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Pinsent Masons LLP
30 Crown Place
Earl Street
London
EC2A 4ES

Dear Sirs,

TRANSPORT AND WORKS ACT 1992: APPLICATION FOR THE PROPOSED LONDON UNDERGROUND (NORTHERN LINE EXTENSION) ORDER

1. I am directed by the Secretary of State for Transport ("the Secretary of State") to say that consideration has been given to the report of the Inspector, J S Nixon BSc (Hons) DipTE CEng MICE MRTPI MCIHT, who held a public local inquiry between 19 November and 20 December 2013 into the application made by your clients Transport for London ("TfL") for:

a) the London Underground (Northern Line Extension) Order ("the Order") to be made under sections 1, 3 and 5 of the Transport and Works Act 1992 ("TWA"); and

b) a direction as to deemed planning permission for the development provided for in the Order, to be issued under section 90(2A) of the Town and Country Planning Act 1990 ("the planning direction").

2. The Order, if made, would authorise London Underground Limited ("LUL") to construct and operate a 3.2 kilometre extension of the Charing Cross Branch of the Northern Line from Kennington to a new station at the site of the disused Battersea Power Station, with an intermediate station at Nine Elms. The scheme (referred to in this letter as "the NLE") includes permanent ventilation shafts and head-houses at Kennington Park and Kennington Green and four new cross-passages at Kennington station. The Order would also authorise the compulsory acquisition and temporary use of land for the purposes of the NLE.

3. Enclosed with this letter is a copy of the Inspector's report. His conclusions and recommendations are set out in sections 8, 9 and 10 of the report.

Summary of Inspector's recommendations

4. The Inspector recommended that the Order be made with modifications (including those sought by TfL in August 2013 to remove certain works from the scheme) and that the planning direction be given subject to conditions.

Summary of Secretary of State's decision

5. For the reasons given in this letter, **the Secretary of State has decided to make the Order, with modifications and to give the planning direction, subject to the conditions set out in Annex 1 to this letter**. In separate letters being issued today, the Secretary of State for Communities and Local Government has decided to give the various listed building and conservation area consents and the open space certificate required for implementation of the NLE referred to at paragraphs 1.5-7 of the Inspector's report.

Secretary of State's consideration

6. Careful consideration has been given to all the arguments put forward by, or on behalf of, the parties. The Secretary of State's consideration of the Inspector's report is set out in the following paragraphs. All paragraph references, unless otherwise stated, are to the Inspector's report ("IR"). Where not stated in this letter, the Secretary of State can be taken to agree with the Inspector's conclusions as set out in his report.

The need for the NLE and the anticipated benefits

7. The Secretary of State notes that the justification for the NLE is derived not solely from the existing transport needs of the area but is essentially development led. He notes in particular that almost all of the funding of the NLE would come from the substantial new development proposed in the Vauxhall, Nine Elms and Battersea Opportunity Area ("VNEB OA") and that many of the new homes and jobs in the VNEB OA are directly dependent on construction of the NLE. In the light of this, he agrees with the Inspector that the opportunity to sustainably regenerate the VNEB OA creates an irresistible need for the NLE (IR 8.6-10).

8. The Secretary of State agrees with the Inspector's assessment at IR 8.11-24 of the benefits that would result from the NLE in terms of improving transport accessibility by connecting the VNEB OA to the London Underground network; by acting as a fundamental catalyst for regeneration of the VNEB OA; by increasing the supply of housing; and by generating 25,000 jobs in the service, retail and construction sectors. He agrees with the Inspector's overall conclusion that the cumulative benefits of the NLE provide a compelling justification for the scheme and notes that this is underpinned by the high cost benefit ratio of nearly 10:1 (IR 8.25).

Main alternative options considered

9. While acknowledging the criticism of the consultation process by many objectors and the Inspector's view that it could have been more focussed in the early stages, the Secretary of State agrees with the Inspector that the inquiry allowed a full review of the events leading up to the Order application and offered the opportunity for all interests to air their different views (IR 8.27-35, 8.62, 8.175-178, 9.2-3). With regard to the choice of mode,

alignment and other components of the NLE scheme, he is like the Inspector satisfied that the main alternative options were considered by TfL, and that the reasons for choosing the proposals comprised in the NLE scheme are justified (IR 8.62). In particular, he agrees with the Inspector that the decision to adopt the underground approach to serve the transport needs of the VNEB OA was right (IR 8.36-40, 9.4); that the reasons for extending the Northern Line from Kennington rather than the Victoria Line from Vauxhall are compelling (IR 8.43-49, 9.5-7); and that it was appropriate not to include the upgrade of Kennington Station in the scheme, taking into account the significant cost and intrusive nature of the works involved and the consequent delay to the NLE if that option were now pursued (IR 8.57-61, 9.10).

Consistency with national, Mayoral and local policies

10. The Secretary of State agrees with the Inspector that, with the exception of heritage impacts referred to at paragraphs 21 and 22 below, the delivery of the NLE scheme would accord with relevant national, regional and local policies and with the strategic polices embodied within them (IR 8.63-65). In particular, he notes the support for the NLE in the National Infrastructure Plan, the London Plan 2011 and a range of local planning policies in the London Boroughs of Wandsworth, Lambeth and Southwark, which recognise the key role of the NLE in regenerating the VNEB OA (IR 3.60-65).

Main impacts of the NLE on residents, businesses and the environment

Noise and vibration

11. The Secretary of State has considered the Inspector's assessment at IR 8.66-93 of the likely noise and vibration impacts of the NLE during construction and operation. He agrees with the Inspector's conclusion that, taking into account the controls under condition 13 in Annex 1 to this letter, the noise levels that would be experienced from the operation of trains on the NLE would be below the "No Observed Effect Level" and therefore acceptable; and that there should be no observed effect in terms of vibration (IR 8.79, 9.15). The Secretary of State has considered the request from an objector in a post-inquiry representation that TfL should be required to respond to complaints about NLE train noise within a specified timescale, but considers that this is a performance management issue for TfL which cannot appropriately be provided for in a planning condition.

12. With regard to the use of the worksites, the construction of the ventilation shafts and head-houses, additional road traffic and the construction of the tunnels, the Secretary of State accepts that the temporary impacts would be intrusive for some people, even with the employment of Best Practicable Means ("BPM"), and would be a moderate negative factor to be weighed in the overall balance. However, he agrees with the Inspector that, taking into account the controls that would be in place such as the Code of Construction Practice ("CoCP") and the proposed planning conditions, the residual impacts would be acceptable (IR 8.94, 9.13-14).

Impacts on properties from ground movements

13. The Secretary of State notes the Inspector's conclusion that no property should experience an impact from ground movement that would threaten damage to its structure (IR 8.95). He is, like the Inspector, satisfied that the "Settlement Deed" offered by TfL and

the framework set out in the CoCP should provide adequate assurance in this regard (IR 8.95-99, 9.13).

Townscape and visual amenity

14. The Secretary of State agrees with the Inspector that, aside from the impacts for Kennington Green and Kennington Park considered at paragraphs 19, 21 and 22 below, the townscape and visual amenity impacts suffered during construction would be temporary, but following the opening of the NLE they should all be favourable (IR 8.100-105).

Impacts on land use including commercial properties and businesses

15. The Secretary of State agrees with the Inspector that, with the exception of the displacement of Bee Urban referred to at paragraph 19 below, implementation of the NLE should have a beneficial effect overall on the local businesses and the economy in terms of the new residential property and the jobs generated by new offices which would result. He agrees further that access to existing businesses should not be unduly affected by construction of the NLE and that, while the impact of changed travel patterns might be negative for a few businesses, the public benefit arising from the scheme would be far greater (IR 8.109-114).

Impacts of construction traffic on the highway network

16. The Secretary of State has considered the Inspector's assessment at IR 8.118-130 of the impacts of construction traffic on the highway network and other road users. He is satisfied that taking into account the proposed use of the River Thames to take excavated materials away from construction sites and the other mitigation measures including the preparation of a Traffic Management Plan for each worksite, there would be no traffic consequences that would justify refusing the Order. He agrees further with the Inspector that condition 18 in Annex 1 to this letter, which would require the introduction of yellow box marking at the junction of Kennington Park Road and Kennington Park Place, is appropriate (IR 8.131).

Effects of the proposed ventilation shafts, head-houses and worksites at Kennington Park and Kennington Green

17. The Secretary of State recognises that many objections to the NLE have been made by residents and businesses around Kennington Park and Kennington Green who consider that the area would experience most of the scheme's adverse effects and few of its transport benefits (IR 8.3-4, 9.8). He notes that the Inspector has given detailed consideration in his report to the impacts of the scheme in those areas.

Kennington Park

18. The Secretary of State agrees with the Inspector that the arguments for alternative locations for the ventilation shaft and head-house are not compelling and that consequently the choice of the associated worksite location is the best option (IR 8.134-142). He agrees also that the access to the worksite proposed by TfL is to be preferred to that advanced by the objectors, for the reasons given by the Inspector (IR 8.143-151). With regard to noise,

he has noted the Inspector's assessment that, taking into account the use of BPM and the controls that would apply through the Construction Noise and Vibration Mitigation Scheme, noise levels should be below the "Significant Observed Adverse Effect" level. He agrees that in the context of a scheme of this magnitude such temporary effects would be acceptable (IR 8.152-158)

19. The Secretary of State agrees with the Inspector that the contemporary design of the head-house, which is supported by English Heritage and the London Borough of Lambeth ("LBL") is acceptable in principle and would preserve the character and appearance of the conservation area and the listed properties in Kennington Park Place and St Agnes Place (IR 8.159-163, 9.17). As regards the displacement of Bee Urban, he notes that this would happen in any event with the disposal of the Old Lodge by LBL and that TfL has made money available to facilitate Bee Urban's move, which may help to secure its future (IR 8.166-168, 9.18).

20. The Secretary of State agrees with the Inspector that, while some disturbance and inconvenience to those who live and work around the Park is inevitable during construction of the NLE, none of the adverse impacts would be so significant as to interrupt life unduly. He is satisfied also that reinstatement proposals would be the best that could be achieved and that the uses of the Park would be equivalently reinstated (IR 8.171-172).

Kennington Green

21. The Secretary of State has considered the Inspector's detailed comparison at IR 8.179-213 of the relative merits of the Kennington Green site and the alternative site at 373 Kennington Road ("the 373 option") advanced by many objectors. He agrees with the Inspector that in many respects the merits of the two options are finely balanced in terms of their impacts on business, residents, built heritage and traffic. He accepts, however, that the loss of trees at Kennington Green for the purposes of the scheme would have a seriously negative effect on the character and appearance of the conservation area and the setting of the surrounding listed buildings; and that this would be only partially offset by the modest enhancement offered by the new head-house and, in the very long-term, by the restoration proposals (IR 8.200, 215).

22. The Secretary of State considers that the adverse impact of TfL's proposals at Kennington Green on heritage and the townscape will need to be weighed in the overall balance. As regards the comparison with the 373 option, he agrees with the Inspector that, in spite of any deficiencies in the evolution of the NLE proposals and the criticism by objectors of the approach to consultation by TfL and Treasury Holdings, the uncertainties, delay and cost implications of pursuing the 373 option tip the balance in favour the Kennington Green site (IR 8.216-217, 9.12, 9.19).

Effects on statutory undertakers and utility providers

23. The Secretary of State notes that the only outstanding objections from statutory undertakers at the end of the inquiry were those from Scotia Gas Networks and Southern Gas Networks (IR 8.219). He was informed by TfL on 15 October 2014 that an agreement between those companies and TfL had been signed by both sides but not completed pending resolution of a disagreement over the amount of solicitor's fees to be paid by TfL. The Secretary of State considers that, although these objections have not been withdrawn,

taking into account the advanced stage of the negotiations with TfL, it is unnecessary for him to await resolution of the issue of fees before he decides this application. He notes also that comprehensive protective provisions for gas undertakers are included in the Order as recommended by the Inspector.

Impacts of the NLE on passengers using Kennington station

24. The Secretary of State has considered the Inspector's assessment at IR 8.8.220-247 of the impacts of constructing and operating the NLE on the use of Kennington Station, particularly as regards safety. He is satisfied, firstly, that concerns about the effects of the physical works would be satisfactorily addressed (IR 8.222). With regard to interchange movements between the Bank and Charing Cross Branches at Kennington once the NLE is operational, the Secretary of State agrees with the Inspector that the four new cross-passages proposed by TfL would provide sufficient capacity; and that overcrowding due to service disruptions would be manageable and may improve with the Northern Line Upgrade (IR 8.227-229, 8.235, 8.249). He notes that (in the absence of more extensive redevelopment at Kennington station) step-free interchange would not be available for passengers travelling between NLE stations and stations south of Kennington towards Morden; and that those unable to negotiate stairs would need to transfer at London Bridge or, after 2019/20, at Elephant and Castle following the upgrade of that station (IR 8.24).

25. The Secretary of State recognises the concerns of objectors about the facilities at Kennington Station for escape in an emergency, but notes that the Office of Rail Regulation and the London Fire and Emergency Planning Authority have not objected to the NLE on these grounds. In the circumstances, he agrees with the Inspector that a full-scale improvement to Kennington Station to address access issues could not be justified at this time because of the technical, engineering and cost considerations and the inevitable delay to the NLE that would result (IR 8.240-241). He agrees further that it is appropriate as a precautionary measure to include condition 19 in Annex 1 to this letter, as recommended by the Inspector, which would require TfL to monitor passenger movements and congestion at Kennington Station (IR 8.245, 8.250, 9.16).

Mitigation measures

26. The Secretary of State agrees with the Inspector for the reasons given at IR 8.252-258 that the various measures proposed for mitigating any adverse impacts of the NLE scheme would be adequate and commensurate with the environmental impacts predicted (IR 8.262). Under section 14(3AA) of the TWA, the Secretary of State is required to describe the main measures to avoid, reduce and, if possible, remedy the major adverse environmental effects of the scheme. In this case, he considers that the main measures to mitigate the adverse effects of the NLE scheme are the conditions set out in Annex 1 to this letter, including the CoCP and management plans required by those conditions, the Liaison Groups that would monitor the provisions of the CoCP, and the legal agreements between TfL and the London Boroughs of Wandsworth, Lambeth and Southwark.

Control of street works

27. With regard to the disapplication of legislation controlling street works, considered by the Inspector at IR 8.258-261, the Secretary of State agrees that the precedented disapplication of provisions in the New Roads and Street Works Act 1991 included in the

Order is appropriate. However, the Secretary of State does not agree that the Order should disapply the common London Permit Scheme ("LoPS") made under Part 3 of the Traffic Management Act 2004 as adopted by all London Boroughs and Transport for London. He considers that permit schemes such as LoPS are important tools to enable highway authorities to reduce congestion and to manage their networks effectively. The Secretary of State has assessed and approved the introduction of each of the permit schemes that have been developed. Evaluation by the LoPS Operational Committee, undertaken after 12 months of the operation scheme, indicates that the scheme has been applied successfully to works across London, which have contributed to small and large scale developments. He is not aware of any evidence that the application of a permit scheme has hindered the delivery of infrastructure projects. The Secretary of State has therefore decided to delete the proposed disapplication of LoPS in article 3(7) of the Order.

Adequacy of the Environmental Statement

28. The Secretary of State agrees with the Inspector's conclusions about the adequacy of the Environmental Statement ("ES"), including the ES Addendum, as regards both the scope of the ES and the baseline information and predicted impacts contained in it (IR 8.264-272); and he is satisfied that he has sufficient information for the purposes of this decision on this application. He agrees with the Inspector that the ES complies with the requirements of the Transport and Works (Applications and Objections Procedure) (England and Wales) Rules 2006 and that the statutory procedural requirements have been met (IR 8.273). The Secretary of State confirms that in reaching his decision he has complied with the requirements of paragraphs (a) to (c) of section 14(3A) of the TWA relating to the consideration of the ES.

29. The Secretary of State has considered a post-inquiry representation from Kennington and Walworth Neighbourhood Action Group ("KWNAG") which drew attention to the publication on 30 July 2014 of the Mayor of London's consultation document "London Infrastructure Plan 2050" and the reference in that document to a possible further extension of the Northern Line from Battersea to Clapham Junction. This does not, however, lead him to differ from the Inspector's conclusion on this issue at IR 8.266. Given that the Business Case for an extension to Clapham Junction has not been assessed, there is no defined scheme, and the proposals are not an integral or necessary part of the NLE, he remains satisfied that there is no obligation to assess the environmental impacts of a possible extension to Clapham Junction in the context of the NLE.

Conditions to be attached to the planning direction

30. The Secretary of State agrees with the Inspector that, subject to the following comments, the recommended conditions at Appendix D to the IR are appropriate and satisfy the tests set out in Section ID:21a of Planning Practice Guidance on Use of Conditions (IR 8.274). The Secretary of State considers that in condition 14, which is intended to secure essential mitigation in relation to operational noise from fixed plant and machinery, the words "unless otherwise approved by the local planning authority" are inappropriate and should be omitted. He has also made a number of minor drafting changes to the conditions in the interests of clarity and precision. The conditions which the Secretary of State intends to attach to the planning direction are set out in Annex 1 to this letter.

TfL's proposals for funding the NLE

31. The Secretary of State agrees with the Inspector that the method of funding the NLE (that is, from the increase of property value in the VNEB OA as a consequence of the NLE) is appropriate and accords with the Government's expectation that financing arrangements for transport infrastructure should be innovative (IR 8.279-281). He is, like the Inspector, satisfied that the funding proposals are as robust as they can be and that there is no firm evidence to suggest that the necessary level of contribution from the planned development in the VNEB OA will not be realised (IR 8.282-289, 8.291). While accepting that the funding method involves an inherent risks from economic downturn, the Secretary of State is satisfied that there are enough safeguards in place to ensure that the NLE would be completed once started and that in the later stages there should not be adverse consequences for the public purse (IR 9.20-21).

Compulsory acquisition matters

32. The Secretary of State agrees with the Inspector that there is a compelling case in the public interest for conferring on TfL powers to compulsorily acquire and use land for the purposes of the NLE scheme. He agrees also that the land and rights in land for which compulsory acquisition powers have been applied are required to secure the satisfactory implementation of the NLE scheme (IR 8.292-295).

33. With regard to the acquisition and use of Crown land, TfL has informed the Secretary of State that an agreement was completed on 29 August 2014 between LUL and the Duchy of Cornwall relating to the acquisition of the subsoil beneath The Oval that is required for the construction of the NLE. The Crown Estate Commissioners have also confirmed that there are no in principle reasons why a consent cannot be given for the use of Crown Estate land in the River Thames for the purposes of the NLE scheme. The Secretary of State is therefore satisfied that there is unlikely to be any impediment to implementing those parts of the scheme which involve the use of Crown land.

Overall conclusions and decisions

34. The Secretary of State recognises that implementation of the NLE scheme would inevitably have some adverse impacts particularly for those who live and work around the area of the surface works, even taking into account the comprehensive mitigation measures proposed; and that there would be significant harm to heritage assets at Kennington Green. He has noted also the Inspector's concerns about facilities at Kennington station. He agrees, however, with the Inspector that taking into account the crucial role which the NLE would play in regenerating the VNEB OA and the policy support for the scheme, there is a strong balance of advantage in proceeding with the NLE, as opposed to pursuing alternative options (IR 9.22-23). The Secretary of State is satisfied overall that the need for and benefits of the NLE scheme identified by the Inspector and referred to in this letter provide a compelling case for authorising the NLE which outweighs the adverse impacts of the scheme.

35. **Accordingly, the Secretary of State has decided to make the Order as recommended by the Inspector, but subject to the further amendments referred to below, and to direct that planning permission be deemed to be granted for the scheme, subject to the conditions set out in Annex 1.**

36. In addition to the changes to the Order sought by TfL and accepted by the Inspector (IR 8.297, 10.1), the Secretary of State intends to make the following further changes:

- in article 3 (application, modification and exclusion of legislative provisions relating to street works), to delete paragraph (7) as explained at paragraph 27 above;

- in article 26 (power to acquire new rights etc.), to insert a provision allowing for the transfer of the power to acquire new rights to a statutory undertaker with the consent of the Secretary of State;

- in article 33 (set-off for enhancement in value of retained land), to clarify that the provisions apply only in the context of the compulsory acquisition of land;

- to delete article 38 (trespass on authorised railway) which is unnecessary because section 55 of the British Transport Commission Act 1949 (for better prevention of trespass on railways &c.) would apply to the NLE;

- in Schedule 1 (scheduled works), Work No. 7 to delete the reference to provision of a community facility in conjunction with the head-house at Kennington Park which is not now proposed by TfL (see IR 1.17); and

- a number of other minor drafting changes which do not materially alter the effect of the Order.

The Secretary of State is satisfied that none of modifications made to the Order since application (including those sought by TfL in August 2013 as explained at IR 1.15-18) would make a substantial change in the proposals such as would require notification to affected persons under section 13(4) of the TWA.

37. The letter conveying the planning direction will be issued shortly, at the same time as the Order is made, following publication of a notice of the determination in the London Gazette.

Notice under section 14 of the TWA

38. This letter constitutes the Secretary of State's notice of his determination to make the Order with modifications, for the purposes of section 14(1)(a) and section 14(2) of the TWA. Your clients are required to publish newspaper notices of the determination in accordance with section 14(4) of the TWA.

Challenge to decisions

39. The circumstances in which the Secretary of State's decisions may be challenged are set out in the note attached at Annex 2 to this letter.

Distribution

40. Copies of this letter are being sent to those who appeared at the inquiry and to all statutory objectors whose objections were referred to the inquiry under section 11(3) of the TWA but who did not appear.

Yours faithfully,

Martin Woods

ANNEX 1

CONDITIONS WHICH THE SECRETARY OF STATE INTENDS TO ATTACH TO THE DRECTION AS TO DEEMED PLANNING PERMISSION

Definitions

In these conditions, unless the context otherwise requires—

"building" means any structure or erection, or any permanent gate, fence, wall or other means of enclosure, above the surface of the ground;

"the Code of Construction Practice (Part A)" means the document of that title and referenced TfL13E, subject to any subsequent amendment to it agreed by the local planning authority;

"a Code of Construction Practice (Part B)" means a document of that title, whose contents must be in accordance with the specification set out in the Code of Construction Practice (Part A);

"the Design and Access Statement" means the document of that title comprising Appendix M to the Environmental Statement, including the amendments contained in Appendix MA to the Environmental Statement Addendum submitted to the Secretary of State for Transport on 27 August 2013;

"the development" means the works authorised by the Order;

"the Environmental Statement" means the document of that name submitted with the application for the Order;

"the local planning authority" means the London Borough of Lambeth in relation to any part of the development within its area, the London Borough of Southwark in relation to any part of the development within its area, and the London Borough of Wandsworth in relation to any part of the development within its area;

"the Noise and Vibration Asset Design Guidance" means the London Underground guidance document G1323 of that title and issued in April 2012, further details of which are set out in chapter 9 of the Environmental Statement;

"the Order" means the London Underground (Northern Line Extension) Order 2014;

"the planning direction" means the attached direction as to deemed planning permission for the development given under section 90(2A) of the Town and Country Planning Act 1990;

"the Planning Direction and Conservation Area Consent Drawings" means the drawings bearing that description submitted with the request for the planning direction;

“the relevant limits” means the limits within which the development may be carried out; and

“stage” means a defined part, section or stage of the development, the extent of which has been submitted to, and approved by, the local planning authority,

and references to numbered works are references to the works set out in Schedule 1 to the Order.

Time limit

1. The development must not commence later than five years from the date that the Order comes into force.

Reason: To ensure that the development is commenced within a reasonable period of time.

Development in conservation area

2. Those aspects of the development comprising the construction of head-houses on land at Kennington Park and at Kennington Green must be carried out in accordance with the details shown on the following drawings:

Planning Direction Drawing 46;
Planning Direction Drawing 52A;
Planning Direction Drawing 53A;
Planning Direction Drawing 54A;
Planning Direction Drawing 60;
Planning Direction Drawing 65;
Planning Direction Drawing 66; and
Planning Direction Drawing 67.

Before works relating to the above aspects of the development commence, further drawings of those aspects of the development—

(a) showing any material revisions proposed to be made to the details of scale and external appearance provided within the above drawings; and

(b) at a scale of 1:50, or 1:20 if requested in writing by the local planning authority, along with details, including samples, of external materials,

must be submitted to and approved by the local planning authority.

Reason: For the avoidance of doubt and in the interests of proper planning.

Stations and other buildings: detailed design approval of above ground elements

3.(a) Works relating to the following above ground aspects of the development must not commence until details of the scale and external appearance, including details of external materials, of the development concerned have been submitted to, and approved by, the local planning authority—

(i) Nine Elms Station;

(ii) Battersea Station; and

(iii) any other building or alteration to an existing building for which details of scale and external appearance were not provided as part of the request for the planning direction.

(b) The siting of the stations must be in accordance with the following drawings—

Planning Direction Drawing Number 13;
Planning Direction Drawing Number 14;
Planning Direction Drawing Number 15;
Planning Direction Drawing Number 17;
Planning Direction Drawing Number 29;
Planning Direction Drawing Number 30;
Planning Direction Drawing Number 31;
Planning Direction Drawing Number 32; and
Planning Direction Drawing Number 33.

(c) Except in the case of the stations, details of siting must be included in any such submission to the local planning authority to the extent that the siting proposed materially differs from that shown on the Planning Direction Drawings.

(d) Any details referred to in (a)(iii) above must be in accordance with the relevant design principles contained within the Design and Access Statement.

(e) The submitted siting and scale details must include plans at a minimum scale of 1:250, and elevations at a minimum scale of 1:100. Details of external appearance must include samples of materials to be used externally.

Reason: To enable reasonable and proper control to be exercised over these aspects of the development.

Landscape works

4. No landscape works relating to the development are to commence until a landscape scheme has been submitted to, and approved by, the local planning authority. The landscape scheme must—

(a) provide for the landscape works at Kennington Park and Kennington Green to be completed no later than the end of the first available planting season following completion of the development at Kennington Park and Kennington Green;

(b) include an implementation timetable for all other landscape works; and

(c) where relevant, include details of the following—

(i) *Hard landscape proposals*

Proposed finished ground levels;
Pedestrian access;
Hard surfacing materials;
Proposed and existing functional services above and below ground level such as drainage, pipelines, power and communications cables;
Minor artefacts and structures such as street furniture, refuse or other storage units, signs and lighting (including lighting levels);
Fencing; and
Cycle storage facilities;

(ii) *Soft landscape proposals*

Proposed planting noting species, planting sizes and proposed numbers/densities;
Schedules and plans of existing trees to be retained or removed;
Written specifications including cultivation and other operations associated with plant and grass establishment;
Ground levels; and
Boundary levels; and

(iii) a maintenance management plan for the landscape works on the land at Kennington Park to be retained by the person or body responsible for carrying out the development or its successor.

Reason: To provide a suitable setting for the development in the interests of visual amenity and to enhance flora and fauna.

Replacement and protection of trees

5. (a) No part of the development located within a conservation area is to commence until details of the trees to be removed or retained within that conservation area have been submitted to, and approved by, the local planning authority.

(b) Any trees removed or lost as a result of the development must be replaced on at least a one for one basis. Replacement planting must not take place until details (including location, species, size, numbers and densities) have been submitted to, and approved by, the local planning authority.

(c) Tree planting must be completed in accordance with the implementation timetable approved under condition 4 above, and any tree that within five years of the day of planting, or any tree planted in replacement for it, is removed, uprooted, destroyed, dies or becomes seriously damaged or diseased must be replaced in the earliest available planting season with a specimen of the same species and size as that originally planted unless the local planning authority gives consent to any variation.

(d) Any trees identified as to be retained in the landscape scheme approved under condition 4 and which are potentially at risk of damage from construction works must be protected in

accordance with details submitted to, and approved by, the local planning authority prior to any work commencing in the vicinity of those trees.

Reason: In the interests of visual amenity and to ensure that planting is carried out in a timely manner.

Code of Construction Practice (Part A)

6. Construction of the development must be carried out in accordance with the provisions of the Code of Construction Practice (Part A).

Reason: In the interests of amenity.

Code of Construction Practice (Part B)

7. No stage of the development is to commence until a Code of Construction Practice (Part B) relating to that stage has been submitted to, and approved by, the local planning authority.

Reason: To protect the environment and amenity of the locality.

Construction Noise and Vibration Mitigation Scheme

8. The effects of constructing the development must be mitigated in accordance with the Construction Noise and Vibration Mitigation Scheme contained in Appendix N2 to the Environmental Statement.

Reason: To protect the amenity of occupiers of premises close to construction sites.

Contaminated land

9. (a) No stage of the development is to commence until a scheme, for that stage, to deal with contamination likely to materially harm persons or pollute controlled waters or the environment, has been submitted to, and approved by, the local planning authority. The scheme must include—

(i) a description of the stage concerned;
(ii) an investigation and assessment to identify the extent of contamination at that relevant site, including both onsite and offsite sources; and
(iii) details of the remediation measures required (both short and long term) and how they will be undertaken.

(b) Following the completion of the measures identified in condition 9(a)(iii), a verification report must be submitted to and approved by the local planning authority. The report must provide evidence that all required remediation measures have been put into effect.

(c) If in undertaking the construction of any part of the development, contamination not previously identified is found to be present in that part of the site, no further development is to be carried out on that part of the site until the details of how such contamination is to be dealt with have been submitted to and approved by the local planning authority and put into effect.

Reason: 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 offsite receptors.

Archaeology

10. No stage of the development within or immediately adjacent to an area identified in the Environmental Statement as being of known or suspected archaeological importance is to commence until a written scheme of investigation for a programme of archaeological work for that stage has been submitted to, and approved by, the local planning authority. Any works agreed must be carried out in accordance with the approved programme.

Reason: To ensure that works are undertaken with due regard to any archaeological remains on the site.

Built heritage

11. Monitoring equipment to be affixed to listed buildings must not be installed until details of the equipment, the monitoring methodology and programme have been submitted to, and approved by, the local planning authority. The details agreed must be carried out in accordance with the approved programme.

Reason: To ensure that works are undertaken with due regard to listed buildings.

Highway access

12. (a) No stage of the development is to commence until details of the siting, design and layout within the relevant limits of any new permanent means of access to a highway to be used by vehicular traffic serving any part of the development within that stage, or of the permanent alteration of any existing means of access to a highway to be used by vehicular traffic serving any part of the development within that stage, have been submitted to and approved by the local planning authority.

(b) Before the opening for public use of the development, a servicing management strategy for the management of vehicles visiting the new buildings comprised in the development must be submitted to and approved by the local planning authority.

Reason: To ensure highway safety.

Ground-borne noise from the operation of trains

13. (a) Work Nos. 1, 2 and 3 must be designed and constructed such that their permanent plain track support system is a consistent system and is predicted by the person or body responsible for carrying out the development to give rise in all reasonably foreseeable circumstances to a level of ground-borne noise arising from the passage of a train in service on Work Nos. 1, 2 and 3 not exceeding 35dB L_{AFmax} near the centre of any habitable room within a residential property.

(b) The permanent track support system associated with—

i. the step plate junctions situated at the commencement of Work Nos. 1 and 2; and

ii. the crossover situated immediately east of the station at Battersea Power Station (part of Work No. 3),

must be designed and constructed such that it is predicted by the person or body responsible for carrying out the development to give rise in all reasonably foreseeable circumstances to a level of ground borne noise arising from the passage of a train in service on Work Nos. 1 and 2 not exceeding 35dB L_{AFmax} near the centre of any habitable room within a residential property.

(c) The ground-borne noise prediction model utilised for the purpose of conditions 13(a) and (b) must be fully compliant with the guidance provided in ISO 14837-1:2005, *Mechanical Vibration – Ground-borne noise and vibration arising from rail systems - Part 1: General Guidance*.

(d) To demonstrate compliance with conditions 13(a) and (b), before installing any part of the permanent plain track support system or the permanent track support system associated with the step plate junctions situated at the commencement of Work Nos. 1 and 2, the following details must be submitted to the local planning authority—

i. details of the ground-borne noise prediction model and its assumptions utilised for the purposes of conditions 13(a) and (b), including details of the model development, calibration, validation and verification procedures undertaken to comply with the guidance mentioned in condition 13(c), and the identified model accuracy;

ii. the modelling results for the design identified for the purposes of conditions 13(a) and (b); and

iii. the details of the type of permanent track support systems proposed.

(e) To demonstrate compliance with conditions 13(a) and (b), before Work Nos. 1, 2 and 3 are brought into public use, measurements of ground-borne noise arising from the passage of a train in service on those works, carried out by or on behalf of the person or body mentioned in conditions 13(a) and (b) and (subject to reasonable access being given) taken in a representative sample of habitable rooms in residential properties to be agreed with the local planning authority, must be submitted to the local planning authority.

