme of additional mitigation measures has been submitted to and approved in writing by the Local Planning Authority.

The development shall be carried out at the site in accordance with the approved mitigation measures to the satisfaction of the Local Planning Authority.

**Reasons:** In the interest of impacts on biodiversity and maximising the ecological potential of the site, in accordance with Policies EQ4, EQ9, EQ10, EQ11, EQ12, EQ18, EQ19 and EQ21 of the London Borough of Newham Unitary Development Plan (adopted June 2001 and saved from the 27<sup>th</sup> of September 2007 in accordance with the direction from the Secretary of State) and Policies 3D.14, 4A.3, 4B.1, 4C.3 and 4C.4 of the London Plan (Feb 2008, Consolidated with Alterations Since 2004).

### Breeding Bird Survey

54. The development hereby approved at Beckton STW shall not commence at the site until a survey for the presence of breeding birds at the site has been submitted to and approved in writing by the Local Planning Authority.

In the event that the survey identifies mitigation requirements which exceed those set out in the Environmental Statement, development at that site shall not commence until details of any further mitigation measures have been submitted to and approved in writing by the Local Planning Authority.

The development shall be carried out at that site in accordance with the approved mitigation measures to the satisfaction of the Local Planning Authority.

**Reasons:** In the interest of impacts on biodiversity and maximising the ecological potential of the site, in accordance with Policies EQ4, EQ9, EQ10, EQ11, EQ12, EQ18, EQ19 and EQ21 of the London Borough of Newham Unitary Development Plan (adopted June 2001 and saved from the 27<sup>th</sup> of September 2007 in accordance with the direction from the Secretary of State) and Policies 3D.14, 4A.3, 4B.1, 4C.3 and 4C.4 of the London Plan (Feb 2008, Consolidated with Alterations Since 2004).

### Protection of Trees/Shrubs at Beckton STW (Proposed Extension)

55. The development hereby approved at Beckton STW (Proposed Extension) shall not commence until a scheme for the protection of all trees and shrubs to be retained on the development site at Beckton STW (Proposed Extension), to the minimum standards as set out in BS 5837 Trees in relation to Construction Sites 1991 has been submitted to and approved in writing by the Local Planning Authority.

No development shall take place until the fencing constructed to protect such trees and shrubs has been inspected by the Local Planning Authority. The development shall be carried out in accordance with the approved scheme.

**Reasons:** The existing trees represent an important visual amenity that the Local Planning Authority considers should be maintained and with regard to Policy EQ14 of the London Borough of Newham Unitary Development Plan (adopted June 2001 and saved from the 27<sup>th</sup> of September 2007 in accordance with the direction from the Secretary of State) and Policies 4B.1 and 3D.15 of the London Plan (Feb 2008, Consolidated with Alterations Since 2004).

## ENVIRONMENT AGENCY CONDITIONS

### Dewatering Scheme

56. No dewatering shall be carried out in relation to development works at Beckton STW (Proposed Extension) until a dewatering scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include:

- a. A detailed programme of dewatering for the shafts and tunnels to be constructed within the site boundary in terms of quantities likely to be abstracted and pumping durations;
- b. An assessment into the change in groundwater levels likely to be seen at local abstractors, both licensed and unlicensed, and the risk of reducing that abstractors ability to abstract water;
- c. Details of methods of mitigation to counteract these effects; and
- d. Details of a groundwater monitoring programme to confirm the assessment results and success of any mitigation measures proposed.

**Reasons:** In the interest of ensuring that the construction activities will not adversely impact abstractions within the local area of the tunnel and to prevent pollution of the water environment, in accordance with Policies S4, EQ18, EQ19 and EQ63 of the London Borough of Newham Unitary Development Plan (adopted June 2004 and saved from the 27<sup>th</sup> of September 2007 in accordance with the direction from the Secretary of State) and Policies 4A.3, 4A.14, 4A.16, 4A.17 and 4B.1 of the London Plan (Feb 2008, Consolidated with Alterations Since 2004).

### Scheme to Deal with the Risks Associated with Contamination

57. The development hereby approved for the extension of Beckton STW shall not commence until the following components of a scheme to deal with the risks associated with contamination of the site have been submitted to and approved in writing by the Local Planning Authority (unless such other date or stage in development is agreed in advance and in writing by the Local Planning Authority for the submission of the scheme):

- a. A preliminary risk assessment which identifies:
  - All previous uses of the site;
  - Potential contaminants associated with those uses;
  - A conceptual model of the site indicating sources, pathways and receptors; and
  - Potentially unacceptable risks arising from contamination at the site.

- b. A site investigation scheme, based on (a) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
- c. The site investigation results and the detailed risk assessment (b) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
- d. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (c) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

**Reasons:** To safeguard the public, the environment and surface and groundwater as this site may have or is known to have been used in the past for activities that are likely to have resulted in it being contaminated with material that is potentially harmful to humans, or the environment and with regard to Policy EQ49 of the London Borough of Newham Unitary Development Plan (adopted June 2001 and saved from the 27<sup>th</sup> of September 2007 in accordance with the direction from the Secretary of State) and Policy 4A.33 of the London Plan (Feb 2008, Consolidated with Alterations Since 2004).

#### Contamination

58. If, during the construction of the development hereby approved for the extension of Beckton STW, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted to and obtained written approval from, the Local Planning Authority for an amendment to the remediation strategy set out in Chapter 12 (Land Quality) of the Environmental Statement detailing how this unsuspected contamination shall be dealt with.

**Reasons:** To prevent pollution of the water environment, in accordance with Policies S4, EQ18, EQ19 and EQ63 of the London Borough of Newham Unitary Development Plan (adopted June 2001 and saved from the 27<sup>th</sup> of September 2007 in accordance with the direction from the Secretary of State) and Policies 4A.3, 4A.14, 4A.16 and 4B.1 of the London Plan (Feb 2008, Consolidated with Alterations Since 2004).

#### Piling / Foundation Designs / Tunnelling

59. Piling or any other foundation designs and any tunnelling associated with shafts or other tunnel ancillary works using penetrative methods associated with the construction of the extension of Beckton STW shall not be permitted other than with the express written consent of the Local Planning Authority, which

may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

**Reasons:** The Preliminary Risk Assessment indicates that land has been affected by contamination. A risk assessment should be submitted for all proposed sub-surface structures for the application, which includes a construction methodology and composition of the proposed materials and supporting information (such as grouting material leach test results) used, and to prevent pollution of the water environment, in accordance with Policies S4, EQ18, EQ19 and EQ45 of the London Borough of Newham Unitary Development Plan (adopted June 2001 and saved from the 27<sup>th</sup> of September 2007 in accordance with the direction from the Secretary of State) and Policies 4A.3, 4A.14, 4A.16, 4A.17 and 4B.1 of the London Plan (Feb 2008, Consolidated with Alterations Since 2004).

#### Waste Management Plan and Strategy

60. The Beckton STW extension development hereby approved shall not commence until a Waste Management Plan and Strategy for the Beckton STW Extension has been submitted to and approved in writing by the Local Planning Authority. The approved Waste Management Strategy shall be implemented at all times during construction of the Beckton STW Extension, to the satisfaction of the Local Planning Authority.

**Reasons:** To ensure that waste management issues are fully addressed in accordance with the waste management hierarchy, in accordance with Policies EQ18, EQ19, EQ45, EQ54 and EQ61 of the London Borough of Newham Unitary Development Plan (adopted June 2001 and saved from the 27<sup>th</sup> of September 2007 in accordance with the direction from the Secretary of State) and Policies 4A.3, 4A.21, 4A.22 and 4A.28 of the London Plan (Feb 2008, Consolidated with Alterations Since 2004).

#### Details of Site Drainage

61. The development hereby approved for the extension of Beckton STW shall not commence until details of site drainage have been submitted to and approved in writing by the Local Planning Authority.

**Reasons:** To prevent pollution of the water environment, in accordance with Policies S4, EQ18, EQ19 and EQ63 of the London Borough of Newham Unitary Development Plan (adopted June 2001 and saved from the 27<sup>th</sup> of September 2007 in accordance with the direction from the Secretary of State) and Policies 4A.3, 4A.14, 4A.16 and 4B.1 of the London Plan (Feb 2008, Consolidated with Alterations Since 2004).



### Detailed Design and Landscaping Scheme

62. The development hereby approved for the extension of Beckton STW shall not commence until a detailed design and landscaping scheme for the newly created ditches has been agreed in writing with the Local Planning Authority. The scheme shall cover the following:

- Length of the ditches
- Profile of the banks shown on cross section
- Width of the channel
- Amount of water in the channel
- Planting (native species, seeded or left to regenerate)
- Treatment of the 5 metre buffer zone around the ditches
- Tree planting
- Maintenance.

**Reasons:** To enhance the wetland biodiversity of the site and in the interest of impacts on biodiversity and maximising the ecological potential of the site, in accordance with Policies EQ4, EQ9, EQ10, EQ11, EQ12, EQ18, EQ19 and EQ21 of the London Borough of Newham Unitary Development Plan (adopted June 2001 and saved from the 27<sup>th</sup> of September 2007 in accordance with the direction from the Secretary of State) and Policies 3D.14, 4A.3, 4B.1, 4C.3 and 4C.4 of the London Plan (Feb 2008, Consolidated with Alterations Since 2004).

### Japanese Knotweed

63. The development hereby approved for the extension of Beckton STW shall not commence until a detailed method statement for the removal or long term management of Japanese knotweed present on the site has been submitted to and approved in writing by the Local Planning Authority. The submitted method statement shall include proposed measures to prevent its spread during any operations relating to the proposal, such as mowing, strimming or soil movement. Any soils brought to the site shall be free of the seeds/root/stem of any invasive plant covered under the Wildlife and Countryside Act. Development shall proceed in accordance with the approved method statement to the satisfaction of the Local Planning Authority.

**Reasons:** In the interest of impacts on biodiversity and maximising the ecological potential of the site, in accordance with Policies EQ4, EQ9, EQ10, EQ11, EQ12, EQ18, EQ19 and EQ21 of the London Borough of Newham Unitary Development Plan (adopted June 2001 and saved from the 27<sup>th</sup> of September 2007 in accordance with the direction from the Secretary of State) and Policies 3D.14, 4A.3, 4B.1, 4C.3 and 4C.4 of the London Plan (Feb 2008, Consolidated with Alterations Since 2004).

### Monitoring Scheme for Flood Defences

64. The development hereby approved for the extension of Beckton STW shall

not commence until a monitoring scheme for flood defences on the Thames at Beckton has been agreed in writing with the Local Planning Authority. The monitoring scheme shall cover vertical, lateral and rotational movements of the flood defences and provide for contingency measures to ensure the integrity of the flood defences is maintained at all times during the period of construction for the extension of Beckton STW and for an agreed period and frequency, to be agreed by the Local Planning Authority, following commissioning of the development hereby approved.

The scheme shall also cover the following:

- Duration
- Frequency
- Location of monitoring points
- Methodology
- Base readings (taken at least two weeks before construction commences).

**Reasons:** To protect the integrity of the flood defences, in accordance with Policies EQ18, EQ19, EQ62 and EQ64 of the London Borough of Newham Unitary Development Plan (adopted June 2001 and saved from the 27<sup>th</sup> of September 2007 in accordance with the direction from the Secretary of State) and Policies 4A.12, 4A.13 and 4B.1 of the London Plan (Feb 2008, Consolidated with Alterations Since 2004).

#### No Spoil or Materials Within 16m of Tidal Flood Defences

65. No spoil or materials shall be deposited within 16m of the tidal flood defences.

**Reasons:** To preserve access to the tidal flood defences for inspection, maintenance and repair in accordance with Policies EQ18, EQ19, EQ62 and EQ64 of the London Borough of Newham Unitary Development Plan (adopted June 2001 and saved from the 27<sup>th</sup> of September 2007 in accordance with the direction from the Secretary of State) and Policies 4A.12, 4A.13 and 4B.1 of the London Plan (Feb 2008, Consolidated with Alterations Since 2004).

#### LEE TUNNEL

##### Construction Phase Travel Management Plan

66. The development works hereby approved for the Lee Tunnel shall not be commenced until a Construction Phase Travel Management Plan for the works has been submitted to and approved in writing by the Local Planning Authority in consultation with TfL.

The Construction Phase Travel Management Plan for the Lee Tunnel shall

include evidence of written approval from, and/or appropriate agreements with, the Highways Authority with regards to construction phase signing, routeing, traffic management measures and any temporary measures associated with the highway network. It shall also include a car parking management strategy and Construction Phase Travel Plan and provision for the implementation, monitoring and review of such plans.

The Construction Phase Travel Management Plan for the Lee Tunnel as submitted will relate only to the site that its details cover and, if approved, will only allow development to proceed at the site to which it relates.

The Construction Phase Travel Management Plan shall be implemented for the entire period of the works at the site to which it relates, to the satisfaction of the Local Planning Authority.

**Reasons:** To ensure the transport impact of the construction phase is reduced as far as possible, to promote the use of sustainable modes of transport to the site during the construction phase and to ensure construction operations are carried out in a safe manner with due regard for the optimum operation of the highway network, in accordance with Policies EQ45, T14, T19, T23, T24 and T26 of the London Borough of Newham Unitary Development Plan (adopted June 2001 and saved from the 27<sup>th</sup> of September 2007 in accordance with the direction from the Secretary of State) and Policies 3C.3, 3C.17, 3C.25, 4A.3, 4A.19, 4A.20 and 4B.1 of the London Plan (Feb 2008, Consolidated with Alterations Since 2004).

#### Construction Management Plan

67. The development works hereby approved for the Lee Tunnel shall not be commenced until a site Construction Management Plan for that site has been submitted to and approved in writing by the Local Planning Authority.

The Construction Management Plan for the Lee Tunnel shall detail all methods of site preparation and construction of the development, including: demolition, clearance, ground works, sourcing of materials, smoke, avoidance of fires, wheel washing, noise, vibration, hours of operation, and implementation and monitoring during construction.

The Construction Management Plan for the Lee Tunnel as submitted will relate only to the site that its details cover and, if approved, will only allow development to proceed at the site to which it relates.

The Construction Management Plan shall be implemented for the entire period of the works at the site to which it relates, to the satisfaction of the Local Planning Authority.

**Reasons:** In the interest of pollution prevention, residential amenity and to ensure construction operations are carried out in a safe manner, in accordance with Policies EQ45, EQ46 and EQ47 of the London Borough of Newham Unitary

Development Plan (adopted June 2001 and saved from the 27<sup>th</sup> of September 2007 in accordance with the direction from the Secretary of State) and Policies 3C.3, 3C.17, 3C.25, 4A.3, 4A.19, 4A.20 and 4B.1 of the London Plan (Feb 2008, Consolidated with Alterations Since 2004).

#### Operational Phase Travel Plan

68. The development hereby approved for the Lee Tunnel shall not commence operations until an Operational Phase Travel Plan for that development has been submitted to and approved in writing by the Local Planning Authority. The Operational Phase Travel Plan shall be permanently implemented thereafter, to the satisfaction of the Local Planning Authority.

**Reasons:** To ensure the transport impact of the operational site is reduced as far as possible to promote the use of sustainable modes of transport to the site, and in the interest of minimising pollution in accordance with Policies T5, EQ45 and EQ46 of the London Borough of Newham Unitary Development Plan (adopted June 2001 and saved from the 27<sup>th</sup> of September 2007 in accordance with the direction from the Secretary of State) and Policies 3C.3, 3C.17, 3C.25, 4A.3, 4A.19, 4A.20 and 4B.1 of the London Plan (Feb 2008, Consolidated with Alterations Since 2004).

#### Safeguards with Regard to the Structural Stability of Listed Building

69. Development at Beckton STW in relation to the construction of the Lee Tunnel shall not commence until appropriate measures have been agreed in writing with the Local Planning Authority to protect the Listed Chimney located at Beckton STW during construction and post construction. This shall include, where required, securing Listed Building Consent for any works that affect the Chimney itself.

**Reasons:** To ensure the structural stability of the Listed Chimney at the site, in accordance with Policy EQ38 of the London Borough of Newham Unitary Development Plan (adopted June 2001 and saved from the 27<sup>th</sup> of September 2007 in accordance with the direction from the Secretary of State) and Policy 4B.12 of the London Plan (Feb 2008, Consolidated with Alterations Since 2004).

#### Protection of Trees/Shrubs – Lee Tunnel at Beckton STW

70. The development hereby approved for the construction of the Lee Tunnel at Beckton STW shall not commence until a scheme for the protection of all trees and shrubs to be retained as part of the construction of the Lee Tunnel at Beckton STW, to the minimum standards as set out in BS 5837 'Trees in relation to Construction Sites' 1991 has been submitted to and approved in writing by the Local Planning Authority.

No development shall take place until the fencing constructed to protect such

trees and shrubs has been inspected by the Local Planning Authority. The development shall be carried out in accordance with the approved scheme.

**Reasons:** The existing trees represent an important visual amenity that the Local Planning Authority considers should be maintained and with regard to Policy EQ14 of the London Borough of Newham Unitary Development Plan (adopted June 2001 and saved from the 27<sup>th</sup> of September 2007 in accordance with the direction from the Secretary of State) and Policies 4B.1 and 3D.15 of the London Plan (Feb 2008, Consolidated with Alterations Since 2004).

## ENVIRONMENT AGENCY CONDITIONS

### Japanese Knotweed

71. The development hereby approved for the construction of the Lee Tunnel at Beckton STW shall not commence until a detailed method statement for the removal or long term management of Japanese knotweed present on the site has been submitted to and approved in writing by the Local Planning Authority. The submitted method statement shall include proposed measures to prevent its spread during any operations relating to the proposal, such as mowing, strimming or soil movement. Any soils brought to the site shall be free of the seeds/root/stem of any invasive plant covered under the Wildlife and Countryside Act. Development shall proceed in accordance with the approved method statement to the satisfaction of the Local Planning Authority.

**Reasons:** In the interest of impacts on biodiversity and maximising the ecological potential of the site, in accordance with Policies EQ4, EQ9, EQ10, EQ11, EQ12, EQ18, EQ19 and EQ21 of the London Borough of Newham Unitary Development Plan (adopted June 2001 and saved from the 27<sup>th</sup> of September 2007 in accordance with the direction from the Secretary of State) and Policies 3D.14, 4A.3, 4B.1, 4C.3 and 4C.4 of the London Plan (Feb 2008, Consolidated with Alterations Since 2004).

### Details of Proposed Jetty

72. No excavation works, or other foundation or piling works, associated with the construction of the Lee Tunnel shall commence until full details of the proposed jetty including siting, design, construction, timings and associated mitigation measures have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details to the satisfaction of the Local Planning Authority.

**Reasons:** To protect and conserve the natural features of importance within or adjoining the watercourse and protect the integrity of the tidal flood defences.

## Foreshore Monitoring Scheme

73. The development hereby approved for the construction of the Lee Tunnel at Beckton STW shall not commence until a 5 year foreshore monitoring scheme has been submitted to and approved in writing by the Local Planning Authority. This shall include monitoring of the existing habitat for greater losses than originally anticipated, habitat creation areas and over wintering birds. The approved scheme shall be implemented to the satisfaction of the Local Planning Authority and reported to the Local Planning Authority along with any remedial mitigation and compensation measures proposed where impacts are greater or unexpected in relation to those anticipated within the EIA. Any mitigation measures shall be agreed in writing by the Local Planning Authority and implemented to the satisfaction of the Local Planning Authority.

**Reasons:** To protect and conserve the natural features of importance for biodiversity of the foreshore, in accordance with Policies EQ4, EQ9, EQ10, EQ11, EQ12, EQ18, EQ19 and EQ21 of the London Borough of Newham Unitary Development Plan (adopted June 2001 and saved from the 27<sup>th</sup> of September 2007 in accordance with the direction from the Secretary of State) and Policies 3D.14, 4A.3, 4B.1, 4C.3 and 4C.4 of the London Plan (Feb 2008, Consolidated with Alterations Since 2004).

## Methodology for Development Riverward of Existing Tidal Defences

74. No development shall be carried out riverward of the existing tidal defences in the River Thames until a full methodology for such work, including indicative timings and duration of construction, has been submitted to and approved in writing by the Local Planning Authority.

**Reasons:** To protect and conserve the natural features of importance for biodiversity of the foreshore, in accordance with Policies EQ4, EQ9, EQ10, EQ11, EQ12, EQ18, EQ19 and EQ21 of the London Borough of Newham Unitary Development Plan (adopted June 2001 and saved from the 27<sup>th</sup> of September 2007 in accordance with the direction from the Secretary of State) and Policies 3D.14, 4A.3, 4B.1, 4C.3 and 4C.4 of the London Plan (Feb 2008, Consolidated with Alterations Since 2004).

## Methodology for Dredging

75. No dredging shall commence until a full methodology of the proposed dredging regime, including timings, locations, areas and volumes, has been submitted to and approved in writing by the Local Planning Authority. No sub-tidal dredging shall be carried out between the months of June and August due to the impact this may have on spawning and juvenile fish in the estuary.

**Reasons:** To protect and conserve the natural features of importance for biodiversity of the foreshore, in accordance with Policies EQ4, EQ9, EQ10, EQ11, EQ12, EQ18, EQ19 and EQ21 of the London Borough of Newham

Unitary Development Plan (adopted June 2001 and saved from the 27<sup>th</sup> of September 2007 in accordance with the direction from the Secretary of State) and Policies 3D.14, 4A.3, 4B.1, 4C.3 and 4C.4 of the London Plan (Feb 2008, Consolidated with Alterations Since 2004).

#### No Spoil or Materials Within 16m of Tidal Flood Defences

76. No spoil or materials shall be deposited within 16m of the tidal flood defences.

**Reasons:** To preserve access to the tidal flood defences for inspection, maintenance and repair in accordance with Policies EQ18, EQ19, EQ62 and EQ64 of the London Borough of Newham Unitary Development Plan (adopted June 2001 and saved from the 27<sup>th</sup> of September 2007 in accordance with the direction from the Secretary of State) and Policies 4A.12, 4A.13 and 4B.1 of the London Plan (Feb 2008, Consolidated with Alterations Since 2004).

#### Flood Defence Level

77. During construction works on the development hereby approved for the extension of Beckton STW and the construction of the Lee Tunnel at Beckton STW the flood defence level should be maintained at 7.2m above Ordnance Datum Newlyn (ODN) along the River Thames. This may require the use of temporary structures during construction until a permanent flood defence is in place. Details of any temporary structures shall be submitted to and approved in writing by the Local Planning Authority prior to construction.

**Reasons:** To ensure the continuous flood defence at all times, in accordance with Policies EQ18, EQ19, EQ62 and EQ64 of the London Borough of Newham Unitary Development Plan (adopted June 2001 and saved from the 27<sup>th</sup> of September 2007 in accordance with the direction from the Secretary of State) and Policies 4A.12, 4A.13 and 4B.1 of the London Plan (Feb 2008, Consolidated with Alterations Since 2004).

#### Engineering Method Statements

78. The development hereby approved for the construction of the Lee Tunnel at Beckton STW shall not commence until calculations and detailed engineering method statements have been submitted to and approved in writing by the Local Planning Authority for the:

- a. Temporary steel sheet pile wall;
- b. Temporary plates in lieu of the flap valves at the culverts; and
- c. Permanent flood defence on top of the culvert.

**Reasons:** To protect the integrity of the flood defences, in accordance with Policies EQ18, EQ19, EQ62 and EQ64 of the London Borough of Newham

Unitary Development Plan (adopted June 2001 and saved from the 27<sup>th</sup> of September 2007 in accordance with the direction from the Secretary of State) and Policies 4A.12, 4A.13 and 4B.1 of the London Plan (Feb 2008, Consolidated with Alterations Since 2004).

#### Dewatering Scheme

79. No dewatering shall be carried out in relation to development works for the construction of the Lee Tunnel at Beckton STW until a dewatering scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include:

- a. A detailed programme of dewatering for the shafts and tunnels to be constructed within the site boundary in terms of quantities likely to be abstracted and pumping durations;
- b. An assessment into the change in groundwater levels likely to be seen at local abstractors, both licensed and unlicensed, and the risk of reducing that abstractors ability to abstract water;
- c. Details of methods of mitigation to counteract these effects; and
- d. Details of a groundwater monitoring programme to confirm the assessment results and success of any mitigation measures proposed.

**Reasons:** In the interest of ensuring that the construction activities will not adversely impact abstractions within the local area of the tunnel and to prevent pollution of the water environment, in accordance with Policies S4, EQ18, EQ19 and EQ63 of the London Borough of Newham Unitary Development Plan (adopted June 2001 and saved from the 27<sup>th</sup> of September 2007 in accordance with the direction from the Secretary of State) and Policies 4A.3, 4A.14, 4A.16, 4A.17 and 4B.1 of the London Plan (Feb 2008, Consolidated with Alterations Since 2004).

#### Scheme to Deal with the Risks Associated with Contamination

80. The development hereby approved for the construction of the Lee Tunnel at Beckton STW shall not commence until the following components of a scheme to deal with the risks associated with contamination of the site have been submitted to and approved in writing by the Local Planning Authority (unless such other date or stage in development is agreed in advance and in writing by the Local Planning Authority for the submission of the scheme):

- a. A preliminary risk assessment which identifies:
  - All previous uses of the site;
  - Potential contaminants associated with those uses;
  - A conceptual model of the site indicating sources, pathways and



- receptors; and
- Potentially unacceptable risks arising from contamination at the site.
- b. A site investigation scheme, based on (a) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
- c. The site investigation results and the detailed risk assessment (b) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
- d. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (c) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

**Reasons:** To safeguard the public, the environment and surface and groundwater as this site may have or is known to have been used in the past for activities that are likely to have resulted in it being contaminated with material that is potentially harmful to humans, or the environment and with regard to Policy EQ49 of the London Borough of Newham Unitary Development Plan (adopted June 2001 and saved from the 27<sup>th</sup> of September 2007 in accordance with the direction from the Secretary of State) and Policy 4A.33 of the London Plan (Feb 2008, Consolidated with Alterations Since 2004).

#### Contamination

81. If, during the construction of the development hereby approved for the construction of the Lee Tunnel at Beckton STW, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted to, and obtained written approval from, the Local Planning Authority for an amendment to the remediation strategy set out in Chapter 12 (Land Quality) of the Environmental Statement detailing how this unsuspected contamination shall be dealt with.

**Reasons:** To prevent pollution of the water environment, in accordance with Policies S4, EQ18, EQ19 and EQ63 of the London Borough of Newham Unitary Development Plan (adopted June 2001 and saved from the 27<sup>th</sup> of September 2007 in accordance with the direction from the Secretary of State) and Policies 4A.3, 4A.14, 4A.16 and 4B.1 of the London Plan (Feb 2008, Consolidated with Alterations Since 2004).

#### Piling / Foundation Designs / Tunnelling

82. Piling or any other foundation designs and any tunnelling associated with shafts or other tunnel ancillary works using penetrative methods associated with

the construction of the Lee Tunnel at Beckton STW shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

**Reasons:** The Preliminary Risk Assessment indicates that land has been affected by contamination. A risk assessment should be submitted for all proposed sub-surface structures for the application, which includes a construction methodology and composition of the proposed materials and supporting information (such as grouting material leach test results) used, and to prevent pollution of the water environment, in accordance with Policies S4, EQ18, EQ19 and EQ45 of the London Borough of Newham Unitary Development Plan (adopted June 2001 and saved from the 27<sup>th</sup> of September 2007 in accordance with the direction from the Secretary of State) and Policies 4A.3, 4A.14, 4A.16, 4A.17 and 4B.1 of the London Plan (Feb 2008, Consolidated with Alterations Since 2004).

#### Waste Management Plan and Strategy

83. The development hereby approved for the Lee Tunnel at Beckton STW shall not commence until a Waste Management Plan and Strategy for the Lee Tunnel at Beckton STW has been submitted to and approved in writing by the Local Planning Authority. The approved Waste Management Strategy shall be implemented at all times during construction of the Lee Tunnel at Beckton STW, to the satisfaction of the Local Planning Authority.

**Reasons:** To ensure that waste management issues are fully addressed in accordance with the waste management hierarchy, in accordance with Policies EQ18, EQ19, EQ45, EQ54 and EQ61 of the London Borough of Newham Unitary Development Plan (adopted June 2001 and saved from the 27<sup>th</sup> of September 2007 in accordance with the direction from the Secretary of State) and Policies 4A.3, 4A.21, 4A.22 and 4A.28 of the London Plan (Feb 2008, Consolidated with Alterations Since 2004).

#### Details of Site Drainage

84. The development hereby approved for the construction of the Lee Tunnel at Beckton STW shall not commence until details of site drainage have been submitted to and approved in writing by the Local Planning Authority.

**Reasons:** To prevent pollution of the water environment, in accordance with Policies S4, EQ18, EQ19 and EQ63 of the London Borough of Newham Unitary Development Plan (adopted June 2001 and saved from the 27<sup>th</sup> of September 2007 in accordance with the direction from the Secretary of State) and Policies 4A.3, 4A.14, 4A.16 and 4B.1 of the London Plan (Feb 2008, Consolidated with Alterations Since 2004).

## Monitoring Scheme for Flood Defences

85. The development of the Lee Tunnel hereby approved shall not commence until a monitoring scheme for flood defences on the Thames at Beckton and on the Channelsea River at Abbey Mills has been agreed in writing with the Local Planning Authority. The monitoring scheme shall cover vertical, lateral and rotational movements of the flood defences and provide for contingency measures to ensure the integrity of the flood defences is maintained at all times during the period of construction for the Lee Tunnel and for an agreed period and frequency, to be agreed with the Local Planning Authority, following commissioning of the development hereby approved.

The scheme shall also cover the following:

- Duration
- Frequency
- Location of monitoring points
- Methodology
- Base readings (taken at least two weeks before construction commences).

**Reasons:** To protect the integrity of the flood defences, in accordance with Policies EQ18, EQ19, EQ62 and EQ64 of the London Borough of Newham Unitary Development Plan (adopted June 2001 and saved from the 27<sup>th</sup> of September 2007 in accordance with the direction from the Secretary of State) and Policies 4A.12, 4A.13 and 4B.1 of the London Plan (Feb 2008, Consolidated with Alterations Since 2004).

## **INFORMATIVES:**

### 1. Proximity to National Grid Networks

As set out in the letter from National Grid dated 15<sup>th</sup> August 2008, the proximity and sensitivity of National Grid networks to certain parts of the proposed development is high. The contents of the letter should be noted.

### 2. British Waterways

The applicant is advised that any discharge of surface water into the waterways requires British Waterway's written permission before development commences. Please contact Ben Loader on 0207 985 7288 for further information.

The applicant/developer is advised to contact British Waterways' third party works engineer, in order to ensure that any necessary consents are obtained and the works are compliant with the current British Waterways' "Code of

Practice for Works affecting British Waterways".