(f) In maintaining the permanent track support systems that are designed and constructed pursuant to conditions 13(a) and (b), best practicable means (as defined in section 79(9) of the Environmental Protection Act 1990 and including a monitoring regime with regular inspections of the track) must be used to ensure continued compliance with the performance objectives set out in conditions 13(a) and (b).

(g) The Northern Line must be operated to ensure that the level of ground-borne noise arising from the passage of a train in service on the tracks between the southern end of the Charing Cross Branch platforms at Kennington Station and the points of commencement

of Work Nos. 1 and 2 does not exceed the L_{AFmax} level existing before Work Nos. 1 and 2 were brought into public use, measured from near the centre of any habitable room within a residential property.

(h) To demonstrate compliance with condition 13(g), before Work Nos. 1 and 2 are brought into public use, measurements of ground-borne noise arising from the passage of a train in service on the Northern Line between Kennington Station and the points of commencement of Work Nos 1 and 2, carried out by or on behalf of the person or body responsible for carrying out the development and (subject to reasonable access being given) taken in a representative sample of habitable rooms in residential properties to be agreed with the local planning authority, must be submitted to the local planning authority.

(i) The measurements of ground-borne noise to be taken under conditions 13(e) and 13(h) must be taken in accordance with a scheme submitted to and approved by the local planning authority. The scheme must be approved by the local planning authority before Work Nos. 1, 2 and 3 are brought into public use.

Reason: To protect the amenity, in respect of noise and vibration, of occupiers of premises above, and close to, the alignment of the development.

Airborne noise from the operation of fixed plant or machinery

14. (a) Any fixed plant and machinery forming part of the development must be designed (except for use in emergencies or during testing) in accordance with those provisions of the Noise and Vibration Asset Design Guidance that relate to fixed installations and noise . Best practicable means must be used to meet a design target for the rating level of noise emitted from fixed plant and machinery, as defined by BS 4142:1997, of no higher than a level 10 dB less than the external background noise $L_{A90,T}$ at a point 1 metre outside any window of any residential or other noise sensitive property.

(b) Relevant details of the design sufficient to demonstrate compliance with the Noise and Vibration Asset Design Guidance must be submitted to the local planning authority.

Reason: To protect the amenity, in respect of noise, of occupiers of premises close to fixed plant installed as part of the development.

Cultural strategy

15. Before the commencement of fit-out works at Battersea Station and Nine Elms Station, a cultural strategy that is appropriate to underground stations and associated public realm, whilst having regard to wider culture and activities within Nine Elms as set out in the Nine Elms Business Plan and Strategies, and to the cultural strategies of other developments, must be submitted to, and approved by, the local planning authority.

Reason: In the interests of visual and other amenity of the development and furtherance of the overall vision and place-making of the Vauxhall Nine Elms Battersea Opportunity Area Planning Framework (2012) area and as set out in LB Wandsworth's Site Specific Allocations Document (2012).

Pedestrian links: Nine Elms Station

16. The footway referred to in Appendix 1 (elements of the development or possible development) to the request for the planning direction, running from the western end of Pascal Street in a north-westerly direction to and through Arch No. 42 under the London Waterloo to Clapham Junction railway to provide a route to and from the proposed Nine Elms Station to the north side of that railway, must be available for public use before the station is opened for use by the public. The footway must be retained until such time as an alternative pedestrian link is provided.

Reason: In the interests of amenity.

Maintenance of head-house at Kennington Park

17. Before the development is opened for use by the pubic a maintenance management plan for the upkeep of the external parts of the head-house at Kennington Park, including the sedum roof, must be submitted to, and approved by, the local planning authority.

Reason: In the interests of visual amenity.

Traffic regulation: junction of Kennington Park Road and Kennington Park Place

18. Before commencement of the worksite on Kennington Park Place, a scheme for the introduction of a yellow box junction marking on the southbound side of the carriageway of Kennington Park Road, at its junction with Kennington Park Place, must be submitted to, and approved by, the local planning authority. The approved scheme must be implemented prior to construction being started on this worksite and retained until such time as the worksite has ceased to be used and the ventilation shaft and head-house has been completed.

Reason: In the interests of highway safety and maintaining the free flow of traffic.

Monitoring passenger movements at Kennington Station

19. Before the commencement of the development a protocol for monitoring the passenger movements within Kennington Station must be submitted to, and approved by, the local planning authority. The approved protocol must be implemented following the opening of the development for use by the public. Should the results of the monitoring show more than a 10% increase from the levels of passenger movement within the station predicted by Transport for London, Transport for London must consult the Office of Rail Regulation and the London Fire and Emergency Planning Authority and submit details of their responses to the local planning authority.

Reason: In the interests of the public safety.

Approval and implementation under these conditions

20. Where under any of these conditions the approval, agreement or consent of the local planning authority is required to any matter, that approval, agreement or consent must be given in writing. The development must be implemented in accordance with any such

approval, agreement or consent, or any subsequent revisions that have been submitted to, and approved by, the local planning authority.

Reason: To provide for certainty in the approvals and implementation processes.

END

ANNEX 2

RIGHT TO CHALLENGE ORDERS MADE UNDER THE TWA

Any person who is aggrieved by the making of the Order may challenge its validity, or the validity of any provision in it, on the ground that –

- it is not within the powers of the TWA; or
- any requirement imposed by or under the TWA or the Tribunals and Inquiries Act 1992 has not been complied with.

Any such challenge may be made, by application to the High Court, within the period of 42 days from the day on which notice of this determination is published in the London Gazette as required by section 14(1)(b) of the TWA. This notice is expected to be published within three working days of the date of this decision letter.

CHALLENGES TO DEEMED PLANNING PERMISSION GIVEN IN CONNECTION WITH A TWA ORDER

There is no statutory right to challenge the validity of the Secretary of State's direction that planning permission shall be deemed to be granted for development for which provision is included in the Order. Any person who is aggrieved by the giving of the direction may, however, seek permission of the High Court to challenge the decision by judicial review.

A person who thinks they have grounds for challenging the decision to make the Order is advised to seek legal advice before taking action.

The Planning Inspectorate

Report to the Secretary of State for Transport and the Secretary of State for Communities and Local Government

by J S Nixon BSc (Hons) DipTE CEng MICE MRTPI MCIHT

an Inspector appointed by the Secretary of State for Transport and the Secretary of State for Communities and Local Government

Inquiry opened 19 November 2013

Site visit 14-15 January 2014

Date: 19 June 2014

TRANSPORT AND WORKS ACT 1992

TOWN AND COUNTRY PLANNING ACT 1990

PLANNING (LISTED BUILDINGS AND CONSERVATION AREAS) ACT 1990

AND

ACQUISITION OF LAND ACT 1981

LONDON UNDERGROUND (NORTHERN LINE EXTENSION) ORDER 201[ ]

Dates of Inquiry: 19-22, 26-29 November and 10-13 and 17-20 December 2013

Site visits: 14-15 January 2014

Ref: DPI/H5960/13/21; NPCU/LBP/N5660/72239, NPCU/CAC/N5660/72240; NPCU/CAC/N5660/72241; NPCU/LBP/H5960/72262; and NPCU/LBP/N5840/72355.

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CASE DETAILS

- This Order would be made under Sections 1, 3 and 5 of the Transport and Works Act 1992, and is known as the London Underground (Northern Line Extension) Order 201[ ] ("the Order") **(Document NLE/A/12/6)**.
- The application for the Order was made on 30 April 2013 by Transport for London (TfL) (the Promoters), and there were 258 objections to the draft Order of which 34 were withdrawn, three superseded and six re-categorised before the inquiry closed **(DocumentTfL119)**.
- The Order would authorise the construction, operation and maintenance of an extension of the Northern Line (NL) (Charing Cross Branch) from Kennington Station in the London Boroughs of Lambeth and Southwark to a new station at the site of the disused Battersea Power Station (BPS) in the London Borough of Wandsworth (LBW) with an intermediate station at Nine Elms in Vauxhall. The Order would also authorise the compulsory acquisition and the temporary use of land for the purposes of the works and confer other powers, including deemed planning permission, Listed Building and Conservation Area consents, in connection with the construction and operation of the railway under TRANSPORT AND WORKS ACT 1992: London Underground (Northern Line Extension) Order (NLE).

Summary of Recommendations: That the Order be made, and that the deemed planning permission and Listed Building and Conservation Area Consents and Open Space Certificate be granted, subject to conditions.

1. PREAMBLE

1.1. I have been appointed pursuant to Section 11 of the Transport and Works Act 1992 (TWA) to hold a public inquiry into the Order and to report to the Secretaries of State for Transport and Communities and Local Government (SoSs). The inquiry was held at the Pestana Hotel, 354 Queenstown Road, London, SW8 4AE on 19-22, 26-29 November and 10-13 and 17-20 December 2013.

1.2. I made several unaccompanied inspections of the sites affected by the proposals before the close of the inquiry. On 14 and 15 January 2014, I made a further inspection of the sites and surroundings accompanied by representatives of the Promoters and Supporters of/Objectors to the scheme.

1.3. The draft Order **(Document NLE/A/12/6)** would authorise the construction and operation of the NLE and the associated compulsory acquisition and temporary use of land for the purposes of the NLE. In summary, the scheme comprises a 3.2 km extension of the Charing Cross Branch of the NL, new stations at Nine Elms and Battersea, permanent ventilation shafts and head-

houses at Kennington Park and Kennington Green and four additional cross-passages at Kennington Station, together with such works as are necessary for their construction.

1.4. The application for a direction that planning permission be deemed to be granted **(Document NLE/A/12/6)** relates to the development sought to be authorised by the Order, in particular those aspects of the proposals identified in Appendix 1 to the application and on the relevant plans in Appendix 3.7 . The application was accompanied by draft conditions in Appendix 2. Those conditions have been the subject of detailed discussion with the three local authorities (LB Lambeth (LBL), LB Wandsworth (LBW) and LB Southwark (LBS)), and also involving English Heritage (EH); a final revised set of conditions **(Document TfL14D)** reflects both these discussions and suggestions at the inquiry. There is agreement between TfL and each of the three authorities as to these conditions.

1.5. There are two Conservation Area Consent (CAC) applications: one relating to the demolition of the boundary wall and gates west of Kennington Green and the other to the demolition of the Old Lodge in Kennington Park. Draft conditions **(Document TfL14D)** have been agreed with the relevant local planning authority (LPA) and EH.

1.6. There are three Listed Building Consent (LBC) applications: two identical applications relate to the cross-passages at Kennington Station, duplicated since one pair lies within Southwark and the other in Lambeth; the third application in Wandsworth relates to the proposed works to the cranes and jetty at Battersea Power Station (BPS) so as to allow the temporary dismantling, removal and reinstatement of the cranes. Draft conditions **(Document TfL14D)** have again been agreed with the relevant LPA and EH.

1.7. The application for the Open Space Certificate relates only to rights in respect of maintenance and renewal of the underground apparatus at Kennington Green and Kennington Park. No conditions are considered necessary in respect of this Certificate.

1.8. There are 46 supporters of the Order scheme **(Document TfL119)** and 27 other third parties made representations regarding the scheme **(Document TfL119)**. Initially, 256 objections were originally made to the scheme in response to the advertisement of the Order application, of which 34 were withdrawn before the inquiry closed. There were two late objections that have also been taken into account. Copies of the statements withdrawing objections are detailed in **Document TfL85**.

1.9. As for the CAC applications, there are four outstanding objections with regard to Kennington Green and 46 in respect of Kennington Park. There are two objections to the LBC application for the BPS Jetty and opposing the application at Kennington Station.

1.10. A full list of Objectors/Supporters giving their current status is contained in **Document TfL119**. A summary of Objectors' reasons and where rebuttal evidence can be found is contained in **Document TfL121** and the main points are drawn out in the body of this report. The full details of objections etc and the TfL's responses are included at **Documents TfL120 and 121**.

1.11. The main grounds of the outstanding objections are:

a. the proposed development is not justified on transport grounds;

b. the proposed development is required primarily to serve one developer and the cost of achieving this would restrain necessary works in the London Boroughs affected;

c. there are better and cheaper alternatives and these have not been sufficiently tested;

d. the contributions that would be delivered by the London Boroughs are not proportionate to the benefits. This is especially so of Lambeth;

e. the new station proposed for Nine Elms is not required and if it is constructed it should have two entrances and better connectivity for pedestrians and cyclists;

f. the NLE should be continued through to Clapham Junction and, even if not now, the impacts of doing so should be tested;

g. the impacts on the operation and safety at Kennington Station has not been considered adequately;

h. the ability to finance the proposal is challenged and, as a consequence, there is a distinct possibility that other better justified transport schemes would be postponed or abandoned;

i. the scheme for the redevelopment of BPS is weak for the later stages and especially the retail element;

j. the redevelopment of BPS will deface the architectural merits of this iconic building on London and the Thames skyline;

k. the refurbishment protocol for the cranes at Battersea Jetty is not guaranteed to deliver and the works should be done on site;

l. there would be increased traffic, noise, vibration and dust during the construction period, leading to increased disturbance for residents and disruption for businesses as well as devaluing the public realm for a considerable period;

m. vibration and the effect on buildings and settlement;

n. the construction methods are not the best to maintain environmental standards;

o. the effects on the Kennington Green area would harm the Kennington Conservation Area (CA), Listed Buildings and their settings;

p. the effects on the Registered Kennington Park in both functional and architectural terms would be harmful;

q. there are better workplace options for the Kennington Green site; and

r. there is a better workplace layout for the Kennington Park site;

1.12. On 6 September 2013, the SoSs issued a Statement **(Document DOC.1)** setting out those matters on which they particularly wished to be informed for the purposes of considering the Order. The matters listed are set out as headings in sections 3 (The Case for the Promoters) and 8 (Conclusions) of this report. A Pre Inquiry Meeting was convened on 13 September 2013 **(Document DOC2 and 3)**.

1.13. The inquiry was conducted under the Transport and Works (Inquiries Procedure) Rules 2004. It was confirmed at the inquiry, on behalf of the Promoters, that all the statutory requirements in connection with the Order and the inquiry had been met and a note submitted **(Document TfL16)**. Several objections were made on legal or procedural issues at the inquiry. These relate to the Environmental Statement (ES) and it is contended that the alleged omissions rendered the ES defective. Two specific matters were raised pertaining to the perceived commitment of a further NL extension to Clapham and the direct consequences for the current proposal on and the future implications for Kennington Station. In addition there were general concerns about the assessment of environmental impact on such topics as noise, pollution and the cumulative effects.

1.14. In this regard, the ES that originally accompanied the application for the Order **(Document NLE/A/19/1-6)** comprises two volumes and a Non Technical Summary **(Document NLE/A/19/7)**. Subsequently, the ES was updated **(Document NLE/A/19/8-9)** to take account of developments and changes since the original submission. The ES was carried out in accordance with published advice, and as can be seen later, was found to be adequate.

1.15. At the start of the inquiry, TfL identified how the scheme had changed in three respects since the submission in April 2013 and it is in this form that TfL asks that the Order should be made. The changes proposed to the Order as originally applied for have been put forward principally to meet points raised by those parties submitting initial objections to or representations on

the Order. I am satisfied that the changes sought (which were open for discussion at the inquiry) are not substantial and would not adversely prejudice any party.

1.16. First, the scheme no longer includes temporary work sites at Harmsworth and Radcot Streets following the selection of construction method B. Both methods were subject to Environmental Impact assessment (EIA) in April 2013 and the Environmental Statement Addendum (ESA) in August 2013 made it clear that only construction method B would now be adopted. This decision has been widely welcomed, including by LBL and LBS.

1.17. Secondly, the scheme no longer includes proposals to replace the Old Lodge in Kennington Park, in response to the express request of LBL. The implications of that amendment were addressed in the ESA in August 2013.

1.18. Thirdly, following negotiations with Chivas Brothers Limited (CBL) **(OBJ/81)**, the scheme no longer includes accommodation works for CBL in respect of its proposed water tank. CBL has separately obtained planning permission for the water tank in a slightly different position from that proposed in the Order, on land that has been acquired by TfL, through negotiation with Tesco. This means that both the land and the water tank accommodation works are no longer required to be secured through the Order powers; and the Deposited Plans and draft Order have been amended to reflect this. As explained in the TfL's Statement of Case (SoC) **(Document NLE/I1)**, both locations for the water tank were subject to EIA to allow for this possibility.

1.19. Entirely separately, as also anticipated in TfL's SoC, the acquisition of the Tesco land by agreement has meant that there is now the opportunity to provide a construction support site (comprising welfare and storage) facilities on part of the Tesco land. Although this prospect too has been the considered in the ES, it is not a requirement of the scheme and, thus, falls outside the scope of the Order. It will require separate planning permission, which has been applied for.

1.20. The remaining sections of this report contain a brief description of the area, the gist of the cases presented, a rebuttal by the Promoters, and my conclusions and recommendations. In the case of some Objectors they appeared at the inquiry as both part of an action group and to represent themselves. To avoid repetition, wherever possible recording their points has only been made once. Appendices to the report list those who appeared at the inquiry **(Appendix A)**, the documents submitted before and at the inquiry **(Appendix B)**, a list of abbreviations used in this report **(Appendix C)**, and a list of draft conditions **(Appendix D)**, which is recommended should be imposed on any deemed planning permission and/or CAC or LBC. In reaching my conclusions, regard has been had to the recently published Planning Practice Guidance.

2. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

General

2.1 The works relating to the proposed NLE alignment extend into the administrative areas of three local planning authorities, namely the London Boroughs of Wandsworth, Lambeth and Southwark **(Document TFL5B, Appendix 2)**. However, the works proposed in LBS are relatively limited.

2.2 Most of the NLE route, including the two new stations at Battersea and Nine Elms, sits within the Vauxhall, Nine Elms, Battersea Opportunity Area (VNEB OA). With the exception of its western end, the OA generally comprises a narrow band of land on the south bank of the River Thames and much of it also falls within the extended Central Activity Zone (CAZ) (London Plan 2011). Historically, this area of London has been predominantly industrial, accommodating uses that served Central London.

2.3 The NLE would run to and from a new terminus station at Battersea in the west (within LBW) travelling eastwards to the neighbouring LBL, within which a new intermediate station at Nine Elms would be located. The route of the NLE would then continue eastwards through the LBL to Kennington, where it would join the existing NL (Charing Cross Branch), connecting to the Kennington Loop. A short section of the railway line would extend into the LBS at this point and Kennington Station itself lies astride the boundary between LBL and LBS.

2.4 Above ground, the western end of the OA is dominated by the disused Grade II* listed BPS decommissioned in 1983. Adjacent to the south-west side of BPS are a series of NR lines, which run both at grade and on viaducts, the Battersea Dogs and Cats Home and the currently vacant National Grid – Gasholders site. Opposite the BPS site on the south side of Battersea Park Road are medium and low rise post war residential developments, local authority housing, a modern residential development and a Victorian building, which houses a pub.

2.5 Moving east and south there are several developments nearing the end of their productive lives, such as Royal Mail's sorting office, the New Covent Garden Market Authority land (CGMA), industrial uses, working wharves, together with rail and road infrastructure, offices and both new and traditional residential properties. However, regeneration has already commenced with new development now underway on several major sites, including the 50-storey Vauxhall Tower, Embassy Gardens and phases of residential development at BPS and Riverlight on the River front, east of BPS **(Document TfL5B, Appendix 5)**.

2.6 Three national rail (NR) stations serve the VNEB OA - Vauxhall in the east and Battersea Park and Queenstown Road in the west. Vauxhall Station, which is on the Victoria Line, is the only existing London Underground (LU)

station in the OA. Battersea Park Station is approximately a 300 m walk west along Battersea Park Road and Queenstown Road Station is approximately 600 m south west of the proposed Battersea Station. The western part of the OA is served by two bus routes (the 156 and 344) on Battersea Park Road/Nine Elms Lane and two other routes along Wandsworth Road going to Vauxhall. Accessibility to public transport provision is poorer in the south-west part of the OA, around Battersea, than at the eastern end and this is reflected in the Public Transport Accessibility Levels (PTALs) for the area.

2.7 The current environmental quality of much of the OA is relatively poor, but the area is in the process of structural and physical change with large swathes of land already cleared for new residential and mixed use development. A PERS audit **(Document NLE/A19/3, Appendix C)** of the area immediately around the site found the pedestrian environment to be hostile and unfriendly, with poorly maintained and poor quality footways alongside busy roads.

2.8 Even so, there are designated walking and cycling routes, the latter broadly following the strategic highway routes and the River. However, the main roads, railway lines and large industrial/commercial buildings still occupied, or historically occupied, by industrial uses have fragmented the area and offer limited choices of routes for pedestrians and cyclists, especially when trying to move north or south.

2.9 The Kennington area to the south-east of the OA, and where the permanent ventilation shafts and head-houses are proposed, is more mixed in character. The Oval cricket ground is prominent and is surrounded by mixed uses, including light industrial and commercial properties, a mix of Georgian and Victorian homes and the large 1930s Kennington Park Estate. This includes important public open space at the Grade II Registered Kennington Park. Kennington Park Road carries the Barclay Cycle Super Highway CS7.

Battersea Station

2.10 The new Battersea Station's proposed location was determined as part of the earlier BPS planning consent and would lie at the south-west corner of the BPS development site located on, but set back from, Battersea Park Road east of the National Grid – Gasholders site and railway lines **(Document NLE8B, Appendix 1, Figure 4)**. The BPS redevelopment site is otherwise is largely cleared, with only a number of smaller buildings remaining near the main entrance and the listed jetty and cranes on the river frontage. Redevelopment has commenced on Phase 1 of the BPS redevelopment and stabilisation works to the Grade II* structure itself **(Document NLE8B, Appendix 1, Figure 5)**.

Nine Elms Station

2.11 The proposed site for the Nine Elms Station box **(Document NLE8B, Appendix 1, Figure 12)** is bordered by Wandsworth Road to the east and Pascal Street to the south, with the new CGMA lands to the west, which also mark the local boundary between the LBW and LBL. The site is currently occupied by the car park associated with the Sainsbury's supermarket, offices and a boiler house facility for CGMA and the headquarters for Banham Patent Locks Limited **(Document NLE8B, Appendix 1, Figure 17)**. Immediately to the south of Pascal Street is a residential area, including an element of sheltered housing. To the north and west of Pascal Street is the CGMA site, which is part bisected by the railway viaduct supporting the main line into Waterloo Station, and this forms a significant barrier to movement from north to south and *vice versa*.

2.12 The immediate area surrounding the site is urban and was mainly redeveloped during the post-war years with 1950s - 1980s local authority housing to the south and east, the large Sainsbury's store, which has planning permission **(Document NLE8B, Appendix 1, Figures 13, 14 and 15)** and closed for redevelopment on 14 January 2014, and some commercial units to the north. There are also older brick buildings adjoining Pascal Street, including the Banham headquarter's premises, which forms part of the Nine Elms Station site **(Document TfL8B, Appendix 1, Figure 12)**. However, the area is visibly changing, with significant proposals and consented schemes on a number of key sites around the Vauxhall interchange.

Kennington Underground Station

2.13 Kennington Underground Station was opened by the City and South London Railway in 1890 and is Grade II listed. It has a street level ticket hall leading down to four single platforms via lifts and low level passageways and staircases. It is the southern interchange station between the NL Bank and Charing Cross Branches. The exterior of the surface building at Kennington (designed by T P Figgis) is the last of the late Victorian stations on this line to remain largely in its original form, but the interior of this building and the station below ground was completely remodelled between 1923 and 1925. As a consequence, the listing description describes only the surface building, though the whole station is listed by virtue of its curtilage **(Document TfL8B, Appendix 3)**.

Kennington Park

2.14 The site of one of the proposed head-houses would be in the north-east corner of Kennington Park **(Document TfL8B, Appendix 1, Figure 24)**. On this site at present is a brick Lodge building constructed circa 1938 (variously referred to as the Old or Keepers Lodge), and a recently built timber structure adjacent to the close boarded boundary fence, which separates the site from the Park **(Document TfL8B, Appendix 1, Figure 23)**. The Lodge is a former Park Keeper's dwelling

of utilitarian design, resembling a typical low-cost 1930s suburban house, and is located diagonally on the site to address the corner. The Lodge and the timber structure (approximately 3 m in height) in the Lodge garden are used by 'BeeUrban' as a local ecological and educational enterprise. The boundary to the Park is heavily planted, limiting views of the Park from the corner of Kennington Park Place with St Agnes Place **(Document TFL8B, Appendix 1, Figure 26)**.

2.15 The Park boundary is defined with railings and widely spaced deciduous trees of varying age behind, but with more mature specimens typically around the entrances and lining the curved internal path. Of note are the evergreen oaks **(Document TfL8B, Appendix 1, Figure 26)**, which define the northern part of the internal path, providing some screening, even during winter months. The proposed location for the head-house is on the corner of the two roads mentioned above and approximately 17.5 m from the ventilation shaft at its closest point, which would be sited within a grassed area currently designated for dog-walking. Also in the Park is a cafe, a building for servicing the Park, a War Memorial, a skate park and one existing LU ventilation shaft and head-house.

2.16 Kennington Park Place and St Agnes Place are both residential roads with some parking bays marked on them. Vehicular access for the Lodge is currently on St Agnes Place, just to the north of one of the Park's entrances. Either side of the roads there are footways, but these are generally of poor quality and in need of improvement to enhance the walking environment.

2.17 The terraced houses and Bishop's House that face Kennington Park are set back from the road, as is the Lodge located in Kennington Park Place. The terraces mainly have gardens and steps leading to the front doors. The boundary treatments onto the roads are predominately railings on top of brick plinths of various heights. The Bishop's House Children's Centre, however, has a high red brick boundary wall (over 2.5 m), which provides a more urban definition to Kennington Park Place, as does the 4-5 storey blank brick gable to the end of terrace house located on the corner of St. Agnes Place and Kennington Park Place.

Kennington Green

2.18 The site for the second proposed shaft and head-house would be at Kennington Green, between Kennington Road and Montford Place. The Green is within the Kennington Conservation Area **(Document TfL8B, Appendix 1, Figure 57)** and is partially defined by six Grade II and two Grade II* listed Georgian properties on the north and west side, and the Grade II late Victorian former school (now flats, named The Lycée) on the east side, on the opposite side of the main Kennington Road **(Document TfL8B, Appendix 1, Figure 58)**. The original part of the distillery site, the Edwardian building with a small dome, facing Montford Place, was built in 1902 and is locally listed.

2.19 The Green would be required temporarily for the construction of the ventilation shaft, which would be located at its southern end **(Document TfL8B, Appendix 1, Figure 43)**; this would be connected via an adit (basement level underground passageway) to the head-house **(Document TfL8B, Appendix 1, Figure 48)**, the proposed location of which would be within and next to the boundary wall of the CBL Beefeater Gin Distillery. Access to the Distillery is in the north-west corner of the Green, with the majority of associated lorry movements along the northern arm. The Green itself comprising some grass with trees of varying quality on the edges.

2.20 The Kennington Conservation Area **(Document TfL8B, Appendix 1, Figure 57)** was designated by Lambeth in 1968 and then extended on different occasions. The most recent extension was in 2012, when the boundary was extended to include the Distillery site to protect the original Edwardian building on the western edge of the site fronting Montford Place. The extended Conservation Area, which includes a boundary screen wall proposed for demolition as part of this Order, stretches over a large area to the west of Kennington Park Road. This modern boundary screen wall is built in stock brick, with blank arches, designed to echo the arched window openings of the Georgian properties on the adjacent north side of the Green. There is also a solid-wood vehicle gate giving access to the distillery yard from the public highway.

2.21 The Green is adjacent to Kennington Road (A23), which is a major arterial road, with a number of bus routes running along it **(Document TfL8B, Appendix 1, Figures 42 and45)**. The Oval Underground Station is approximately 500 m away to the south. The roads surrounding the Green are two-way with on-street car parking along sections.

2.22 In terms of pedestrian movements, there are footways all around the Green on both sides of the adjoining roads, and a footpath through the centre of the Green, connecting to the main Kennington Road. Opposite this path is a pedestrian crossing, originally provided to link the former school building on the east of Kennington Road with the Green and now provides a route through to the Tesco store on Kennington Lane. The PERS audit located in Appendix C of the ES **(Document NLE/A19/3)** identifies a poor walking environment.

Jetty and Cranes at Battersea Power Station

2.23 The existing jetty **(Document TfL8B, Appendix 1, Figure 6)** on the River Thames that once served BPS is a reinforced concrete framed structure, which is 130 m long and 11m wide. It is connected to the land by means of a steel girder footbridge and was built to unload coal from barges to supply fuel to the power station. The cranes scooped up the coal from the boats using clamshell grabs and dropped it into the hoppers, which fed the coal onto a conveyor system, subsequently discharging the coal onto the stockpile on

land. The two cranes were built by Stothert and Pitt in 1936 and 1947.

2.24 The intake structures to the power station's cooling system are located beneath the jetty, under which also pass cable tunnels. The jetty is supported on columns extending down to the river bed and a grillage of beams under the deck, which also support the cranes and the hopper rails. There are vertical ladders, mooring bollards and fenders to protect the jetty.

2.25 Two of the coal-handling cranes together with the grabs and hoppers remain in position on the jetty, but all of these structures have been disused since the power station was decommissioned in 1983. Some remedial works were completed in 2004, which included the replacement of the fenders, concrete repairs to the jetty, the installation of key clamp handrails and the removal of the remote mooring dolphin downstream of the jetty. However all of these structures are now in a dilapidated condition with significant surface rust.

2.26 The jetty, footbridge and the cranes **(Document TfL8B, Appendix 1, Figure 6)** form an integral part of the Grade II* listing for the power station.

3. THE CASE FOR THE PROMOTERS

The material points are:

Background

3.1 For a £1bn engineering project in Central London, the support of the three LBs, accountable to a combined resident population of 900,000, should not be underestimated. LBW's support for the NLE is "*longstanding*" **(REP/14)** and it is in "*full support*" of the scheme **(Document TfL18B)**, LBL "*is now in a position to fully support the NLE*" **(Document TfL17A)** and LBS **(REP/17)** is "*broadly supportive of the proposal*". All matters are agreed with LBS with the single exception of a jurisdictional issue in respect of the street works controls disapplication, addressed below in Matter 9.

3.2 The Nine Elms Vauxhall Partnership **(SUPP/13)**, created to co-ordinate and oversee the transformation of the VNEB area, and including representatives of the boroughs, developers and landowners in the area, emphasise that the NLE is essential to support the transformation of the area. There is similar support from the VNEB Strategy Board.

3.3 There is strong support from businesses and interests from across the breadth of the VNEB OA, including the BPS Development Company, the proposed US Embassy and Battersea Dogs and Cats Home **(Document TfL85)**. However, support for the NLE extends well beyond the OA, as reflected not only in the representations of EH **(Document TfL8/B, Appendix 5)**, who express overall support, the CBI, London First and the London Chamber of Commerce, but, also, for example, in the support from the London Borough of Camden **(SUPP/33)**, who recognises that the NLE would "*improve access for Camden residents to jobs enabled by the NLE in the VNEB OA, while making it easier for new residents of this area to access jobs in Camden.*" Importantly too, London Travel Watch, the statutory body created so as to act as a "*voice for London's travelling public*" **(REP/19)** has reiterated its support for the scheme.

3.4 The detail of the objections that have been withdrawn and those that remain are set out in **Document TfL119**. No utility company now objects to the proposals and neither does any person owning any surface land interest to be acquired. There is no objection from the Environment Agency (EA), Natural England, the Port of London Authority, the Office for Rail Regulation (ORR), the Health and Safety Executive (HSE) or the London Fire and Emergency Planning Authority (LFEPA). Of the various statutory bodies, only LBS retains any point of objection on the single jurisdictional matter referred to above.

3.5 Although there are plainly some objections directed to the issue of need or site selection, it is fair to conclude that the principal thrust of the outstanding objections are understandably concerned to ensure that appropriate mitigation of the effects of the NLE, under construction and/or in operation, is secured. TfL has sought to be responsive to such concerns at all stages

and has demonstrably acted upon them.

3.6 By way of example, the deletion of the Claylands Green shaft, the removal of the replacement community building at Kennington Park, the adoption of more stringent operational noise controls than on any other new underground railway in the UK, the identification and selection of construction method B and the consequent deletion of the two temporary shaft sites have all been informed by engagement through consultation. TfL's responsiveness is recognised in many representations to the Inquiry **(OBJ/27, OBJ/169, OBJ/190 and OBJ/254)**.