3. London City Airport

In the event that during construction, craneage or scaffolding is required at a higher elevation than that of the planned development, their use must be subject to separate consultation with London City Airport. London City Airport advise that the attention of crane operators be brought to the British Standard Institute 7121: Part 1: 1989 (as amended).

4. TfL – DLR Informative

The applicant is advised that DLRL is in the process of promoting a new extension to its railway referred to as the Dagenham Dock Extension. DLRL has applied to the Secretary of State for Transport for compulsory purchase powers and deemed planning powers and this includes land within the applicant's planning application boundary. The works proposed through this application directly affect DLRL's proposed extension and as such the applicant will need to fully consult with DLRL to ensure the interface between the applicant's and DLRL's proposals are properly regulated. The consultation with DLRL should commence at feasibility stage and continue through to implementation of the works.

5. English Heritage

Access to buildings at the Abbey Mills Pumping Station, especially Listed buildings, should be fully considered with regard to elements such as location of site compounds. Contact English Heritage for further guidance if necessary.

**ENVIRONMENT AGENCY – ABBEY MILLS PUMPING STATION**

6. Flood Defence Consent

Under the terms of the Water Resources Act 1991 and the Land Drainage Byelaws 1981, the prior written consent of the Environment Agency is required for any proposed works or structures either affecting or within 16 metres of the tidal flood defence structure. Contact Development Control in NE Thames on 01707 632639 for further details of consent requirements for works adjacent to the River Roding (Barking Creek) and Prescott Channel, or the London Development Control Team 020 7091 4017 for any details of consent requirements for works adjacent to the River Thames.

## 7. Discharge Consent

Under the terms of the Water Resources Act 1991, the prior written consent of the Environment Agency is normally required for any discharge of sewage or trade effluent into controlled waters, and may be required for any discharge of surface water to such controlled waters, or for any discharge of sewage or trade effluent from buildings or fixed plant into or onto ground, or into waters which are not controlled waters. Such consent may be withheld. (Controlled waters include rivers, streams, underground waters, reservoirs, estuaries and coastal waters).

## 8. Transfer License for Dewatering

Please contact the Environment Agency on 08708 506 506 to discuss the current arrangements for dewatering licensing and the proposed future changes.

## **ENVIRONMENT AGENCY – BECKTON SEWAGE TREATMENT WORKS**

## 9. Flood Defence Consent

Under the terms of the Water Resources Act 1991 and the Land Drainage Byelaws 1981, the prior written consent of the Environment Agency is required for any proposed works or structures either affecting or within 16 metres of the tidal flood defence structure. Contact Development Control in NE Thames on 01707 632639 for further details of consent requirements for works adjacent to the River Roding (Barking Creek) and Prescott Channel, or the London Development Control Team 020 7091 4017 for any details of consent requirements for works adjacent to the River Thames.

## 10. Discharge Consent

Under the terms of the Water Resources Act 1991, the prior written consent of the Environment Agency is normally required for any discharge of sewage or trade effluent into controlled waters, and may be required for any discharge of surface water to such controlled waters or for any discharge of sewage or trade effluent from buildings or fixed plant into or onto ground, or into waters which are not controlled waters. Such consent may be withheld. (Controlled waters include rivers, streams, underground waters, reservoirs, estuaries and coastal waters).

## 11. Transfer License for Dewatering

Please contact the Environment Agency on 08708 506 506 to discuss the current arrangements for dewatering licensing and the proposed future

changes.

## **RELEVANT PLANNING POLICY:**

### National Planning Policy Statements / Guidance:

Planning Policy Statement 1 - Delivering Sustainable Development  
Planning Policy Statement - Planning and Climate Change – Supplement to  
Planning Policy Statement 1  
Planning Policy Statement 3 - Housing  
Planning Policy Statement 9 - Biodiversity and Geological Conservation  
Planning Policy Statement 10 - Planning for Sustainable Waste Management  
Planning Policy Guidance 13 - Transport  
Planning Policy Guidance 15 - Planning and the Historic Environment  
Planning Policy Guidance 16 - Archaeology and Planning  
Planning Policy Guidance 17 - Planning for Open Space, Sport and Recreation  
Planning Policy Statement 22 - Renewable Energy  
Planning Policy Statement 23 - Planning and Pollution Control  
Planning Policy Guidance 24 - Planning and Noise  
Planning Policy Statement 25 - Development and Flood Risk

### The London Plan – Consolidated with Alterations Since 2004 (adopted February 2008):

2A.1 - Sustainability Criteria  
2A.2 - The Spatial Strategy for Development  
2A.3 - London's Sub-regions  
2A.5 - Opportunity Areas  
2A.6 - Areas for Intensification  
2A.7 - Areas for Regeneration  
3A.18 - Protection and Enhancement of Social Infrastructure and Community Facilities  
3A.28 - Social and Economic Impact Assessments  
3A.20 - Health Objectives  
3B.1 - Developing London's Economy  
3B.11 - Improving Employment Opportunities for Londoners  
3C.1 - Integrating Transport and Development  
3C.2 - Matching Development to Transport Capacity  
3C.3 - Sustainable Transport in London  
3C.4 - Land for Transport  
3C.11 - Phasing of Transport Infrastructure Provision and Improvements  
3C.14 - Enhanced Bus Priority, Tram and Bus Transit Schemes  
3C.15 - New Thames River Crossings  
3C.17 - Tackling Congestion and Reducing Traffic  
3C.20 - Improving Conditions for Buses  
3C.23 - Parking Strategy  
3D.8 - Realising the Value of Open Space and Green Infrastructure  
3D.9 - Green Belt

3D.10 - Metropolitan Open Land  
3D.11 - Open Space Provision in DPDs  
3D.12 - Open Space Strategies  
3D.14 - Biodiversity and Nature Conservation  
3D.15 - Trees and Woodland  
4A.1 - Tackling Climate Change  
4A.2 - Mitigating Climate Change  
4A.3 - Sustainable Design and Construction  
4A.4 - Energy Assessment  
4A.7 - Renewable Energy  
4A.12 - Flooding  
4A.13 - Flood Risk Management  
4A.14 - Sustainable Drainage  
4A.15 - Rising Groundwater  
4A.16 - Water Supplies and Resources  
4A.17 - Water Quality  
4A.18 - Water and Sewerage Infrastructure  
4A.19 - Improving Air quality  
4A.20 - Reducing Noise and Enhancing Soundscapes  
4A.21 - Waste Strategic Policy and Targets  
4A.28 - Construction, Excavation and Demolition Waste  
4A.30 - Better Use of Aggregates  
4A.33 - Bringing Contaminated Land Into Beneficial Use  
4B.1 - Design Principles for a Compact City  
4B.2 - Promoting World-Class Architecture and Design  
4B.3 - Enhancing the Quality of the Public Realm  
4B.8 - Respect Local Context and Communities  
4B.11 - London's Built Heritage  
4B.12 - Heritage Conservation  
4B.13 - Historic Conservation-Led Regeneration  
4B.15 - Archaeology  
4C.1 - The Strategic Importance of the Blue Ribbon Network  
4C.2 - Context for Sustainable Growth  
4C.3 - The Natural Value of the Blue Ribbon Network  
4C.4 - Natural Landscape  
4C.6 - Sustainable Growth Priorities for the Blue Ribbon Network  
4C.7 - Passenger and Tourism Uses on the Blue Ribbon Network  
4C.8 - Freight Uses on the Blue Ribbon Network  
4C.11 - Increasing Access Alongside and to the Blue Ribbon Network  
4C.14 - Structures Over and Into the Blue Ribbon Network  
4C.15 - Safety on and Near to the Blue Ribbon Network  
4C.16 - Importance of the Thames  
4C.17 - Thames Policy Area  
4C.18 - Appraisals of the Thames Policy Area  
4C.20 - Development Adjacent to Canals  
4C.22 - Rivers, Brooks and Streams  
5A.1 - Sub-Regional Implementation Frameworks  
5C.1 - The Strategic Priorities for North East London  
5C.2 - Olympic and Paralympic Games  
5C.3 - Opportunity Areas in North East London

London Borough of Newham Unitary Development Plan (adopted June 2001 and saved from the 27<sup>th</sup> of September 2007 in accordance with the direction from the Secretary of State):

- S2 - Community Benefit/Planning Obligations
- S3 - Quality of Development
- S4 - Sustainable Development
- S7 - Urban Regeneration: Promotion of Development
- S9 - S16 - Strategic Policies for Environmental Quality
- S24 - S28 - Strategic Policies for Employment
- S33 - S38 - Strategic Policies for Transport
- S39 - S41 - Strategic Policies for Leisure, Recreation and Open Space
- CS1 - Protection of Sites in Community Use
- UR26 - Beckton Gateway: Land Use Proposals
- EQ1 - Waterway Improvements
- EQ2 - Waterside Access
- EQ4 - Quality of Waterside Development
- EQ9 - Protection of Sites of Nature Conservation Importance
- EQ10 - Development of Sites of Nature Conservation Importance
- EQ12 - Creation of Sites of Nature Conservation Importance
- EQ14 - Tree Loss and Retention
- EQ15 - Inclusion of Tree Planting in New Development
- EQ18 - Promoting Urban Quality
- EQ19 - Urban Design Considerations
- EQ21 - New Development: Landscaping
- EQ25 - Access
- EQ26 - Safety
- EQ30 - Planning Proposals Within Conservation Areas
- EQ35 - Preservation of Listed Buildings
- EQ38 - Planning Applications Affecting the Setting of a Listed Building
- EQ43 - Archaeology: Investigation, Excavation and Protection
- EQ45 - Pollution
- EQ46 - Air Quality Management
- EQ47 - Noise Impact Statement
- EQ48 - Noise Sensitive Development
- EQ49 - Contaminated Land: Assessment, Remediation and Monitoring
- EQ55 - Promoting Sustainable Waste Management
- EQ60 - Recycling
- EQ62 - Protection of the Flood Plain and Urban Washlands
- EQ63 - Surface Water Disposal
- EQ64 - Tidal Defences
- EMP1 - Employment Growth
- T1 - New Development: Environmental Impact
- T2 - New Development: Public Transport Accessibility
- T3 - New Development: Highway Capacity
- T5 - Preferred Modes of Transport
- T7 - Bus Services
- T8 - River Transport



T10 - Road Hierarchy: Relation to Development Proposals  
T12 - River Thames Crossings  
T19 - Improvement of Conditions for Pedestrians  
T21 - Recreational Footway Network  
T22 - Public Access to the River Thames  
T23 - Cycle Network  
T24 - Access by Cycle and Cycle Parking  
T30 - Restrictions on Development Within the Airport Safeguarding Area  
LR5 - Visitor Attractions  
OS1 - Open Space Standards and Proposed New Open Space  
OS2 - Green Belt and Metropolitan Open Land: Protection and Enhancement  
OS4 - Metropolitan Open Land: Public Accessibility  
OS6 - Green Chains: Developments and Implementation  
OS7 - Green Space: Protection  
OS11 - Water-based Sport and Recreation  
TM1 - Tourist Attractions: Improvement of Development Focal Points for Tourism

Other Guidance:

The London Biodiversity Action Plan (2001)

Mayor of London:

SPG - Sustainable Design and Construction (May 2006)  
SPG - East London Green Grid Framework (February 2008)  
Lower Lea Valley Opportunity Area Planning Framework (January 2007)  
Sub-Regional Development Framework: East London (May 2006)

London Borough of Newham:

SPG - Sustainability Checklist

**JUSTIFICATION FOR GRANTING CONSENT/REASONS FOR APPROVAL:**

The applicant is required to make a significant improvement to the environmental quality of the Rivers Lea and Thames in the London and Thames Gateway area. This need is driven by the statutory requirement to improve water quality within the Thames Tideway and by the need to support population growth within the STW catchments. The need for the scheme is accepted.

It is considered that through a S106 legal agreement and conditions, the identified environmental impacts can be adequately dealt with and the proposal can be made to be consistent with strategic and local policies and objectives.

Signed

Director of Planning

Date of Decision:

Date Issued:

**DRAFT**

## TOWN AND COUNTRY PLANNING ACT 1990

### Appeals to the Secretary of State

- If you are aggrieved by the decision of your Local Planning Authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State for the Environment under Section 78 of the Town and Country Planning Act 1990.
- If you want to appeal, then you must do so within SIX months of the date of this notice, using a form which is available from the Planning Inspectorate at 3/05 Kite Wing, Temple Quay Square, 2 the Square, Temple Quay, Bristol, BS1 6PN. A copy of the completed appeal form should be sent to the London Thames Gateway Development Corporation.
- The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- The Secretary of State need not consider an appeal if it seems to him that the Local Planning Authority could not have granted it without the conditions it imposed, having regard to the statutory requirements, to the provisions of the development order and to any directions given under the order.
- In practice, the Secretary of State does not refuse to consider appeals solely because the Local Planning Authority based its decision on a direction given by him.

### Purchase Notice

- If either the Local Planning Authority or the Office of the Deputy Prime Minister refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor can he render the land capable of a reasonably beneficial use by carrying out any development which has been or would be permitted.
- In these circumstances, the owner may serve a purchase notice on the Council in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with Part VI of the Town and Country Planning Act 1990.

## FULL PLANNING PERMISSION APPROVAL

Town and Country Planning Act 1990

Town and Country Planning (General Development Procedure) Order 1995

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Please see notes at the end of this notice

**Applicant**

Thames Water Utilities Limited  
Clearwater Court  
Vastern Road  
Reading  
RG1 8DB

**Agent**

Adams Hendry Consulting Ltd  
Anne Dugdale  
7 St. Peters Street  
Winchester  
Hampshire  
SO23 8BW

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### Part I - Particulars of Application

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Date of Application: 23rd July 2008

Application No: 08/01162/FUL

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**Proposal:** The Lee Tunnel and Beckon Sewage Treatment Works (STW) extension incorporating the following elements within the London Borough of Newham: An underground wastewater storage and transfer tunnel ('Lee Tunnel') between the London Thames Gateway Development Corporation boundary east of Jubilee Line Railway and Royal Docks Road

**Location:** Land between London Thames Gateway Development Corporation boundaries east of Jubilee Line railway and Royal Docks Road and beneath the northern outfall sewer. The Lee Tunnel and Beckon STW extension scheme incorporating the following elements within the London Borough of Newham. An underground wastewater storage and transfer tunnel ('Lee Tunnel') between London Thames Gateway Development Corporation boundary east of jubilee line railway and Royal Docks Road.

### Part II - Particulars of Decision

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In pursuance of the powers under the above Act and Order the London Borough of Newham hereby gives notice that **PLANNING PERMISSION HAS BEEN APPROVED** for the carrying out of the development referred to in Part I hereof and as described and shown on the application and plan(s) submitted, subject to the following conditions and notes:

1. The development hereby permitted shall be commenced not later than the expiration of THREE YEARS from the date of this permission.

Reasons: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended.

2. All works are to be completed in accordance with the following drawings and figures:

#### Figures

Figure 1 - Location Plan

Figure 2a - Planning Application Area (Drawing No. TW/749/01.1/B)

Figure 2b - Planning Application Area (Drawing No. TW/749/01.2/D)

Figure 3 - Constraints Plan

#### Drawings

##### Lee Tunnel

106G-YY-01000 A 23.05.08 Lee Tunnel - Key Plan

106G-YY-01101 B 03.07.08 Longitudinal Geological Profile - Sheet 1

106G-YY-01102 A 23.05.08 Longitudinal Geological Profile - Sheet 2

106G-YY-01103 A 23.05.08 Longitudinal Geological Profile - Sheet 3

106G-YY-01104 A 23.05.08 Longitudinal Geological Profile - Sheet 4

106G-YY-01100 A 23.05.08 Typical Tunnel Cross Section

Submitted by Adams Hendry Consulting Ltd. No further drawings apply, unless otherwise approved in writing by the Local Planning Authority.