3.7 The process has continued during the inquiry, with significant amendments to the proposed Code of Construction Practice (CoCP), the draft planning conditions and the Settlement Deed to address concerns raised at the Inquiry.

The scheme

3.8 The NLE project has evolved through detailed technical feasibility studies, which considered, amongst other things, a series of potential route and station options. In some cases options were limited by engineering or technical constraints, but the proposal has been informed and refined as a result of an extensive programme of public consultation and engagement with a wide range of public, private and community stakeholders, which commenced in 2010.

3.9 After this detailed examination, the proposed NLE works comprise the construction of an underground railway to form an extension of the Northern Line (Charing Cross branch) from Kennington to Battersea. The NLE would diverge from the existing railway south of Kennington Station from a section of track used by terminating trains (known as the Kennington Loop) and would comprise the following:

a. a railway approximately 3,150 m long northbound and approximately 3,250 m long southbound, including overrun / stabling tunnels west of the terminus at Battersea, a crossover east of the terminus and junctions serving each of the tunnels to link with the existing railway at the Kennington Loop;

b. a terminus at Battersea between Battersea Park Road and BPS and an intermediate station at Nine Elms west of Wandsworth Road and north of Pascal Street, both providing step free access from trains to street level;

c. intervention and ventilation shafts with head-houses at Kennington Green and Kennington Park to provide emergency access, tunnel ventilation and smoke control; and

d. ancillary and mitigation works within the limits of deviation, including (but

not limited to) providing power supply, additional cross-passages at platform level at Kennington Station and works related to highways, footways and utilities.

3.10 The NLE works also include:

e. accommodation works for affected landowners / occupiers, including temporary facilities for Battersea Dogs and Cats Home and Covent Garden Market Authority;

f. applications for Conservation Area consent for the demolition of a boundary wall at Kennington Green and for the demolition of the existing Kennington Park Lodge;

g. applications for listed building consent for works to the jetty at BPS and for the creation of cross platform passages at Kennington station; and

h. temporary works including worksites at the locations of the proposed stations, shafts and head-houses.

3.11 Since the TWAO application submission, two proposed modifications to the scheme have been proposed. The first relates to the selection of the preferred construction option for the running tunnels. The TWAO as submitted included powers for two alternative construction options for the running tunnels (Option A and Option B), as the preferred construction option could only be prudently selected once the procurement process had progressed further. In August 2013, the procurement process had advanced to a sufficient stage to enable TfL to confirm that Option B is an appropriate technical option. Option B does not require the use of temporary shafts in Radcot Street and Harmsworth Street and, also, should require a shorter overall construction programme. Those shafts, therefore, have been removed from the application.

3.12 The second change relates to the omission of the proposal to provide a replacement community facility at Kennington Park. Since submission of the TWAO, the LBL has confirmed to TfL that it intends to relocate the current occupiers of the Kennington Park Lodge, Bee Urban, to an alternative location before the NLE construction works start. TfL would then instead compensate LBL for the loss of the facility.

3.13 A more detailed description of the proposal is provided in Chapter 4 (Description of the Northern Line Extension) of Volume 1 of the Environmental Statement **(Document NLE/A19/1)** submitted with the TWAO application and a description of the proposed modifications is set out within the Chapter 4A of the Environmental Statement Addendum **(Document NLE/A19/8)**.

Compliance

3.14 A Compliance Note **(Document TfL16)** has been submitted and this outlines the various legal procedures and statutory formalities that have been undertaken. This confirms that everything that needed to be done to satisfy the statutory requirements has been completed satisfactorily.

The Matters identified by the Secretaries of State

Matter 1 - The aims and objectives of, and the need for, the extension of the Northern Line (Charing Cross Branch) from Kennington to Battersea. ("the scheme").

3.15 The VNEB OA is identified in the London Plan (2011) **(Document NLE/E12)** as an area for expansion of London's CAZ and particularly as an OA capable of supporting high density development. Further to this, the VNEB OA Planning Framework (OAPF) **(Document NLE/E17)** endorsed by the Mayor of London and supporting the London Plan sets out a target for the area to provide 16,000 new homes and 20,000–25,000 new jobs. The OA is recognised in policy as "*the largest remaining development opportunity within the CAZ and is vitally important in terms of strengthening London's CAZ and World City status…*". The OA includes BPS, which has suffered from successive, failed regeneration attempts. In fact, TfL has taken over the scheme for the NLE promoted by Treasury Holdings as part of the previous abandoned BPS scheme.

3.16 The primary aim of the NLE is to facilitate the sustainable regeneration and development of the VNEB OA and, thereby, encourage economic growth in London and the United Kingdom. It is not, therefore, promoted as a scheme that would deliver a sufficient level of transport benefits to justify it on this basis alone. Even so, and quite apart from that tailored package, the NLE would come forward in the wider context of TfL's proposals for upgrading the LU network, particularly the transformative capacity enhancements arising from the committed NLU1 and NLU2 proposals that would greatly increase train frequency and, hence, capacity. In addition, the overrun lines from the new Battersea Station would accommodate an extension from Battersea through to Clapham, though this is not in any current programme or, in fact, envisaged before 2031.

3.17 The linkage between the regeneration of the OA and the NLE is both quantitative, with the construction of more than 5,000 homes and the creation of an estimated 14,000 jobs directly dependent on the NLE, and also qualitative, in so far as providing enhanced sustainability and quality of transport for the new homes and jobs planned for the VNEB OA. Crucially, as the planning permission for the BPS development is conditioned such that beyond Phase 1, progress cannot be made without an extension of the NL to Battersea, it is hard to conceive of a more explicit dependency. Moreover, many of the other developments in the concept or planning stages are

encouraged, if not driven, by the prospect of the NLE and improved transport connectivity with the heart of the Capital.

3.18 This primary aim is supplemented by six secondary aims, each derived from the Mayor's Transport Strategy: supporting economic development and population growth; enhancing the quality of life for Londoners; improving their safety and security; improving their transport opportunities; and reducing transport's contribution to climate change and improving its resilience. Only Battersea Power Station Community Group and VNEB DATA **(OBJ/123)** challenged these aims at the inquiry. However, failing to respond to these aims would be directly at odds with policy as addressed below. Kennington Association Planning Forum (KAPF) **(OBJ/206)** acknowledges that it was appropriate to proceed on the basis of addressing the requirements of the policy framework. No other Objector at the inquiry presented evidence to show the aims should not be met.

3.19 No effective method of addressing the aims and objectives of the NLE scheme, other than by the NLE scheme (in conjunction with the wider transport package), has been identified by any Objector. The analysis of other modes **(Document NLE/C8)** has tested each against the primary aim, as well as the secondary aims. It shows that with the exception of an unrealistic extension of the Docklands Light Railway (DLR), no other mode would begin to provide the necessary capacity and no other mode would be appropriate, when applying a range of factors. This testing confirms the outcome of the studies undertaken by SKM as part of their assessment of all modes in 2008-10 **(Document TfL127)**.

3.20 The proposal, advocated by some, to provide an NR service between Victoria and Waterloo with a new station located adjacent to BPS is a combination of two options **(Document NLE/C8)**: Option 7A (Grosvenor Bridge Station and shuttle service) and Option 7D (Shuttle service from Queenstown Road to Waterloo). There are cogent reasons why these two options are not considered suitable **(Document NLE/C8)**. The suggestion put forward is that Option 7A and Option 7D could be combined using a short spur line. However, this would not remove any of the reasons why each individual option would be unsuitable and would provide the extra disadvantage that constructing the spur line would require the acquisition and demolition of properties near Havelock Terrace.

3.21 Importantly, and a point often missed by Objectors, is that the NLE is not proposed as the sole response to the needs of the OA. The NLE is only part, albeit by far the most important part, of TfL's response to the infrastructure needs of the OA. Other elements of the response, as identified in the OAPF 2012 **(Document NLE/E17)** and following discussions with the Boroughs, include significantly enhanced bus service levels and new routes; a £36m modernisation of Vauxhall Station; a potential pedestrian/cycle bridge over the Thames; an enhanced network of pedestrian and cycle routes; and potential alteration of the Vauxhall gyratory system. Although one Objector,

VNEB DATA **(OBJ/123)**, asserted that this was merely a 'bolt on' to the NLE, this defies the facts, as any reading of the OAPF shows.

Matter 2 - The justification for the particular proposals in the draft TWA Order, including the anticipated transportation, regeneration and the socio-economic benefits of the scheme.

3.22 The overarching justification for the NLE is derived from the requirement for a sustainable and integrated transport solution to support this OA and enable it to develop in line with planning policy and become fully part of the CAZ as set out in the London Plan, VNEB OAPF and other national and local policy documents.

Transport benefits

3.23 The NLE forms a part of the Mayor's Transport Strategy **(Document NLE/E13)**, to support the realisation of forecast population and employment growth. In addition to the NLE, there is a range of other improvements in coming years set out in this Strategy to support the forecast growth. These improvements include the programme of Tube upgrades and the opening of Crossrail – which alone will deliver a 10% increase in London's rail capacity.

3.24 In terms of the NL specifically, and in addition to the NLE, there are a number of planned enhancements to both the line itself and key stations **(Document TfL/1A, Section 3.4)**. Taken together as a package, these works will bring about a significant improvement to the capacity and performance of the NL as a whole **(Document TfL97)**. By 2031, these improvements will enable substantial journey time reductions of more than 10% between many parts of London and the OA **(Document TfL7/B, Table 43)**. This will have the effect of both enabling development within the OA and linking the area much more closely with the rest of the CAZ.

3.25 The NLE would provide a direct link to Central London, with interchanges to the Bakerloo, Central, Circle and District, Jubilee, Piccadilly and Victoria lines as well as the Bank Branch of the NL and Crossrail **(Document TfL7/B, Figure 32)**. This would improve significantly the low PTALs **(Document TfL50)**, delivering substantial enhancements particularly in the western/south-western parts of the OA, making it much more characteristic of the CAZ **(Document NLE/I1, Figure 12)**.

3.26 The NLE, via the two fully accessible new stations, would also provide step-free access to the Underground system, including to Crossrail **(Document TfL7/B, Figure 26)**. When completed in 2014, the introduction of level access at Kennington Station will allow mobility impaired passengers to make a step-free interchange between the Charing Cross and Bank Branches in either direction **(Document TFL38)**.

3.27 These step-free opportunities, taken together with the accessibility improvements planned at Elephant & Castle, the upgrade at Vauxhall Station, which is currently underway to make the Station step free, and London's fully accessible bus fleet, including the additional services provided to support the OA, mean that physical accessibility in both the OA and the areas surrounding it will be significantly enhanced.

3.28 The NLE scheme would provide benefits to the existing network, through congestion relief at the key interchange of Vauxhall and reduce passenger flows between NL stations south of Kennington – currently one of the most crowded sections on the entire LU network – as well as on the Victoria Line **(Document TfL7/B, Tables 22, 23, 30 and 31 and TfL41 and TfL71)**.

3.29 At Kennington Station, the four additional cross-passages, which would be in place in advance of the opening of the NLE (secured through the legal agreement with LBL **(Document TfL17)** and LBS), would enable the Station to operate more efficiently at platform level than would be the case without the NLE **(Document TfL7/B, Figures 45 and 46)**. Indeed, sensitivity testing shows that, even with a highly unlikely increase in demand of 35%, Kennington Station would be less crowded than the 'without NLE' scenario **(Document TfL44)**.

3.30 The need for the NLE and the requirement for an intermediate station in the Nine Elms area are set out in planning policy. The OAPF **(Document NLE/E13)** sets out the requirement for a two station extension, which serves not only the new developments proposed at the western end of the OA, but also improves and enhances accessibility and connectivity in and around the centre and south-east of the OA for the existing and future communities in and around the Nine Elms and Wandsworth Road areas. The provision of a station at Nine Elms is also explicitly supported by the Vauxhall Supplementary Planning Document (SPD) and would enable wider regeneration, thereby assisting employment and transport opportunities in areas of high deprivation beyond the OA **(Document NLE/D1, Figure 6.2)**.

3.31 The new station at Nine Elms would undoubtedly encourage increased footfall and spending in the area around the new station resulting from visitors and commuters using or meeting at the station. This would provide an uplift to land values in the area and support the development of Vauxhall as set out in the SPD. It would also provide attractive and safer urban realm benefits **(Document TfL8/A, Section 5.3)**, including access to an easy-to-follow route north-south between the River Thames and Wandsworth Road. This should encourage existing communities to use the more sustainable public transport option to make their journey.

3.32 The introduction of a station at Nine Elms would relieve Vauxhall Underground Station and the Northern and Victoria Lines, providing benefits to existing station users as well as passengers from a wider area and help to reduce crowding on the very busy stretch of Victoria Line north of Vauxhall **(Document TfL7/B, Tables 30 and 31)**. Moreover, some passengers who currently

access the NL at stations south of Kennington would switch to using the new stations at Battersea and Nine Elms, relieving pressure elsewhere, particularly between Oval and Stockwell **(Document TfL7/B, Tables 22 and 23)**. The NLE would greatly increase walk and cycle trips in the OA, reflecting the densification of land use brought about by the scheme **(Document TfL94)**.

3.33 Questions have been raised about the accuracy of the predicted trip rates from the proposed new development enabled by the NLE. However, as set out in the rebuttals to the KAPF **(Document TfL21)** and DATA **(Document TfL76)** the trip rates used in the transport models have been informed by 162 different trip rates, representing the travel behaviour of different groups of people and making allowance of work-status, car ownership and age. This has been benchmarked against trips for other developments and 2011 Census data and shows the trip rates used to assess the NLE are robust and reflect the extensive use and refinement of the model.

3.34 In a nutshell, the modelling and analysis undertaken to forecast the effects of the NLE is robust. TfL has used its years of experience and knowledge of both technical transport models and the transport network it operates to forecast the impacts of the scheme. Thus, it is confident in all the assumptions that have been used to model and analyse the transport effects of the NLE **(Document TfL41)**.

Regeneration and sustainability benefits

3.35 The NLE would help overcome the historic and strategic barriers to regeneration in the OA and the delivery of large numbers of additional jobs and homes that would not otherwise exist **(Document TfL5/B, Appendix 5)**. Crucially, the NLE would unlock the regeneration of BPS, which has stalled on a number of occasions previously. This link between the NLE and the full development of the OA as set out in the OAPF is fully recognised by both local developers and the local authority as evidenced by the Grampian conditions applied to the BPS development **(Document TfL5A, Section 6)**. This in turn would bring substantial economic benefits, estimated at £4.7bn **(Document TfL6A, Figure 9)** and assist in providing sorely needed employment for many local residents **(Document TfL6A, Section 5.3)**.

3.36 The VNEB OA has not so far achieved the density of occupation that enables it to fulfil its role in London's CAZ effectively. By delivering high levels of accessibility, the NLE would enable the necessary high value and productivity activities in the OA, to be commensurate with other sectors of the CAZ, to be realised. These go hand-in-hand with higher land values. The identification of the NLE as necessary for suitable regeneration is established by the many developers and business groups who have expressed support for the proposals and this is re-enforced by the evidence of highly experienced agents **(Document TfL5B, Appendix 6)**.

3.37 The new stations would be well integrated with the public realm and

developments that surround them. High quality paving and street furniture, including lighting, seating and secure cycle parking would be provided, as well as tree planting to deliver a human scale and greening of the spaces around the stations. The NLE, along with the wider package of sustainable transport measures, would increase the sustainable mode share in the OA and, hence, overall CO_2 emissions would be reduced **(Document TfL94)**.

3.38 The NLE would, also, enable enhancements to the river, with the commitment to procure and provide river bus services to the BPS site, and to procure and deliver both a permanent and temporary jetty as part of the latter phases of the BPS development **(Document TfL32)**.

Economic benefits

3.39 The enabling effect of the NLE and the consequential improvements to the labour market and productivity due to shorter travel times and improved accessibility would provide long term major economic benefits. The economic appraisal **(Document TfL6A)** shows that the NLE scheme would deliver a Benefit to Cost Ratio of almost 10:1. This represents excellent value for money. The single biggest source of benefit would be the generation of more productive jobs and this benefit reflects the critical role of the NLE in supporting the expansion of the CAZ.

3.40 The protocol used to generate the benefits has been undertaken using a variety of methodologies, including Treasury appraisal guidance and DfT guidance and is consistent with that used to assess Crossrail. Where the assessment of benefits has differed from that set out in DfT guidance, this is entirely consistent with the objectives of the project, which in this case reflects the fact that justification for the NLE is wider and it is not being undertaken for purely transport reasons **(Document TfL110)**.

3.41 At a local level, the NLE would support the regeneration of LBL and LBW, with a particular beneficial impact on residents of the wards within and immediately surrounding the VNEB OA. The range and mix of employment opportunities coming forward in the OA are not only significant in terms of London's overall economic growth, but create a substantial opportunity for the local labour market.

3.42 The local authorities are committed to working together with local stakeholders (including TfL) and land owners to maximise the local benefits arising from employment within VNEB for the wider labour market within both Boroughs. As part of the Nine Elms Vauxhall Partnership, LBL and LBW will deliver an Employment and Skills Framework for the OA. Thereafter, an Employment and Skills Plan would be required for developments within the OA, the terms of which would be set out in the s.106 Agreements for consented applications.

3.43 In addition, significant local employment opportunities would be available during the NLE construction process itself. The VNEB Strategy Board has produced an Employment and Skills Framework to give effect to these opportunities **(Document TfL5A, Appendix 7)** and the legal agreements with LBW and LBL **(Document TfL17 and 18)** also make provision to assist in this respect. In the draft agreement with LBS **(Document TfL122)**, TfL has agreed to a target of 25% of the unskilled/ apprentice elements of the workforce being drawn from the residents of the affected London Boroughs.

3.44 Following completion of construction, the scheme would widen access to employment opportunities for local residents, both through the new jobs enabled in the OA by the NLE itself, as well as through improved journey times to Central London and increased PTALs.

3.45 Put simply, the economic benefits of the NLE are compelling.

Matter 3 - The main alternative options considered by TfL and the reasons for choosing the proposals comprised in this scheme.

3.46 TfL has undertaken, or contributed to, extensive work and consultation since 2008 to ensure that the right transport option was selected to address the development and transport needs of the VNEB OA. That has included separate streams of study in 2008 **(Document NLE/C1)**, with further studies in 2009 and 2010 prepared to support the OAPF. An extensive list of different modal options were examined as part of different integrated packages, with the conclusion that only an extension of the Charing Cross Branch of the NL could reasonably meet the needs of the OA. All the other options were shown to be unfeasible or insufficient **(Documents NLE/C2/1, C2/2, C3 and C4)**.

3.47 TfL has subsequently revisited these studies and re-affirmed that the NLE is the only adequate response **(Document NLE/C8)**. This has included re-examination of a wide variety of options **(Document TfL1B, Appendix 6)**. Route options for the NLE were the subject of detailed examination in 2010 and 2011 **(Documents NLE/C5 and C6)** with the selected Route 2, including a station at Nine Elms, providing the greatest benefits. Route options also included consideration of an intermediate station at Vauxhall and this was rejected on a systematic basis.

3.48 There has similarly been a detailed appraisal of options in respect of site specific locations, in particular at Nine Elms, Kennington Park and Kennington Green (the terminus of the NLE at Battersea being already defined by the planning permission in place for the BPS site) **(Documents NLE/C9, C10 and C11)**.

3.49 It is not surprising, therefore, that LBW's economic development officer should describe the process of appraising the transport options over the last 5-years as thorough **(Document NLE/E34/1)** and that the selection of the sites has been endorsed by each of the relevant local authorities.

3.50 Notwithstanding these assessments, and in response to objections, TfL has revisited in greater detail two options - a single shaft at Kennington Station or at Vauxhall telephone exchange **(Document NLE/G6)** and the use of 373 Kennington Road (373) as an alternative shaft location to Kennington Green **(Document TfL2B)** - both previously rejected as inappropriate. This further detailed analysis confirms that both remain inappropriate and this is addressed further below under the site-specific topics.

3.51 The inquiry process has demonstrated just how robust TfL's consideration of alternatives has been. No appropriate modal alternative that would serve the needs of the OA has been advanced and supported by evidence. At best the point is made that it needs to be subject to comprehensive study, which of course, it has. There has been little support of other routes (1, 3, 4 or others). Mr Bowden **(OBJ/251)** supported Route 3, but he was almost a lone voice at the inquiry. No preferable alignment has been identified and the possibilities floated by KWNAG **(OBJ/60)** would not be practicable **(Document TfL45)**.

3.52 No alternative station location to those proposed at Battersea and Nine Elms is advanced by any party, with the exception of the BPS Community Group, who suggested the idea of linkage to either of the existing stations at Queenstown Road or Battersea Park Station. However, both would present significant engineering difficulties and would not adequately address the primary aims of the Scheme **(Document TfL117)**. Moreover, either of these options would be contrary to the extant BPS consent.

3.53 At Kennington Park, alternative sites in the Park itself, on the Veolia site and at Oval Cross/Green (and many other sites considered on a common basis) were all carefully considered against common criteria by TfL, prior to promotion of the Order. No other location was identified as being preferable to the Scheme proposals and the current proposal is still favoured.

3.54 At Kennington Green, only one alternative - 373 - has been pursued in objection. The detailed comparison between the sites undertaken at the inquiry has reinforced the soundness of TfL's rejection of 373 at an early stage, and its subsequent rejection following re-consideration in April 2013 prior to the making of the Order (along with many other sites considered on a common basis) and again in October 2013. In each case, the selection of head-house site has the support of the LPA, and in the case of Kennington Park, also of the immediately adjacent LPA.

3.55 As to both principle and detail, the evolution of the scheme has been informed by extensive consultation **(Documents NLE/C19 and C22 and TfL35)**. This has comprised not only the formal (but non-statutory) process of consultation on the principles of transport mode and NLE route options in 2010 and 2011 and on site-specific locations for stations, the ventilation shafts and head-houses in 2011 and 2012. These not only involved leaflets and public exhibitions, but also a considerable body of meetings (including in respect of Kennington Park and Kennington Green in early 2013), drop-in sessions, correspondence,

including letters to each Objector, monthly liaison meetings with the three LBs, an informative website and comprehensible factsheets provided in 2012 and 2013.

3.56 TfL has responded to criticisms of the consultation process on the NLE itself. The work undertaken by THUK in 2010 was re-rerun in 2011 to address criticisms of its geographical range. Dr. Kleine's **(OBJ/65)** critique of the work in 2011 was absorbed by TfL, when it undertook its consultation exercises in 2012, as Dr. Kleine accepted. She did not pursue her point about geographical range following receipt of the rebuttal to her with the leaflet map attached. In any event, attempts by TfL to reach wide public notice with its consultation exercises have gone well beyond the leafleting exercise, including a campaign on the NL network.

3.57 Dr. Kleine's main concern appeared to be that there should be no reliance on any figure showing a level of support for the NLE arising from the 2011 consultation process. Even eliminating those findings from the evidence base, there was still substantial support for the NLE arising from the 'open' question posed in 2012 and, of course, the justification for the scheme does not derive from a single source. Importantly, the consultation process did not purport to be a referendum **(Document TfL128)**.

3.58 Furthermore, in respect of the principle of the NLE, the policy documents, including the Mayor's Transport Strategy (2010), the OAPF (2012), the Wandsworth Site Specific Allocations Document (SSAD) (2011) and the Vauxhall SPD (2013), each with their express incorporation of the NLE, have all involved their own consultation exercises **(Documents TfL35, NLE/I/1 and NLE/E24)**.

3.59 This consultation engagement, which on any view has been extensive, has made a material difference to the content of the proposals, both before and since publication of the draft Order. This includes the introduction of the cross-passages at Kennington Station and the deletion of the temporary shafts. Whereas many who do not support the choices complain about consultation - others less critical of the choices have made the opposite point.

Matter 4 - The extent to which the scheme would be consistent with the National Planning Policy Framework, Mayoral Plans and Strategies for London and with local planning authority policies.

3.60 The NLE is the transport response explicitly envisaged in policy at all levels. At a national level, there is express support for the NLE in the National Infrastructure Plan, most recently in December 2013 **(Documents NLE/E2 paragraph 2.13, TfL75 and 75A)**.

3.61 At a London level, Policy 6.1 of the London Plan 2011 includes the NLE as a scheme required to support the regeneration of the VNEB area. The OAPF 2012, prepared as supplementary planning guidance to the London Plan,

identifies the NLE as "*fundamental to the success of the OA and the ability to support the quantum of development planned…and should therefore be given the highest priority*" **(Documents NLE/E17 and TfL5A, paragraph 4.5.9)**.

3.62 At a local level, the Wandsworth SSAD 2012 **(Documents NLE/E31 and TFL5A paragraph 4.6.5)** identifies the dependency on, and the key role of, the NLE in regenerating the area; and similarly LBL's Vauxhall SPD 2013 **(Documents NLE/E22 and TfL5A, paragraphs 4.7.17-18)** identifies the need for a radical uplift in supporting infrastructure, including the NLE. This clarity of message is further reiterated in the emerging Wandsworth and Lambeth Local Plans.

3.63 It is plain that it is not only the Mayor, through his Transport Strategy **(Document TfL5A, paragraphs 6.5.1-2)** and TfL through its promotion of the Order that have identified the NLE as the fundamental transport requirement for the regeneration of the area. That dependency is also reflected in local policy, consistent with the imposition by LBW of a restriction on the quantum of development at BPS before there is commitment to the NLE **(Document TfL5A, paragraphs 2.13 and 75A)**.

3.64 The NLE's compliance with policy can also be seen in respect of the individual elements of the NLE scheme. None of the three LPAs suggest any breach of planning policy. This includes LBS who do not pursue any heritage policy point in respect of Kennington Park, acknowledging the proposals to be acceptable. The only specific breach is alleged by Kennington Green Supporters Group (KGSG) **(OBJ/158)** in respect of the proposed head-house at Kennington Green, but this does not reflect the view either of LBL or EH. The emerging policy context during the inquiry has further reinforced the case for the NLE through the publication of the Mayor's draft Housing Strategy **(Document TfL67)**.

3.65 The NLE would, therefore, comply with the development plan **(Document TL5A, paragraph 3.5.1)**. Section 38(6) of the Planning and Compulsory Purchase Act 2004 may not apply technically, but there is recent authority (R(Samuel Smith Old Brewery v Secretary of State [2012] 2 All ER 819), which has determined that identical provisions to s.90(2A) of the Town and Country Planning Act 1990 do not import s.38(6). It is nonetheless appropriate to attach significant weight to proposals that accord with the development plan. Other material considerations in the form of the SPD (the OAPF and Vauxhall SPD), the Mayor's Transport Strategy and emerging policy in the form of the Lambeth and Wandsworth Local Plans and the Mayor's draft Housing Strategy are all consistent in their support for the NLE.

Matter 5 - The likely impact on local residents, others visiting or passing through the area, businesses and the environment of the scheme during construction and operation

3.66 TfL has created a framework through the proposed conditions **(Document TfL14)** and the CoCP **(Document TfL13)**, which seek to ensure that all reasonable steps

are taken to mitigate potential impacts of the construction and operation of the NLE. The CoCP is a particularly substantial document. It is based upon the CoCP adopted for the Crossrail project, which was approved by Parliament, but it has built upon that. The framework of control and mitigation that the CoCP creates is detailed and would operate to mitigate impacts that would otherwise occur, as far as is reasonably practicable, and its provisions would be monitored by the Liaison Groups to be established and enforceable by the relevant LPA. Each of the likely impacts is reviewed below.

5 a) Noise and Vibration

3.67 The potential impact and mitigation of noise arising from the construction and operation of the NLE has to be considered in the correct policy context. The National Planning Policy Framework (the Framework) (paragraph 123) provides that planning decisions should aim to avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development. Such decisions should mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new development, including through the use of conditions. The Framework cross refers to the National Noise Policy Statement (NNPS) **(Document NLE/E9, paragraph 2.20)**.

3.69 The NNPS identifies an approach based upon three effect levels:

a. The No Observed Effect Level (NOEL) - this is the level of noise exposure below which no effect at all on health or quality of life can be detected;

b. The Lowest Observed Adverse Effect Level (LOAEL)- this is the level of noise exposure above which adverse effects on health and quality of life can be detected.

c. The Significant Observed Adverse Effect Level (SOAEL) - This is the level of noise exposure above which significant adverse effects on health and quality of life occur.

3.70 Where noise levels lie between the LOAEL level and the SOAEL level the NNPS explains that all reasonable steps should be taken to mitigate and minimise adverse effects, while taking into account the guiding principles of sustainable development **(Document NLE/E9, paragraph 2.24)**.

3.71 Thus, the national policy approach is to avoid noise above the SOAEL level **(Document NLE/E9, paragraphs 2.23-4)**. However if this cannot be achieved, then the policy is that noise impacts should be mitigated by taking all reasonable steps and any residual impacts should be treated as negative factors to be weighed in the planning balance.

3.72 This approach is also reflected in the noise section of the draft National Planning Practice Guidelines **(Document NLE/E11)** (see paragraph 1.20), which contains a Table explaining the appropriate response at each tier of the noise assessment hierarchy:

a. at or below NOEL no action is required;

b. at or below LOAEL no action is required;

c. between LOAEL and SOAEL – noise impacts should be mitigated by taking all reasonable steps.

3.73 It follows that national policy requires the following approach to be adopted in determining whether to permit the NLE and if so, the noise mitigation controls to which it should be subject:

a. Where the NLE would give rise to noise below the LOAEL level it would be acceptable in policy terms;

b. Where the NLE would give rise to noise levels between the LOAEL level and the SOAEL level, all reasonable steps should be taken to mitigate noise levels, but reduction to a level beyond the LOAEL level would not be required;

c. Noise levels beyond the SOAEL level should be avoided. However, if they cannot be avoided:

i. Mitigation should be adopted that takes all reasonable steps to mitigate noise impacts; and

ii. Any residual adverse effects should be taken into account in the planning balance.

Operational ground-borne noise

3.74 The World Health Organisation (WHO) Night Noise Guidelines for Europe identify in respect of transportation noise that the NOEL is 32 dBA LAmax **(Document NLE/E7, page 99)** and the LOAEL level is 42 dB LAmax. The document does not expressly state that these levels are 'fast' or 'slow' Lmax levels, however reference is made to the slow index **(Document NLE/E7, page 137)**.

3.75 Evidence to this inquiry **(Document TfL3/A)** is that the levels referred to in the text are based on the 'slow' LAmax index. Thus, the WHO figures are in fact LASmax levels.

3.76 TfL has proposed **(Document TfL14, Condition 13)** mitigation that would require the plain track and the step plate junctions with the Kennington Loop to be designed to meet a level of 35 dB LAFmax. This level would equate to

around the 32 dB LASmax level. No other expert acoustician has given evidence to the inquiry to the contrary and this evidence should be accepted.

3.77 The result is that the design aim to be adopted for the NLE equates to the NOEL i.e. a level below which there would be no observable effect upon human beings. That is a level some 10 dB (or half as loud) as the LOAEL level identified by the WHO at 42 dB LASmax (or approximately 45 dB LAFmax). It is not a level that is necessarily inaudible, but it is a level below which there would be no observable effect. The reality is that the NLE has adopted a design aim that is some 10 dB below the level that national noise policy suggests could be adopted without adverse impact arising.

3.78 It was explained in evidence **(Document TfL3A)** that the dose response research, from which the WHO levels are derived, comes from laboratory research into the effects of aircraft noise on sleep. There are some suggestions from those without any background in acoustics that results from aircraft studies cannot be used to justify a design aim for an underground train.

3.79 However, that assertion misunderstands the nature of the noise indices used and it was explained that when looking at the Lmax there would be little difference between an aircraft trace and an underground train trace. The two would be comparable, providing that there was no ground-borne vibration associated with the passage of the train. In that regard, there would be no feelable vibration associated with the NLE. Thus, the research relied upon by the WHO was apposite and provides a suitable basis for the identification of NOEL and LOAEL.

3.80 Reference was made by some Objectors to a social survey undertaken in Norway to suggest that a lower level than 35 dB LAFmax should be adopted. However, that survey was a postal survey of self-reported effects based upon 26 leading questions **(Document TfL3B, page 41)**. In any event, it concluded that at 35 dB LAF max fewer than 2% of respondents reported that they were moderately, very or extremely annoyed.

3.81 Dr Lentell **(OBJ/71)** gave evidence of his personal experience of noise levels around or below the 35 dB LAFmax level. He described this as disturbing. However, his experience is not what would be experienced as a result of the NLE. He was explicit in stating that the noise he experienced was accompanied by ‘feelable’ vibration, sufficient to rattle the dishes on the kitchen sideboard. That is not a situation that would occur with the NLE, because any trackform that would meet the 35 dB LAFmax design aim would limit vibration to such an extent that it will not be felt within properties. It was explained that it is where there is ‘feelable’ vibration together with ground-borne noise that there is a marked effect upon people’s response to noise. An early study was produced in relation to Crossrail that supports this conclusion.