Reasons: To ensure that the development is undertaken in accordance with the approved drawings, and to protect the local amenity with regard to Policy EQ19 of the London Borough of Newham Unitary Development Plan (adopted June 2001 and saved from the 27th of September 2007 in accordance with the direction from the Secretary of State), and Policy 4B.1 of the London Plan (Feb 2008, Consolidated with Alterations Since 2004). The development is acceptable on the basis of the particulars contained within the application and this condition seeks to ensure the development is undertaken in strict accordance with those details as approved.

3. The development hereby permitted shall be carried out in accordance with the environmental standards, mitigation measures, requirements and methods of implementing the development contained in the submitted planning application, Environmental Statement, appendices, and further submitted information (dated May 2008; December 2008 and April 2009), unless otherwise agreed in writing by the Local Planning Authority.

Reasons: To ensure the development is carried out in accordance with the Environmental Statement and the mitigation measures proposed therein, in accordance with Policies EQ18, EQ19, EQ25, EQ26, EQ43, EQ45, EQ46, EQ47, EQ48, EQ49, EQ63 and EQ64 of the London Borough of Newham Unitary Development Plan (adopted June 2001 and saved from the 27th of September 2007 in accordance with the direction from the Secretary of State) and Policies 2A.1, 3A.28, 3C.3, 3C.23, 3D.13, 3D.14, 4A.1, 4A.2, 4A.3, 4A.4, 4A.5, 4A.6, 4A.7, 4A.8, 4A.9, 4A.10, 4A.11, 4A.12, 4A.13, 4A.14, 4A.15, 4A.16, 4A.17, 4A.18, 4A.19, 4A.20, 4B.1, 4B.2, 4B.3, 4B.10 of the London Plan (Feb 2008, Consolidated with Alterations Since 2004).

4. Excavation arisings from the tunnel and shaft works shall be disposed of by water borne modes of transport unless specifically agreed in writing in advance with the Local Planning Authority.

Reasons: To ensure construction arisings are disposed of in a sustainable manner with minimal transport impact and to maximise the use of the river and promote sustainable transport, in accordance with Policy EQ4 of the London Borough of Newham Unitary Development Plan (adopted June 2001 and saved from the 27th of September 2007 in accordance with the direction from the Secretary of State) and Policies 4A.3, 4B.1 and 4C.8 of the London Plan (Feb 2008, Consolidated with Alterations Since 2004).

5. Transportation of bulk materials to and from the site shall not commence until details of a strategy to seek to maximise the use of both the River Thames and River Lea for the transport of construction and waste materials to and from the construction sites both during the construction period and following completion of the development has been submitted to and approved in writing by the Local Planning Authority. The construction and operation of the development hereby approved shall not be carried out other than in accordance with the approved strategy and to the satisfaction of the Local Planning Authority.

Reasons: To maximise the use of the river and to promote sustainable transport, in accordance with Policies EQ4, EQ5 and EQ18 of the London Borough of Newham Unitary Development Plan (adopted June 2001 and saved from the 27th of September 2007 in accordance with the direction from the Secretary of State) and Policies 4A.3, 4B.1 and 4C.8 of the London Plan (Feb 2008, Consolidated with Alterations Since 2004).

6. The development works hereby approved for the Lee Tunnel shall not be commenced until a Construction Phase Travel Management Plan for the works has been submitted to and approved in writing by the Local Planning Authority in consultation with TfL.

The Construction Phase Travel Management Plan the Lee Tunnel shall include evidence of written approval from, and/or appropriate agreements with the Highways Authority with regards to construction phase signing, routeing, traffic management measures and any temporary measures associated with the highway network. It shall also include a car parking management strategy and construction phase travel plan and provision for the implementation, monitoring and review of such plans.

The Construction Phase Travel Management Plan for the Lee Tunnel as submitted will relate only to the site that its details cover and, if approved, will only allow development to proceed at the site to which it relates.

The Construction Phase Travel Management Plan shall be implemented for the entire period of the works at the site to which it relates, to the satisfaction of the Local Planning Authority.

Reasons: To ensure the transport impact of the construction phase is reduced as far as possible, to promote the use of sustainable modes of transport to the site during the construction phase and to ensure construction operations are carried out in a safe manner with due regard for the optimum operation of the highway network, in accordance with Policies EQ45, T14, T19, T23, T24 and T26 of the London Borough of Newham Unitary Development Plan (adopted June 2001 and saved from the 27th of September 2007 in accordance with the direction from the Secretary of State) and Policies 3C.3, 3C.17, 3C.25, 4A.3, 4A.19, 4A.20 and 4B.1 of the London Plan (Feb 2008, Consolidated with Alterations Since 2004).

7. The development works hereby approved for the Lee Tunnel shall not be commenced until a site Construction Management Plan for that site has been submitted to and approved in writing by the Local Planning Authority.

The Construction Management Plan for the Lee Tunnel shall detail all methods of site preparation and construction of the development, including: demolition, clearance, ground works, sourcing of materials, smoke, avoidance of fires, wheel washing, noise, vibration, hours of operation, and implementation and monitoring during construction.

The Construction Management Plan for the Lee Tunnel as submitted will relate only to the site that its details cover and, if approved, will only allow development to proceed at the site to which it relates.

The Construction Management Plan shall be implemented for the entire period of the works at the site to which it relates, to the satisfaction of the Local Planning Authority.

Reasons: In the interest of pollution, residential amenity and to ensure construction operations are carried out in a safe manner, in accordance with Policies EQ45, EQ46 and EQ47 of the London Borough of Newham Unitary Development Plan (adopted June 2001 and saved from the 27th of September 2007 in accordance with the direction from the Secretary of State) and Policies 3C.3, 3C.17, 3C.25, 4A.3, 4A.19, 4A.20 and 4B.1 of the London Plan (Feb 2008, Consolidated with Alterations Since 2004).

8. The development hereby approved shall not commence operations until an Operational Phase Travel Plan for that development has been submitted to and approved in writing by the Local Planning Authority. The Operational Phase Travel Plan shall be permanently implemented thereafter, to the satisfaction of the Local Planning Authority.

Reasons: To ensure the transport impact of the operational site is reduced as far as possible to promote the use of sustainable modes of transport to the site, and in the interest of minimising pollution in accordance with Policies T5, EQ45 and EQ46 of the London Borough of Newham Unitary Development Plan (adopted June 2001 and saved from the 27th of September 2007 in accordance with the direction from the Secretary of State) and Policies 3C.3, 3C.17, 3C.25, 4A.3, 4A.19, 4A.20 and 4B.1 of the London Plan (Feb 2008, Consolidated with Alterations Since 2004).

9. All construction compounds for the development hereby permitted shall be erected within the site, unless otherwise agreed in writing by the Local Planning Authority.

Reasons: In order to minimise noise and disturbance, in the interest of residential amenity, in accordance with Policies EQ45, EQ46 and EQ47 of the London Borough of Newham Unitary Development Plan (adopted June 2001 and saved from the 27th of September 2007 in accordance with the direction from the Secretary of State) and Policies 4A.3, 4A.19, 4A.20 and 4B.1 of the London Plan (Feb 2008, Consolidated with Alterations Since 2004).

10. No soils, or infill materials, are to be brought onto the site unless it has been demonstrated to the reasonable satisfaction of the Local Planning Authority that they are uncontaminated and present no risks to human health, planting or the environment. A declaration to this effect, together with acceptable documentary evidence to confirm the origin of all imported soils and infill materials, supported by appropriate chemical analysis test results, must be submitted to and approved in writing by the Local Planning Authority prior to the use of the approved development.

Reasons: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off-site receptors in accordance with Policies EQ45 and EQ49 of the London Borough of Newham Unitary Development Plan (adopted June 2001 and saved from the 27th of September 2007 in accordance with the direction from the Secretary of State) and Policies 3D.14, 4A.3, 4A.17 and 4A.33 of the London Plan (Feb 2008, Consolidated with Alterations Since 2004).

11. Operations in relation to construction (except for the operation of the tunnel boring machine and diaphragm wall pours which shall be subject to an application under Section 61 of the Control of Pollution Act) for which noise is audible at the nearest residential boundary shall be restricted to the hours of 0800 and 1800 on Mondays to Fridays and between 0800 and 1300 on Saturdays and at no time on Sundays or Statutory holidays without the prior written approval of the Local Planning Authority.

Reasons: In the interests of residential amenity, in accordance with Policies EQ45, EQ47 and EQ48 of the London Borough of Newham Unitary Development Plan (adopted June 2001 and saved from the 27th of September 2007 in accordance with the direction from the Secretary of State) and Policies 4A.3 and 4A.20 of the London Plan (Feb 2008, Consolidated with Alterations Since 2004).

12. No impact piling shall take place without the prior written approval of the Local Planning Authority and shall only take place in accordance with the terms of any such approval.



Reasons: In order to minimise noise and disturbance, in the interest of residential amenity, in accordance with Policies EQ45, EQ46 and EQ47 of the London Borough of Newham Unitary Development Plan (adopted June 2001 and saved from the 27th of September 2007 in accordance with the direction from the Secretary of State) and Policies 4A.3, 4A.19, 4A.20 and 4B.1 of the London Plan (Feb 2008, Consolidated with Alterations Since 2004).

13. No dewatering associated with the construction of the Lee Tunnel and shafts shall be carried out on site until a dewatering scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include:

- I. A detailed program of dewatering for the shafts and tunnels to be constructed within the Lee Tunnel boundary in terms of quantities likely to be abstracted and pumping durations;
- II. An assessment into the change in groundwater levels likely to be seen at local abstractors, both licensed and unlicensed, and the risk of reducing that abstractors ability to abstract water;
- III. Details of methods of mitigation to counteract these effects; and
- IV. Details of a groundwater monitoring program to confirm the assessment results and success of any mitigation measures proposed.

Reasons: In the interest of ensuring that the construction activities will not adversely impact abstractions within the local area of the tunnel and to prevent pollution of the water environment, in accordance with Policies S4, EQ18, EQ19 and EQ63 of the London Borough of Newham Unitary Development Plan (adopted June 2001 and saved from the 27th of September 2007 in accordance with the direction from the Secretary of State) and Policies 4A.3, 4A.14, 4A.16, 4A.17 and 4B.1 of the London Plan (Feb 2008, Consolidated with Alterations Since 2004).

14. If, during the construction of the Lee Tunnel development hereby approved, contamination not previously identified is found to be present at the site then no further development shall be carried out on that same site (unless otherwise agreed in writing with the Local Planning Authority) until the developer has submitted to, and obtained written approval from, the Local Planning Authority for an amendment to the remediation strategy set out in Chapter 12 (Land Quality) of the Environmental Statement detailing how this unsuspected contamination shall be dealt with.

Reasons: To prevent pollution of the water environment, in accordance with Policies S4, EQ18, EQ19 and EQ63 of the London Borough of Newham Unitary Development Plan (adopted June 2001 and saved from the 27th of September 2007 in accordance with the direction from the Secretary of State) and Policies 4A.3, 4A.14, 4A.16 and 4B.1 of the London Plan (Feb 2008, Consolidated with Alterations Since 2004).

15. The Lee Tunnel development hereby approved shall not commence until a Waste Management Plan and Strategy for the construction of the Lee Tunnel has been submitted to and approved in writing by the Local Planning Authority. The approved Waste Management Strategy for the Lee Tunnel shall be implemented at all times during construction of the Lee Tunnel, to the satisfaction of the Local Planning Authority.

Reasons: To ensure that waste management issues are fully addressed in accordance with the waste management hierarchy, in accordance with Policies EQ18, EQ19, EQ45, EQ54 and EQ61 of the London Borough of Newham Unitary Development Plan (adopted June 2001 and saved from the 27th of September 2007 in accordance with the direction from the Secretary of State) and Policies 4A.3, 4A.21, 4A.22 and 4A.28 of the London Plan (Feb 2008, Consolidated with Alterations Since 2004).

16. The development of the Lee Tunnel hereby approved shall not commence until a monitoring scheme for flood defences on the Thames at Beckton and on the Channelsea River at Abbey Mills has been agreed in writing with the Local Planning Authority. The monitoring scheme shall cover vertical, lateral and rotational movements of the flood defences and provide for contingency measures to ensure the integrity of the flood defences is maintained at all times during the period of construction for the Lee Tunnel and for an agreed period and frequency, to be agreed with the Local Planning Authority, following commissioning of the development hereby approved.

The scheme shall also cover the following:

- Duration
- Frequency
- Location of monitoring points
- Methodology
- Base readings (taken at least two weeks before construction commences).

Reasons: To protect the integrity of the flood defences, in accordance with Policies EQ18, EQ19, EQ62 and EQ64 of the London Borough of Newham Unitary Development Plan (adopted June 2001 and saved from the 27th of September 2007 in accordance with the direction from the Secretary of State) and Policies 4A.12, 4A.13 and 4B.1 of the London Plan (Feb 2008, Consolidated with Alterations Since 2004).

#### **Summary of Policies and Reasons:**

The Council's decision to approve the application in this instance arose following careful consideration of the relevant provisions of the adopted development plan and of all other relevant material considerations. In deciding to grant permission in this instance, the Council found the proposal to be acceptable in the context of the development plan and all other relevant material considerations. Of particular relevance to this decision were the following policies:

London Borough of Newham Unitary Development Plan (adopted June 2001 and saved from 27 September 2007 in accordance with the direction from the Secretary of State):

S2	Community benefit/planning obligations
S3	Quality of development
S4	Sustainable development
S7	Urban regeneration: promotion of development
S9 - S16	Strategic policies for environmental quality
S24 - S28	Strategic policies for employment
S33 - S38	Strategic policies for transport
S39 - S41	Strategic policies for leisure, recreation and open space

Reasons: To ensure that waste management issues are fully addressed in accordance with the waste management hierarchy, in accordance with Policies EQ18, EQ19, EQ45, EQ54 and EQ61 of the London Borough of Newham Unitary Development Plan (adopted June 2001 and saved from the 27th of September 2007 in accordance with the direction from the Secretary of State) and Policies 4A.3, 4A.21, 4A.22 and 4A.28 of the London Plan (Feb 2008, Consolidated with Alterations Since 2004).

16. The development of the Lee Tunnel hereby approved shall not commence until a monitoring scheme for flood defences on the Thames at Beckton and on the Channelsea River at Abbey Mills has been agreed in writing with the Local Planning Authority. The monitoring scheme shall cover vertical, lateral and rotational movements of the flood defences and provide for contingency measures to ensure the integrity of the flood defences is maintained at all times during the period of construction for the Lee Tunnel and for an agreed period and frequency, to be agreed with the Local Planning Authority, following commissioning of the development hereby approved.

The scheme shall also cover the following:

- Duration
- Frequency
- Location of monitoring points
- Methodology
- Base readings (taken at least two weeks before construction commences).

Reasons: To protect the integrity of the flood defences, in accordance with Policies EQ18, EQ19, EQ62 and EQ64 of the London Borough of Newham Unitary Development Plan (adopted June 2001 and saved from the 27th of September 2007 in accordance with the direction from the Secretary of State) and Policies 4A.12, 4A.13 and 4B.1 of the London Plan (Feb 2008, Consolidated with Alterations Since 2004).