3.82 Objectors have pointed to limits and design specifications used in other countries. However examination of these has to be undertaken with care and not confuse LASmax and LAFmax levels. Only in Sweden and Norway are levels lower than 35 dB LAFmax levels identified. Crucially, these levels were adopted prior to the publication of the WHO guidance referred to above. Further, the Norwegian level applies only in bedrooms, whereas the NLE proposed design level is proposed for all habitable rooms, even those in basements. The only reasonable conclusion that could be drawn is that the NLE design aim sits well within the range of international practice.

3.83 It follows that there is no scientific evidence that establishes that the design aim of the 35 dB LAFmax is not a NOEL. Thus, the adoption of this level accords with policy, would protect residential amenity and would not result in sleep disturbance. As such, there is no scientific or policy justification for setting a design aim that is lower than 35 dB LAFmax.

3.84 Although it is not proposed, the clear implication of this conclusion is that the operational phase of the NLE would not give rise to adverse effects even if services ran throughout the night **(Document TfL112)**.

3.85 What is clear, however, is that adopting a design level below 35 dB LAFmax would most likely impose additional cost on the NLE project. Any additional cost would not be justified in the absence of evidence that a lower design aim would bring benefit to the public interest for the reasons explained. In essence, a lower design aim would impose a cost without justification.

3.86 Some Objectors have made reference to specific brands of track-form and appear to suggest that the NLE should be required to adopt that brand at this stage, presumably through the imposition of a condition. To do this would be unlawful. The contract for the supply of the track-form would be a significant one, easily enough to pass the thresholds in the Utilities Contracts Regulations 2006. To require a particular brand of track-form now would conflict with these Regulations, which require EU wide advertising for the contract and a tendering process.

3.87 Objectors have also suggested that an approach adopted in relation to Crossrail of requiring Floating Track Slab (FTS) in the vicinity of properties within 15 m of the NLE tunnel should be adopted. However, this would not necessarily protect residential amenity as there are forms of FTS available that perform less well than resilient rail track-forms. Further, it has to be remembered that the Crossrail approach was taken in a different context and this approach was adopted prior to the publication of the WHO guidance and the NNPS referred to above. Put simply, the approach in Condition 13 would result in a better outcome and is compliant with national noise policy, because it is based on seeking to ensure that the NOEL level is not exceeded.

3.88 For these reasons, it is submitted that the design aim proposed by TfL is entirely justified. It is accepted and agreed by the three relevant LPAs and the condition complies with the requirements of Circular 11/95. By contrast the adoption of a lower design aim would not be 'necessary' and would not satisfy the tests in Circular 11/95 (Inspector note: 11/95 superseded by the new PPG, but this does not change the tests).

3.89 The consequences of adopting the 35 dB LAFmax design aim for residents living above the proposed line of the NLE have been explored in the ES. Even so, some Objectors question if the proposed condition would result in the predicted, mitigated ground-borne noise levels **(Document NLE/A19/1, Table 9.31)** actually coming about.

3.90 It was explained that there would be a pinch point just to the west of the step-plate junction (SPJ). The result is that the plain track would have to be designed to ensure that 35 dB LAFmax level was not exceeded at this pinch point. In reality, experience shows that contractors include a significant margin of appreciation and design to a lower level than the conditions provide for, so as to ensure that no costly breach of condition materialises.

3.91 Thus, the impacts assessed in Table 9-31 **(Document NLE/A19/1, Table 9.31)** remain entirely apposite. They reveal that the operation of the NLE with Condition 13 in place would not have any adverse impact as a result of ground-borne noise. Indeed, the most likely consequence of the approach secured by Condition 13 would be that by far the greatest number of residents would experience noise levels significantly below the design aim, with the level of ground-borne noise for many likely to be reduced to around the 21-22 dB LAFmax level; that is beyond a point half as loud as the NOEL level identified by the WHO.

3.92 A further point was raised regarding whether two trains passing on the two lines would give rise to a cumulative adverse effect. It would not **(Document TfL3/A, paragraphs 7.2.9-7.2.11)**. The condition measures the maximum value. Even then, because of the relative disposition of the two lines, this scenario would be highly unlikely to be experienced at the same time within a single property.

3.93 In addition, the only locations with the potential to experience noise from both tunnels lie where the tunnels are proximate (i.e. in the area to the west of Claylands Road). Here, however, noise is predicted to be low - at most 30 dB LAFmax - even assuming that the maximum noise from trains would be experienced at the same time. To the east of Claylands Road the tunnels would diverge and the distance is such that no measurable increase in noise would be experienced when two trains pass. Thus, there would be no significant adverse ground-borne noise from two trains passing on the NLE.

3.94 In relation to ground-borne noise at the SPJ, a condition is proposed to address this specifically, again tied to a design aim of 35 dB LAFmax. The track-form here would have to be different from that used for the plain track and that is why it is addressed separately in the conditions. The LPAs are satisfied in this regard. The proposed condition is, thus, sufficient to ensure no adverse effect from the operation of trains over the SPJ.

3.95 Objectors also raise noise concerns relating to the potential for trains operating on the existing Kennington Loop between Kennington Station and the SPJ. It is acknowledged **(Document TFL3A)** that, while the NLE would not change the number or frequency of trains on this section without mitigation, it could be operated in a way that would increase ground-borne noise levels above those that would pertain without the NLE, due to the ability for trains to run at a faster speed as they leave/approach Kennington Station.

3.96 Proposed condition 13 would address this point and provide a control that would ensure that the LAFmax level would be no higher after the NLE comes into operation than it was before. The condition does not specify how this could be achieved; it leaves that matter for TfL to address. The options available would include a speed limit and/or a change to the track form. With this condition in place, the potential impact of the NLE in relation to this stretch of track would be appropriately mitigated in accordance with policy.

3.97 A number of Objectors also suggest that the part of the Kennington Loop which would remain, but upon which the NLE would not run and over which no powers have been taken, should be the subject of noise mitigation. Such mitigation cannot be imposed by condition as it would not be necessary as a result of the NLE, but the programmed work due to be carried out shortly on the Loop should assist.

3.98 The NLE would reduce the need for trains to run on the Kennington Loop to 2 each hour at peak times by 2031 compared to 30 each hour at peak times without the NLE **(Document TfL89**. This reduces the potential for impact arising from ground-borne noise from trains operating on the Loop considerably. Thus, to grant consent for the NLE would result in a better position than if it did not proceed. It follows, therefore, that it is not 'necessary' to impose a condition to control noise on the Loop as a result of the NLE and to do so would be contrary to the advice in Circular 11/95.

3.99 Condition 13 also requires Best Practicable Means (BPM) to be used to maintain the track support system so that the design aim would continue to be met. This includes a requirement for a monitoring regime to be adopted, involving regular inspection of the NLE track and remediation of defects would be enforceable by the LPAs. This is a position that does not exist anywhere else on the LU network.

3.100 Condition 13 contains all of the necessary controls to ensure that the operation of the NLE avoids causing any material impact as a result of ground-bourne noise. The simple fact is that with the proposed condition in place the NLE would be designed to the lowest noise levels of any underground railway adopted in UK history **(Document TfL89)**. This would more than adequately protect residential amenity.

3.101 Operational noise from fixed plant and machinery (for example ventilation shafts) would be designed using reasonable endeavours to meet a design target no higher than 10 dB less than the background noise level at a point 1 m outside any window of a residential property (Condition 14). This is such a low level that no adverse impacts would be experienced, thereby more than adequately protecting residential amenity from operational noise arising from fixed plant and machinery.

Construction noise effects

3.102 The specific noise impacts arising during construction, which are of most concern would be at the Kennington Park and Kennington Green worksites. There are also some worries about the construction of the station boxes at Battersea and Nine Elms and the transport of materials to and waste from the sites.

3.103 It is inevitable that when constructing such a large piece of infrastructure as the NLE through a densely developed part of London noise impacts will arise. However, it is important to place the potential impacts of construction noise and its mitigation in its proper policy context. As explained above, it is national noise policy that where noise levels lie between NOAEL and LOAEL levels all reasonable steps should be taken to minimise noise **(Document NLE/E9, paragraph 2.24)**. This policy requirement is given effect in the approach to noise mitigation in the CoCP, which provides for BPM **(Document TfL131, paragraph 142)** to be used to mitigate construction noise from all construction activities, whether at surface or below ground.

3.104 As Condition 6 requires the development to be carried out in accordance with the CoCP, if an LPA considers that BPM is not being adopted in relation to any construction activity it has the power to taken enforcement action. In addition, although some Objectors appear to misunderstand the position, the NLE project would not propose to dis-apply the provisions of s.60/61 of the Control of Pollution Act 1974 ("COPA"). Rather, it is intended that section s.61 certificates would be sought. This would enable the relevant LB to determine whether the means proposed in the s.61 application represent BPM. If not, then they would have the power to require that BPM is adopted. It was accepted by Objectors that the approach of applying BPM complies with national noise policy.

3.105 In relation to airborne noise arising from construction, Condition 8 requires construction to be carried out in accordance with the Construction Noise and Vibration Mitigation Scheme (CN&VMS) **(Document NLE/A23, Part N2)**, based on the schemes adopted for Crossrail and the Jubilee Line Extension (JLE). The Scheme applies an 'ABC method' and sets out façade noise limits for occupied dwellings **(Document NLE/A23, Part N2, Appendix A – Table 1)**. The contractor would be required to comply with these noise limits, where it is reasonably possible to do so, in addition to any requirements in the s.61 consent. Where the relevant façade limit could not be met for a particular period or during a specific activity, then a property would be eligible for either noise insulation or temporary re-housing.

3.106 The likely impacts from airborne construction noise were carefully assessed in the ES and no party to the inquiry has suggested that the proposed CN&VMS Scheme would be inadequate or that any particular change to it should be made.

3.107 The noise predictions set out in the ES are robust. They are based on assumptions relating to plant noise taken from BS5228, which are somewhat dated. However, with the use of modern, quieter plant and the application of BPM to surface activities, the predicted noise levels and impact should fall materially below the noise predictions set out in the ES. It follows that the approach to the project adopted would result in all reasonable measures being taken to reduce airborne construction noise to a minimum, as required by the Framework and the NNPS.

3.108 The potential effects of noise from construction traffic have also been carefully assessed in the ES. Changes in road traffic flow on any given section of road takes into account construction traffic using the highway and non-construction traffic diverted from its normal route. The largest change would be at Nine Elms, where an increase of 1.3 dB is identified. At Kennington Park and at Kennington Green the greatest change identified is 0.5 dB. These are all very small changes in noise levels and, bearing in mind that that a 3 dBA difference in noise levels is usually taken as the smallest difference noticeable to most people, they do not represent material impacts.

3.109 Moving to the tunnel construction, it is likely that the passage of a Tunnel Boring Machine (TBM) would have a noise impact upon residential properties nearby. TBMs have to be operated on a 24/7 basis in order to manage ground movement and health and safety risks. Once again BPM would apply to the TBM construction process. However, the prediction method in BS5228 and outcomes given in the ES were based on ground types different from the London clay through which most of the NLE tunnels would be constructed.

3.110 In practice, measurements taken in relation to Crossrail, in properties above tunnelling for that project, show that measured ground-borne noise levels are of the order of 35 to 40 dB LASmax during TBM cutting activities. At

these levels the passage of a TBM would be audible, but significantly below the ES predictions **(Document NLE/A23, Vol IIa, Appendix E – pages 45-46)**. Properties would experience maximum noise levels for around 2-days, with lesser noise impacts before and after the TBM approaches and departs.

3.111 To place these levels in context, the design aim considered by Parliament to be acceptable for the operation of trains on Crossrail is 40 dB LASmax and the NOAEL level identified by the WHO is 42 dB LASmax. The CoCP makes provision for residents to be informed of the timetable for the passage of a TBM and requires a website to be set up to assist in this – just as has been done in relation to Crossrail.

3.112 So far as vibration is concerned, the ES predicts a negligible impact upon buildings and people **(Document TfL3B, Table page 45 and TfL3A, paragraph 8.2.5)**. Thus, the passage of a TBM should not have any impact above the NAOEL level and, therefore, would not be contrary to the NNPS. In these circumstances the passage of a TBM would not have significant adverse effects.

3.113 Behind the TBMs, temporary construction railways would be constructed to supply the TBM and to take spoil away from the tunnel face and back to Battersea. As the TBM has to operate 24/7, so too would the construction railway. BPM would also apply to the design construction and operation of the construction railway, though the material excavated during the night could be stored on the worksite and removed during the following day. The CoCP states that the alignment, jointing and mounting of the temporary construction railway would be installed, maintained and operated in a manner so as to minimise the transmission of vibration and ground borne noise from the passage of rail vehicles. This would be enforceable by the LPAs (Condition 6).

3.114 The Crossrail CoCP imposed precisely the same obligation upon the undertaker to adopt BPM as is included in the NLE CoCP. Thus, the temporary construction railway for the NLE would be designed and operated such that it would be similar to that used on Crossrail, which has performed well with regard to ground-borne noise levels. There is no reason to believe that the design and operation of the NLE temporary construction railway would be any less effective at mitigating ground-borne noise. It follows that the assessment of potential impact from the construction railway set out in the ES significantly over-estimates the impacts assuming, as it does, that no mitigation is provided.

3.115 It is submitted that the NLE project has imposed controls as required by the Framework and the NNPS to minimise the noise impacts arising from the temporary construction railway and would, therefore, accord with policy. No temporary construction railway is proposed in constructing the length of running tunnel between the two shafts and the SPJs at Kennington. Neither is a temporary construction railway proposed within the gallery tunnels.

3.116 So far as the construction of the gallery tunnels is concerned, these would be required in the vicinity of Kennington to allow the use of compensation grouting. This would be necessary to manage the risk of ground movement appropriately in the Kennington Station area. The construction of the gallery tunnels would also be subject to BPM to minimise ground-borne noise and vibration. The methods used to construct the gallery tunnels would be such that no significant ground-borne noise should be experienced **(Document TfL59, paragraph 2.1.5)**.

3.117 The SPJ construction would employ similar methods for excavation to those used for the construction of the gallery tunnels. However, the operations for the construction of the SPJs would be at a deeper level. Again these operations would be subject to BPM to mitigate noise impacts. As such, no significant ground-borne noise should be experienced.

3.118 In addition, noise from any pumping associated with water control associated with the construction operations would not give rise to any significant adverse effect **(Document NLE/A19/1 and TfL2A)**.

3.119 To summarise, throughout the construction period, some increases in noise would be evident, but in no case would these have any significant adverse effect, so long as BPM is employed. Moreover, many activities, such as the passage of the TBM would be relatively short term. The CoCP facilitates any concerns during the construction of the NLE to be raised directly with the 24-hour reporting service and, if necessary, then be discussed at the relevant Liaison Group meeting, with the fallback of LPA enforcement.

5 b) Impacts on properties from ground movements

3.120 The risk to ground movement has been carefully appraised in accordance with the industry standard methodology **(Document NLE/A19/1 and TfL2A)**. The NLE project has adopted the same three phase approach as used and approved by both Houses of Parliament during the passage of the Crossrail Bill. So far Phases 1 and 2 have been undertaken.

3.121 In Phase 1, simple criteria are used, based on predicted settlement at the ground surface, to eliminate from the need for further study those buildings predicted to experience minimal effects. There are two elements to the approach in Phase 1 that mean that it is highly robust. These are first, in relation to the volume loss assumptions and secondly, in relation to the adoption of a 10 mm criterion **(Document TfL2A, paragraph 6.19)**. For the running tunnels of the NLE, the volume loss assumed 1.5% associated with TBM and 2% associated with the use of spray-concrete linings (SCL).

3.122 For the TBM, these are some 50% greater than experienced in relation to Channel Tunnel Rail Link, the JLE and the DLR (Woolwich Extension). For the SCL, such as would be used at the SPJs, the JLE experience was that the

volume losses were a little higher, typically between 1 to 1.5%. Even so, the NLE ES has still taken a conservative position.

3.123 Thus, other than Listed Buildings, any buildings forecast to experience settlement of less than 10 mm are judged to be only experiencing minimal effect. The 10 mm contour is selected as the cut-off on the basis of empirical evidence from other tunnelling projects. 10 mm is a very small amount of movement and so, buildings subjected to less than 10 mm of settlement have consistently been shown to suffer damage categorised as negligible **(Document TfL2A, paragraph 16.39)**. For these reasons the assessment approach used in Phase 1 is highly robust.

3.124 For each individual building forecast at the Phase 1 stage to experience settlement of 10 mm a Phase 2 assessment is triggered. Phase 2 is a conservative assessment of the potential damage to buildings based on the distortions the buildings might experience for 'green field' displacements. In this, it makes the same robust volume loss levels adopted in Phase 1, but the presence of the building itself and its potential stiffening effect on soil structure interaction is ignored. The settlement predictions are made simply on the basis that the ground surface is a green field, with no buildings or other man-made objects present. It assumes, pessimistically, that the building itself would have no influence on ground settlement. However, once the green field settlement is identified the extent and degree to which a building on the land might distort can be analysed.

3.125 The results of the Phase 2 assessment enable the degree of 'damage', to which a building might be subject, to be classified on a scale. The assessment that has been undertaken for the NLE has been addressed in the Settlement Report **(Document NLE/A19/4, ES Volume IIc, Section 12)** and identifies only the Kent Building at Battersea Dogs and Cats Home (BDCH) as falling within Category 3 (Moderate). Following negotiation, BDCH has withdrawn is objection and now supports the NLE **(Documents TfL20 and 85)**. All other buildings examined fall within Categories 0 to 2 (i.e. at most slight damage which is easily repairable).

3.126 Phase 3 involves a detailed assessment of the likely effects upon a building. This would be undertaken on an iterative basis as more precise construction details, equipment and methods to be used become available. It is expected that the settlements predicted at this stage would be reduced. This is because the construction details, equipment and methods would be selected with the objective of achieving a reduction in actual settlement compared to predicted settlement. The potential settlement impact on each building would, thus, be reviewed and, where appropriate, revised. Where still shown to be needed, any necessary protective works already defined would be undertaken. This would complete a full Phase 3 assessment of each building.

3.127 The primary form of mitigating the risk of settlement is through the use of

best practice in the tunnelling operations, including continuous working, erecting linings immediately after excavation and providing tight control of the tunnelling process to reduce the magnitude of settlement. In addition, where it is identified as necessary there would be a further three categories of protective measures that could be adopted: at-source measures, ground treatment measures (as proposed in the gallery tunnels at Kennington, for example) and structural measures (e.g. the use of tie-rods for masonry buildings). The precise mitigation to use would be determined where appropriate within the Phase 3 assessment process.

3.128 Generally, all buildings in risk category 3 or above would be monitored during tunnel construction. Monitoring for category 2 and below would be covered by the general background surface monitoring undertaken to confirm ground movements are within the magnitude of those predicted. If unexpected movements occur they would be fully investigated and, if necessary, appropriate protective measures taken.

3.129 A number of Objectors suggest that there was insufficient knowledge of local geology when the modelling was undertaken and have called for the modelling to be undertaken again, once the outcome of recent ground investigations are known. However, the knowledge of the geology was sufficient for purpose. Further, results of those investigations provide data that do not affect the input assumptions in the model **(Document TfL29, paragraphs 2.1.2 etc)**. Contrary to the views expressed by some Objectors, the potential ground movement risks associated with the gallery tunnels have been assessed **(Document NLE/A19, Volume I, Appendix A5)**.

3.130 Concerns were also raised relating to in-combination effects on buildings from ground movement and vibration from construction activities. The potential for vibration arising from construction activities to cause cosmetic damage is not included in the settlement maps. However, it is important not to confuse potential impacts that might be caused by ground movement and impacts that might be caused by vibration. They are separate effects; vibration might be caused by an activity that does not cause ground movement and *vice versa*.

3.131 The potential for construction activities to cause cosmetic damage to buildings has been assessed **(Document NLE/A19, Volume I, Section 9)**, concluding that, by reference to criteria set out in BS 7385-2:1993, the expected vibration levels from construction activities would be below the thresholds for cosmetic damage to buildings. Thus, it is predicted that the likelihood of any cosmetic damage to buildings would be negligible. Adverse impacts from vibration associated with construction work rarely cause cosmetic damage to buildings and, so, the evidence establishes that there would be no reasonable likelihood that in-combination effects would arise.

3.132 TfL has clarified in the CoCP that all owners of property within the Order limits, which includes those properties predicted to experience 10 mm or

more of settlement, would receive a building defects survey by a qualified chartered building surveyor or engineer commissioned by TfL at TfL's cost. TfL would also be willing to enter into a 'Settlement Deed' relating to these properties, on the property owner's request **(Document TfL109)**.

3.133 TfL undertakes to write to all owners of property within the limits offering this Deed in the event the TWAO is confirmed. The Deed regulates the timescales relating to the survey process and the protocol for the rectification of any damage. Claims pursuant to the Deed would be accepted within 2-years of the opening of the NLE for passenger service. This period of time would be more than sufficient for damage arising from ground movement to be identified.

3.134 Some Objectors have raised concerns regarding properties that lie outside the 10 mm contour and whether criteria could be identified that could be applied to such properties to enable them to be made the subject of survey and/or a Settlement Deed. TfL has carefully considered this matter and has stated in the CoCP that properties outside the 10 mm contour would be considered on a case by case basis.

3.135 In this context, the quantification of risk associated with ground movement involves consideration of a number of different matters, such that it is not considered appropriate to define criteria now, which would mean that a property outside the 10mm contour would automatically qualify for a Deed and/or a survey. Surveys carried out by property owners independently, would however be taken into account in any claim process, where TfL has been given an opportunity to attend the property when the survey was undertaken.

3.136 To conclude, the assessment undertaken and the framework set out in the CoCP reflects industry best practice. It is more than sufficient to ensure that all reasonable steps would be taken to mitigate the risks associated with ground movement associated with the construction of the NLE.

5 c) Impacts on townscape and visual amenity;

3.137 The impacts on townscape and visual amenity in relation to the proposals for Kennington Park and Kennington Green are addressed under Matter 6 below.

3.138 TfL has provided detailed evidence in relation to the impacts on townscape and visual amenity arising from the proposals **(Document TfL8A)** at:

a. Battersea Station **(Document TfL8A, paragraphs 5.2.25-26)**;

b. Battersea Jetty and Cranes **(Document TfL8A, paragraph 7.5.3)**;

c. Nine Elms **(Document TfL8A, paragraphs 5.3.36-41)**;

d. Kennington Station **(Document TfL8A, paragraphs 5.4.95-11)**;

e. Kennington Park **(Document TfL8A, paragraphs 6.2.46-49)**; and

f. Kennington Green **(Document TfL8A, paragraphs6.3.68-70)**;

The context for each of the above ground elements of the NLE scheme has been carefully appraised **(Document TfL8A, Section 4)** and designed against the backcloth of its context. This includes the design evolution of each element and associated landscaping proposals.

Impact of Construction Sites

3.139 It is recognised that the construction worksites would give rise to some temporary adverse impacts on the townscape and visual amenity. In this regard, the CoCP would be an important tool in mitigating the impact of the construction worksites.

3.140 For example, in relation to the worksites the CoCP explains that the type of hoarding or fencing used and vehicle access and egress points would be agreed with the relevant LB. Signage, decoration or enhancement, for information or aesthetic purposes, on the hoarding would be in accordance with TfL's corporate requirements. The construction sites at Kennington Park and Kennington Green would be in Conservation Areas. The special qualities of these are fully recognised and proposals for hoardings would be developed with this in mind and in consultation with the LBs and local communities **(Document TfL13B, paragraphs 3.3.3-4)**.

3.141 Permission for the stations at Battersea and Nine Elms is sought in outline. The design of the two stations has received little attention at this inquiry, because there is little by way of objection to them.

3.142 **Battersea Station** is designed to sit within the context of the existing masterplan/ approved scheme for BPS **(Document TfL8B, Figure 5)**. In response to this, the station design is T-shaped in plan **(Document TfL8B, Figure 11)**, with the main box and crossover box running parallel to Battersea Park Road **(Document TfL8B, Figure 4)** and the ticket hall and entrance pavilion above, perpendicular to the main box, extending north between the flanking BPS development blocks. The sub surface ticket hall would create an opportunity to link into the lower ground floor shopping street, which is part of the consented BPS scheme, extending north towards the listed BPS structure.

3.143 The above ground elements would include the station forecourt **(Document TfL8B, Figure 7)** and the entrance pavilion **(Document TfL8B, Figure 8)**, which would accommodate the bank of three escalators, linking street level to the sub-surface ticket hall **(Document TfL8B, Figure 9)** and a 24 person passenger lift, also linking to the ticket hall. The station entrance must be highly visible from Battersea Park Road, be of striking architectural quality and complement the

designs of the BPS development. The illustrative landscape masterplan **(Document TfL8B, Figure 7)** shows tree planting, raised planters and high quality street furniture and paving and space for cycle parking and cycle hire, supporting the wider interchange function of the station.

3.144 A fundamental part of the design approach has been to ensure that the new underground station would be an integral part of the wider BPS redevelopment and would not cause any demonstrable harm to the setting of the nearby Grade II* listed BPS. In the finished scheme the design of the tube terminus above ground, would be quite some distance from BPS, which would ensure it fully respects the setting of the listed structure.

3.145 **For BPS jetty and cranes** it is proposed to use the existing jetty in front of BPS to facilitate the removal of excavated material from the NLE construction works. This would require temporary, but reversible works to adapt the jetty and adjacent land, including the temporary removal of the two cranes for repair and refurbishment, installation of new timber fenders and, finally, removal of all temporary works associated with the NLE.

3.146 The methodology for the proposed temporary works and those to restore the jetty and its associated cranes has been carefully conceived to ensure that these heritage assets would be preserved and enhanced. The principle of the works has already been approved as part of the wider BPS scheme, which has been agreed with the LBW and EH, and complies with both national legislation and policy and local policy.

3.147 Turning to **Nine Elms Station**, there would be two parts to the above ground elements of the proposed Nine Elms Station **(Document TfL8B, Figure 20)** – the main station (east core) and the emergency escape stairs, vent shaft and fire fighting lift all contained within the west core. The main station would contain two entrances, one leading onto Pascal Street, the other leading onto the internal pedestrianised street between the Station and the Sainsburys' scheme to the north. Common to both cores would be two vertical ventilation ducts originating from platform level.

3.148 Nine Elms Station would become part of the comprehensive Over-site Development (OSD), and so it must be designed flexibly for the interim, in case they were not developed at the same time. The illustrative design for the station entrance (east core) **(Document TfL8B, Figure 22)** and the west core without OSD shows a cohesive family of elements, including louvered panels above a glazed understorey set in a strong frame. This anticipates the future delivery of an OSD, which would extend the entire length of the site and allow for a second station entrance if this proves desirable.

3.149 Surrounding the station would be a high quality public realm **(Document TfL8B, Figure 19)**, including Pascal Street and the internal pedestrianised street. The intention is that both would be activated by ground floor uses proposed as

part of the OSD, although the pedestrianised street would form the main spine of activity, with active uses on both sides. Pascal Street is identified in both the VNEB OAPF and Vauxhall SPD as a strategic link, providing a key pedestrian and cycle route to the River Thames **(Document TfL8B, Figure 1)**. This is supported by both the LBW and LBL. To facilitate this link to development along Nine Elms Lane, it is proposed to open up one of the arches in the railway viaduct creating the connection via the CGMA land.

3.150 Overall, the impacts of the NLE would be beneficial to the area surrounding the proposed Nine Elms Station. These benefits would increase when the Sainsburys' development **(Document TfL8B, Figure 1)** is realised, creating active frontages along Wandsworth Road and visually linking the Station to the rest of the street. These effects would become more pronounced when the OSD has taken place above the proposed Station, resulting in a highly improved level of visual amenity for the area.

3.151 Finally, to provide appropriate circulation at the platform level of, **Kennington Station**, it is proposed to provide four new cross-passages. Two of these would connect the southbound platforms to one another; the other two would link the northbound platforms. The design would replicate the existing station cross passages with their early 1920s portal surround and tiling design and, so, would not harm the setting of the listed elements.

5 d) Impacts on users of the River Thames;

3.152 TfL proposes using the River Thames to transport most – 68% - of the material excavated in the course of the construction of the NLE project. This would involve using a conveyor to bring material from the Battersea Station worksite to the riverside at the existing BPS jetty. A preliminary Navigation Risk Assessment (NRA) **(Document NLE/A19/9 and TfL15)** has been developed to support the proposals and demonstrate that the use of the River Thames to transport excavated material would be appropriate and viable. The Assessment is preliminary, because the contractor's methods of working are not yet known and the disposal site would not be selected until after the contractor's appointment. The Assessment identified that there is no reason in principle why the proposed strategy for removing excavated material should not be capable of implementation **(Document TfL2A, Section 18)**.

5 e) Impacts on water resources, including flood risk and the potential contamination;

3.153 The impacts of the NLE upon water resources, flood risk and the potential for contamination have been assessed in the evidence and the **(Document NLE/A19)**. The CoCP sets out a detailed framework for mitigation in relation to these matters **(Document TfL13C, Sections 7 and 8)**. There is no objection from EA to the NLE.

3.154 With regard specifically to the water resources, the assessment **(Document NLE/A19, Chapter 12)** concluded that with the detailed mitigation proposed in the CoCP the impacts would be negligible **(Document NLE/A19, Volume 1, paragraph 12.30)**. Turning to the impact of the NLE upon ground water and potential for contamination during construction and operation, the assessment **(Document NLE/A19, Chapter 13)** concluded that, with the mitigation proposed in the CoCP, the impact of the NLE, including on properties, would be negligible **(Document NLE/A19, Volume 1, pages 13-30, Tables 13-15)**.

3.155 TfL would undertake the works and implement working methods developed to protect surface and groundwater from pollution and other adverse impacts including change to flow volume, water levels and quality. This would be completed in accordance with relevant legislative requirements and appropriate industry guidance. TfL would ensure that the design of the site layout and facilities and management of construction operations would take account of the guidance contained within the relevant EA Pollution Prevention Guides and Construction Industry Research and Information Association (CIRIA) documents and would be based on accepted industry practice. TfL would implement working methods that would reduce water consumption and continually improve water-use efficiency on site. TfL would ensure that a water conservation plan based on the water hierarchy, is prepared and implemented for the worksite(s).

3.156 The main flood risk to the NLE is the River Thames, which is tidally influenced. The NLE project has been designed (for example by raising entrance levels at stations) to accommodate a 1 in 1,000 year flood event as approved by the EA. A flood risk assessment has been undertaken **(Document TfL2B, Appendix 4.2)**.

5 f) Impacts on land use, including the effects on commercial property and the viability of businesses, and the effects on the right of access;

3.157 As set out above, when operative the NLE would bring huge benefits to property and businesses within the VNEB OA. However, the construction works would require the use of land, thereby affecting a number of commercial interests. Negotiations have taken place with those physically affected. Banham Security Ltd, CGMA, Sainsburys' Supermarket Ltd and Chivas have all had their concerns met and have withdrawn their objections. The proposed pedestrian connection through the railway viaduct **(Document TfL8B, Figure 19)** would lead to the relocation of one existing business (Tropical Catering). This has been secured via agreement with the CGMA and, again, there is no outstanding objection.

3.158 At Kennington Park, Bee Urban would be required to relocate, and the issues in relation to this are addressed in more detail in Matter 6 below.

3.159 Some Objectors have raised more generalised concerns regarding potential adverse effects upon commercial property and businesses, particularly those in the Oval Area. For example, it is suggested that impacts would arise, because local walking routes would alter as a result of the location of Oval Station and the increased access to other retail locations. Transport modelling for the Oval Station has been undertaken and this does not support the assertion **(Documents TfL78 and 124)**.

3.160 It was also asserted that, in the future the shopping around the proposed Nine Elms Station would be better than at Oval, meaning that shoppers would likely go to Nine Elms instead. It was claimed that the current businesses on Wilcox Road would be 'priced out' as a result of the NLE, and specifically the new Nine Elms Station, which would open opposite Wilcox Road on the other side of Wandsworth Road.

3.161 First off, it should be noted that the shops adjacent to Nine Elms referred to form part of the Sainsbury's scheme, which was granted planning permission on 6 November 2013 **(Document TfL22)** . That development also included the potential Nine Elms Station, meaning that the effects of that development on existing shops have already been taken into account **(Document TfL124)**. The two shopping areas serve very different roles and catchment areas.

3.162 In summary, there is no evidence to suggest that the shops proposed at Nine Elms would have any material adverse effects on existing shops or businesses in Kennington or Oval. In fact, it is rather the converse. The new and existing shops at Nine Elms would benefit from the expenditure of the substantial new population generated by the development of the OA. Moreover, the wider area would benefit from both that expenditure and from the expenditure generated by the creation of thousands of jobs, a large proportion of which would be facilitated by the NLE. Indeed, rents are likely to rise as a result of increased prosperity, including on Wilcox Road, which would be opposite the new Nine Elms Station. This is not a situation where adverse impacts are likely to arise. Some shops may change hands (with or without the NLE), but planning decisions are concerned with enabling competition, rather than preventing it **(Document TfL124)**.

3.163 In the circumstances, the request by Objectors for a mitigation fund to be set to support local businesses would not be necessary and a requirement for such a fund could not be justified.

5 g) Impact of the scheme on air quality;

3.164 Through the controls set out in the CoCP TfL would, as far as reasonably practicable, seek to control and limit emissions to the atmosphere in terms of gaseous and particulate pollutants from vehicles and plant used on the site, and dust from construction, demolition, vehicles and plant activities **(Document TfL13B, Section 6)**. This would involve identifying potential sources and applying

appropriate control techniques. These would be documented in an Air Quality and Dust Management Plan (AQaDMP). The CoCP would require a separate AQaDMP for each worksite and for this to be the subject of approval by the relevant LPA.

3.165 An approach to dust control based on that approved by Parliament in relation to Crossrail would be used for the NLE. This has proved very effective during the construction of Crossrail to date, and no justified complaints regarding dust from that project have been received **(Document TfL96)**. Three levels of control for dust impacts are planned, with the standard level, Tier 1 **(Document TfL13B, paragraph 6.3.7)**, as the minimum for any site.

3.166 A risk-based approach would be used to identify construction sites with potential to generate significant quantities of dust near sensitive receptors, thereby requiring additional levels of control (Tiers 2 and 3). Thus, where the standard Tier 1 approach was identified as sufficient to mitigate potential impacts that would be adopted. If this proved insufficient, then the Tier 2 level of control **(Document TfL13B, Paragraph 6.3.9)** would be considered and, if adequate this would be used. If Tier 2 proved insufficient then the measures in Tier 3 would be employed.

3.167 Tier 3 incorporates all relevant Tier 1 and Tier 2 techniques, as well as additional site specific measures, possibly including the total enclosure of certain operations to protect vulnerable receptors. This protocol would be addressed in the AQaDMP and, unless agreed with the relevant LB as unnecessary, dust monitoring would be carried out during construction at all Tier 2 and Tier 3 activities.

3.168 Given that the CoCP would ultimately enable the highest standard of dust control reasonably achievable to be adopted and that Crossrail has not given rise to adverse impacts in terms of dust, it is submitted that the construction of the NLE would be unlikely to give rise to material adverse effects from construction dust.

3.169 The implications of the construction and operation of the NLE upon other airborne pollutants has been considered in detail **(Document NLE/A19, Section 10)** and the conclusions of the ES have been validated **(Document TfL15)**. This concludes that construction activity would change the number of exceedences of the 24-hour PM_{10} objective by an imperceptible amount and of the NO_2 annual mean objective by a small amount **(Document NLE/A19, paragraph 10.193)**. Once in operation any effects of the NLE on local air quality are forecast to be negligible.

5 h) Impact of the scheme on the built environment;

3.170 This topic is addressed in Matter 5 c) above and below in Matter 6.

5 i) Impacts of construction traffic on the highway network, cyclists, pedestrians and parking.

3.171 Wherever reasonably practicable, excavated material would be taken from the site by river to minimise the effect on the road network. This would be secured through TfL's contract with the appointed NLE contractor. As noted, some 68% of excavated material would be transported by river, with the remaining 32% by road, though further opportunities to increase the use of the river may be possible. The use of the river to remove excavated material is strongly supported by the London Plan and Mayor's Transport Strategy **(Document TfL5A, Section cc)**.

3.172 The construction works would be covered by a CoCP for the scheme, which would contain a Traffic Management Plan (TMP) for each worksite. A draft CoCP has been prepared **(Document NLE/A19/9, Appendix NA)**.

3.173 The TMP would include sections to address the management of worksites including:

i. Site boundaries and the main access/egress points for the worksites;
ii. Temporary closures of highways;
iii. Strategy for traffic management, including parking;
iv. Local routes to be used by lorries generated by construction activity, including: lorry holding areas, lorry route signing strategy, means of monitoring lorry use and any routes prohibited from use by construction vehicles; and
v. Measures to be implemented to ensure road cleanliness.

3.174 The majority of adverse traffic and transport effects would arise for a temporary period during the NLE's construction, when extensive and multi-phased construction works would be required. Therefore, the impacts would be predominantly short term. Inevitably this would cause some disruption, but the framework created by the CoCP is strong and enforceable by the LPAs. Combined with the community liaison commitments it would enable the TMPs to be designed so that impacts would be reduced so far as is it is reasonably practicable.

3.175 Vehicle routes to worksites would be on the major road network, as these roads are capable of accommodating high volumes of traffic. Vehicles would only use local roads to directly access the worksites. Discussions with local highway authorities (LHAs) on lorry routes have informed the proposals and would further inform the development of the TMP for each worksite prior to the start of construction.

3.176 While no closures of strategic roads are planned as part of the works, the provision of the Kennington Green worksite would require the temporary suspension of approximately 80 m of northbound bus lane on Kennington

Road for approximately 3-years. This would slightly reduce capacity on this section of road, but highway modelling indicates that this would not be significant in terms of congestion and delays **(Document TfL7A, paragraph 5.6.35)**.

3.177 In addition, for a period of around 3-months, temporary closure of part of the local highway network at (Old) Kennington Road, to the west of the Green, would be necessary to enable the construction of the head-house **(Document TfL7B, Figure 13)**. Access to properties around the Green would still be possible and it is submitted that the minor disruption to traffic due to this short-term closure would be acceptable.

3.178 It is proposed to create a new junction on Battersea Park Road at the Battersea Station worksite, to enable the safe movement of construction vehicles to and from the site **(Document TfL7B, Figure 14)**. The effects of this junction on traffic flows have been modelled and the results show that there would be a low impact on traffic flows. It is submitted that the proposed traffic impact of the scheme to be acceptable. No roads, or sections of road, would be required to be closed at Nine Elms or Kennington Park as part of the construction works at these worksites.

3.179 The number of construction vehicle movements to each worksite would be as follows:

i) At the Kennington Green worksite **(Document TfL7B, Figure 15)** typically there would be 7 vehicle movements per day, with a peak of 31 movements per day during week 166;

ii) At the Kennington Park worksite **(Document TfL7B, Figure 16)** typically there would be 6 vehicle movements per day, with a peak of 41 movements per day beginning in week 171 and lasting for 3-weeks;

iii) At the Nine Elms worksite **(Document TfL7B, Figure 17)** typically there would be up to 37 vehicle movements per day, with a peak of approximately 194 movements per day beginning in week 58 and lasting for 11-weeks; and

iv) At the Battersea worksite **(Document TfL7B, Figure 18)** typically there would be up to 35 vehicle movements per day, with a peak of approximately 85 movements per day beginning in week 74 and lasting 10-weeks.

3.180 It has to be remembered that the levels of traffic associated with each worksite would vary considerably over the course of the construction work. While there would be peak levels of movement, the duration of such peak levels of activity would be generally short. As part of the TMPs, and especially for Kennington Park, HGV movement would be restricted to school times to avoid vehicle/pupil conflict.

3.181 Two scenarios were developed to assess the likely impact of the proposed development on general traffic in the areas of the worksites at Nine Elms, Battersea and in the Kennington Area. These show that the impact on the major road network would be a slight and, therefore, acceptable **(Document TfL7A, paragraph 5.5.10)**.

3.182 As for the impact at a local level, this has been examined through junction modelling for Pascal Street/Wandsworth Road and Kennington Park Road/Kennington Park Place. In both cases the junctions already operate at levels close to theoretical capacity. The NLE construction traffic would result in these junctions operating closer to capacity, albeit by a small amount (3%). The analysis indicates that for all other junctions the impact of the NLE construction traffic would not be significant.

3.183 The greatest impacts at the Kennington Park Road /Kennington Park Place and Pascal Street /Wandsworth Road junctions would only last for a short period – approximately 5-months. For this reason, changes to the physical layout of the junctions to provide more capacity would not be justified. Instead, the CoCP and TMP for each site would provide a basis for reducing the peaks in traffic flow by adjusting the construction programme or restricting construction vehicle movements to the site during the relevant peak period. Given the urban location of the two junctions, the relatively minor impact on junction performance for a limited duration is considered acceptable.

3.184 Turning to highway safety, the CoCP provides that TfL must require its contractors and their suppliers working on the NLE to have bronze accreditation of the Fleet Operator Recognition Scheme (FORS) or similar. This is standard practice for all TfL contractors **(Document TfL7B, Figure 20)**. They would be required to produce regular collision and emission reports and all the vehicles and drivers working on the NLE contracts would have to meet specific safety standards, which include safety features for cyclists and pedestrians. TfL would also raise awareness of the issues associated with cycling near lorries by promoting events such as “Exchanging Places”. Of note, Kennington Park Road carries the Barclay’s Cycle Superhighway CS7.

3.185 Taken together, these mitigation measures would minimise the impact on cyclists and, indeed, although concerned, Objectors do not appear to have suggested any further mitigation in this regard. Based on the expected, number and type of construction vehicle movements, the routes that they would use and the measures, such as turning restrictions, that would be put in place by TfL and the analysis of accident data **(Document TfL7A, paragraph 4.7.3)** the NLE should have no adverse effect on road safety.

3.186 The impact of construction workers travelling to and from work has also been considered. For normal daytime working all construction staff would be encouraged to travel to the worksites by public transport. The worksites

have good access to public transport facilities and the CoCP would include a Travel Plan, which would be produced prior to the commencement of works. This should render the transport impact of the construction workers negligible and acceptable.

3.187 Based on 'swept path' analysis for larger vehicles, some parking spaces **(Document TfL7B, Table 15)** would need to be temporarily suspended to accommodate the worksites and ensure safe access for HGVs. When this loss in parking is looked at alongside the parking survey data for the area, the evidence shows that there would be sufficient spare capacity at a wider neighbourhood level to cope with the temporary reduction in parking supply, and consequent displacement, at all the worksites **(Document TfL7A, paragraphs 5.7.5 and 5.7.7)**. Exceptionally low loader vehicles would be used for specific tasks at the beginning and end of the construction period. To accommodate low loaders, some additional spaces would need to be suspended on an *ad-hoc* basis for short periods of time.

3.188 It is recognised that the loss of parking spaces near worksites would be an inconvenience to residents and result in them taking longer to find a parking space and/or having to park further from their home. However, the number of parking bays affected would be low, would be temporary and there is spare parking capacity in the surrounding area **(Document TfL7A, paragraph 5.7.7)**.

3.189 As for the effect on buses, there would be some localised and short term impacts on bus journey times. Notwithstanding these impacts would be small and in the context of a longer bus journey acceptable **(Document TfL7A, Section 5.8)**. Similarly, the changes required to pedestrian facilities near each worksite have been identified **(Documents TfL7B, Figures 21-23 and TfL7A, paragraph 5.10.3)**. Generally speaking, pedestrians affected would be local people walking past or near to the worksites. Each worksite would have a 'banksman' and exhibit warning signs alerting pedestrians to the movement of construction vehicles.

3.190 The footways around Kennington Green and the pedestrian crossing on Kennington Road would be closed for the duration of the contract, requiring pedestrians to divert to alternative footways and crossings. Most of the time this would have a minor negative effect. However, for a 12-week period when the worksite boundary would be extended westwards (resulting in the closure of Kennington Road, west of Kennington Green) there would be a more substantial effect as diversion routes would be longer.

3.191 To mitigate the effects of the Kennington Green worksite on pedestrian movements, it is proposed that the existing island on Kennington Road near the bus stop would be widened, with clear signage directing pedestrians to use this facility. As a consequence, the impact on pedestrians using the northern footway at this location would be only a minor inconvenience and it is submitted this would be an acceptable impact.

3.192 Closure of the footway that abuts Kennington Park on Kennington Park Place would have a negative impact as pedestrians would be required to cross to the footway on the other side of the road. The route that construction vehicles would use to access the worksite would pass in front of the current pedestrian entrance to Bishop's House Nursery operated by LBS. TfL and LBS have reached agreement to relocate the entrance to the Nursery to Harmsworth Street on the opposite side of the building. This arrangement would remove the potential for conflict on Kennington Park Place between construction vehicles and people accessing the Nursery. A traffic marshal system for access to the worksite on Kennington Park would be deployed to prevent any safety conflicts between other pedestrians and vehicles accessing the worksite and delivery timings controlled.

3.193 At Nine Elms, closure of the footway on the western side of Wandsworth Road, including the crossing of Pascal Street, the crossing of Wandsworth Road and the closure of the northern side of Pascal Street would have a slight negative impact as pedestrians would be required to divert to new routes although the number of pedestrians affected should not large. To mitigate the effects of the closure of the footway on Wandsworth Road, pedestrians would be directed by clear signage to cross the road at existing crossing points either side of the worksite and use the eastern footway. On Pascal Street, the footway on the southern side of the road would remain open, thereby ensuring that this route could continue to be used by pedestrians. As a consequence, it is submitted, once again, that the overall effect on pedestrians in the vicinity of this worksite would be negligible.

3.194 The temporary traffic signal controlled junction at the Battersea Station worksite would incorporate the existing dual pelican crossing on Battersea Park Road (near Thessaly Street) into the temporary junction with demand-actuated traffic signals. This would be in approximately the same place as the existing crossing and the effect on pedestrians would be negligible.

3.195 In summary, it is submitted that with the proposed mitigation measures in place for each worksite, overall there would be a small, but acceptable level of impact upon pedestrians during construction activities. The one area where there remains an unresolved problem is in connection with dis-applications in the LBS. LBS sustains that part of its objection pertaining to a limited number of provisions in the New Roads and Streetworks Act (NRSWA) 1991 **(Document NLE/A12/5, Article 3(3))** and the associated permit scheme provisions under part 3 of the Traffic Management Act 2004. TfL believes it has advanced compelling arguments for the dis-application and this matter is covered in more detail as part of a specific rebuttal **(Document TfL104)**.

Matter 6 - The effects of the construction of a permanent shaft and head-house in Kennington Park and Kennington Green.

6 a – Kennington Park

Site selection

3.196 The need for a ventilation/intervention shaft in the Kennington Park area is addressed above in Matter 3. The various options for siting the head-house and shaft at Kennington Park have been carefully examined and considered. Extensive consultation has been carried out with local residents, community groups and businesses about the proposed location, design and landscaping. Following consultation carried out in 2011, which included questions on the location of the proposed Kennington Park shaft and head-house, there was a high level of support generally for the currently proposed location **(Document NLE/C16)** and this also applied to individual residents **(Document TfL128)**, following removal of the responses from businesses and community groups.

3.197 Since TfL assumed full responsibility for promoting the project in December 2011, there have been no less than 13 meetings and 'drop in' events **(Document TfL37)** to discuss the Kennington Park shaft. These meetings were in addition to the regular four weekly Borough Liaison meetings, where these issues were also discussed. The consultation carried out has included several engagements specifically relating to Bee Urban **(Documents TfL102 and 102A)**.

3.198 The options were first appraised in the workshop held on the 16 April 2010, prior to TfL becoming the sole promoter of the NLE project. At the workshop three options were considered, all of which involved locating the proposed shaft in the Park, but with different locations for the head-house. The preferred option was with the head-house directly over the shaft, which would have less impact upon property, ecology and would deliver marginally better ventilation efficiency **(Document TfL2A, paragraph 13.14)**.

3.199 In response to later public consultation, TfL undertook a further review **(Document NLE/C9)**, which assessed six options against a number of criteria. The options considered included those at Kennington Station, Oval Green, the Vauxhall Telephone Exchange and using land occupied by Veolia as a compound in addition to a number of options involving the use of land within Kennington Park, including the Lodge.

3.200 It was confirmed that the option at Kennington Station would require the demolition of residential properties as well as causing significant and prolonged disruption to services at Kennington Station **(Document TfL2B, Appendix 4)**. The option at Oval Green would be less effective than the Order option in providing ventilation and smoke control. Moreover, it was anticipated that the ground conditions would give rise to a greater risk of ground movement and a greater burden in terms of monitoring and mitigation of this risk. This

option would also give rise to potential highway safety implications **(Document TfL24, paragraph 2.5.2 and following)**.

3.201 The Vauxhall Telephone Exchange option would require the demolition of residential properties, the acquisition of residential land and again be less effective than the Order option in providing ventilation and smoke control. The option relating to potential use of the Veolia compound was considered to be inferior in providing ventilation and smoke control. It would still require use of the Park, but also impinge upon Veolia's commercial operations.

3.202 In engineering terms all of the options were considered inferior to the Order option, other than the option which placed the shaft in the Park with the head-house directly above **(Document TfL2A, paragraph 13.26)**. It follows from this appraisal that the Order option would be significantly better than any of the other options and, with the support of LBL, and not attracting objection from EH, is plainly to be preferred.

3.203 With TfL having decided on the Order option, Objectors argue that construction traffic should not use Kennington Park Place, as such use by HGVs would give rise to an adverse impact upon amenity and to highway safety issues. This would be avoided if a direct connection to the proposed worksite were created from Kennington Park Road across the Park. In particular it was alleged that the need to provide a gap in the hoarding of the worksite on the Kennington Park Place frontage for vehicles to enter and leave would prevent effective noise mitigation. Examination of the illustrative worksite reveals, however, that this is not the case **(Document TfL2B, figure 37)**.

3.204 Assessment of the potential noise impact from HGVs in the area during construction, using the methodology from the Design Manual for Roads and Bridges (DMRB), shows the greatest impact would be an increase of 0.5 dB **(Document NLE/A19, Volume 2A, Appendix E, pages 42-43)**. By any standards this would not be a significant impact.

3.205 As for the proposal put forward by Objectors to take a direct connection from Kennington Park Road, this would itself give rise to unacceptable impacts and achieve little in terms of benefit. First, it would require the creation of a new signalised junction at a cost of some £500,000. This would be necessary to enable a right turn into the new access, which did not conflict with other vehicles and cyclists on the cycle superhighway CS7. Such a new access would be in such close proximity to the junction with Kennington Park Place (some 80 m) that it would cause adverse impacts upon highway capacity **(Document TfL55, paragraphs 3.1.8-9)**. Whereas it would be possible theoretically to close Kennington Park Place at its junction with Kennington Park Road to all vehicles, this would lead to re-routing of local traffic through residential

roads, adding to journey times and journey delay and, no doubt, objection from those affected.

3.206 Further, the construction of a new access across the Park would have the potential to impact upon the skate-park, the War Memorial and trees, which would not otherwise be affected. Thus, if one compares the potential impact of HGV movement on heritage assets it is in favour of the Order scheme. That is because the Order scheme would only involve the movement of HGVs through a Conservation Area, whereas the alternative would involve the movement of HGVs through a Conservation Area, through a Registered Park and potentially impinging on the locally listed War Memorial.

3.207 Lastly, within the terms of the Order, there is no means to impose a condition to require a different access point. The only mechanism available to achieve this would be not to confirm the current TWAO, but to submit another application. That would inevitably delay this urgently needed project for a number of years.

3.208 In summary, given the nature of the potential impacts from HGVs using Kennington Park Place as proposed, the alternative of a direct connection to Kennington Park Road cannot be preferred. In a nutshell the benefits of moving the access point would be small and not support the preference for the alternative direct access across the Park.

Noise Impact

3.209 It is inevitable in constructing the shaft that some residents would be adversely affected. TfL has sought through the controls proposed and the through the detailed mitigation measures set out in the CoCP to produce a framework that would reduce impacts as far as reasonably practicable. The potential construction noise impacts have been assessed in the ES on a robust basis. The construction impact assessment process has already been described, together with how that sits in the context of relevant noise policy, the application of BPM and to the N&VMS. The approach adopted would ensure that noise would be appropriately mitigated to levels below SOAEL.

3.210 An agreement has been finalised with LBS, which sets out mitigation measures for Bishop's House Nursery (BHN). This provides for secondary glazing and mechanical ventilation in the sleeping room and, of course, the relocation of the entrance. A Conservation Architect has been appointed to provide advice in relation to the work and a goodwill payment of £80,000 would be made to LBS in consideration of the activities at Kennington Park and the impact on BHN. With these measures in place LBS would be satisfied and has withdrawn its objection in relation to BHN.

3.211 In relation to operational impacts, condition 14 would ensure that there is no material noise impact from the head-house during operation of the NLE.

Transportation impacts during construction

3.212 The traffic impact of construction had been carefully assessed in the ES and on a basis that is cumulative with the other works **(Document TfL7A, paragraphs 5.5.8-9)**.

3.213 The capacity of the Kennington Park Road/Kennington Park Place junction has been assessed on a comprehensive basis **(Document TfL7A, paragraph 5.6.4)**. The results **(Document TfL7B, Table 14)** reveal that, even assuming that the peak traffic flows at both the Kennington Park and Kennington Green worksites sites occur simultaneously (which would not occur in practice), the maximum change in degree of saturation would be 6% on the Kennington Park Place arm. Crucially, however, that arm would stay within capacity. The maximum change in mean delay and queue length on that arm would be 5.1 seconds and one passenger car unit (pcu) respectively. These would not be adverse effects to which significant weight should be given.

3.214 The Inspector suggested that a yellow box junction marking be considered at the junction of Kennington Park Road and Kennington Park Place. This could either be for both carriageways or just for the southbound side. It is accepted that this could assist turning traffic, though with the low numbers involved for most of the time would not be essential. However, there would be no objection to its introduction should it attract the SoSs' support.

3.215 The road safety analysis indicates that there would be no particular safety issues as a consequence of the NLE construction traffic at a local level in the vicinity of the worksites. However, there could be a more general negative effect on cyclists, as a consequence of the increased HGV movements generated in the wider area. Kennington Park Road, which, as recorded, carries CS7, is used to access the Kennington Park and Kennington Green worksites. To help reduce the risk to cyclists, access routes to these worksites have been chosen so that vehicles would only cross and turn across CS7 at signalised junctions.

3.216 In addition, alternative cycling routes would be highlighted through the TMP process provided for in the CoCP. This would encourage cyclists to use alternative routes to the Superhighway and the most appropriate routes would be identified in conjunction with boroughs and local cycling groups, which should also ensure that these would be communicated effectively. Other matters relating to the FORS scheme and other mitigation relating to cycling safety was referred to above.

Impact of the head-house on townscape, the built environment and heritage assets

3.217 Many Objectors are concerned that the proposed head-house at Kennington Park would have an adverse impact upon the setting of relevant Listed Buildings and the character and appearance of the CA. They consider the

loss of the existing Lodge would also give rise to adverse effects. In the ES and evidence **(Document TfL8A)** there is a careful appraisal of the context of the proposed site for the new head-house.

3.218 It would lie within the St Mark's CA and the setting of the adjoining Kennington Park Road CA – and also that of the Grade II registered Kennington Park and the setting of the listed residential properties on the other side of Kennington Park Place and St Agnes Place. This part of Kennington is very diverse architecturally and includes buildings from all periods of the 19th and 20th centuries and a wide variety of architectural styles, scale and massing.

3.219 Both EH and LBL's conservation Officers agree that the Old Lodge building, which the head-house would replace, makes only a neutral contribution to the character of the CA, while turning its back on the Grade II Registered Park.

3.220 The design of the head-house has been developed in close collaboration with local residents and community groups, heritage advisers from TfL, EH and conservation and design Officers from both LBL and LBS, all of whom have had input into the design and their suggested refinements incorporated into the final proposal.

3.221 For obvious reasons, the functional requirements of the head-house would have an influence on the external envelope of the building **(Document TfL8A, paragraph 6.2.15)**. The most appropriate structures to compare the head-house with are those closest **(Document TfL8B, Figure 34)**. These buildings are all at least one storey higher than the highest part of the head-house. The lowest part of the head-house roof - the eaves level - is one storey less, at 5.46 m, which is just above the bottom of the window openings on the first floor of the Georgian terrace on St Agnes Place.

3.222 In this regard, the head-house would be modest in comparison with those nearby buildings and would be set back from the boundary, reducing its visual impact on the Listed Buildings and CA. It would be constructed of traditional yellow London stock brick, with landscape that would ensure it complements its parkland setting and would result in an addition to this corner of the Park that would preserve and enhance both the historic landscape and the heritage assets within the two Conservation Areas.

3.223 It was agreed from the outset in consultation with LBL, EH and local residents that the most appropriate design approach would be contemporary rather than pastiche, but one which complemented its historic surroundings within the Park and the St. Mark's CA, and the setting of the adjacent Kennington Park Road Conservation Area. Both EH and the LBL have stated their support for the design of the head-house.

3.224 Planning policy is supportive of this design approach as noted in the NPPF - Paragraph 58: "*Planning policies and decisions should aim to ensure that developments respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation; and are visually attractive as a result of good architecture and appropriate landscaping*." Additionally, the EH/CABE publication "Building in Context – New Development in Historic Areas" advises that a contemporary building can work well in a historic context and may be less noticeable than a pastiche approach.

3.225 Despite this, Ms Bradic-Nelson **(OBJ/146)** compares the look of the building to that of a prison, and illustrated this with a photograph of part of Holloway Prison in London. Other than having no windows, the similarities are very difficult to see. The head-house would be smaller in scale and massing, and the proposed yellow London stock brickwork would reflect the predominant building material within the Kennington Conservation Area. Moreover, it would be textured to provide interest, have a sculptural pitched roof form, which would be covered in sedum or similar material, and have door openings on the south and west elevations, and grilles on all elevations. As such, the Kennington Park head-house would be completely different from the 1970s red brick of Holloway. Apart from her reference to a white stucco building, there has been no evidence in support of any alternative design, or even concept design, to that proposed.

3.226 The current traditional park boundary railings would either be reinstated or replaced with an exact likeness to provide the boundary to the site **(Document TfL8A, paragraph 6.2.27)**. Further, the Park would benefit from the removal of the close-boarded fence marking the boundary of the Old Lodge with the Park. The head-house would occupy a smaller footprint, allowing planting and improved views into the Park from the streets. A management plan for the appearance of the building and a landscape strategy would be submitted to and agreed by the LBL **(Document TfL14D)**.

3.227 The head-house site would be fully secured by a continuation of the traditional tall park railings, allowing natural surveillance from the surrounding streets, buildings and from the Park. This would deter anti-social behaviour. Even so, maintenance of the head-house building in the Conservation Area would be important. To provide further assurance, TfL is willing to propose an additional planning condition that would secure a maintenance plan relating to the upkeep of the external appearance of the head-house building to be approved by the LPA **(Document TfL14D)**. Other than that, there should be no need to interfere with the head-house during its expected life of some 125-years.

3.228 LBL supports the principle of using the site of the Old Lodge building in Kennington Park for a ventilation and intervention shaft. The Council has no objection in principle to the design and location of the head-house structure

and its SoC confirms that it would preserve and enhance the character and appearance of the CA and the setting of the relevant heritage assets. LBS, the neighbouring authority, also raises no objection. EH has confirmed that it is satisfied with the design of the head-house at Kennington Park and has withdrawn its objection **(Document TfL8A, Appendix 5 letter of 11 September 2013)**.

3.229 It is submitted that the design of the head-house and its setting would make a positive contribution to the character and appearance of the CA and to the setting of the other heritage assets in the area. It would not result in harm; rather it would enhance and, thereby, accord with both national and local policies.

3.230 It has been suggested that the design of this head-house should be de-coupled from the Order to allow further design options to be considered. In effect what is being requested by Objectors is an outline planning permission. However, a reserved matters type process cannot be granted for a site within a Conservation Area, where there is a duty under s.72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the need to preserve or enhance the CA.

3.231 Further, the head-house forms an essential part of the scheme. If the SoS considers that the proposed design gives grounds for refusal of the TWAO he could either refuse or delay it to enable further applications to be made. This would have the very serious consequences for the NLE **(Document TfL132)**.

Ecology

3.232 The ecological impact assessment contained in the ES was conducted in accordance with relevant TWAO procedures **(Document TfL5B, Appendix 9)**. LBL's consultants Ramboll have since confirmed that the assessment is robust **(Documents NLE/G2 and TfL17A)**. The ecological chapter of the ES was undertaken over a number of years and included a range of environmental and ecological assessments, including a desk-based survey, an extended Phase 1 habitat survey, a bat scoping survey, an arboricultural survey and a winter water bird survey.

3.233 Some Objectors have questioned whether the bat survey undertaken is sufficient. There is no doubt that it is, being conducted by an experienced ecologist who holds a Bat License from Natural England (Level 2, including handling endoscope and hand netting), which means the ecologist is trained and legally qualified to undertake surveys for bats **(Document TfL123)**.

3.234 The survey identified that no bats were roosting within the Lodge and the potential impact of the NLE upon foraging for bats was assessed not significant **(Document NLE/A19, Chapter 14)**. As a fallback, the CoCP provides for additional surveys and, if necessary, protective measures would be taken in

accordance with the requirements of the legislation relating to protected species **(Document TfL13B, paragraph 11.2.1)**.

3.235 As the Park does not exhibit a high level of biodiversity at present **(Document TfL5A, paragraph 9.1.11)**, the NLE Scheme would result in post construction improvements to the biodiversity of the Park.

Impact on Trees

3.236 A number of trees would have to be removed to construct the shaft and head-house at Kennington Park **(Document TfL8A, paragraph 6.2.22)**. A number of small trees have been planted recently and it is envisaged that they would be capable of being removed and replanted in the context of a landscape plan, which would be agreed with the LPA.

3.237 As noted in the CoCP, and ensured by planning conditions, any habitats and ecological features, including trees that would be affected by construction activities, would be reinstated with a higher number of quality species. The conditions would also provide for the protection of retained trees to be submitted and approved by the relevant LPA. Any trees that were removed or lost as a result of the NLE would be replaced on an at least a one for one basis. Replacement planting would not take place until details have been submitted to, and approved by, the LPA.

3.238 The details of the landscape scheme would be submitted for approval to the LPA, pursuant to condition 4 **(Document TfL14D)**. The landscape scheme would include details of replacement planting including location, species, size, numbers and densities and as stated in The Design and Access Statement **(Document NLE/A19/6)** semi-mature trees would be used for landscape planting.

3.239 While there would be some temporary impact upon trees within the Park, the mitigation proposed would ensure that, over time, there would be no adverse effect.

Impact upon Bee Urban

3.240 The socio-economic chapter of the ES **(Document NLE/A19, Chapter 7)** takes account of the community effects of the relocation of Bee Urban to elsewhere in the Park. However, the Old Lodge is on LBL's disposal list and will be sold even if NLE does not go ahead. This means that whether or not the TWAO is made Bee Urban, who have no security of tenure at the Old Lodge, will have to re-locate at its own cost and no alternative location had been identified **(Document TfL84)**. With the NLE, TfL has secured via agreement with LBL an alternative location within the Park for Bee Urban to move to, together with a contribution of £50,000 to be paid to LBL to cover the costs associated with the move. Bee Urban would, therefore, be better protected for its future if the NLE proceeds than if it does not.

3.241 Any outstanding issues for Bee Urban appear to relate in particular to the costs of relocation. There is no suggestion that they cannot be resolved and TfL will continue to discuss the outstanding issues with Bee Urban and LBL to resolve them so far as is possible. Undertaking some of the works could be undertaken by Supporters and this could defray costs. The Community Liaison Group for Kennington Park provides a very suitable forum for this to consider.

Impact on users of the Park

3.242 During the construction phase the worksite would result in a small – 2% - short term reduction in the available public open space. Although the Park is well used, the numbers likely to be impacted by a short-term, temporary closure of the affected area of open space relates to the fenced off dog-walking area **(Document TfL5A, section 9.1)**. Most users, particularly children, would still be able to make use of the areas of the Park they would normally use.

3.243 To mitigate the temporary loss of the area currently used by dog-walkers, TfL has worked with LBL to identify a suitable temporary replacement area. The timing and cost of this relocation would be secured through the legal agreement between TfL and LBL **(Document TfL17)**.

3.244 Some Objectors have raised concerns regarding the appropriateness of the temporary location for the dog walking area during construction. LBL considers that the location identified in the agreement would be appropriate. However, the community liaison procedures provided for in the CoCP offers opportunities for discussion between TfL, LBL, dog-walkers and other users of the Park. There would be no reason why an alternative location could not be adopted, if agreed through those procedures and this could be done without affecting progress of the TWAO.