#### **Summary of Policies and Reasons:**

The Council's decision to approve the application in this instance arose following careful consideration of the relevant provisions of the adopted development plan and of all other relevant material considerations. In deciding to grant permission in this instance, the Council found the proposal to be acceptable in the context of the development plan and all other relevant material considerations. Of particular relevance to this decision were the following policies:

London Borough of Newham Unitary Development Plan (adopted June 2001 and saved from 27 September 2007 in accordance with the direction from the Secretary of State):

S2	Community benefit/planning obligations
S3	Quality of development
S4	Sustainable development
S7	Urban regeneration: promotion of development
S9 - S16	Strategic policies for environmental quality
S24 - S28	Strategic policies for employment
S33 - S38	Strategic policies for transport
S39 - S41	Strategic policies for leisure, recreation and open space

The London Plan - Consolidated with Alterations Since 2004 (adopted February 2008):

- 2A.1 Sustainability criteria
- 2A.2 The spatial strategy for development
- 2A.3 London's sub-regions
- 2A.5 Opportunity areas
- 2A.6 Areas for intensification
- 2A.7 Areas for regeneration
- 3A.18 Protection and enhancement of social infrastructure and community facilities
- 3A.28 Social and economic impact assessments
- 3A.20 Health objectives
- 3B.1 Developing London's economy
- 3B.11 Improving employment opportunities for Londoners
- 3C.1 Integrating transport and development
- 3C.2 Matching development to transport capacity
- 3C.3 Sustainable transport in London
- 3C.4 Land for Transport
- 3C.11 Phasing of transport infrastructure provision and improvements
- 3C.14 Enhanced bus priority, tram and bus transit schemes
- 3C.15 New Thames river crossings
- 3C.17 Tackling congestion and reducing traffic
- 3C.20 Improving conditions for buses
- 3C.23 Parking strategy
- 3D.8 Realising the value of open space and green infrastructure
- 3D.9 Green Belt
- 3D.10 Metropolitan Open Land
- 3D.11 Open Space provision in DPDs
- 3D.12 Open space strategies
- 3D.14 Biodiversity and nature conservation
- 3D.15 Trees and woodland
- 4A.1 Tackling climate change
- 4A.2 Mitigating climate change
- 4A.3 Sustainable design and construction
- 4A.4 Energy assessment
- 4A.7 Renewable energy
- 4A.12 Flooding
- 4A.13 Flood risk management
- 4A.14 Sustainable drainage
- 4A.15 Rising groundwater
- 4A.16 Water supplies and resources
- 4A.17 Water quality
- 4A.18 Water and sewerage infrastructure
- 4A.19 Improving Air quality
- 4A.20 Reducing noise and enhancing soundscapes
- 4A.21 Waste strategic policy and targets
- 4A.28 Construction, excavation and demolition waste
- 4A.30 Better use of aggregates
- 4A.33 Bringing contaminated land into beneficial use
- 4B.1 Design principles for a compact city
- 4B.2 Promoting world-class architecture and design

4B.3	Enhancing the quality of the public realm
4B.8	Respect local context and communities
4B.11	London's built heritage
4B.12	Heritage conservation
4B.13	Historic conservation-led regeneration
4B.15	Archaeology
4C.1	The strategic importance of the Blue Ribbon Network
4C.2	Context for sustainable growth
4C.3	The natural value of the Blue Ribbon Network
4C.4	Natural landscape
4C.6	Sustainable growth priorities for the Blue Ribbon Network
4C.7	Passenger and tourism uses on the Blue Ribbon network
4C.8	Freight uses on the Blue Ribbon Network
4C.11	Increasing access alongside and to the Blue Ribbon Network
4C.14	Structures over and into the Blue Ribbon Network
4C.15	Safety on and near to the Blue Ribbon Network
4C.16	Importance of the Thames
4C.17	Thames Policy area
4C.18	Appraisals of the Thames Policy area
4C.20	Development adjacent to canals
4C.22	Rivers, brooks and streams
5A.1	Sub-Regional implementation frameworks
5C.1	The strategic priorities for North East London
5C.2	Olympic and Paralympic Games
5C.3	Opportunity Areas in North East London

**National Planning Policy Statements / Guidance:**

Planning Policy Statement 1 - Delivering Sustainable Development  
 Planning Policy Statement: Planning and Climate Change – Supplement to Planning Policy Statement 1  
 Planning Policy Statement 3 - Housing  
 Planning Policy Statement 9 - Biodiversity and Geological Conservation  
 Planning Policy Statement 10 - Planning for Sustainable Waste Management  
 Planning Policy Guidance 13 - Transport  
 Planning Policy Guidance 15 - Planning and the Historic Environment  
 Planning Policy Guidance 16 - Archaeology and Planning  
 Planning Policy Guidance 17 - Planning for Open Space, Sport and Recreation  
 Planning Policy Statement 22 - Renewable Energy  
 Planning Policy Statement 23 - Planning and Pollution Control  
 Planning Policy Guidance 24 - Planning and Noise  
 Planning Policy Statement 25 - Development and Flood Risk  
 The London Biodiversity Action Plan (2001)

**Additional Guidance:**

**Mayor of London:**

SPG - Sustainable Design and Construction (May 2006)  
 SPG - East London Green Grid Framework (February 2008)  
 Lower Lea Valley Opportunity Area Planning Framework (January 2007)  
 Sub-Regional Development Framework: East London (May 2006)

LB of Newham:  
SPG - Sustainability Checklist

The proposed development straddles over three different Local Planning Authorities' administrative boundaries. The Abbey Mills PS, Beckton STW, and a short section of the proposed Lee Tunnel are located within the London Thames Gateway Development Corporation (LTGDC) area. The majority of the proposed Lee Tunnel is located within the administrative area of the London Borough of Newham. A small section of the proposed tunnel near West Ham Station is located within the Olympic Delivery Authority (ODA) administrative area, however the ODA have delegated their decision to the London Borough of Newham.

Consultation on the applications with statutory and non-statutory bodies was extensive. Objections were received from a number of adjoining residents and land owners with the common themes being concern about odour, concern about potential disturbance to the Greenway, and concern about vibration from tunnelling works. These objections are considered, along with other material considerations such as the London Plan (the Strategic Plan for London) and Newham Council's Unitary Development Plan (Adopted June 2001 - saved policies).

Thames Water is required to make a significant improvement to the environmental quality of the Rivers Lea and Thames in the London and Thames Gateway area. This need is driven by the statutory requirement to improve water quality within the Thames Tideway and by the need to support population growth within the STW catchments. The need for the scheme is accepted.

The impacts of the development in terms of odour have been considered and officers concur with the findings of the Environmental Statement in that implementation of the odour control measures are forecast to lead to a minor reduction in odour levels compared to the future baseline and that the odour exposure levels experienced off-site are likely to decrease proportionally. A number of odour conditions, including a condition for an Odour Management Plan and associated protocols, are proposed to ensure the applicants adhere to the odour reduction targets cited in the ES. Notwithstanding this, experience has demonstrated that the works are at their most problematic when there are failures in plant. Concern remains that if the extended plant fails, the potential odour impact could be very significant. Therefore it is considered crucial that appropriate physical interventions to address odour emissions, are secured within a Section 106 agreement. This includes measures to cover existing Primary Settlement Tanks which account for 37% of current odour emissions.

The development will result in some adverse effects in respect of terrestrial ecology, landscape and views, archaeology and visual appearance of listed buildings at Abbey Mills PS and Beckton STW. Most of these adverse impacts will arise during the construction stage only. The development of UDP Designated Metropolitan Open Land, green space designated as a Site of Nature Conservation Importance (SNCI), and resultant loss in habitat does cause concern, however the loss of habitat can be partially mitigated and the residual impact will not be of such a degree as to justify refusal on the basis of the relevant planning policies against the wider environmental benefits to the Thames Tideway and the River Lea that the development will provide.

It is considered that through the legal agreement and conditions, the identified impacts can be adequately dealt with and the proposal can be made to be consistent with strategic and local policies and objectives as listed above. Consequently, it is considered that a departure from the UDP is justified and planning permission is granted subject to conditions and a legal agreement.

#### **Informatives:**

1. Proximity to National Grid Networks

As set out in the letter from National Grid dated 15th August 2008, the proximity and sensitivity of National Grid networks to certain parts of the proposed development is high. The contents of the letter should be noted.

2. British Waterways

The applicant is advised that any discharge of surface water into the waterways requires British Waterway's written permission before development commences. Please contact Ben Loader on 0207 985 7288 for further information.

The applicant/developer is advised to contact British Waterways' third party works engineer, in order to ensure that any necessary consents are obtained and the works are compliant with the current British Waterways' "Code of Practice for Works affecting British Waterways".

3. TfL - DLR Informative

The applicant is advised that DLRL is in the process of promoting a new extension to its railway referred to as the Dagenham Dock Extension. DLRL has applied to the Secretary of State for Transport for Compulsory Purchase Powers and Deemed Planning powers and this includes land within the applicant's planning application boundary. The works proposed through this application directly affect DLRL's proposed extension and as such the applicant will need to fully consult with DLRL to ensure the interface between the applicant's and DLRL's proposals are properly regulated. The consultation with DLRL should commence at feasibility stage and continue through to implementation of the works.

4. Environment Agency - Lee Tunnel

##### **Flood Defence Consent**

Under the terms of the Water Resources Act 1991 and the Land Drainage Byelaws 1981, the prior written consent of the Environment Agency is required for any proposed works or structures either affecting or within 8 metres of the tidal flood defence structure. Contact Development Control in NE Thames on 01707 632639 for further details of consent requirements for works adjacent to the River Roding (Barking Creek) and Prescott Channel or the London Development Control Team 020 7091 4017 for any details of consent requirements for works adjacent to the River Thames.

##### **Discharge Consent**

Under the terms of the Water Resources Act 1991, the prior written consent of the Environment Agency is normally required for any discharge of sewage or trade effluent

into controlled waters, and may be required for any discharge of surface water to such controlled waters or for any discharge of sewage or trade effluent from buildings or fixed plant into or onto ground or into waters which are not controlled waters. Such consent may be withheld. (Controlled waters include rivers, streams, underground waters, reservoirs, estuaries and coastal waters).

**Transfer License for Dewatering**

Please contact the Environment Agency on 08708 506 506 to discuss the current arrangements for dewatering licensing and the proposed future changes.

Dated this:

**BOROUGH PLANNING OFFICER**



## London Borough of Newham

### TOWN AND COUNTRY PLANNING ACT 1990

#### Appeals to the Secretary of State

- \* If you are aggrieved by the decision of your Local Planning Authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State for the Environment under Section 78 of the Town and Country Planning Act 1990.
- \* If you want to appeal then you must do so within SIX months of the date of this notice, using a form, which is available from the Planning Inspectorate, (a copy of which must be sent to Newham Council) or complete an application online.  
The Planning Inspectorate, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN (e-mail: [enquiries@pins.qsi.gov.uk](mailto:enquiries@pins.qsi.gov.uk)) or (Tel: 0117 372 8000).  
To make an appeal online, please use [www.planningportal.gov.uk/pcs](http://www.planningportal.gov.uk/pcs). The Inspectorate will publish details of your appeal on the internet. This may include copies of documentation from the original planning application and relevant supporting documents supplied to the local authority, and or information, including personal information belonging to you that you are happy will be made available in this way. If you supply personal information belonging to a third party please ensure you have their permission to do so. More detailed information about data protection and privacy matters is available on the Planning Portal.
- \* The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances, which excuse the delay in giving notice of appeal.
- \* The Secretary of State need not consider an appeal if it seems to him that the Local Planning Authority could not have granted it without the conditions it imposed, having regard to the statutory requirements, to the provisions of the development order and to any directions given under the order.
- \* In practice, the Secretary of State does not refuse to consider appeals solely because the Local Planning Authority based its decision on a direction given by him.

#### Purchase Notice

- \* If either the Local Planning Authority or the Office of the Deputy Prime Minister refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor can he render the land capable of a reasonably beneficial use by carrying out any development which has been or would be permitted.
- \* In these circumstances, the owner may serve a purchase notice on the Council in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with Part VI of the Town and Country Planning Act 1990.

# FULL PLANNING PERMISSION APPROVAL

Town and Country Planning Act 1990

Town and Country Planning (General Development Procedure) Order 1995

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Please see notes at the end of this notice

**Applicant**

Thames Water Utilities Limited  
Clearwater Court  
Vastern Road  
Reading  
Berkshire  
RG1 8DB

**Agent**

Adams Hendry Consulting Ltd  
Gareth Bennett  
7 St Peters Street  
Winchester  
Hampshire  
SO23 8BW

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## Part I - Particulars of Application

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Date of Application: 23rd July 2008

Application No: 08/01158/ODA

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**Proposal:** The Lee Tunnel and Beckon Sewage Treatment Works (STW) extension scheme incorporating the following elements within the Olympic Delivery Authority area: An underground wastewater storage and transfer tunnel ('Lee Tunnel') between the Olympic Authority boundary east of Canning Road and the Olympic Delivery Authority boundary west Jubilee Line Railway.

**Location:** Land between the Olympic Delivery Authority Boundary east of Canning Town and the Olympic Delivery Authority boundary west of the Jubilee Line Railway.

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## Part II - Particulars of Decision

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In pursuance of the powers under the above Act and Order the London Borough of Newham hereby gives notice that **PLANNING PERMISSION HAS BEEN APPROVED** for the carrying out of the development referred to in Part I hereof and as described and shown on the application and plan(s) submitted, subject to the following conditions and notes:

1. The development hereby permitted shall be commenced not later than the expiration of **THREE YEARS** from the date of this permission.

Reasons: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended.

2. All works are to be completed in accordance with the following drawings and figures:

Figures

Figure 1 - Location Plan

Figure 2a - Planning Application Area (Drawing No. TW/749/01.1/B)

Figure 2b - Planning Application Area (Drawing No. TW/749/01.2/D)

Figure 3 - Constraints Plan

#### Drawings

#### Lee Tunnel

106G-YY-01000 A 23.05.08 Lee Tunnel – Key Plan

106G-YY-01101 B 03.07.08 Longitudinal Geological Profile – Sheet 1

106G-YY-01100 A 23.05.08 Typical Tunnel Cross Section

Submitted by Adams Hendry Consulting Ltd. No further drawings apply, unless otherwise approved in writing by the Local Planning Authority.

Reasons: To ensure that the development is undertaken in accordance with the approved drawings, and to protect the local amenity with regard to Policy EQ19 of the London Borough of Newham Unitary Development Plan (adopted June 2001 and saved from the 27th of September 2007 in accordance with the direction from the Secretary of State), and Policy 4B.1 of the London Plan (Feb 2008, Consolidated with Alterations Since 2004). The development is acceptable on the basis of the particulars contained within the application and this condition seeks to ensure the development is undertaken in strict accordance with those details as approved.

3. The development hereby permitted shall be carried out in accordance with the environmental standards, mitigation measures, requirements and methods of implementing the development contained in the submitted planning application, Environmental Statement, appendices, and further submitted information (dated May 2008; December 2008 and April 2009), unless otherwise agreed in writing by the Local Planning Authority.

Reasons: To ensure the development is carried out in accordance with the Environmental Statement and the mitigation measures proposed therein, in accordance with Policies EQ18, EQ19, EQ25, EQ26, EQ43, EQ45, EQ46, EQ47, EQ48, EQ49, EQ63 and EQ64 of the London Borough of Newham Unitary Development Plan (adopted June 2001 and saved from the 27th of September 2007 in accordance with the direction from the Secretary of State) and Policies 2A.1, 3A.28, 3C.3, 3C.23, 3D.13, 3D.14, 4A.1, 4A.2, 4A.3, 4A.4, 4A.5, 4A.6, 4A.7, 4A.8, 4A.9, 4A.10, 4A.11, 4A.12, 4A.13, 4A.14, 4A.15, 4A.16, 4A.17, 4A.18, 4A.19, 4A.20, 4B.1, 4B.2, 4B.3, 4B.10 of the London Plan (Feb 2008, Consolidated with Alterations Since 2004).

4. Excavation arisings from the tunnel and shaft works shall be disposed of by water borne modes of transport unless specifically agreed in writing in advance with the Local Planning Authority.

Reasons: To ensure construction arisings are disposed of in a sustainable manner with minimal transport impact and to maximise the use of the river and promote sustainable transport, in accordance with Policy EQ4 of the London Borough of Newham Unitary Development Plan (adopted June 2001 and saved from the 27th of September 2007 in accordance with the direction from the Secretary of State) and Policies 4A.3, 4B.1 and 4C.8 of the London Plan (Feb 2008, Consolidated with Alterations Since 2004).

5. Transportation of bulk materials to and from the site shall not commence until details of a strategy to seek to maximise the use of both the River Thames and River Lea for the transport of construction and waste materials to and from the construction sites both during the construction period and following completion of the development has been submitted to and approved in writing by the Local Planning Authority. The construction and operation of the development hereby approved shall not be carried out other than in accordance with the approved strategy and to the satisfaction of the Local Planning Authority.

Reasons: To maximise the use of the river and to promote sustainable transport, in accordance with Policies EQ4, EQ5 and EQ18 of the London Borough of Newham Unitary Development Plan (adopted June 2001 and saved from the 27th of September 2007 in accordance with the direction from the Secretary of State) and Policies 4A.3, 4B.1 and 4C.8 of the London Plan (Feb 2008, Consolidated with Alterations Since 2004).

6. The development works hereby approved for the Lee Tunnel at Abbey Mills Pumping Station shall not be commenced until a Construction Phase Travel Management Plan for the works has been submitted to and approved in writing by the Local Planning Authority in consultation with TfL.

The Construction Phase Travel Management Plan for Abbey Mills Pumping Station shall include evidence of written approval from, and/or appropriate agreements with the Highways Authority with regards to construction phase signing, routeing, traffic management measures and any temporary measures associated with the highway network. It shall also include a car parking management strategy and construction phase travel plan and provision for the implementation, monitoring and review of such plans.

The Construction Phase Travel Management Plan for Abbey Mills Pumping Station as submitted will relate only to the site that its details cover and, if approved, will only allow development to proceed at the site to which it relates.

The Construction Management Plan shall be implemented for the entire period of the works at the site to which it relates, to the satisfaction of the Local Planning Authority.

Reasons: To ensure the transport impact of the construction phase is reduced as far as possible, to promote the use of sustainable modes of transport to the site during the construction phase and to ensure construction operations are carried out in a safe manner with due regard for the optimum operation of the highway network, in accordance with Policies EQ45, T14, T19, T23, T24 and T26 of the London Borough of Newham Unitary Development Plan (adopted June 2001 and saved from the 27th of September 2007 in accordance with the direction from the Secretary of State) and Policies 3C.3, 3C.17, 3C.25, 4A.3, 4A.19, 4A.20 and 4B.1 of the London Plan (Feb 2008, Consolidated with Alterations Since 2004).

7. The development works hereby approved for the Lee Tunnel shall not be commenced until a site Construction Management Plan for that site has been submitted to and approved in writing by the Local Planning Authority.

The Construction Management Plan for the Lee Tunnel shall detail all methods of site preparation and construction of the development, including: demolition, clearance, ground works, sourcing of materials, smoke, avoidance of fires, wheel washing, noise, vibration, hours of operation, and implementation and monitoring during construction.

The Construction Management Plan for the Lee Tunnel as submitted will relate only to the site that its details cover and, if approved, will only allow development to proceed at the site to which it relates.

The Construction Management Plan shall be implemented for the entire period of the works at the site to which it relates, to the satisfaction of the Local Planning Authority.

Reasons: In the interest of pollution, residential amenity and to ensure construction operations are carried out in a safe manner, in accordance with Policies EQ45, EQ46 and EQ47 of the London Borough of Newham Unitary Development Plan (adopted June 2001 and saved from the 27th of September 2007 in accordance with the direction from the Secretary of State) and Policies 3C.3, 3C.17, 3C.25, 4A.3, 4A.19, 4A.20 and 4B.1 of the London Plan (Feb 2008, Consolidated with Alterations Since 2004).

8. The development hereby approved shall not commence operations until an Operational Phase Travel Plan for that development has been submitted to and approved in writing by the Local Planning Authority. The Operational Phase Travel Plan shall be permanently implemented thereafter, to the satisfaction of the Local Planning Authority.

Reasons: To ensure the transport impact of the operational site is reduced as far as possible to promote the use of sustainable modes of transport to the site, and in the interest of minimising pollution in accordance with Policies T5, EQ45 and EQ46 of the London Borough of Newham Unitary Development Plan (adopted June 2001 and saved from the 27th of September 2007 in accordance with the direction from the Secretary of State) and Policies 3C.3, 3C.17, 3C.25, 4A.3, 4A.19, 4A.20 and 4B.1 of the London Plan (Feb 2008, Consolidated with Alterations Since 2004).

9. All construction compounds for the development hereby permitted shall be erected within the site, unless otherwise agreed in writing by the Local Planning Authority.

Reasons: In order to minimise noise and disturbance, in the interest of residential amenity, in accordance with Policies EQ45, EQ46 and EQ47 of the London Borough of Newham Unitary Development Plan (adopted June 2001 and saved from the 27th of September 2007 in accordance with the direction from the Secretary of State) and Policies 4A.3, 4A.19, 4A.20 and 4B.1 of the London Plan (Feb 2008, Consolidated with Alterations Since 2004).

10. No soils, or infill materials, are to be brought onto the site unless it has been demonstrated to the reasonable satisfaction of the Local Planning Authority that they are uncontaminated and present no risks to human health, planting or the environment. A declaration to this effect, together with acceptable documentary evidence to confirm the origin of all imported soils and infill materials, supported by appropriate chemical analysis test results, must be submitted to and approved in writing by the Local Planning Authority prior to the use of the approved development.

Reasons: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off-site receptors in accordance with Policies EQ45 and EQ49 of the London Borough of Newham Unitary Development Plan (adopted June 2001 and saved from the 27th of September 2007 in accordance with the direction from the Secretary of State) and Policies 3D.14, 4A.3, 4A.17 and 4A.33 of the London Plan (Feb 2008, Consolidated with Alterations Since 2004).

11. Operations in relation to construction (except for the operation of the tunnel boring machine and diaphragm wall pours which shall be subject to an application under Section 61 of the Control of Pollution Act) for which noise is audible at the nearest residential boundary shall be restricted to the hours of 0800 and 1800 on Mondays to Fridays and between 0800 and 1300 on Saturdays and at no time on Sundays or Statutory holidays without the prior written approval of the Local Planning Authority.

Reasons: In the interests of residential amenity, in accordance with Policies EQ45, EQ47 and EQ48 of the London Borough of Newham Unitary Development Plan (adopted June 2001 and saved from the 27th of September 2007 in accordance with the direction from the Secretary of State) and Policies 4A.3 and 4A.20 of the London Plan (Feb 2008, Consolidated with Alterations Since 2004).

12. No impact piling shall take place without the prior written approval of the Local Planning Authority and shall only take place in accordance with the terms of any such approval.

Reasons: In order to minimise noise and disturbance, in the interest of residential amenity, in accordance with Policies EQ45, EQ46 and EQ47 of the London Borough of Newham Unitary Development Plan (adopted June 2001 and saved from the 27th of September 2007 in accordance with the direction from the Secretary of State) and Policies 4A.3, 4A.19, 4A.20 and 4B.1 of the London Plan (Feb 2008, Consolidated with Alterations Since 2004).

13. No dewatering associated with the construction of the Lee Tunnel and shafts shall be carried out on site until a dewatering scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include:

- I. A detailed program of dewatering for the shafts and tunnels to be constructed within the Lee Tunnel boundary in terms of quantities likely to be abstracted and pumping durations;
- II. An assessment into the change in groundwater levels likely to be seen at local abstractors, both licensed and unlicensed, and the risk of reducing that abstractors ability to abstract water;
- III. Details of methods of mitigation to counteract these effects; and
- IV. Details of a groundwater monitoring program to confirm the assessment results and success of any mitigation measures proposed.

Reasons: In the interest of ensuring that the construction activities will not adversely impact abstractions within the local area of the tunnel and to prevent pollution of the water environment, in accordance with Policies S4, EQ18, EQ19 and EQ63 of the London Borough of Newham Unitary Development Plan (adopted June 2001 and saved from the 27th of September 2007 in accordance with the direction from the Secretary of State) and Policies 4A.3, 4A.14, 4A.16, 4A.17 and 4B.1 of the London Plan (Feb 2008, Consolidated with Alterations Since 2004).

14. If, during the construction of the Lee Tunnel development hereby approved, contamination not previously identified is found to be present at the site then no further development shall be carried out on that same site (unless otherwise agreed in writing with the Local Planning Authority) until the developer has submitted to, and obtained written approval from, the Local Planning Authority for an amendment to the remediation strategy set out in Chapter 12 (Land Quality) of the Environmental Statement detailing how this unsuspected contamination shall be dealt with.

Reasons: To prevent pollution of the water environment, in accordance with Policies S4, EQ18, EQ19 and EQ63 of the London Borough of Newham Unitary Development Plan (adopted June 2001 and saved from the 27th of September 2007 in accordance with the direction from the Secretary of State) and Policies 4A.3, 4A.14, 4A.16 and 4B.1 of the London Plan (Feb 2008, Consolidated with Alterations Since 2004).

15. The Lee Tunnel development hereby approved shall not commence until a Waste Management Plan and Strategy for the construction of the Lee Tunnel has been submitted to and approved in writing by the Local Planning Authority. The approved Waste Management Strategy for the Lee Tunnel shall be implemented at all times during construction of the Lee Tunnel, to the satisfaction of the Local Planning Authority.

Reasons: To ensure that waste management issues are fully addressed in accordance with the waste management hierarchy, in accordance with Policies EQ18, EQ19, EQ45, EQ54 and EQ61 of the London Borough of Newham Unitary Development Plan (adopted June 2001 and saved from the 27th of September 2007 in accordance with the direction from the Secretary of State) and Policies 4A.3, 4A.21, 4A.22 and 4A.28 of the London Plan (Feb 2008, Consolidated with Alterations Since 2004).

16. The development of the Lee Tunnel hereby approved shall not commence until a monitoring scheme for flood defences on the Thames at Beckton and on the Channelsea River at Abbey Mills has been agreed in writing with the Local Planning Authority. The monitoring scheme shall cover vertical, lateral and rotational movements of the flood defences and provide for contingency measures to ensure the integrity of the flood defences is maintained at all times during the period of construction for the Lee Tunnel and for an agreed period and frequency, to be agreed with the Local Planning Authority, following commissioning of the development hereby approved.

The scheme shall also cover the following:

- Duration
- Frequency
- Location of monitoring points
- Methodology
- Base readings (taken at least two weeks before construction commences).

Reasons: To protect the integrity of the flood defences, in accordance with Policies EQ18, EQ19, EQ62 and EQ64 of the London Borough of Newham Unitary Development Plan (adopted June 2001 and saved from the 27th of September 2007 in accordance with the direction from the Secretary of State) and Policies 4A.12, 4A.13 and 4B.1 of the London Plan (Feb 2008, Consolidated with Alterations Since 2004).

#### **Summary of Policies and Reasons:**

The ODA's decision to approve the application in this instance arose following careful consideration of the relevant provisions of the adopted development plan and of all other relevant material considerations. In deciding to grant permission in this instance, the ODA found the proposal to be acceptable in the context of the development plan and all other relevant material considerations. Of particular relevance to this decision were the following policies:

London Borough of Newham Unitary Development Plan (adopted June 2001 and saved from 27 September 2007 in accordance with the direction from the Secretary of State):

S2	Community benefit/planning obligations
S3	Quality of development
S4	Sustainable development
S7	Urban regeneration: promotion of development
S9 - S16	Strategic policies for environmental quality
S24 - S28	Strategic policies for employment
S33 - S38	Strategic policies for transport
S39 - S41	Strategic policies for leisure, recreation and open space
CS1	Protection of sites in community use
UR26	Beckton Gateway: land use proposals
EQ1	Waterway improvements
EQ2	Waterside access
EQ4	Quality of waterside development
EQ9	Protection of sites of nature conservation importance
EQ10	Development of sites of nature conservation importance



EQ12	Creation of sites of nature conservation importance
EQ14	Tree loss and retention
EQ15	Inclusion of tree planting in new development
EQ18	Promoting urban quality
EQ19	Urban design considerations
EQ21	New development: landscaping
EQ25	Access
EQ26	Safety
EQ30	Planning proposals within conservation areas
EQ35	Preservation of listed buildings
EQ38	Planning applications affecting the setting of a listed building
EQ43	Archaeology: investigation, excavation and protection
EQ45	Pollution
EQ46	Air quality management
EQ47	Noise impact statement
EQ48	Noise - sensitive development
EQ49	Contaminated Land: Assessment, Remediation and Monitoring
EQ55	Promoting Sustainable Waste Management
EQ60	Recycling
EQ62	Protection of the flood plain and urban washlands
EQ63	Surface water disposal
EQ64	Tidal defences
EMP1	Employment growth
T1	New development: environmental impact
T2	New development: public transport accessibility
T3	New development: highway capacity
T5	Preferred modes of transport
T7	Bus services
T8	River transport
T10	Road hierarchy: relation to development proposals
T12	River Thames crossings
T19	Improvement of conditions for pedestrians
T21	Recreational footway network
T22	Public access to the River Thames
T23	Cycle network
T24	Access by cycle and cycle parking
T30	Restrictions on development within the airport safeguarding area
LR5	Visitor attractions
OS1	Open space standards and proposed new open space
OS2	Green belt and Metropolitan Open Land: protection and enhancement
OS4	Metropolitan Open Land: public accessibility
OS6	Green chains: developments and implementation
OS7	Green space: protection
OS11	Water-based sport and recreation
TM1	Tourist attractions: improvement of development focal points for tourism

The London Plan - Consolidated with Alterations Since 2004 (adopted February 2008):

2A.1	Sustainability criteria
2A.2	The spatial strategy for development
2A.3	London's sub-regions
2A.5	Opportunity areas

2A.6	Areas for intensification
2A.7	Areas for regeneration
3A.18	Protection and enhancement of social infrastructure and community facilities
3A.28	Social and economic impact assessments
3A.20	Health objectives
3B.1	Developing London's economy
3B.11	Improving employment opportunities for Londoners
3C.1	Integrating transport and development
3C.2	Matching development to transport capacity
3C.3	Sustainable transport in London
3C.4	Land for Transport
3C.11	Phasing of transport infrastructure provision and improvements
3C.14	Enhanced bus priority, tram and bus transit schemes
3C.15	New Thames river crossings
3C.17	Tackling congestion and reducing traffic
3C.20	Improving conditions for buses
3C.23	Parking strategy
3D.8	Realising the value of open space and green infrastructure
3D.9	Green Belt
3D.10	Metropolitan Open Land
3D.11	Open Space provision in DPDs
3D.12	Open space strategies
3D.14	Biodiversity and nature conservation
3D.15	Trees and woodland
4A.1	Tackling climate change
4A.2	Mitigating climate change
4A.3	Sustainable design and construction
4A.4	Energy assessment
4A.7	Renewable energy
4A.12	Flooding
4A.13	Flood risk management
4A.14	Sustainable drainage
4A.15	Rising groundwater
4A.16	Water supplies and resources
4A.17	Water quality
4A.18	Water and sewerage infrastructure
4A.19	Improving Air quality
4A.20	Reducing noise and enhancing soundscapes
4A.21	Waste strategic policy and targets
4A.28	Construction, excavation and demolition waste
4A.30	Better use of aggregates
4A.33	Bringing contaminated land into beneficial use
4B.1	Design principles for a compact city
4B.2	Promoting world-class architecture and design
4B.3	Enhancing the quality of the public realm
4B.8	Respect local context and communities
4B.11	London's built heritage
4B.12	Heritage conservation
4B.13	Historic conservation-led regeneration
4B.15	Archaeology
4C.1	The strategic importance of the Blue Ribbon Network