3.245 The effect of this temporary loss of open space would result in minor adverse effects **(Document NLE/A19/8, Table 7-11, Assessment of Residual Effects)**. The effects are also taken into account in the Equalities Impact Assessment **(Document NLE/C13, Section 7)**, which reports that there would be no negative impacts on children or any of the other identified groups. The Health Impact Assessment **(Document NLE/C14, Section 6)** finds that there would be a short-term negative impact during construction, but a permanent positive impact following implementation of the landscape scheme.

3.246 It is considered, therefore, that the effects of the construction worksite would be unlikely to cause adverse impact on children using the Park, or its overall social value and health benefits associated with having good access to local open space. The landscape scheme that would be implemented following the NLE works would lead to a minor beneficial improvement, which would help enhance the value of the Park **(Document TfL126)**.

3.247 To conclude in relation to Kennington Park, the Scheme option is the best option for a shaft and head-house. While there would inevitably be some adverse impacts during the construction period, these would be minimised through the comprehensive framework proposed by the conditions and CoCP, monitored by the Liaison Groups. Given the benefits that would result from the NLE, the proposed shaft and head-house is entirely justified.

6b – Kennington Green

The options

3.248 The proposed ventilation shaft and head-house proposed for the Kennington Green area has also attracted objection. However, once again the justification for this element of the NLE has been carefully examined. Since TfL assumed full responsibility for promoting the project in December 2011, there have been no less than 17 meetings **(Document TfL63D)** to discuss the Kennington Green shaft. This has involved meetings and 'drop in' events with local residents, community groups such as the Heart of Kennington Residents Association, Oval Partnership, KGSG, local businesses, particularly CBL and other interest groups including EH and LBL. Again, these meetings were in addition to the regular four weekly Borough Liaison meetings, where these issues were also discussed.

3.249 The high level of consultation carried out at Kennington Green was recognised in evidence by both Robin Pembrooke **(OBJ/27)** and Ms Priscilla Baines for Heart of Kennington Residents Association **(OBJ/30)** and been confirmed during the inquiry. Further, the inquiry process itself has provided an opportunity for Objectors to present alternatives and raise any issues for consideration. Thus, there is no question that any Objector has been prevented from raising any issue for consideration by the SoS relating to the Kennington Green proposal or any alternative to it.

3.250 By way of example, there has been careful appraisal of the relevant alternatives. At a workshop on 16 April 2010, prior to TfL becoming the sole promoter of the scheme, the options for each shaft site were appraised in the light of their functionality and according to agreed criteria, which were given weightings reflecting their relative importance. Four options were considered; three involved placing a permanent shaft in the Green and one with the shaft and head-house on CBL land, but with the worksite on the Green. The preferred option identified at the workshop was that now promoted, namely a shaft on the Green with the head-house in the CBL yard.

3.251 For robustness, a further review was undertaken in April 2013 **(Document NLE/C10)**. This document appraised ten alternative options against a set of criteria that included engineering and design feasibility, together with the availability of a suitable worksite. This review included consideration of a potential option at 373. Further detailed examination of potential options for

a single shaft to be provided at Kennington Station and at the Vauxhall Telephone Exchange **(Document TfL2B, Appendix 4.3)**. These latter two options were not preferred, because they would require acquisition of residential properties and/or gardens, give rise to programme delay and incur additional cost, along with a number of other reasons **(Document TfL2A, paragraph 12.44)**. Finally, in the light of objections raised notably by the KGSG **(OBJ/158)** further assessment of a potential alternative at 373 Kennington Road was again undertaken **(Document NLE/G6)**.

3.252 The conclusion of all of these assessments has been that the option pursued in the TWAO is the best. The Local Authority, LBL, has been involved in the selection of the shaft site from the beginning and has endorsed the proposed option, recently restating its endorsement in a letter dated 10 December 2013 **(Document TfL91)** in which LBL states: "*Having reviewed all these, we are of the considered opinion that the location identified on Kennington Green, is the most suitable for the shaft required in that area and we fully support the proposal. We believe this will not only result in minimum impact on the locality, but also demonstrates the principles of good design.*" This statement could not be clearer and no amount of forensic attempts by KGSG can detract from the truth of the matter.

3.253 The only alternative option pursued at the inquiry in any detail is that of 373. KGSG has sought to demonstrate that 373 would be a preferable option, but its approach has been one that ignores points against 373 and ignores points in favour of the TWAO scheme proposal at Kennington Green.

Property and business effects

3.254 In terms of property and business impacts, the Scheme proposal involves some permanent land take belonging to the CBL, but would neither affect operational land nor displace the distillery. Indeed, the distillery has withdrawn its objection, meaning that no Compulsory Purchase Order (CPO) would be necessary to acquire the land for the head-house. This has been achieved by providing the distillery with land TfL has acquired from Tesco. KGSG suggest, remarkably, that the provision of this land and its use by the distillery is contrary to Development Plan (DP) policy, and results in a greater loss of Key Industrial and Business Areas (KIBA) land than the alternative at 373. It does so without reference to the words of the relevant DP policy **(OBJ/158)**. When one has regard to the wording of CS Policy S3 it is clear that KGSG's approach on this point is entirely misconceived.

3.255 The LBL Unitary Development Plan Core Strategy (UDP CS) (Paragraph 4.15) explains that KIBA were designated in the UDP 2007 and "*They represent the Borough's strategic reservoirs of land for* ***business use*** *and are Lambeth's Locally Significant Industrial Sites as defined in the London Plan*" (emphasis added). The use the distillery would make of that part of the Tesco land being made available to it is obviously for a business/ industrial/ storage or

other compatible commercial uses. As such it is to be used for a purpose that would be fully compliant with Policy S3.

3.256 On the other hand, the KGSG interpretation of Policy S3 requires an approach that KIBA land can only be used if it generates employment. That approach is a flawed interpretation of the Policy. The ordinary meaning of the words requires land to be used for the purposes identified within Policy S3, not that all KIBA land should generate employment. This has been confirmed by the Chief Executive of LBL **(Objection 158/8, page 3)**. Thus, LBL takes the view that the distillery is an employment use and the use of the former Tesco land would be for an employment use. Thus, it must follow that the use of that land by the distillery accords with Policy S3 and does not conflict with it. The KGSG submission to the contrary is simply incorrect.

3.257 KGSG also asserts that the potential use of the remaining former Tesco land by TfL as a support site would be contrary to Policy S3. That is a matter that remains for LBL to consider in the determination of the application for planning permission, which has been made by TfL. However, Policy S3 is framed in a way that allows for "*other compatible commercial uses*", of which the proposed temporary use of the former Tesco site would be one. In any event, the point goes nowhere. If planning permission is refused then TfL would bring the site forward for development in accordance with Policy S3. If it is granted it would be used for a period to support the Kennington Green worksite and then redevelopment for KIBA compliant purposes. At most there would be potential for a delay in the former Tesco land coming forward for employment purposes.

3.258 So far as the temporary use of Kennington Green is concerned, the landowner, LBL, agrees to its use. This position can then be contrasted with that at 373, where the owners object strongly to the suggestion that its land should be used in the way proposed by KGSG. It is home to a burgeoning artistic community and provides employment to over 55 people and potentially 90 **(Document TfL63D**. In that context 373 could only be acquired for use through compulsory acquisition or at least the threat of it. KGSG suggest that TfL could acquire another site and then seek to persuade the occupiers of 373 to move there. That might or might not be successful, but, at this stage, there would be risk associated with pursuing a 373 option. Further, and in any event, the nature of the site at 373 is such that KIBA land would be lost permanently and, so, would be contrary to Policy S3.

3.259 The Report on the suitability of 373 Kennington Road **(Document NLE/G6)** examines two options for 373; one involving a head-house over the shaft to the rear of the 373 site (Option B) and another involving the use of an adit with the head-house at the Milverton Street frontage (Option A). Once allowance is made for the required set back from ventilation louvres and maintenance access to them, with Option A some 48% of the site would

remain for redevelopment and with Option B some 58% - a loss of some 700 to 800 sq m of KIBA land.

3.260 KGSG has sought to counter this by arguing that louvres could be placed on top of the head-house and maintenance and emergency access could be obtained via Aulton Place. However, louvres placed on top of the head-house would allow water ingress into the NLE (Option B) or the adit (Option A). Further, there is no evidence before the inquiry that a design could be achieved that would enable compliance with proposed Condition 14 relating to noise mitigation. As for the suggestion that Aulton Place is used for access to a new head-house this would be extremely difficult and result in a significant loss of KIBA land within the 373 site.

3.261 Thus, the only reasonable conclusions to draw are first that the 373 Option would require displacement of existing business, whereas the Order Scheme option would not. Secondly, the 373 Option would result in the loss of significant amounts of KIBA land and would be contrary to Policy S3 of the CS. The Scheme option would not. As a consequence, the Scheme option is to be preferred in this regard.

Relative noise impacts

3.262 To use the 373 site, the wall between 373 and Aulton Place would have to be demolished to provide a shaft on that site **(Document TfL63)**. This operation, together with the piling that would be necessary to provide an acoustic shed, would take place within 1.5 to 4.5 m of residential properties in Aulton Place. Indeed the residences in Aulton Place that would be greatest distance from this construction work would only be some 7.2 m to 8.5 m away.

3.263 This can be contrasted with the closest facade to the Kennington Green worksite at 11 m from the site boundary, with the greatest distance of 14.6 m **(Document TfL63, Section 2.5)**. Thus the closest properties to the Scheme option would be further from the worksite than the furthest properties to the 373 worksite. In addition, due to Aulton Place being hidden from road traffic noise by the close proximity of buildings around it, the existing noise environment is quieter than the noise environment at Kennington Green. The short-term noise measurements undertaken at Aulton Place show this to be the case.

3.264 KGSG asserts that no reliance can be placed on these short-term measurements, but that misses the point that. As a matter of common sense, Aulton Place is obviously quieter than Kennington Green, because it is not directly proximate to, but rather shielded from the noise effects of traffic on major roads. The difference in levels between the short-term noise monitoring bears this out – it reveals a difference of about 8 dB. This is sufficient to mean that Aulton Place has to be assessed against a threshold level of 65 dB – whereas the properties around Kennington Green fall to be

assessed against a threshold of 75 dB.

3.265 The long-term monitoring at Kennington Green is to be preferred to the short-term monitoring, because this captured the noisier events that take place in that location **(Document NLE/A19/2, Vol IIa, Appendix E1, page 25)**. It is not accepted that resurfacing of Kennington Road could have meant that noise levels had dropped materially in the area since the long term monitoring has been undertaken. Crucially, there is no other basis for concluding that the long-term monitoring levels could no longer be relied upon and this was not countered by any expert acoustician. It should, therefore, be accepted.

3.266 The result is that, once account is taken of the likely consequence of adopting BPM for construction operations, the construction activities at Kennington Green should not exceed the relevant thresholds as identified in the CN&VMS. By contrast, however, the proposal at 373 would give rise to noise levels above the relevant threshold in that location and would have significant effects on residential occupiers living only a few metres away. Even with an acoustic shed in place, it is likely that problems would arise.

3.267 KGSG presents a comparison that assumes there would be activity at night. However, this fails to recognise the effect of the need to secure s.61 consents for the work and the consequences of the application of BPM. That process may well result in the local authority requiring the spoil generated by the slow moving SCL process to be stored at night and removed during the following day.

3.268 In a nutshell, the sheer proximity of the works to the residential properties in Aulton Place, compared to the proximity of residential properties at Kennington Green, means that the Kennington Green option is to be preferred.

Sunlight/daylight

3.269 The Scheme option would have no material adverse impact upon daylight/sunlight for residential properties. KGSG in its appraisal, however, seeks to argue that an acoustic shed could be utilised to mitigate noise impacts at 373, while overlooking the implications of this in terms of loss of light for residents of Aulton Place. The acoustic shed would have to be some 12 m high to accommodate the operations within it (including a gantry crane). KGSG argued that a planning permission granted by LBL established a precedent for a building of this height in this location without adverse daylight/ sunlight implications. However, closer examination of this claim reveals it to be misconceived **(Document TfL92)**, and there can be no doubt that such a shed would inevitably have significant impacts upon sunlight/daylight for residents of Aulton Place.

3.270 Again, the Scheme option is to be preferred.

Engineering considerations

3.271 A comparison between the 373 Option and the Scheme Option in engineering terms leads to a conclusion that matters are finely balanced **(Document TfL2A. paragraph 12.48)**.

3.272 On the one hand, for the 373 Option operations on that site would take 24-weeks longer than at Kennington Green and would extend the overall construction programme by 2-weeks; a disbenefit of the 373 Option. The use of 373 would mean less tunnelling by SCL, resulting in a reduction in costs. Even so, it is likely this would be negated by the need to demolish existing buildings at 373 and erect and dismantle the acoustic shed, and possibly repeat these activities when the final redevelopment of the 373 site takes place. This would lead to an overall increase in construction cost.

3.273 On the other hand, the 373 option would deliver benefits over the Scheme option in terms of full ventilation being provided for about 100 m more of running tunnel. Also a 373 option might enable a head-house to be located over the shaft rather than being connected by adit, as at the Scheme option. The fact that the adit with the Scheme option would be 5 m longer than stated as preferable in the relevant standard is not significant, and the LFEPA have raised no concerns in this regard.

3.274 In these circumstances, from a purely engineering perspective locating a shaft at 373 would offer no significant advantages over and above the Scheme option **(Document TfL2A, paragraph 12.48)**. Consequently, the engineering considerations do not provide a basis for preferring one option over the other.

Heritage impacts

3.275 KGSG's approach to comparison of the heritage impacts is to assert that the proposed head-house at Kennington Green would cause harm to the setting of relevant listed buildings and to the character and appearance of the Conservation Area. By contrast it was asserted that a redevelopment of 373 would enhance both the setting of relevant listed buildings and the character and appearance of the Conservation Area.

3.276 In respect of Kennington Green, LBL considers that the proposed head-house is designed to the highest standard and would be acceptable in its location **(Document TfL17A)**. The Georgian Society also withdrew its objection noting: "*We fully appreciate the design journey that your team has taken and how the elevations have arrived at their current position; we also appreciate the high build quality proposed for the head house and the argument that a recreation of the former cottages on the site would be mostly speculative.*" **(Document TfL8E)** In addition, EH does not object and has confirmed that it is satisfied with the design of the head-house at Kennington Green **(Document TfL8B, page 128)**. EH also

states that, although 373 might be better in terms of the historic environment, these would not be determinative. This can only be reasonably understood as meaning that the 373 option would not have material benefits in heritage terms over and above the Scheme option.

3.277 KGSG has attempted to construct an argument that EH considers that the Scheme option would give rise to harm, notwithstanding the withdrawal of its objection. This is based on a forensic reading of the letters from EH and seeking to establish that the design had not changed since the relevant letters were written. However, the key letter relied on, as establishing the point, was in fact written by EH before it had understood that the design addressed its concerns. This had been confirmed in conversation with the author of the letters from EH. It follows, therefore, that the point raised by KGSG cannot be sustained.

3.278 The reality is that, where EH considers that adverse impacts would arise as a result of development, it would not be shy about communicating this to the planning decision maker – indeed this is its statutory function. In the present case, if EH considered that the proposed head-house would cause harm to heritage assets or its design to be unacceptable it would say so and would not have withdrawn its objection.

3.279 As such, the submission by KGSG that EH still considers that adverse impacts would arise with the Scheme option, but has, nevertheless, withdrawn its objection is simply unreal. It is also unreal to suggest that LBL has failed to appraise the impacts of the Scheme or that the Georgian Society remained of the view that it would have adverse heritage impacts when it withdrew its objection. That, however, is what KGSG suggests. Its case in this regard should be rejected, as it is highly implausible.

3.280 As for the design of the head-house, it was submitted that it would not address the existing gap on the distillery side of Kennington Green, would be inappropriately tall and would not reflect the features of impact of the head-house. On the first point, it is quite right that the proposed head-house would not block the entrance to the distillery, as such an arrangement would obviously be unacceptable. The issue here is about the before and after scenarios. What can be said is that the gap would be better addressed after the construction of the head-house than before. Indeed, if the 373 option were pursued the 'gap' on this side of the Green would remain without any prospect of improvement.

3.281 So far as the height of the head-house is concerned, this has been driven by a number of considerations coming together. A key design element is driven by the technical requirements for vents and the measure of separation required between them. This includes the need to side vent, given the proximity of flammable substances within the distillery compound **(Document TfL2A, paragraph 12.27)**. A head-house of the height proposed represents an

improvement over original plans for a smaller building, as it provides a more effective means of filling the 'gap' in the frontage to the Green and would, therefore, result in enhancement. It also represents an improvement over the existing boundary wall along Montford Place, which is lower and would be demolished subject to CAC **(Document TfL8A)**. EH too support a taller head-house stating that "*reducing the height and/or attempting to screen the structure behind a blank wall will not achieve a satisfactory result or enhance the character or appearance of the conservation area*" **(Document TfL8B, Appendix 5, letter 11 July 2013)**.

3.282 It is noteworthy here that there is an internal inconsistency in the criticism of the proposed head-house design by KGSG. On the one hand, the proposed head-house is criticised for not filling the gap and, on the other hand, it is argued to be too tall. KGSG cannot have it both ways. Importantly, it is not proposing another design, or even suggesting specific changes that should be made to the proposed design. The reality here is that there would be marriage of the functional and the conservation design requirements that come together to justify a design of the head-house of the height proposed.

3.283 So far as the design itself is concerned, it is clear that KGSG does not like it. Even so, it is interesting to note that those who do not like the design of the head-house also do not wish to see the NLE at all or do not wish to see a head-house at Kennington Green. The inquiry has not heard from any Objector who wishes to see a head-house at Kennington Green, but with a different design. This might suggest that people's subjective judgement on the acceptability of the design is coloured by their attitude to the principle of a head-house at the Green at all.

3.284 So far as the other aspects of the design are concerned, it would be entirely appropriate and would reflect, but not slavishly copy the buildings in the vicinity. It would be reflective of the verticality of proximate buildings and their proportions and, also, of their materials and detailing, providing a subtle combination of new textures, as well as seeking to blend in with the local architectural character. Crucially, this would be better than the existing situation.

3.285 The Kennington Conservation Area Statement is not complimentary about the Green **(Document NLE/E25, paragraph 2.39)** going on to identify it as an enhancement opportunity and stating that "*the area could benefit from a complete re-design in sympathy with its historic character and setting*." **(Document NLE/E25, paragraph 4.17)**. By contrast, the buildings at 373 are not identified as an enhancement opportunity, although the potential to widen Aulton Place is so identified.

3.286 It follows from all this that the proposed head-house would result in an enhancement of the setting of the listed buildings and the character and appearance of the Conservation Area. This is entirely in accordance with the

Kennington Conservation Area Statement and at one with national and local heritage policy. There is no evidence that, if a 373 option was preferred, there would be any change in the frontage to the Green. It would remain as it currently is – with the gap that KGSG are so keen to fill. The enhancements that the proposed head-house would bring would not materialise. The same would be true of the landscape enhancements proposed to the Green itself. There is no evidence that LBL, or any other party, has any plans or funding in place to carry out enhancement of the Green in the absence of the NLE.

3.287 By contrast, if 373 is not adopted as the preferred option, there is plenty of scope for redevelopment of 373 as already established in terms of a building envelope by the 2008 planning permission. The likelihood is that, if the Scheme option goes ahead, then the Green would be enhanced and 373 would, also, be redeveloped. Such redevelopment would inevitably involve a widening of Aulton Place as the 2008 planning permission proposed, resulting in yet further benefit to the heritage environment in this area.

3.288 On this basis, the Scheme option is to be preferred over and above the 373 option.

Impact on Trees

3.289 KGSG suggests that there is a distinction to be drawn between the Scheme option and a 373 option in terms of the impact upon trees. It is true that the Scheme option would result in the loss of eight trees; four of these are categorised as unsuitable for retention, one of category C (low quality), one of category B (moderate quality) and two category A trees (high quality) **(Document TfL8A, paragraph 6.3.42)**. The loss of these trees would be mitigated with a new line of London Plane trees provided on the footpath on the eastern side of the Green to continue the boulevard of trees along Kennington Road as well as 6 new ornamental trees on the Green **(Document TfL8A, paragraph 6.3.43)**. Semi-mature trees could be provided to reduce the time needed for new trees to provide suitable screening.

3.290 A further Tree T4 on the Survey Plan, could be retained using appropriate mitigation techniques **(Document TfL113)**. The proposed conditions require any trees to be retained to be identified and methods to secure their retention to be agreed with LBL. Thus, any loss of trees would result at most in a temporary effect.

3.291 An option at 373 would not result in the loss of any trees. It is, therefore, accepted that a 373 option would have a slight advantage over the Scheme option, which results in some temporary impact upon trees.

Traffic

3.292 The Scheme option proposes the closure of an 80 m length of bus lane within Kennington Road and the need for buses to join the remaining single lane would give rise to some localised traffic impact.

3.293 However, a 373 Option would, also, give rise to consequences for traffic. A right turn from Kennington Road into Milverton Street toward the 373 site by HGVs would not be at a signalled controlled junction. This would mean that HGVs would have to wait, blocking the northbound traffic flow along Kennington Road. Moreover, it would result in potential conflict with vehicles and cyclists on the southbound carriageway of Kennington Road. It would not be practicable to signalise this junction, due to its proximity to other signalised junctions and the additional delay that this would cause.

3.294 KGSG has suggested that HGVs could turn right not at Milverton Street, but at the next junction. However, this turn is tight for large vehicles and parts of the vehicle body would cross into the footway area, creating a hazard for pedestrians. Further, the use of Milverton Street by such vehicles would give rise to difficulties in turning left into the 373 worksite, as well as creating obstruction for other road users and pedestrians **(Document TfL63D)**.

3.295 In addition, the Scheme Option would provide for vehicles to enter and leave the proposed worksite in forward gear. The same would not be the case in respect of a 373 Option, unless the worksite was expanded to take land from the public highway and adjacent to the listed Town Hall. This would cause delay and disruption to other highway users, who would have to divert their journeys for the entire period of the construction works. In the absence of expanding the worksite, because the worksite is tight at 373, there would be insufficient room to provide for vehicles to turn within the 373 site and to leave in forward gear. They would have to reverse into the public highway.

3.296 Moreover, unless the 373 site was expanded into the public highway as described above, it would be so constrained that there would be no place to accommodate waiting vehicles. Thus, whichever option is chosen, a 373 option would give rise to obstruction of the highway. By contrast the Scheme option could accommodate two HGVs at a time.

3.297 It follows from the above that the Scheme Option is to be preferred in relation to its consequences for traffic and highway safety.

Pedestrian impacts

3.298 KGSG contends that the Scheme option would have adverse effects on pedestrians during the 3-month period **(Document TfL63, paragraph 5.4.2)**, when the foot and roadway adjacent to the proposed head-house would have to be closed. The calculations presented by KGSG overstate the likely impact, as

they assume a 5-month period of footway closure, that all pedestrians would wish to continue to walk via the Kennington Green area and none would re-route to avoid the area. Further, KGSG omits to consider the consequences for pedestrian use of Aulton Place or Milverton Street for the 373 option during construction and whether the closure of this pedestrian route would have adverse consequences.

3.299 On balance, while a 373 option may have some advantages in relation to effect on pedestrians it would not be significantly advantageous.

Delay

3.300 It also has to be considered that, if a 373 option is preferred and the TWAO not made, the NLE project would have to start the authorisation process again. This would involve recommencing a long and detailed process, which would be likely to give rise to delay of at least 2-years. Not only would a delay along these lines have cost implications for TfL in particular, but it could well change the funding and financing landscape for the NLE. This is because it would delay Phase 2 of the BPS development, owing to the Grampian condition relating to the NLE, as well as other developments in the VNEB OA. It would, therefore, delay the overall regeneration of the OA as a whole and reduce significantly the extent of economic benefits generated.

3.301 As a result, the funding case for the scheme would have to be reassessed and this could also affect the financing proposals currently underpinned by the HM Treasury £1bn guarantee. This would all delay achieving approved land use and transport policy objectives in the London Plan, the VNEB OAPF, the Mayor's Transport Strategy and Borough development plans **(Document TfL132)**. For reasons already explained, the need for the NLE is urgent and any delay would be contrary to the public interest. This is a factor, which needs to be given significant weight.

Conclusion on 373 Option

3.302 To conclude, having regard to all of the above matters, the decision taken early on that the 373 option was inappropriate was and remains fully justified. The Scheme option is clearly preferable to the 373 option.

Health and Safety Considerations

3.303 Mr Boardman for Kennington Association Planning Forum **(OBJ/ 206)** has raised concerns regarding the potential for health and safety issues to arise, given the proximity of the proposed head-house to the gasometers at Kennington Green **(Documents TfL51 and 115)**. Neither the HSE nor the ORR has raised any concerns in this regard. Application of the HSE's PAHDI guidance results in a "*do not advise against*" conclusion. Indeed, a surface level railway would be acceptable in the location of the head-house utilising that guidance. There

is, therefore, nothing in this point and it should be given little weight in the balance to be struck in determining whether to make the TWAO.

Matter 7 - The effects of the scheme on statutory undertakers and other utility providers, and their ability to carry out undertakings effectively, safely and in compliance with any statutory or contractual obligations.

3.304 No statutory or utility provider now objects to the proposals. Their interests are safeguarded through the protective provisions of the Order, including the Conditions that would be imposed and the CoCP, supplemented where appropriate by private agreement. Thus, there are no grounds to believe that the undertakings could not continue to be carried out effectively, safely and in compliance with obligations.

Matter 8 - The impact the scheme will have during construction and operation on passengers using the Northern Line Kennington interchange.

3.305 When building the NLE, the only potential impact for existing users at Kennington Station would be during construction of the cross-passages and the SPJs. With no worksite at Kennington Station and access to the station platforms only by works trains operating during engineering hours i.e. outside passenger service hours, this would have minimal impact on passengers.

3.306 To connect the new running tunnels to the existing NL Kennington Loop, a step-plate construction methodology is proposed. This would involve staged excavation and support installation around the existing running tunnel. It would be constructed using SCL lining techniques. The SPJs would be constructed in a stepped, cone shape of decreasing diameter SCL tunnel linings, until it was just larger than the existing tunnel on the Kennington Loop. The final connection would be made during railway possessions, when the existing track bed would be removed, and the new track alignment installed. In this way the junctions could be provided so as to avoid compromising the operation of the existing NL during the majority of the construction works.

3.307 A focus of Objector's concerns is the impact of the NLE, when operative, on crowding levels at Kennington Station and on the NL generally.

Interchange at Kennington Station

3.308 The only physical changes to Kennington Station contained in the TWAO relate to the creation of the four new cross-passages. These would be needed to address the interchange consequences of the NLE project.

3.309 Transport modelling has been undertaken to forecast future travel behaviour with the NLE open. The London Transportation Studies Model used estimates

of trip generation by different land uses to derive forecast trips between different zones. The outturns show that the total passenger demand entering and exiting Kennington Station would not be expected to change substantially post the NLE scheme.

3.310 In the 3-hour am peak, there would be no change in the number of passenger entries into the Station and only some 200 additional exits are forecast. In the 3-hour PM peak period 100 additional entries or exits are forecast **(Document TfL7A, paragraph 7.2.16 and Document 7B, Tables 51, 52, 55 and 56)**. These low numbers reflect changes in the final destination of passengers, rather than an increase in the numbers of trips. For example, the introduction of the NLE would enable Kennington residents to access jobs in VNEB and some will choose to do this rather than travel to jobs in Central London. This means that the overall number of people travelling to work from Kennington Station is not expected to change materially, but the number of easily accessible destinations would increase. The additional people exiting would be people accessing facilities in the Kennington area e.g. jobs, schools etc **(Document TfL7A, paragraph 7.2.17)**.

3.311 Although the number of passengers entering or leaving the Station would not change substantially following the NLE opening, the number of passengers interchanging between the different branches of the NL would increase. The impact of this has been assessed using the London Underground Station Planning Standards and Guidelines ("SPSG") **(Document NLE/G2)**. This is based on 3-hour demand flows, with factors then applied to convert to both peak hour flows and peak 15-minute flows **(Document TfL7B, Figure 43)**. During the 3-hour am peak the number of interchanging movements increases by 3,400, with an increase of 1,900 during the 3-hour pm peak.

3.312 The ability of Kennington Station to accommodate this increase in demand for interchange has been assessed using the Legion modelling software **(Document TfL25, paragraph 3.4.4)**. Legion produces results in terms of a "Level of Service" (LoS) within a range from A (free circulation) to F (complete breakdown in pedestrian flow with many stoppages).

3.313 The Legion model is used extensively by TfL and is a dynamic micro-simulation modelling tool able to show pedestrian movements at a small scale and in real time. The model uses outputs from the Regional Railplan model and those outputs are coded to represent the space available for movement and include any likely route choice decisions by passengers. Logical route choice decisions are used so that the use of the space available is appropriate to the situation being modelled. The model assumes a mix of passenger behaviours (i.e. some people move more quickly than others) and that passengers take the most effective route to reach their destination **(Document TfL25, paragraph 2.7.3)**. It is a suitable tool to examine the likely operation of Kennington Station.

3.314 The modelling outputs for the northbound platforms in the am peak hour **(Document TfL7b, Figure 45)** in 2031 without the NLE show LoS of D or E (i.e. restricted circulation for most or all pedestrians) across the peak 15-minute period. The modelling outputs for the with NLE scenarios in 2031 for the northbound platforms in the am peak hour **(Document TfL7f, Figure 45)** show that a LoS of C is maintained across the peak 15-minute period. This means that there could be slightly restricted pedestrian circulation due to difficulty in passing others. The definition of LoS C also states that reverse and cross-flows would be expected to be made with difficulty, although in this case the platform-to-platform arrangement means that there would be no cross-flows. The level of difficulty experienced with reverse flows would be similar to many other stations on the LU network.

3.315 The analysis for the PM peak for southbound platforms in 2031 shows LoS of D or E are recorded in the 'without NLE' scenario, almost all areas having Level C or better in the 'with NLE' scenario. Thus, even with the additional demand generated with the NLE, with the additional cross passages in place, Kennington Station would operate at the platform level with less crowding than is forecast to occur without the NLE. The NLE scheme and the associated cross-passages would, therefore, reduce crowding at platform level at Kennington Station.

3.316 While the forecasts referred to above are considered robust, a sensitivity analysis has also been carried out using an artificial 35% increase in the forecast **(Document TfL44)**. Such an increase in the level of demand is considered to be extremely unlikely **(Document TfL44, paragraph 4.1)**. The results of this sensitivity test show a LoS generally of D, with small parts of the cross passages showing a LoS of E. However, in the sensitivity test there is no congregation of passengers blocking access to the platforms and all available platform space remains easily accessible. Further, and crucially, even on the sensitivity of an assumed 35% increase in demand the station would be less crowded than the without NLE scenario.

3.317 It follows that for overcrowding issues to arise with the NLE, the demand forecasts for Kennington Station would have to be seriously incorrect. It is submitted, however, that they are not.

3.318 The pattern of distribution of passengers between the Bank and Charing Cross Branches has had regard to the employment distribution across Central London **(Document TfL42)**. This demonstrates that the Charing Cross Branch serves several boroughs that are the largest in London in terms of jobs.

3.319 Conversely, while the City is a major employment centre it is not the predominant destination for employment trips either now or in the future. The City, of course, is not only served by the Bank Branch, with many destinations being more accessible via the Charing Cross Branch **(Document**

TfL25, paragraph 1.6). The forecasts also reflect the pattern of movement on the LU network, which itself reflects the distribution of employment in London.

3.320 TfL generates Rolling Origins and Destinations Survey (RODS) data as a robust methodology to generate patronage at stations across the network. The RODS database holds LU customer journey information and has been updated every year since 1998, providing a consistent and comprehensive set of data to illustrate demand trends over time. A selection of stations is surveyed in the autumn of every year (which historically is one of the busier times of year) through the issue of 15,000 – 20,000 self-complete questionnaires.

3.321 The survey results and past data are combined and analysed over the following spring. The database provides recent information on volume (access, egress and interchange) and pattern of demand at station and gate line level, for a typical weekday, Saturday and Sunday. In addition, information on customer characteristics such as gender, age, journey purpose, and frequency of travel are collected to calibrate with other datasets that TfL holds.

3.322 The RODS data is combined with gate count and Oyster data to create an overall picture of the volume and pattern of LU demand at any particular station. Gate count data is obtained daily for every gateline on the system. The data has a level of detail of 15-minutes across the day. An average of this data is then taken from a sample of 25-weekdays that coincide with the period that the RODS data collection takes place. Due to the large sample size and the level of historical data, this data set is considered to be robust.

3.323 Analysis based on this data shows the distribution of trips made by current passengers from stations south of Kennington on the NL to the West End, City, local and other destinations. This reveals a greater demand for travel throughout the day to the West End than to the City or any other destination. The split identified between the West End and the City is consistent with the analysis of the distribution of employment. Thus, more NLE passengers would use the Charing Cross rather than the Bank Branch. This would reflect the distribution of activity (where jobs are located) and, also, the routing opportunities afforded by the Charing Cross Branch, which not only links directly to the West End, but also provides a good interchange at stations such as Tottenham Court Road for stations in the City. Many stations in the City are or will be quicker to access via the Charing Cross Branch **(Document TfL1B, Figure 8)**.

3.324 Mr Hart on behalf of KWNAG **(OBJ/60)** attempts to show that the forecasts were incorrect are entirely misconceived. He did not understand that the forecasts were based upon RODS and not a single day. His attempt to count passengers was obviously flawed, as a single person cannot accurately count or even estimate the flow of passengers across a platform and passengers

remaining on a train **(Document TfL25, paragraph 2.5.6)**. His analysis was based upon the misapplication of the demand conversion factor, combined with a misunderstanding of the data **(Document TfL25, paragraph 2.6.4)**. His evidence should be entirely rejected in this regard. Indeed, in cross-examination he appeared to accept that crowding at Kennington Station would not be a problem during normal service.

3.325 KAPF **(OBJ/206)** presented a survey that it had undertaken **(Document OBJ/206/13)** on a single hour of a single day. The extent of that survey can be contrasted with the wealth of data used by TfL derived by RODS. The total amount of interchange identified by KAPF is within about 1% of the total identified by TfL in its baseline **(Document TfL100, paragraph 2.3)**. There is a difference of 700 between the KAPF survey and the TfL data, but this is not considered significant as it equates to a difference of less than two passengers per cross passage per minute over the 3-hour peak period **(Document TfL100, paragraph 2.4)**.

3.326 However, the KAPF survey only represents a snapshot of interchange during one morning on one day as the NL operates now. It cannot and does not account for the situation at Kennington following the completion of the NLE and the NLU2 upgrade. Key differences/changes would include a significantly higher frequency of service on both branches of the NL, the absence of through trains from Morden via the Charing Cross Branch and the presence of more passengers on Charing Cross trains, who have boarded at Battersea and Nine Elms, some of which will have switched from the Morden Branch.

3.327 KAPF also raises issues regarding the potential effect of perturbations in train flow **(Document OBJ/206/12)**. This suggests that at times of perturbation significant platform over-crowding would be experienced. The argument presented rests upon perturbation in service occurring, which unavoidably results in uncontrolled crowding to severe levels. However, this argument ignores the fact that train services and stations are managed by staff according to LU's policies and procedures. In times of service perturbation, there are options available that experienced LU staff can implement to address and, thereby, manage station operations and train services to reduce congestion and continue the safe operation of the line **(Document TfL108, paragraph 5.3-5.4)**. Indeed, this is done at a number of the busier stations on a daily basis **(Document TfL108, paragraph 5.2)**.

3.328 TfL has adduced evidence to the inquiry relating to Finsbury Park Station **(Document TfL88)**, which TFL believes is comparable to Kennington Station. KAPF suggests that this is not the case **(Document OBJ/206/17)**, pointing to the shorter platform length at Kennington. However, if one combines entering passengers with interchanging passengers at both stations, the existing busiest platform loadings at Finsbury Park are 73% greater now than the equivalent Kennington loadings would be in 2031. Therefore, the higher loadings significantly exceed the additional platform space available.

3.329 The volume of passengers show that Finsbury Park experiences significantly higher peak flows of passengers interchanging between the parallel sets of platform than occurs at Kennington. Interchange flows at Kennington are only 57% of those at Finsbury Park in the AM peak and 33% of them in the PM peak **(Document TfL88, paragraph 10)**. The volume of passengers entering the station to access the two busiest platforms is six and a half times greater than those at Kennington, yet the station continues to operate safely **(Document TfL88, paragraph 11)**.

3.330 At 2031, Kennington Station with the NLE operating would handle a level of demand that is comparable to the level of demand currently met at Finsbury Park **(Document TfL88, paragraph 13)**. This provides confidence that Kennington Station would be able to manage the level of demand for interchange forecast for 2031 with the NLE.

3.331 The KAPF assessment of perturbation in service levels is based upon an assumed platform size, which has not been proven to be correct. It fails, also, to take into account capacity within existing cross-passages **(Document TfL108, paragraph 4.1-4.2)**. Further, it applies calculations based on a LoS only applicable to the results from Legion, which examines moving passengers and does not model platform crowding. The appropriate LoS for platforms are set out in LU SPSG. Analysis using these **(Document TfL108, Tables 1 and 2)** shows that there would be a greater period of time, both in 2011 and 2031, during service perturbation before the levels asserted by KAPF would arise. This provides longer for LU staff to engage its management procedures to control and dissipate crowding before significant issues arise.

3.332 The KAPF scenarios depict perturbations of 6 or 7 minutes. In the period between December 2012 and December 2013, of the over 27,000 train movements through platforms 1 and 3 at Kennington Station (in the weekday AM peak), around 4% of these incurred a gap between services of 6-minutes or more and less than 2% of seven minutes or more. This suggests the type of service perturbation addressed by KAPF is far from an everyday occurrence.

3.333 Further, and in any event, KAPF fail to take account of the proposed upgrades to the NL. It is a fact that current NL operations are constrained by a legacy signalling system that dates from the 1950s. This currently limits options for service recovery in the event of disruption. A new signalling system will be in place by the end of 2014 (NLU1). This upgrade will not only provide for an increase in capacity on the NL, but also increase the reliability of the service. This same signalling system has recently been introduced on the Jubilee Line, resulting in a halving of service perturbations, substantial reductions in total number of incidents and the lost customer hours associated with incident **(Document TfL97)**. A second NL upgrade (NLU2), scheduled for implementation by 2022, will further increase capacity. Both of these upgrades are independent of the NLE.

3.334 It follows that the circumstances that KAPF identify are far from an everyday occurrence now. The future upgrades will lead to significant reduction in perturbation and much more resilience in the system to be able to manage them. For the reasons set out above, the SoS can have confidence in TfL's future year forecasts of passenger movement at Kennington Station. They are robust. The sensitivity analysis demonstrates that, even with a huge increase in flows with NLE and the cross-passages in place at platform level, Kennington Station would operate better than without the NLE and would do so in a safe manner.

Crowding on the Northern Line

3.335 Detailed forecasts of crowding levels on the LU network have been presented, based upon the Railplan modelling referred to above. The impact of the NLE has been assessed at 2020 and 2031. The forecasts presented demonstrate that flows would be well within the capacity of the NLE **(Document TfL7A, paragraph 6.2.8)**. As a result, the NLE would be able to accommodate the forecast demand and enable sustainable travel to and from the OA.

3.336 The flows on the Charing Cross Branch would experience the greatest change in passenger flows as a consequence of the NLE. These too have been carefully assessed **(Document TfL7B, Tables 20 and 21)**. Although the increased demand would lead to higher flows, the increases themselves would be small and the overall flows still fall within the capacity of the line. This means that the additional flows could be accommodated without having a detrimental impact on the line or the wider network.

3.337 The NLE would also have an effect on the operation of the Victoria Line **(Document TfL7B, Tables 30-33)**. The NLE would reduce passenger flows between Vauxhall and Victoria. This means that the NLE would help improve conditions on the northbound Victoria Line in the AM peak.

3.338 Some Objectors suggest that the position presented in the TfL evidence relating to crowding on trains is unreliable. The criticism made of the modelling is addressed above.

3.339 The position in the busiest single hour **(Document TfL41)** demonstrates that the levels of crowding without the NLE in 2020 are predicted to remain the same, or possibly fall, on both branches of the NL north of Kennington. The opening of the NLE would have a limited impact on the forecast crowding levels experienced in 2020. Levels of crowding with the NLE in 2031 are predicted to be less than is currently experienced on both branches of the NL north of Kennington. With the NLE, in 2031 there would be less crowding on the Victoria Line and the NL south of Kennington than would be the case without the NLE.

3.340 In addition, however, TfL has presented sensitivity analysis of the split of passengers between the Charing Cross and the Bank Branches in relation to train crowding **(Document TfL72)**. This demonstrates that, even if passengers on the Bank Branch increase by 300 in the peak period, this would lead to only one additional passenger per carriage during the peak hour.

3.341 Again, the forecasts are robust and can be relied upon by the SoS. The only reasonable conclusion is that crowding levels would not be rendered unacceptable due to the operation of the NLE.

Safety at Kennington Station

3.342 A number of Objectors have raised concerns about safety at Kennington Station should passenger numbers increase at platform level. TfL strongly rejects any suggestion that the Station is currently unsafe or would be made unsafe by the NLE. Safety is the paramount concern in the operation of the LU system. TfL has tried and tested procedures in place to deal with safety incidents. All staff are trained in these procedures on a yearly basis and once every 2-years there is a major incident planning exercise on each line to ensure staff are ready to cope with emergencies.

3.343 To be clear, TfL regards passenger safety as the single most important factor in the operation of the LU. It is not promoting an extension to the NL, which it considers to be unsafe: quite the reverse.

3.344 In considering this matter, it has to be remembered that the TWAO would be granted within the context of other statutory regimes **(Document TfL98)** that regulate the safety of the railway. In this context, Kennington Station is regulated by ORR and the LFEPA. In particular, it should be noted that Kennington Station is the subject of an Alterations Notice **(Document TfL98, paragraph 15)** served by the LFEPA. Further, Article 31 of Regulatory Reform (Fire Safety) Order 2005 enables the LFEPA to serve a prohibition notice if it judges that use of premises involves or would involve a risk to relevant persons so serious that use of the premises ought to be prohibited or restricted. Thus, the LFEPA has the power to close Kennington Station at any stage if it considers it to be unsafe.

3.345 The reality here is that if the opening of the NLE were to render Kennington Station unsafe, Regulators would have the power to prevent it from operating. It follows that the SoS, in determining the application for the TWAO, is entitled to have regard to the fact that safety is the subject of a separate regulatory regime (see ***Gateshead MBC v Secretary of State for the Environment*** [1995] Env. L.R. 37). Thus concerns relating to safety and Kennington Station are not matters that the SoS should give significant weight to in that context. However, the Regulators have already been closely involved in the NLE project through meetings between TfL/LUL and LFEPA in July and December 2012 and more recently in July 2013. Prior to

this Treasury Holdings, as the then promoters of the scheme, also consulted with the LFEPA.

3.346 Additionally, in July of this year, the LFEPA were sent additional information they had requested and in September of this year the LFEPA confirmed to the Project Team that they could support the current design of the NLE, providing the fire fighters walkway was provided as is now proposed. Once the Contractor is appointed, TfL would liaise with the LFEPA to progress consideration of safety matters further. TfL foresees having regular informal discussion with the operational side of the LFEPA to discuss the construction stage.

3.347 Some Objectors have gone so far as to seek to draw parallels between the World Trade Centre disaster and Kennington Station. That is not a sensible or appropriate comparison to draw **(Document TfL108, paragraph 2.2)**. Legion modelling has been called for. However, Legion is not a suitable model to use for modelling evacuation scenarios and is not accepted for such purposes by the LFEPA **(Document TfL108, paragraph 3.1)**.

3.348 At Kennington Station, depending on the type of incident, there is a range of operational responses available, including those relating to evacuation. In most cases, the lifts would not be used to evacuate, but depending on the incident, their use may be permissible. Furthermore, in many scenarios the trains also provide a means of escape from the Station. It is quite wrong to suggest that Kennington Station would be unsafe with the NLE in operation. The regulatory regime that exists would ensure that the Station operates safely.

3.349 Other Objectors have suggested that significant changes are required to Kennington Station, either in terms of changes to the ticket hall and/or in terms of access to and from platforms. For reasons just explained, significant changes would not be required or justified on the basis of safety issues. Further, as explained above, they would not be justified as a result in changes in passenger flows through the Station, because the NLE would not give rise to any significant change in the number of passengers.

3.350 In any event, the TfL Business Plan contains funding for enhancements to a number of Underground stations to address existing issues of capacity and to help meet future needs. At Kennington Station, TfL has been developing proposals to improve the existing ticket hall area, to provide improved circulation and to address localised crowding issues. These proposals are at a relatively early stage of development, but at street level are envisaged to comprise:

a. a new route to the rear of the lifts, containing a new gateline, which exits onto Braganza Street and makes use of space currently utilised for staff facilities;

b. modifications to the lifts to enable through operation (i.e. entry from the ticket hall, egress via the new exit route) and optimise lift cycle times;

c. construction of a link from the top of the spiral staircase to the new exit route;

d. creation of an enhanced station operations room; and

e. installation of upgraded finishes at street level to complement the building's listed status.

3.351 At platform level, the following work is committed for implementation by 2014:

a. installation of platform humps to provide level access to the trains at the wheelchair space locations. The southbound humps have already been installed on platforms 2 & 4 and northbound humps will be completed on platforms 1 & 3 in 2014;

b. by 2015, all NL trains will have a dedicated wheelchair space, which can be accessed using the platform hump, matching others across the NL **(Document TFL38)**; and

c. these changes will mean that there is step-free access between the Bank and Charing Cross Branches at Kennington (in the same direction of travel), increasing the number of step-free journeys that can occur through the Station.

3.352 Turning to specific matters that have been raised by Objectors these are:

a. step-free access;

b. additional evacuation capacity; and

c. new ticket hall and added vertical capacity

3.353 While step-free access from street to train would be provided at the two new stations, Battersea and Nine Elms, this is not planned for Kennington as part of the NLE. A large majority of the increase in traffic at Kennington as a result of the scheme would be from interchange movements between the Branches, rather than access and egress from the Station.

3.354 Looking at the transport network as a whole, and given the relatively low proportion of passengers exiting/entering Kennington Station, providing step-free access from street level to platform level here would offer substantially less benefits (in terms of benefits delivered in proportion to cost of delivery and number of journeys opened up for passengers) than could be provided at other more heavily used stations, where they do not have step free access.

3.355 The indicative cost of installing lifts to platform level from the lower passageways, along with other associated works, is £35m (and, therefore, in excess of £50m if risk and contingency are included). Furthermore, a project to provide step-free access to the NL in the area is already being developed for Elephant & Castle Station which, subject to agreements, could be delivered from 2019. This Station offers onwards connections to many more bus routes than Kennington, improving door-to-door step free journey opportunities, (including to Kennington Station by bus). Following the delivery of the NLE and step-free access works at Elephant & Castle, stations to the north and south of Kennington would have step free access.

3.356 So far as additional evacuation capacity is concerned, that is not required for the reasons set out above. Consideration has been given to the viability of increasing overall station capacity through expansion of the existing site and/or use of an alternative site on the western side of Kennington Park Road. The latter would be most effectively delivered through use of the existing telephone exchange site to create a new ticket hall with escalators and a lift leading to new passageways, staircases and lifts leading to the platforms.

3.357 In both cases, any benefits from reduced congestion and improved accessibility would be outweighed by the high costs (likely to be in the region of £150-£200m for use of the telephone exchange site, for instance), extensive property purchase and major disruption during construction that such works would entail. A major project of this nature would therefore have a poor business case and, consequently, has not been included in the Business Plan.

3.358 In addition, all of these changes would involve work to Kennington Station, which is a listed building. None of these matters could lawfully be required by means of a condition imposed through the TWAO process. Should the SoS consider that these matters have to be addressed in order to make the TWAO acceptable, then the only option would be to refuse the Order: a course of action that would give rise to substantial delay in the delivery of this urgently needed project.

Matter 9 - The measures proposed by TfL for mitigating any adverse impacts of the scheme, including:

a) the proposed Code of Construction Practice;

b) any measures to avoid, reduce or remedy any major or significant adverse environmental impacts of the scheme; and

c) whether, and if so, to what extent, any adverse environmental impact would still remain after the proposed mitigation.

3.359 TFL has proposed mitigation in the form of conditions and, via the CoCP and several management plans, which have already been referred to above. Apart from the extensive integral mitigation included in the scheme through design, the Order itself creates a regime for subsequent approvals by a variety of bodies, including the LPAs, the Environment Agency, the Port of London Authority and the Marine Management Organisation. In addition, the successful contractor would be signed up to a number of environmental guarantees.

3.360 With one exception, each of the relevant bodies has agreed with the now normal dis-applications of those legislative provisions, which could have the effect of impeding the timely delivery of the scheme. The single exception pertains to LBS, whose sole objection the draft Order relates to a limited number of provisions in the NRSWA 1991 **(Document NLE/A12/5, Article 3(3))** and the associated permit scheme provisions under part 3 of the Traffic Management Act 2004 **(Document NLE/A12/5, Article 3(7))**, in so far as they relate to LBS.

3.361 In the context of the provisions of NSRWA that would remain **(Document TfL131, paragraph 17)**, the point at issue is a very narrow one. It is who should determine the timing of any streetworks not expressly approved under the Traffic Management Plans. TfL is convinced that the dis-application would be essential for securing the delivery of the NLE scheme, which could otherwise be prejudiced. The rationale for dis-application is well precedented **(Document TfL104, Appendix)**, although TfL does not rely on precedent alone. The rationale of dis-application is widely recognised and, as a matter of fact, LBW and LBL have not made any objection to the proposed dis-applications.

3.362 The rationale for dis-application includes the facts that there would, otherwise, be no requirement on LBS to pay any special regard to the timing imperatives of the NLE scheme, when exercising the powers and the provisions for resolving disagreement. As the exercise of the powers would potentially involve a bureaucratic system of referral to the Highways Commisioner, then arbitration, then a request for intervention by the SoS, leaving the timing implications "*up in the air*", as agreed by LBS. Moreover, non-dis-application of the powers in relation to LBS would result in the unsatisfactory position of having three affected street authorities operating under the regime of the Order and one operating to its own potentially unconnected procedures.

3.363 Importantly, there is no evidence that schemes with the dis-application in place have encountered problems directly attributable to this. In the light of the above, TfL submits that there is indeed a compelling case for the proposed dis-applications.

Matter 10 - The adequacy of the Environmental Statement submitted with the application for the TWA Order, having regard to the requirements of the Transport and Works (Application and Objections Procedure) (England and Wales) Rules 2006, and whether the statutory procedural requirements have been complied with.

3.364 The NLE scheme has been assessed in accordance with the EIA requirements **(Documents TfL5/A, paragraph 10.4.2, TfL5/B, Appendix 9 – as updated by TfL/5C)**, including any likely cumulative effects from other projects, where sufficient information is available to allow assessment. This assessment has included the effects of the development enabled by the NLE **(Document TfL28)**. The ES has been accompanied by an ES Addendum (ESA) **(Document NLE/A19/8 and 9)**, publicised in accordance with the relevant requirements and bringing matters up to date to August 2013. There were six responses to the ESA **(Document TfL15)** of which two made no comment and the other four have now been withdrawn.

3.365 Ramboll, a firm of technical consultants commissioned by LBL to undertake a review of the documentation, including the ES in respect of the entire project, concluded that it is in line with what would be expected at this stage of the process and, overall, it is "*fit for purpose*" **(Documents TfL5/A, paragraph 10.4.3 and NLE/G2)**. LBL has reported further that Ramboll have also reviewed the ESA and that both it and the ES are acceptable, with no significant omissions **(Document TfL17A**. The adequacy of the EIA is confirmed in the evidence **(Documents TfL5/A, paragraphs 8.2.1-13 and 10.4.1-8, TfL5/C, Revised Appendix 9 and TfL126)**.

3.366 There have been two points raised by Objectors in respect of EIA. The first is the suggestion from Dr. Lentell for KWNAG **(OBJ/60)** that an extension to Clapham Junction Station forms part of the scheme and, therefore, should have been assessed as an intrinsic component of the NLE scheme.

3.367 This suggestion finds no support from any of the facts. No extension to Clapham Junction is included in TfL's Business Plan and there is no defined scheme, let alone any safeguarding for such an extension. Moreover, the NLE is not dependent on any such extension. Thus, there is no requirement in law to undertake an assessment of the cumulative effects of such an extension **(Document TfL131, paragraph 523)**. Any such extension would require a full needs assessment and Business Case and its own EIA were it ever to proceed beyond being an aspiration of LBW **(Document TfL21, paragraph 17)**. This point was not pursued in KWNAG's closing submissions.

3.368 A second suggestion is that works beyond the proposed cross-passages at Kennington Station form part of the NLE scheme. In practice, the only proposals in the Business Plan are for some street level works, mainly to create a new entrance and re-orientate the lifts. There are no details of these works yet, or any indication of their timing within the time frame to 2021. They are also not in any way dependent on the NLE, or vice-versa. As such, they do not form part of the NLE project and the works would be programmed to avoid any worsening of the assessed effects of the NLE and,

thereby, would not be capable of giving rise to any cumulative effects.

3.369 In closing, Mr Boardman of KAPF **(OBJ/206)** questioned whether the EIA requirement for an outline of the main alternatives studied **(Document NLE/C8)**, and an indication of the main reasons for the choice, had been discharged. When one looks at all the submitted information, the ES complies with the necessary requirements, giving clear explanation of the modal options studies **(Document NLE/A19/1, Chapter 3)** and the reasons for rejecting the other options, in addition to route, station and shaft options. That chapter of the ES reflects the large body of work underlying the options process. The 2013 back-checking reports on shaft sites and on modal options**(Documents NLE/C8, C9 and C10)**, as well as that on Nine Elms Station **(Document NLE/C12)** are consistent with, and confirmatory of, the ES Chapter 3.

3.370 There has been no challenge through objective evidence at the inquiry that the ES is in any way inadequate. The requirement, in any event, relates to what has been studied and not what should be studied. Importantly, in considering whether the ES is sufficient the SoS is entitled to take into account all of the documents submitted to and the evidence heard by this inquiry when considering whether the ES is sufficient **(Document TfL131, paragraph 526)**.

3.371 Thus, it can be concluded that the statutory procedural requirements have been complied with and the ES and ESA are adequate within the terms of the relevant legislation **(Document TfL16)**. No party has suggested any breach of those requirements.

Matter 11 - The conditions proposed to be attached to the deemed planning permission for the scheme, if given, and in particular whether those conditions meet the tests of the DOE Circular 11/95 of being necessary, relevant, enforceable, precise and reasonable. (Inspector Note: See Planning Practice Guidance)

3.372 The conditions **(Document TfL14D)** have been agreed with each of the three local authorities, LBL, LBS and LBW and EH **(Document TfL90)**. They have been refined during the course of the inquiry to take account of points raised by the Inspector and other participants at the inquiry.

3.373 They meet the tests in Circular 11/95: The Use of Conditions in Planning Permissions and no party suggests otherwise. There are no additional conditions suggested by any statutory body, including the local authorities. Where additional conditions are suggested by Objectors, these do not meet the Circular tests. (Inspector Note: Circular 11/95 has been cancelled and the content replaced by that in the recently published PPG.)

Matter 12 - TfL's proposals for funding the scheme..

3.374 The relevant test in respect of the funding of Transport and Works Act projects is that "*a scheme is reasonably capable of attracting the funds required to* implement *it, rather than expecting funding to have been secured*" **(Document NLE/E11, paragraph 1.34)**.

3.375 Although the proposals for funding and financing the NLE are innovative, this accords with the expectations in the National Infrastructure Plan 2011 **(Document NLE/E2)**. As such, the fact that a bespoke package has been crafted for the NLE should give a high degree of confidence that the necessary resources would become available. First, in respect of funding, there is direct commitment by the Chancellor of the Exchequer to provide a guarantee to allow for £1bn of borrowing at preferential rates **(Documents TfL75, NLE/E3 and NLE/E4)**. Secondly, the financing arrangements for servicing the debt have already been identified through the allocation of £269m of developer contributions, following agreement with LBW and LBL, together with incremental business rates from the establishment of an Enterprise Zone as indicated by the Chancellor and supported by LBL and LBW. The most recent statements in the National Infrastructure Plan 2013 **(Document TfL75)** should reinforce this confidence.

3.376 The robustness of the financing proposals has been underpinned not only by the scrutiny of the LBs, with BNP Paribas advising LBW, but also by the involvement of leading external financial advisers advising TfL **(Documents TfL1/A, paragraphs 8.4.1 and 8.4.13, TfL9/A and TfL27)**: Aecom reviewing the cost assumptions, PwC analysing the robustness of the funding stream assessment and JLL advising on the incremental business rates forecasts. This is quite apart from the regular auditing by KPMG and the Audit Commission, to which TfL is subject.

3.377 TfL has been working on the NLE funding and financing proposals since 2010 and is confident that they are "*credible, robust and deliverable*" **(Document TfL9A, paragraph 10.1.2)**. Implicit in TfL's assessment is a built in layer of conservatisms, to which the proposals have been subject. These include cost estimates at the higher end of the range **(Document TfL83)**, a 20% contingency applied to the EZ revenue stream **(Document TfL9A)**, a project risk allowance of £115.9m **(Document TfL83)** and no allowance for any contribution from net revenue **(Document TfL74)**. These are taken together with the sensitivity testing from which the proposals emerge robustly **(Document TfL27)**. Even with all this in place, there is scope to extend the EZ from 25 to 30-years, with the additional finance that would generate.

3.378 There has been no suggestion from any party at the inquiry that the funding test for TWAOs set out above would not be met. Ms Goodchild **(OBJ/203)** accepted that position and Mr Stark for CGAG **(OBJ/254)** was satisfied that the NLE was capable of being financed. The case for CGAG and Ms Goodchild is

not that the Order should be refused on funding grounds or indeed subject to any modification in this respect. Rather it is that the SoS should bear CGAG's evidence in mind when considering the risks. In this regard, it is plain from TfL's evidence that the risks have been fully understood.

3.379 The risks that CGAG are concerned about are that the project once started might not be completed and that funds may need to be diverted from other TFL projects. However, pursuant to the agreement reached with BPS, the NLE would only commence following considerable commitment by the BPS developers to construct Phase 1 in its entirety and to undertake significant works to Phase 2.

3.380 Once started the NLE would be continued not only for reputational reasons, but, also, because in the context of TfL's annual turnover of £9bn and the loan structure that would be in place, any shortfall would only arise at the end of the construction period. In the worst case scenario, funds would be drawn from TfL's Business Plan **(Documents NLE/E37 and TfL9/A)**, but TfL considers this a most unlikely eventuality. As the main purpose of Ms Goodchild's suggestion is to avoid diverting funds from other TfL projects, it would be self-defeating to follow her suggestion of making some provision in TfL's Business Plan now.

Matter 13 - Whether there is a compelling case in the public interest for conferring on TfL powers compulsorily to acquire and use land for the purposes of the scheme, having regard to the guidance on the making of compulsory purchase orders in ODPM Circular 06/2004, paragraphs 16 to 23; and whether the land and rights in land for which compulsory acquisition powers are sought are required by the Promoter in order to secure satisfactory implementation of the scheme

3.381 The construction and operation of the NLE necessitates the acquisition of land on both a permanent and a temporary basis. In deciding what would be necessary, TfL has acted in accordance with the guidance in Circular 06/2004 and has sought to minimise the extent of land and rights to be acquired permanently under the Order. As such, only land and interests necessary for the implementation and operation of the NLE are taken. No party has suggested that the land-take exceeds that which is required.

3.382 The underground works necessitate both permanent acquisition and temporary use. At surface level, however, permanent acquisition would be restricted to such land as is required for the two new stations and the two intervention and ventilation shafts. Only three existing buildings (10 Pascal Street, Covent House and Kennington Park Lodge) would be required to be permanently acquired and there is no objection from their respective owners, Banham, CGMA and LBL.

3.383 No open space would be permanently acquired with only rights taken in respect of the relevant plots to allow maintenance and renewal; and LB Lambeth as owner and guardian of both Kennington Green and Kennington Park has agreed to the exercise of the Order powers in respect of this land **(Document TfL17)**. The acquisition of the land required for the two head-houses has been agreed with the respective owners, LBL and CBL. There is no objection from the owners of the land required for the new stations at Battersea (the owners of BPS) or at Nine Elms (Banham, CGMA and Sainsburys').

3.384 In addition, as part of the mitigation provisions, Article 18 of the draft Order provides a power to carry out protective works to any building within the Order limits i.e. works relating to the underpinning, strengthening or other works to mitigate potential ground movement effects, if required. Ordinarily, appropriate access to buildings and the nature of the works to be undertaken would be agreed with the owner. This power is thus a backstop.

3.385 Compensation would be payable pursuant to the provisions of the Compensation Code incorporated into the draft Order **(Document TfL4A, Sections 8 and 10)**. A Hardship Policy is already in place and applies on well-established criteria.

3.386 In all the circumstances, therefore, the acquisition of land is necessary and proportionate, and a justified interference with rights, having regard to the payment of compensation.

Matter 14 - Whether the relevant Crown authority has agreed to the compulsory acquisition of interests in, and/or the application of provisions in the draft TWA Order in relation to, the Crown land identified in the book of reference.

3.387 In respect of Crown land, this relates to the subsoil land required for two tunnels and protective works near Oval Station (Parcels 51275, 51280, 51285, 51310, 51315, 51515, 51520, 60045 and 60050) and use of part of the River Thames (Parcel 10006). It was explained to the inquiry that there is every expectation that a satisfactory agreement can be reached with the Duchy of Cornwall in relation to the parcels required for the tunnels and protective works. Thus, it is submitted that there is no evidence of likely impediment to the NLE coming forward in this regard.

Matter 15 - The purpose and effect of any substantive changes proposed by TfL to the draft TWA Order, and whether anyone whose interests are likely to be affected by such changes has been notified.

3.388 The main changes to the TWAO comprise:

a. the adoption of Construction Method B and the deletion of the need for temporary shafts associated with Construction Method A;

b. the deletion of the proposal to construct a new community building in Kennington Park.

3.389 These are not substantial changes, but are reductive. They are changes that were subject to environmental assessment and statutory notification through the ES Addendum process **(Documents NLE/A19/8 and A19/9)**. None of the six responses to the ES Addendum objected to these changes **(Document TfL15)**. Thus, it is submitted that no substantial changes to the TWAO are proposed.

<u>In relation to the applications for listed building and conservation area consents:</u>

Matter 16 - The extent to which the Listed Building Consent works to 1) the creation of four new cross platform passages (Kennington Station) and 2) the jetty and associated cranes (Battersea Power Station) will impact the designated heritage assets and are in accordance with the relevant development plans of the three London Borough's concerned, including any saved policies.

Matter 17 - The extent to which the Conservation Area Consent applications for (1) the demolition of a boundary wall (East and West of Montford Place) and (2) the demolition of an existing two storey building, associated structures and fencing (Kennington Park Lodge) will impact the Kennington Conservation Area and are in accordance with the relevant development plan of the London Borough concerned, including any saved policies, including those relating to the cultural significance of the Lodge and park area.

Matter 18 - The extent to which the works above would accord with the National Planning Policy Framework and in particular the desirability of sustaining or enhancing the character and appearance of the heritage assets.

3.390 With regard to Matters 16, 17 and 18 relating to heritage assets these have been considered and addressed above.

3.391 Put briefly, TfL submits that the NLE would not give rise to harm to heritage assets or their settings. It would preserve and enhance the character and appearance of the relevant conservation areas. Further, even if harm were

to be identified, it is clear that the benefits of the NLE project can be weighed against any harm, in accordance with paragraphs 133 and 134 of the Framework **(Document TfL5A, paragraph 11.1.39)**

Matter 19 - If the consents for the works above are granted, the need for any conditions to ensure they are carried out in a satisfactory manner.

3.392 This matter has been considered above and the draft Conditions were submitted **(Document TfL14D)** and discussed during the inquiry. In addition, there would be a CoCP **(Document TfL13)** in force to ensure that impacts are minimised wherever practical and to establish local Liaison Groups to advise with regard to local issues.

In relation to the application for an open space certificate:

Matter 20 - The extent to which the advantages of the rights over lands as a facility for public recreation would be noticeably reduced by the acquisition of the permanent rights for access for future maintenance, repair, renewal and replacement of structures which will be constructed beneath the surface of the land.

Matter 21 - The extent to which the frequency of access is anticipated and the effect on the public use of the open space.

Matter 22 - The extent to which the rights would accord with the National Planning Policy Framework.