- 4C.2 Context for sustainable growth
- 4C.3 The natural value of the Blue Ribbon Network
- 4C.4 Natural landscape
- 4C.6 Sustainable growth priorities for the Blue Ribbon Network
- 4C.7 Passenger and tourism uses on the Blue Ribbon network
- 4C.8 Freight uses on the Blue Ribbon Network
- 4C.11 Increasing access alongside and to the Blue Ribbon Network
- 4C.14 Structures over and into the Blue Ribbon Network
- 4C.15 Safety on and near to the Blue Ribbon Network
- 4C.16 Importance of the Thames
- 4C.17 Thames Policy area
- 4C.18 Appraisals of the Thames Policy area
- 4C.20 Development adjacent to canals
- 4C.22 Rivers, brooks and streams
- 5A.1 Sub-Regional implementation frameworks
- 5C.1 The strategic priorities for North East London
- 5C.2 Olympic and Paralympic Games
- 5C.3 Opportunity Areas in North East London

#### National Planning Policy Statements / Guidance

- Planning Policy Statement 1 - Delivering Sustainable Development
- Planning Policy Statement: Planning and Climate Change – Supplement to Planning Policy Statement 1
- Planning Policy Statement 3 - Housing
- Planning Policy Statement 9 - Biodiversity and Geological Conservation
- Planning Policy Statement 10 - Planning for Sustainable Waste Management
- Planning Policy Guidance 13 - Transport
- Planning Policy Guidance 15 - Planning and the Historic Environment
- Planning Policy Guidance 16 - Archaeology and Planning
- Planning Policy Guidance 17 - Planning for Open Space, Sport and Recreation
- Planning Policy Statement 22 - Renewable Energy
- Planning Policy Statement 23 - Planning and Pollution Control
- Planning Policy Guidance 24 - Planning and Noise
- Planning Policy Statement 25 - Development and Flood Risk
- The London Biodiversity Action Plan (2001)

#### Additional Guidance:

##### Mayor of London:

- SPG - Sustainable Design and Construction (May 2006)
- SPG - East London Green Grid Framework (February 2008)
- Lower Lea Valley Opportunity Area Planning Framework (January 2007)
- Sub-Regional Development Framework: East London (May 2006)

##### LB of Newham:

- SPG - Sustainability Checklist

The proposed development straddles over three different Local Planning Authorities' administrative boundaries. The Abbey Mills PS, Beckton STW, and a short section of the proposed Lee Tunnel are located within the London Thames Gateway

Development Corporation (LTGDC) area. The majority of the proposed Lee Tunnel is located within the administrative area of the London Borough of Newham. A small section of the proposed tunnel near West Ham Station is located within the Olympic Delivery Authority (ODA) administrative area, however the ODA have delegated their decision to the London Borough of Newham.

Consultation on the applications with statutory and non-statutory bodies was extensive. Objections were received from a number of adjoining residents and land owners with the common themes being concern about odour, concern about potential disturbance to the Greenway, and concern about vibration from tunnelling works. These objections are considered, along with other material considerations such as the London Plan (the Strategic Plan for London) and Newham Council's Unitary Development Plan (Adopted June 2001 - saved policies).

Thames Water is required to make a significant improvement to the environmental quality of the Rivers Lea and Thames in the London and Thames Gateway area. This need is driven by the statutory requirement to improve water quality within the Thames Tideway and by the need to support population growth within the STW catchments. The need for the scheme is accepted.

The impacts of the development in terms of odour have been considered and officers concur with the findings of the Environmental Statement in that implementation of the odour control measures are forecast to lead to a minor reduction in odour levels compared to the future baseline and that the odour exposure levels experienced off-site are likely to decrease proportionally. A number of odour conditions, including a condition for an Odour Management Plan and associated protocols, are proposed to ensure the applicants adhere to the odour reduction targets cited in the ES. Notwithstanding this, experience has demonstrated that the works are at their most problematic when there are failures in plant. Concern remains that if the extended plant fails, the potential odour impact could be very significant. Therefore it is considered crucial that appropriate physical interventions to address odour emissions, are secured within a Section 106 agreement. This includes measures to cover existing Primary Settlement Tanks which account for 37% of current odour emissions.

The development will result in some adverse effects in respect of terrestrial ecology, landscape and views, archaeology and visual appearance of listed buildings at Abbey Mills PS and Beckton STW. Most of these adverse impacts will arise during the construction stage only. The development of UDP Designated Metropolitan Open Land, green space designated as a Site of Nature Conservation Importance (SNCI), and resultant loss in habitat does cause concern, however the loss of habitat can be partially mitigated and the residual impact will not be of such a degree as to justify refusal on the basis of the relevant planning policies against the wider environmental benefits to the Thames Tideway and the River Lea that the development will provide.

It is considered that through the legal agreement and conditions, the identified impacts can be adequately dealt with and the proposal can be made to be consistent with strategic and local policies and objectives as listed above. Consequently, it is considered that a departure from the UDP is justified and planning permission is granted subject to conditions and a legal agreement.

Dated this:

DRAFT

DRAFT

**Appendix 1**  
**Plans relating to this Agreement**

1. Site Plan A
2. Site Plan B
3. Abbey Mills Pumping Station Plan
4. Beckton STW Plan
5. Walkways Plan
6. Barking Creekside Plan
7. Northern Lagoon Plan

KEY



Application area



SITE PLAN A

Drawn by: MJS Date: 06/07/22

Scale: 1:5000

500m

Information for this contract will be provided

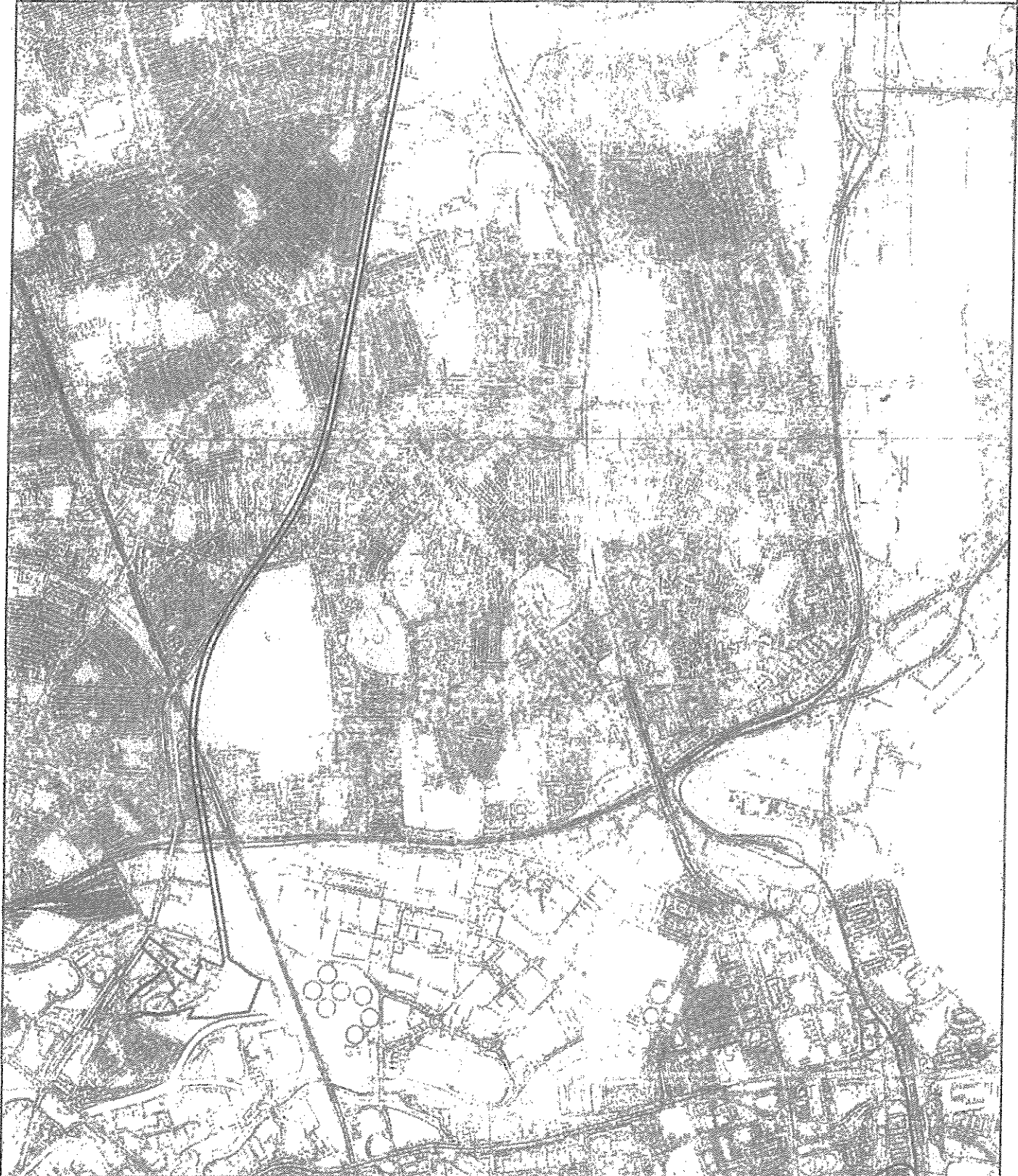
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KEY

-  Application area
-  Above ground site activities

SITE PLAN B

Drawn by: MS Date: 06/07/22

Scale: 1:5000

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KEY

Application area

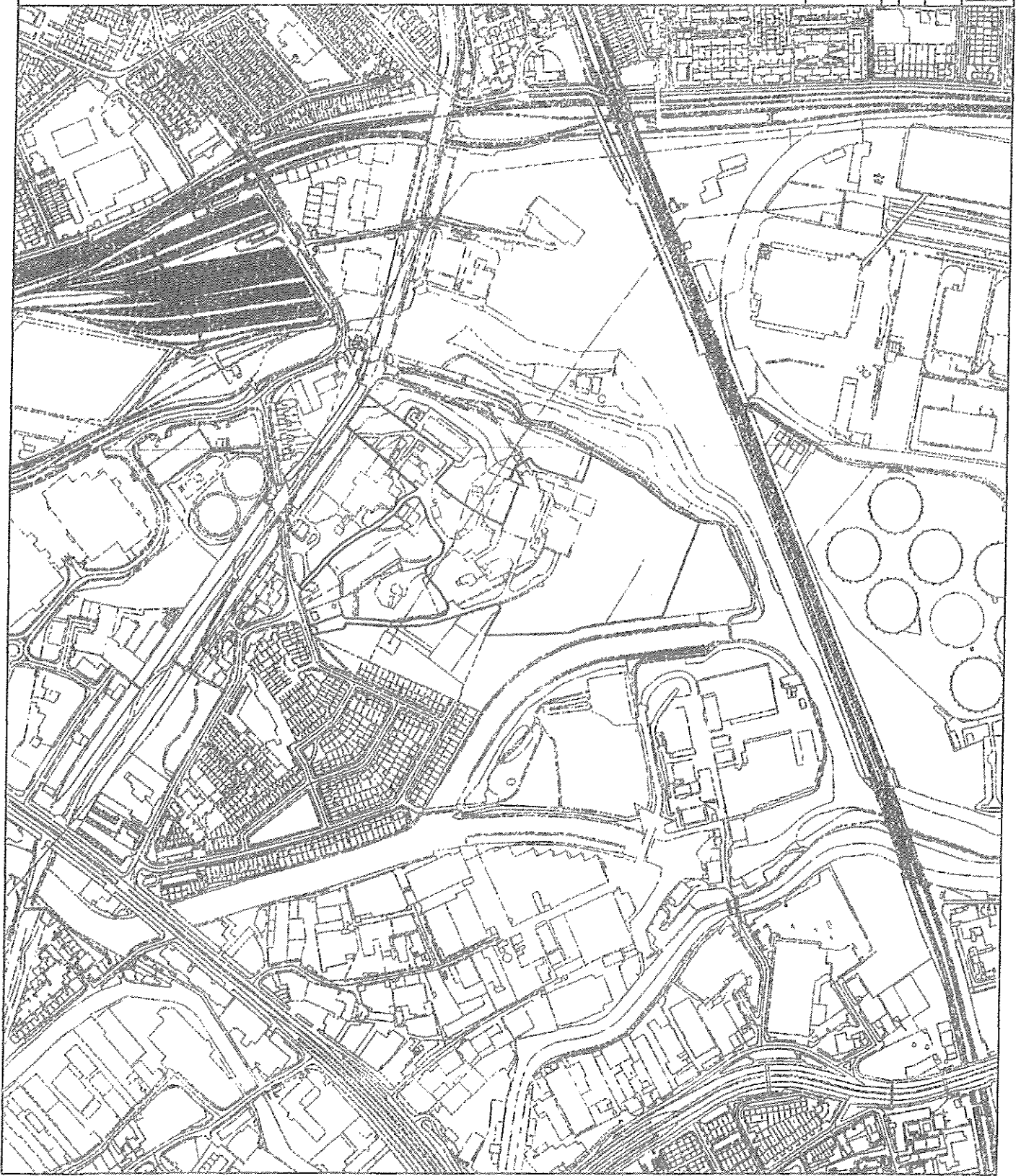
### ABBAY MILLS PUMPING STATION PLAN

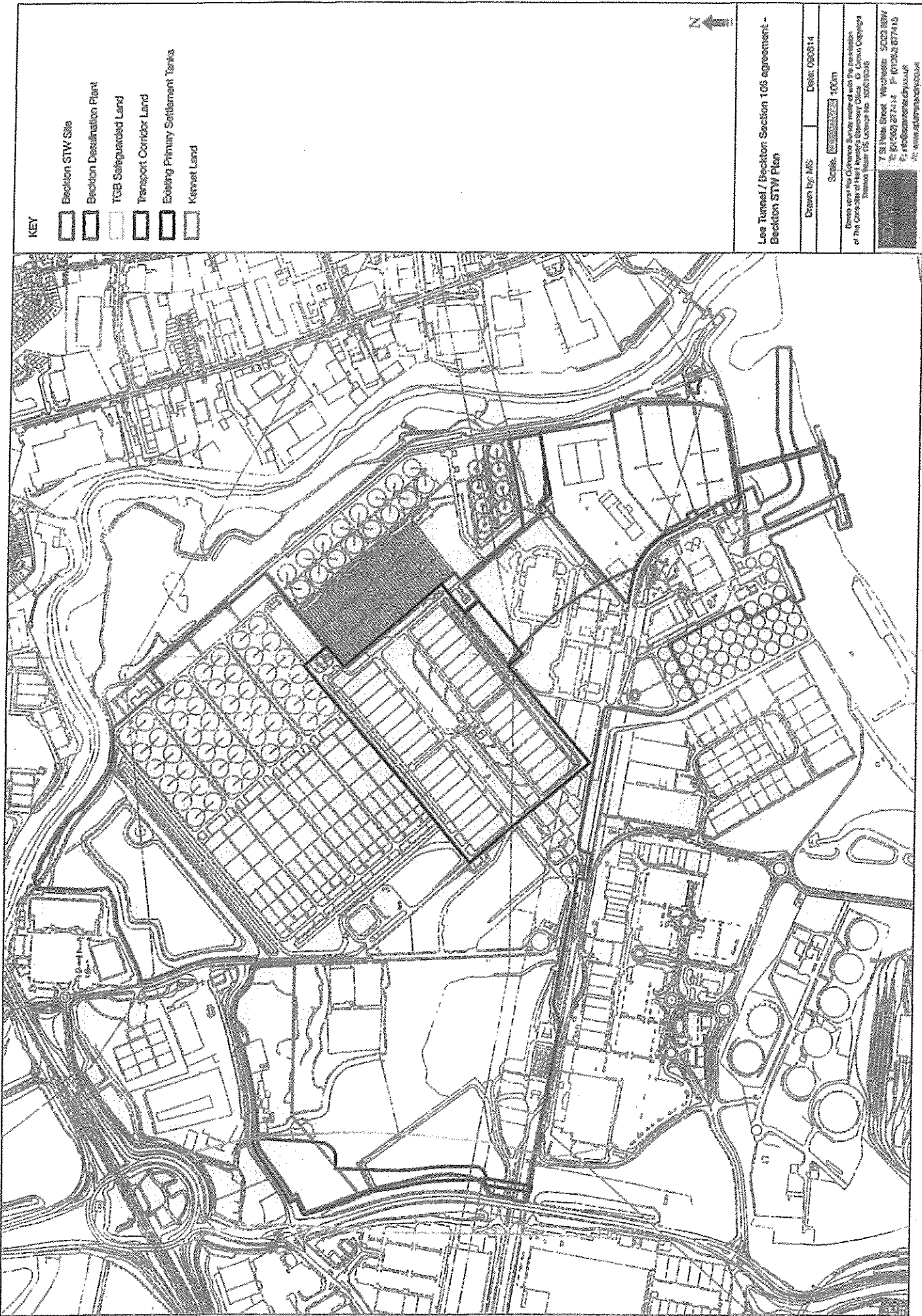
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**KEY**

-  Beckiton STW Site
-  Beckiton Desalination Plant
-  TCB Safeguarded Land
-  Transport Corridor Land
-  Existing Primary Settlement Tanks
-  Kennet Land



Lee Tunnel / Beckiton Section 106 agreement -  
Beckiton STW Plan

Drawn by: AJS Date: 05/08/14

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NOTES

- Thameside Walkway
- Riverside Walkway
- Northern Lagoon Walkway

Prepared for: Beckton, Canary Wharf  
 Date: 15/01/2019  
 Drawn by: [Name]  
 Checked by: [Name]

Author	Drawn	Checked	Date

LEE TUNNEL/  
 BECKTON SECTION  
 10% AGREEMENT

WALKWAYS  
 PLAN

Scale: 1:6,000

Drawn: AH  
 Approved: CB

Registration: [Number]  
 Issue: 01/01/2019

Project: [Name]  
 Location: [Address]

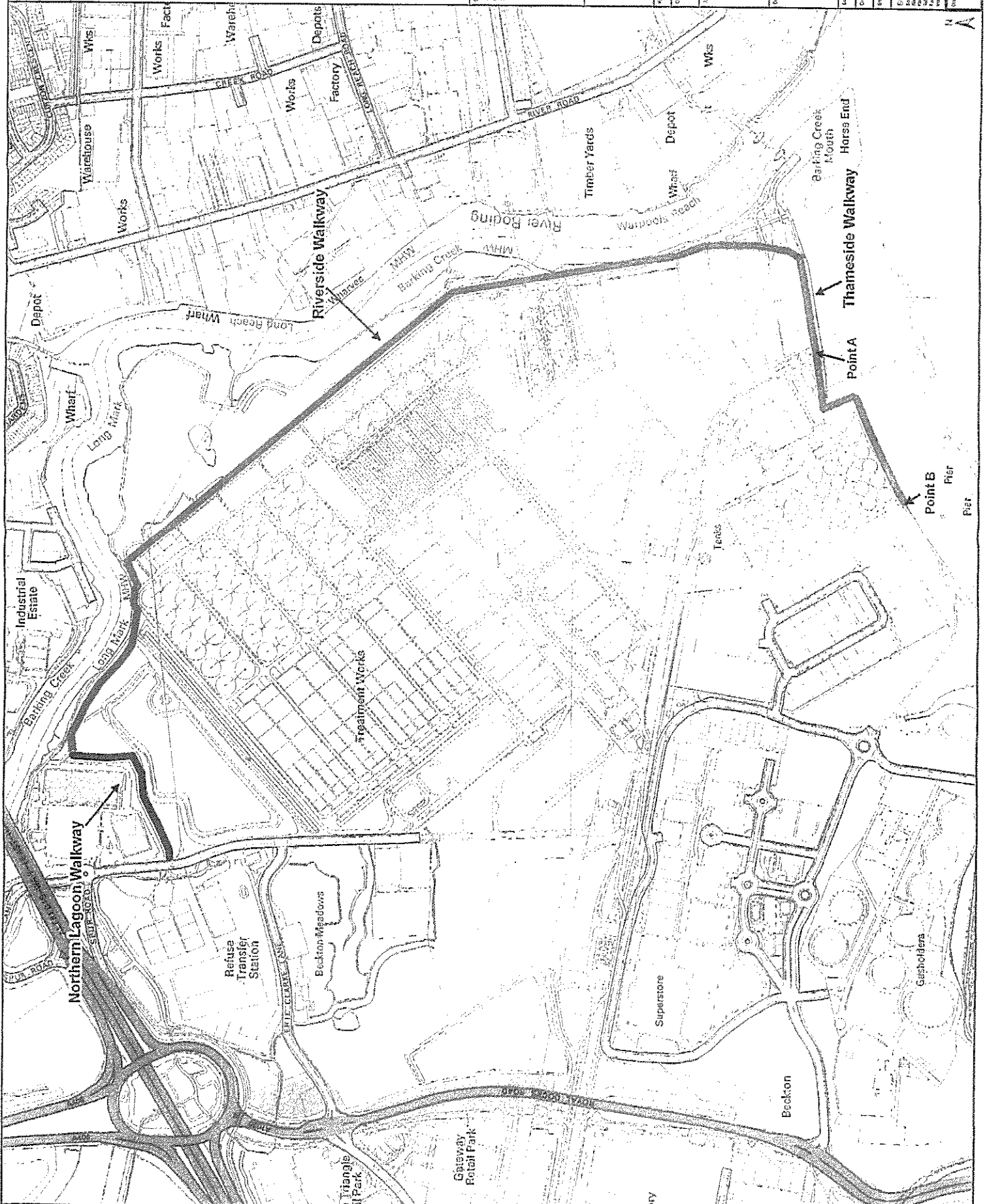
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NOTES

- Barking Creekside
- Creekside Trail

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Lee Tunnel and Beckton STW Extension  
 Barking Creekside  
 Drawing No. 15/000

Project Code	15/000
Issue	1
Drawn	CB
Checked	CB
Approved	CB
Date	21/07/2014

LEE TUNNEL AND BECKTON STW EXTENSION

BARKING CREEKSIDE PLAN

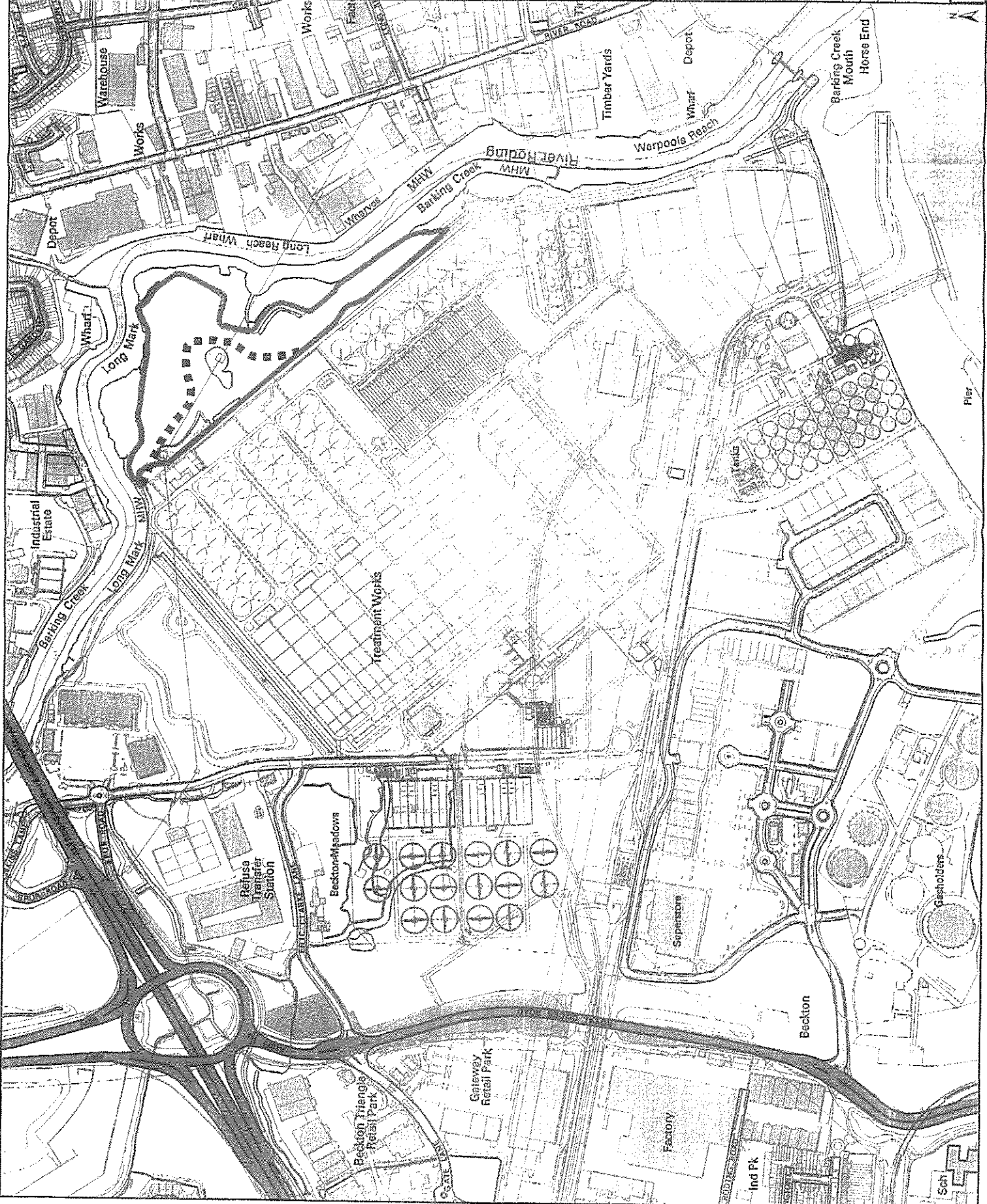
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Client: AH  
 Project: Barking Creekside  
 Drawing: 15/000

Author: Scott Wilson  
 Date: 21/07/2014  
 Project: Barking Creekside  
 Drawing: 15/000



FIGURE



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**NOTES**

**Northern Lagoon**  
Northern Lagoon Walkway

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Author	Client	Scale
Drawn	Checked	Scale
Revised	Approved	Scale

**LEE TUNNEL AND BECKTON STW EXTENSION**

**NORTHERN LAGOON PLAN**

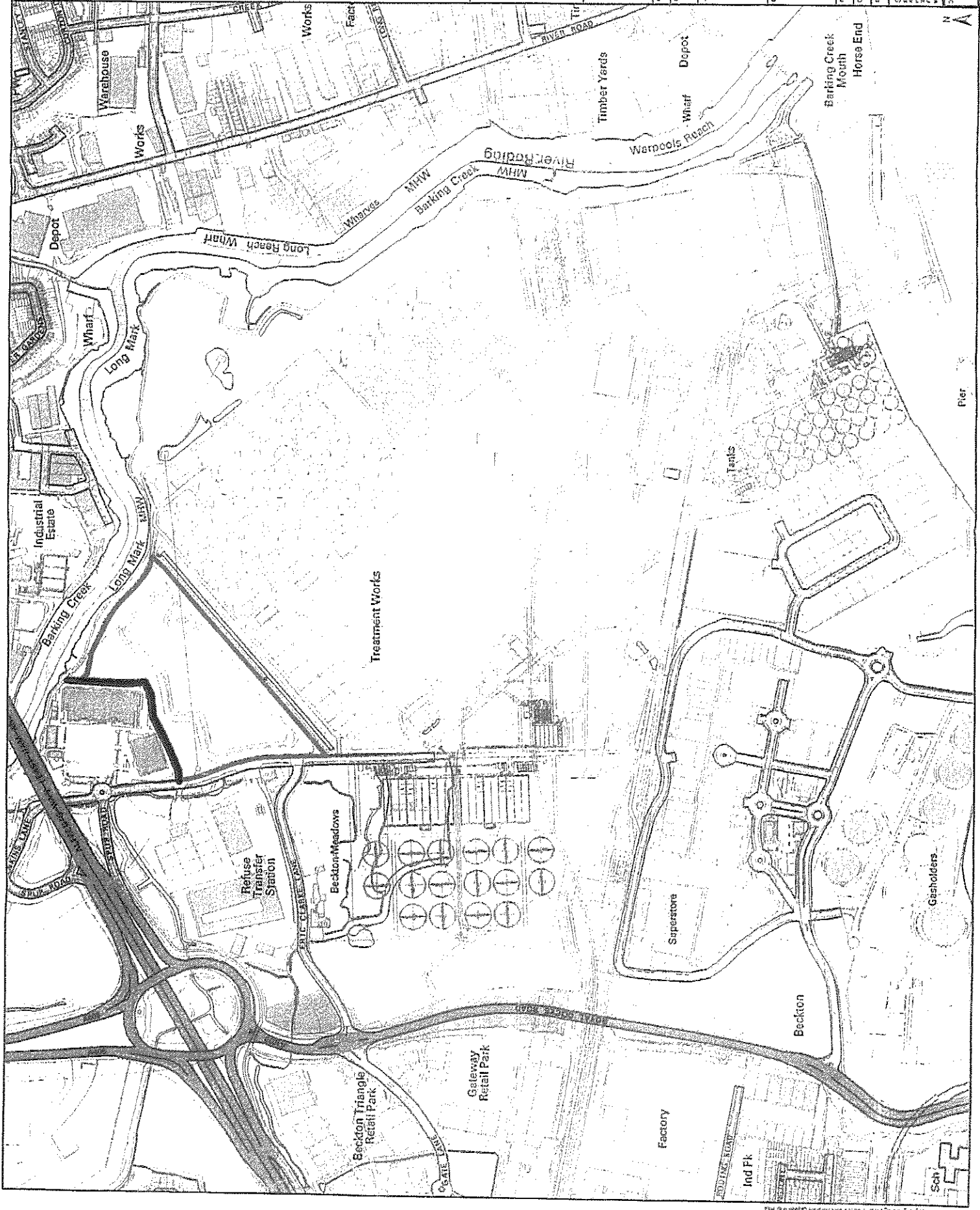
Scale 1:15,000

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1 of 1	AH	CB

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Project No: SW/14/001

Figure



**Appendix 2**  
**Draft Landscape and Ecology Masterplan**