3.393 The rights sought are to enable maintenance requirements to be fulfilled, though the frequency of access is anticipated to be very limited and to cater for two eventualities only **(Documents TfL2 and NLE/A19/1, paragraph 7.120)**. The first of these would be in the (unusual) event that the structures' water proofing should fail, which would require short term access to allow repair works. The second would be once the operational life of the structures had come to an end, usually after 125 years, access may be required while the structures are removed and replaced.

3.394 The effect of these access rights has been taken into account in the ES and TfL considers they would have no significant effect on the provision and use of the open spaces concerned during the operational phase. The rights being sought over these areas of land would not lead to the open spaces being any less advantageous than they currently are. The proposed reinstatement landscape proposals would be expected to enhance the open space, improving the overall function and quality **(Document TfL5A, paragraphs 11.1.41-43)**.

3.395 The rights being sought would not lead to the open spaces being any less advantageous than currently experienced and are, therefore, in accordance with the Framework **(Documents TfL5a, paragraph11.1.43)**.

Matter 23 - The need for any conditions to be attached to the certificate if granted.

3.396 The proposed draft planning conditions **(Document TfL14D)** have been informed by discussions with the LPAs. No specific condition is seen as necessary, but Condition 4 requires a landscape scheme to be submitted for approval by the LPA and would include the implementation timescale for the reinstatement works. Condition 13 then obliges TfL to ensure the project would be undertaken in accordance with the approved details. Therefore, it is not considered that any conditions are required to be attached to the certificate.

Conclusions

3.397 The NLE is the appropriate, and urgently required, response to providing for the sustainable regeneration of the VNEB OA. It would provide excellent value for money, with a cost-benefit ratio of 9.8:1 **(Documents TfL6A, paragraph 6.4.5)**, it would be consistent with policy at all levels, accord with the development plan and it comprises sustainable development in its own right. The CAC and LBC applications meet the statutory tests **(Documents TfL8A)**. Compulsory acquisition and use of land would be necessary to allow the scheme to proceed and there would be a compelling case in the public interest to justify the requisite interference with property rights, having regard also to the payment of compensation.

3.398 The conditions proposed, together with the CoCP, provide a comprehensive and enforceable code of mitigation that would ensure that all that could reasonably be done would be done to mitigate the impacts of both constructing and operating the NLE. On balance, the benefits that the NLE would bring far outweigh any perceived harm that might arise.

3.399 It is therefore submitted that the Order and associated applications, with a raft of appropriate protective provisions, should be made and granted respectively.

4. THE CASES FOR THE SUPPORTERS

The material points for those submitting support for the NLE orally are:

4.1 **Jane Ellison MP (SUPP/26)** supports the NLE and says this reflects the views expressed by the vast majority of her constituents expressing opinions to her over the last 5-years. The proposal is widely supported in both local and central Government circles and she believes that the right transport solution is the key to unlocking the development potential of BPS and the wider Nine Elms area. A connection to the LU system is the only real solution that would have the potential to facilitate the construction of 16,000 new homes and create up to 25,000 jobs in the OA. Moreover, because of the acceleration of redevelopment commitments the NLE is needed quickly.

4.2 The MP acknowledges that although the NLE would be hugely beneficial in the wider sense, not least to some of the more deprived areas in her constituency, she is concerned that the impact during construction does not impinge unduly on local residents, especially around the proposed Nine Elms Station. She is pleased that the disposal of excavated material should be via river transport and there are undertakings from TfL that the rights of existing residents would be respected. Ms Ellison is particularly concerned to ensure that the design of the stations would ensure equality of access, pointing out that until recently this has been very difficult for the elderly, disabled and for parents with young children.

4.3 The MP then moves on to seek the creation of training and employment opportunities for local residents during the construction phase by requiring contractors to set up apprenticeships and training schemes. Finally, Ms Ellis relates the concerns expressed by some that without radical rebuilding of the NL station at Kennington and some of the Clapham stations the opening of the NLE may be worsening the current capacity crisis. In this context, she is worried that the numbers of passengers from Nine Elms who would wish to use the Bank Branch rather than the Charing Cross Branch would be greater than predicted and considers that the proposal to send all direct trains via Charing Cross may be short-sighted.

4.4 **Mr Colin Stanbridge is the Chief Executive of the London Chamber of Commerce and Industry (SUPP/29)**, which represents every size of business from British Airways and Banks to sole traders. In terms of improvement, Mr Stanbridge says transport is high on the list, with 85% seeking improved locations in the capital. For this reason, Mr Stanbridge is in favour of the NLE to retain London as a pre-eminent city in Europe and the world. He considers that the new homes and 25,000 jobs are vital for London and would enhance this area, which is seen as badly served by public transport and appearing run down and lacking attractions.

4.5 Mr Stanbridge points out that new business brings more than just commercial activity, but to attract this there needs to be office space at

affordable rents and an attractive retail offer. Shortages in office accommodation lift rental values. He says that a 24-hour economy is an attractive concept in terms of creating a sense of place. Looking at innovative ways to fund infrastructure improvements is to be supported and the NLE is the advance guard of this approach. Mr Stanbridge submits that all these reasons illustrate why the NLE is necessary for the regeneration of this area and for London at the strategic level.

4.6 **Mr Dickie of London First (LF) (SUPP/30)** says LF represents over 200 of the largest businesses and has the aim of making London the best City in the world. LF has some involvement in this and supports the NLE as the existing transport infrastructure would not support the 16,000 dwellings and 25,000 jobs proposed for the area. With the population of London expected to increase by 1M in the next decade, it is imperative that the challenge of building new homes and providing employment for people is met. London is a very productive centre in European terms.

4.7 Although other forms of transport links have been considered, these all fall down for reasons of lower capacity (Docklands Light Railway) or frequency (NR options). A tube connection to the LU network would be a very powerful tool to development in the CAZ and developers need certainty and to go in with their eyes open.

4.8 **Mr Richard Tice (SUPP/39) is the Chief Executive of CLS Holdings Plc and the Vauxhall One BID.** Having seen good (Paris in the 1980s when infrastructure was put in first) and bad (Canary Wharf in late 1980s, where Jubilee Line took 10-years to implement) regeneration schemes, he advances support for the NLE, saying that good public transport is necessary for business. Moreover, he contends that the timing of delivery is important and that mixed use development is necessary for successful regeneration. Mr Tice cites the example of a major US developer who would not look at Nine Elms until there is commitment to improved infrastructure. The zoning of the new stations would also be crucial, with a Zone 2 designation costing individuals up to £300 per annum.

4.9 Mr Tice argues that the commercial and retail development is essential and would make the greatest contribution to the NLE. We have progressed so far that Mr Tice is confident that people now believe the NLE will go ahead and are reacting accordingly. Any delay would lead to a charge of misrepresentation and lead to a fall in confidence. He also contends that poor public realm can also be a ‘turn-off’, suggesting that this starts from the Vauxhall end, where employment has been lost because of the poor public realm presentation.

4.10 Although some suggest that there would be no benefits for LBL from the NLE, Mr Tice points out that this is not the position taken by Lambeth. LBL supports the regeneration aims of the OA and the benefits this will bring to

the Borough and its citizens and businesses. He notes that LBL see the NLE as a key part of the wider transport strategy to cover the additional demand.

4.11 **Mr Sean Ellis (SUPP/40)** is a **Director and Chairman of the St James Group**, who are developing on three sites in the OA, building some 1,250 homes and mixed use development, and are owners of a further two sites. They have already paid some £46m in contribution and the NLE would be a catalyst to development around Nine Elms. It would provide access to jobs for both existing residents as well as new ones. The PTAL levels are low in much of the area and high levels are a key driver when people are deciding where to buy. Placing Battersea and Nine Elms Stations in LU Zone 1 would be a great benefit and the NLE would allow good integration with the remainder of Central London.

4.12 Planning permissions are being granted on the basis of the NLE being forthcoming and reduced car parking levels – 20-40% - of normal are being required to reflect this. With the density of development proposed in the OA and CAZ, a LU connection is the only viable alternative and would deliver safe, sustainable development with the quality of life people demand. It is this that attracts people to the Capital and keeps London prices rising far faster than other parts of the country. Although some properties are being sold 'off plan' to buyers from abroad, and many of these will be let to local people. Generally there is a broad mix of buyers from home and abroad and 20% of dwellings would be affordable.

4.13 **Ms Seema Manchanda** is Assistant Director of Planning and Environmental Services and appears for **LB Wandsworth (SUPP/43)**. LBW sees the NLE as part of the overall vision for Nine Elms Vauxhall in supporting the regeneration of the area to deliver over 16,000 new homes and up to 25,000 new jobs, and underpinning the major new town centre at BPS. Importantly, confirmation of the Order would provide an environment of certainty so necessary when large scale development is proposed. There is a signed legal agreement in place **(Document TfL18)**, which would ensure continued support for the project.

4.14 LBW points to the strategic support for the NLE contained in adopted Regional and Local Planning Policy and the wider vision for the VNEB OA. Moreover, LBW has worked with the Greater London Authority (GLA) on the VNEB OAPF, which sets out the key vision and planning principles for the area. Wandsworth has an up-to-date Local Plan comprising a Core Strategy and a Site Specific Allocations Document, which includes an Area Spatial Strategy for Nine Elms. Both the OA Planning Framework and Wandsworth Local Plan support the large scale regeneration of the area and the NLE that would be needed to serve it.

4.15 LBW has worked to ensure that the mechanism for funding is supported by the planning process, including contributions through s.106 agreements prior to November 2012 and, since that date, through a Community Infrastructure

Levy (CIL). The Council is wholly supportive of the Cost Benefit Analysis. Together with the funding arrangements related to the EZ, which will enable future business rates to be captured and used towards the funding for the NLE, LBW is confident that appropriate actions have been taken by the Borough to support financing this infrastructure project.

4.16 LBW considers that, with leaflets being sent to over 40,000 households along the proposed NLE route, the drop in sessions and exhibitions, the overall consultation process has been fit for purpose and has made every effort to engage relevant stakeholders. The Council also reminds the inquiry about the earlier consultation on route and mode options undertaken by Treasury Holdings and again by TfL. In parallel, LBW points to the consultation on major planning documents at both Borough and GLA level. Finally, attention is drawn to the information on the TfL website and in the local press. Although this will not satisfy everyone, there was sufficient information and available consultation opportunities for people to raise matters of interest or seek mitigation. Incidentally, the extension on the NLE further to Clapham is a future aspiration, but the Council accepts that there is no funding or financing arrangement in place for this in the foreseeable future.

4.17 The Council supports the introduction of Liaison Groups to assist local people through the construction period and especially applauds the removal of the maximum amount of spoil by river. In addition, LBW is content to be consulted about the replacement buildings for Battersea Cats and Dogs Home and will continue to work towards a second entrance to Nine Elms Station and the designs for both new stations. It supports the employment protocol proposed and the cultural strategy for the NLE. Finally, it is confident that Part A of the CoCP would enable transport routes to be agreed by the Council under Part B of the CoCP.

The material points for those submitting support for the NLE in writing are:

4.18 **Mr Daniel Montero (SUPP/1)** says that, as he and his partner have recently bought a flat in one of the new developments, they completely support the NLE to Nine Elms. He adds that he is amused when he reads comments that only rich people can afford the new dwellings, because he is not rich and would definitely be using LU as he has no car.

4.19 **Tanvi Vyas (SUPP/2) on behalf of Trailblazers** welcomes the NLE proposal, especially as it extends the LU network to new stations that would be fully accessible to meet the needs of disabled people and wheelchair users. It is urged that the standards for accessibility exceed the minimum and meet the full requirements for the future. The Supporter adds that the NLE would bring economic benefits to the area and residents it would serve.

4.20 **Mr Ed Clarke (SUPP/3)** says that being a local resident he has had a keen interest in the NLE proposals and lends his wholehearted support to the scheme. He considers that the disruption associated with the actual

construction would be a small price to pay for the long term benefits. Mr Clarke adds that, if there is any criticism of the NLE scheme, it is that it should extend the NL even further beyond Battersea.

4.21 **Ms Elena Chimonides (SUPP/4)** is supportive of the NLE proposal, saying that it would help her get to work at Liverpool Street.

4.22 **Mr Nick Hayes (SUPP/5)** supports the NLE, hoping that the work starts sooner rather than later. He says that there is a chronic shortage of good quality transport in SW London, with many areas not connected to one another.

4.23 **Robi Dutta (SUPP/6)** lives near Nine Elms and says the NLE is a good idea and very welcome. The Supporter adds that it would stimulate and, with a good station design, help improve the area and provide an attractive focal point.

4.24 **Mr Jean Diego Banon (SUPP/7)** says that as a resident living near BPS he fully supports the NLE and thinks that the benefits would be countless, both economically and socially. He expresses some concern that the service between Kennington and Battersea would not be all that frequent.

4.25 **Mr James Davies (SUPP/8)** expresses support for the NLE saying that it would provide an important transport link to a part of SW London served poorly at present. He adds that the NLE would help accelerate the redevelopment of the Nine Elms area.

4.26 **Mr Rah X (SUPP/9)** fully supports the NLE as an improvement to transport links in SW London and saying that it would bring more employment opportunities, enhance the area and relieve traffic congestion. Mr Rah X looks forward to the opening of the NLE in 2020.

4.27 **Ms Normi Barons (SUPP/10)** supports the NLE saying that it would improve linkages with Central London and offer a cheaper public transport option for those who use the bus to get to a LU station for onward travel on LU.

4.28 **Mr Stefan Nestler (SUPP/11)** expresses support for the NLE, saying it would provide enhancement to the Borough as well as to the redevelopment around BPS.

4.29 **Mr James Renshaw (SUPP/12)** is firmly in favour of the NLE as a terrific boost for the area.

4.30 **Nine Elms Vauxhall Partnership (SUPP/13)** is tasked with overseeing the delivery of £15bn of redevelopment in this part of London. The Partnership foresees that the NLE would provide thousands of local people with better and quicker access to work and leisure opportunities across

London from Battersea and Nine Elms Stations. The Partnership goes on to say that the NLE is essential to support the transformation of Nine Elms and Vauxhall, enabling the creation of 16,000 new homes and 25,000 new jobs in the area, which would contribute significantly to London's economic growth.

4.31 **Pastor Rufus Thomas (SUPP/14)** supports the NLE as it has led to beneficial exposure for the area and greater financial benefits. He does consider, however, that the NLE should be extended to Clapham Junction.

4.32 **Mr Ashwin and Ms Daksha Patel (SUPP/15)** strongly support the NLE as the most important project by TfL since World War II. They say that up to 20 Embassies are considering moving to the area from Mayfair. Moreover, they say that this would give a boost to the economy and community in South London, by connecting the area directly to Central London. Finally, they point to the 16,000 new homes and 25,000 new jobs for the OA.

4.33 **Mr Paul Maddock (SUPP/16)** supports the NLE as a vital infrastructure link for the capital, urging that careful thought is given to the design of the new stations and the public realm, way-finding and accessibility to ensure that the new stations are properly integrated into their London surroundings.

4.34 **Ms Marie Hamblin (SUPP/17)** says that despite the disruption during the construction, the NLE would help to service a growing city and further regenerate the area. She adds that it would also help the stretched bus network in this area.

4.35 **Mr Nicholas Ferguson (SUPP/18)** thinks the NLE to Battersea would improve transport links in the area, which have lagged behind other areas.

4.36 **Mr Glenn Hammett (SUPP/19)** says that as a resident of Fentiman Road, he fully encourages the NLE proposal as it would lead to additional development in SW8 and should make travelling on the NL better.

4.37 **Mr Richard Powell (SUPP/20)** believes that the NLE would substantially improve accessibility into the West End and City, which is long overdue. As such, he fully supports the urgent construction of the extension.

4.38 **Ms Clare Gillett (SUPP/21)** supports the TWAO application and the NLE to provide easier access to Central London, the City and LB of Bexley and other LBs and for sight-seeing in BPS, whatever its actual use would be.

4.39 **Ms Camilla Ween RIBA ARB MCIHT AoU (SUPP/22)** is totally in favour of the NLE as the Nine Elms/Battersea area has sat idle for 30-years and it is time to get this part of London on the Tube map.

4.40 **Mr Jon Davies (SUPP/23)** is wholeheartedly in favour of the NLE and its completion and looks for further extensions.

4.41 **Mr Reg Hoare (SUPP/24)** supports the NLE, because it would provide increased access to the LU for people living and working south of the River and would provide increased transport capacity to serve the new development in the OA. He goes on to say that the NLE would relieve congestion of the existing transport infrastructure and supports the economic regeneration of the Nine Elms area and other proposals in the OA.

4.42 **The CBI (SUPP/25)** strongly supports the NLE to spur growth and bring jobs to and regenerate a neglected area of Inner London. In addition, the CBI submits that the NLE would increase Londoners' access and reduce congestion on the rest of the NL. It is for these reasons that the CBI line welcomed Government's commitment in the 2012 Autumn Statement to underwrite the £1bn of funds the Mayor needs to build the extension.

4.43 **Mr Daniel Garrigan (SUPP/27)** is supportive of the investment in the NLE, because of the benefits it would bring and the increased opportunities for local businesses and those further afield by connecting them to the quickest form of travel in the capital. Mr Garrigan also claims that residents would benefit from the increased travel options, giving greater freedom of movement. All in all, he believes the benefits of the NLE far outweigh any costs.

4.44 **Mr D Shamal Ratnayaka (SUPP/28)** says that as a local resident he welcomes the proposed NLE to deliver the stated aims and benefits and hopes it can proceed without delay. He is reassured that TfL has undertaken the necessary work to prepare for the process, including the impacts during construction.

4.45 **The London Chamber of Commerce and Industry (LCCI) (SUPP/29)** says that as the voice of London business they seek to promote the interests of the Capital's business community through representations on transport issues. As such, LCCI supports the NLE as part of wider plans to regenerate the VNEB area and as something that would bring many people in South London within reach of the LU and would reduce the pressure at Vauxhall. The LCCI welcomes the Government commitment to loan funding and submits that the improved transport infrastructure should assist in the creation of 25,000 new jobs and up to 16,000 new homes. Finally, LCCI says that it supports the Mayor's decision in 2010 to omit the Nine Elms area from the Crossrail Levy applicable to the entire CAZ, specifically to fund the NLE.

4.46 **English Heritage (EH) (SUPP/31)** says it supports in principle the regeneration of the Battersea and Nine Elms areas and the transport infrastructure necessary to facilitate the regeneration. Whereas EH originally raised concerns about the locations for the proposed ventilation shafts and head-houses in designated historic green spaces in conservation areas, it says there does not appear to be any potential sites that would have less impact on the historic environment. However, EH questions the coverage of the alternatives in the ES **(Document NLE/A19/1, Chapter 3, paragraphs 3.70 and 3.78)** saying

that the ES does not provide clear and compelling reasons why the alternative sites for shafts and head-houses were rejected. As a consequence, EH asks the decision makers to be satisfied that the justification for choosing the particular locations is sufficiently robust.

4.47 As for design, EH states that the design of the head-house, as proposed, and its presentation to Kennington Green would be rather lifeless, with little interaction with the streetscape, something less than desirable in a conservation area. Turning to the Kennington Park head-house, EH recognises that this presents a considerable challenge for similar reasons, and points out that there are examples of designs that respond more positively to the historic environment.

4.48 On other points, EH looks for improved geotechnical data and a protocol to ensure adequate mitigation measures to safeguard heritage assets, especially from the potential for settlement when the NLE is constructed. EH is also concerned about the potential breadth of application and employment of various Articles in the proposed TWAO **(Document NLE/A12/6, paragraphs 3.70 and 3.78)**. Insofar as the Planning Directions are concerned, it would prefer the Old Lodge in Kennington Park not to be demolished, but says that if it is then the necessary level of recording must be undertaken. In addition, it looks for the recording of the Banhams Security Building before its demolition. EH also raises points about the removal, restoration and reinstatement of the dockside cranes at Battersea Power Station and the dredging of the Thames.

4.49 Although EH had expressed some concerns in its letters of 18 June 2013 and 11 September 2013 **(Document TfL8B, Appendix 5)**, in a final letter dated 11 December 2013, it concludes that, following a meeting with TfL, "*English Heritage is therefore satisfied that its concerns in relation to the Northern Line Extension Order application have been resolved*" **(Document TfL90)**.

4.50 **Wendover Investments (SUPP/32)** represent the landowners of the site known as Vauxhall Island at the northern pinnacle of the VNEB development area. Wendover Investments say that they support the NLE as a vital transport link to the wider network of LU for both employment and the residents of the area. They add that this area must have direct, fast links to the centre and be integrated into the LU network to derive the full benefit of this important and vibrant development area.

4.51 **LB Camden (SUPP/33)** supports the NLE as it would result in journey time savings and improve access for Camden residents to jobs in the VNEB, while making it easier for new residents in the area to access Camden. The Council also supports the proposed cross-passages at Kennington Station to ease congestion, when transfers at the Station increase. LB of Camden is concerned about Camden Town Station, but acknowledges that this would be dealt with by TfL as a separate issue.

4.52 **The Institute of Civil Engineers (ICE) (SUPP/34)** welcomes and supports the NLE, submitting that it is a cost effective, high capacity proposal that would transform accessibility to the OA and act as a catalyst for the regeneration of the area that should create up to 25,000 new jobs and 16,000 new homes. The ICE commends the NLE as an excellent example of public/private sector co-operation and shows that development can help pay for new and improved transport infrastructure, where it is clear that the value of development would increase. It adds that the confidence initiated by the NLE scheme encourages higher densities of development, which in turn make funding the NLE easier – a 'virtuous circle'. Finally, the ICE welcomes the initiative to reduce the impacts of the temporary worksites on the local community, which would benefit considerably once the NLE is open.

4.53 **Mr Daniel McMahon (SUPP/35)** says that, while the NR service is good it is limited and the SW of London suffers from a relative dearth of Tube access. As such, Mr McMahon states his support for the NLE.

4.54 **Mr Richard and Ms Ana-Marie Furlong (SUPP/36)** say the NLE would be a great boon to the area and consider that the concerns about noise, vibration and ground settlement, expressed by some, ignore the long term benefits of the scheme. They say that this is classic Nimbyism from people who rarely use and have little interest in a properly funded modern public transport system. They conclude by claiming that most of the public are perfectly happy with the proposal and wish it to start as soon as possible to serve the Nine Elms development.

4.55 **Mr Alan Cruickshank (SUPP/37)** says he has considered living in the Battersea area, but has been put off by the lack of a Tube connection. The NLE should be supported as it would significantly improve the Battersea area.

4.56 **Ms Evgenia Vincent (SUPP/38)** expresses full support for the NLE, saying that, despite the two NR stations in the area that connect relatively well with the Tube, the NLE is a very good idea. She goes on to argue that the NLE would improve journey times to Central London and encourage people not to use their cars, with the consequent reduction in congestion. She submits that the project and new stations would provide extra jobs for the local community.

4.57 **CLS Holdings plc (SUPP/39)** are delighted to hear about the NLE, saying that it is essential to unlocking the growth of this area and would be of direct benefit to the existing local business community. They add that it would increase links and capacity and reduce congestion at Vauxhall. Moreover, they say that it would encourage businesses to expand and help the wider regeneration of Vauxhall and Nine Elms as well as providing a dedicated facility and fitting sense of arrival for those travelling to the new US and other Embassies. They conclude by drawing attention to the need for the new stations to be in Zone 1 and questioning TfL's assumption that there would be no increase in passengers.

4.58 **St James Group Ltd (SUPP/40)** express support for the NLE, saying that it is involved in building large developments that fall within the extension area. They add that the NLE should reduce pressure on Vauxhall Station and improve links to the West End and City. They submit that as a major improvement to the local transport infrastructure it would also boost the community and assist in the regeneration of the surrounding area.

4.59 **Messrs Andy Brown and Martin Cheetham (SUPP/41)** say that as residents of Kennington, users of Kennington Station and enjoyers of Kennington Park they anticipate some appreciable disruption during construction of the NLE. Nevertheless, they believe that this disruption would be bearable, when viewed against the huge amenity value the NLE would bring to the area and London more widely. Against this background, the NLE has their total support.

4.60 **Lambeth Borough Council (LBL) (SUPP/44)** (also REP/15) writes to say that all the outstanding issues with the proposed NLE have been agreed with TfL and LUL. As such, LBL is able to provide its full support for the NLE project, subject to a legal agreement and the imposition of a series of planning conditions, in particular one that restricts ground-borne noise. With regard to the sites for the proposed ventilation shafts and head-houses at Kennington Green and Kennington Park, LBL is content, subject to sensitive design and the relocation of Bee Urban and the full restoration of both sites when the NLE is completed. The Council still harbours some concerns about the proposed Nine Elms Station, but is satisfied that these can be addressed by planning conditions.

4.61 **Battersea Power Station Development Company (SUPP/45)** say that throughout the history of the BPS redevelopment the owners have strongly supported the NLE and were initial sponsors of the project. The Company say that the NLE is key to revitalising the Nine Elms area in general and the 16 ha (40 acres) at BPS in particular. The Company add that the NLE is the means by which a genuine mixed use development can be delivered along with a new town centre for the VNEB, as well as leisure and community facilities for residents and workers old and new. The Company concludes by saying that in addition to the £200m contribution to the NLE, it is committed to deliver 300,000 m^2 of commercial space, which will generate significant levels of business rates to contribute to the NLE funding.

4.62 **The United States Embassy (SUPP/46)** has made a commitment to the Nine Elms area and expresses support for the NLE proposal. The Embassy says that the new US Embassy will be one of the first developments completed in the area and will house some 800 staff and attract over 1,000 visitors each day. In particular, the NLE would increase accessibility and present a further catalyst to the sustainable and successful long-term redevelopment of the area and encourage additional long-term transport investment, such as the proposed upgrade to Vauxhall LU Station.

5. ADDITIONAL THIRD PARTY REPRESENTATIONS

The material points for those submitting representations orally are:

5.1. **London Borough of Southwark (LBS) (REP/17)** supports the NLE, but expresses some concerns about certain local impacts, which LBS anticipates can be resolved prior to an inquiry. These include the impact of the construction of the temporary shaft in Harmsworth Street and the permanent shaft in Kennington Park; the proposed design of the head-house, the loss of the dog-walking area and Bee Urban in the Park: ground-borne noise both during construction of the tunnels and when operational, congestion at Kennington Station, the control of street works and the employment strategy. After pre inquiry discussions, the only outstanding matter pertains to the control of street works.

5.2. Looking at the basis and generation of the proposed dis-application, Article 3 of the TWAO proposes to dis-apply several sections of the NRSWA **(Document NLE/A/12/6)**. These sections provide the Council with powers to control various aspects of street works and assist with the performance of its duties under the Traffic Management Act 2004 and Highways Act 1980.

5.3. In this context, LBS says that it would not be necessary to dis-apply the NRSWA and London Parking Scheme in Southwark to ensure that the NLE project could proceed efficiently. What TfL is asking for is an exception to national legislation and if this is to be accepted then there must be compelling reasons. TfL claims there are a number of precedents, but there is no evidence that any of these 'precedents' were contested. All of them seem to have gone ahead on the nod as, if any had been contested, we would have heard about them. In any event, just because there are precedents, does not justify the dis-application in any particular case.

5.4. From LBS's perspective, experience at the London Bridge Station redevelopment project undertaken by Network Rail has shown that the dis-application of the provisions has caused additional work for the Council's Compliance Officers. The Council is keen to avoid a repetition of this situation.

5.5. Although TfL indicates that it would follow the same principles as set out in the NRSWA there remain concerns. All measures would be taken to ensure that the NLE programme is delivered on time, while ensuring that the road network within the Council's boundary remains operationally effective and public assets are protected.

5.6. With the removal of the need for a temporary shaft to be constructed in Harmsworth Street, there would be no intrusive works on the Council's public highway. Even so, changes to the programme may do so and, therefore, the Council strongly refutes any application to dis-apply the NRSWA provisions in order to maintain its position should the scope of the Order change.

5.7. **Mr Keith Garner RIBA (REP/24) and Mr Brian Barnes MBE (REP/25)** appeared as part of the Battersea Power Station Community Group (see paragraphs 6.186-6.189).

5.8. **Mr Jonathan Laventhol (REP/27)** is a consultant in a creative business and believes that the effect on open spaces is very important for children and everyone. His main point to the inquiry pertains to the naming of the new Battersea Station, which he considers should be called 'Dogs and Cats'. Mr Laventhol submits that the Cats and Dogs Home is synonymous with Battersea and part of peoples' identity. He adds that the Home would be closer to the Station than BPS and if the name 'Dogs and Cats' were adopted it would amuse and make people laugh for 200-years, while still leaving everyone knowing exactly where they are going.

The material points for those submitting representations in writing are:

5.9. **Natural England (REP/1) (NE)** does not consider that the NLE proposal poses any likely or significant risk to those features of the natural environment, such as SSSIs, National Parks, AONBs or other protected species or habitats, for which NE would otherwise provide a more detailed consultation response. Accordingly, NE does not wish to make specific comment on the details of the NLE scheme.

5.10. **Ms Beatrice Gonzalez (REP/3)** is not objecting to the NLE, but requires more information about such matters as the effects on Kennington Park and Bee Urban, the implications for Kennington Station and the number of additional HGVs in the vicinity of Kennington Road. She says there has not been enough information or consultation for local Kennington people.

5.11. **Mr Ian Hunt (REP/4)** sees the termination of the NLE at Battersea as a missed opportunity, submitting that it should be extended to Clapham Junction, the world's busiest railway station.

5.12. **Telephonica UK Ltd (REP/5)** do not object to the NLE, but point out that they have some equipment on a Vodafone site within the Limit of Land for Protective Works.

5.13. **Sian Cook (REP/6)** and **Ms Rachel Russell (REP/7)** write to ask that the siting and design of the proposed head-house in Kennington Green is subject to a more thoughtful process, which would avoid the unnecessary negative impact on the Conservation Area and attractive Georgian buildings surrounding the Green.

5.14. **Mr Mikhail Spivakov (REP/8)** believes that it only makes sense to go ahead with privately funded public transport initiatives if they provide added value for commuters. To achieve this, he suggests that there should be an interchange with the Victoria Line at Vauxhall and the NLE continues beyond Battersea to Clapham Junction.

5.15. **Ms G Kenner (REP/9)** supports extensions to public transport, but expresses surprise that the NLE would be further complementing the public transport in an area blessed with two mainline NR stations 50 m apart and excellent bus services both across the River and to the NL at Stockwell. She believes that a far more deserving cause would be to improve transport links to Mitcham.

5.16. **Mr Patrick and Ms Eliza Dodd-Noble (REP/10)** consider the NLE to be a great proposal, but cannot see why the plans do not include an extension to Clapham Junction, which would make a huge difference to the public transport regime.

5.17. **C Ault (REP/11)** suggests that the new station should not be at BPS as proposed, but be located 250 m to the west at, or near, Battersea Park NR Station, linking the LU with NR, but still sitting within the Nine Elms Development Area. The Representation believes this would cater for a larger residential and business community and lead to the rejuvenation of the area around the station.

5.18. **Mr Duncan Grant (REP/12)** supports the NLE in principle, but, by adopting the proposed, it misses an opportunity, and consequent loss of benefit, by linking with Vauxhall on the Victoria Line. If this is not possible, which Mr Grant doubts, then the line terminus should be at Oval and not Kennington and there should an intermediate station between either Oval or Kennington and Nine Elms.

5.19. **The Environment Agency (REP/20)** has some key issues regarding the removal of excavated materials by barge along the River Thames, during the construction phase and some suggested changes to the wording in the draft TWAO.

5.20. **Ms Elizabeth Maffei (REP/21)** supports the request for an inquiry based on the issues raised by the Coalition of Lambeth and Walworth Residents **(OBJ/190)**.

5.21. **Mr Neil Bennett (REP/22)** praises the idea of the NLE, but considers it ludicrous not to forge a direct connection with the Victoria Line at Vauxhall or the new Nine Elms Station.

5.22. **Prince Michael of Kent (REP/23)** writing as President of the Battersea Dogs and Cats Home. Prince Michael points out that the Home remains as important and relevant today as it was when founded 153 years ago. He has been appraised of the mitigation proposals presented to the charity and is fully supportive of their position. (NB the Objection by the Battersea Dogs and Cats Home **(OBJ/46)** has been withdrawn following agreement **(Document TfL20)**.

5.23. **Mrs Penny Adomakoh (REP/26)** says that the proposed NLE passes under

her property and she is extremely keen to ensure she has all the information.

6. THE CASES FOR THE OBJECTORS

The material points for those submitting orally in connection with the TWAO and deemed planning consent are:

6.1 **Mr Eric Guibert and Mr Robin Pembroke (OBJ/27)** are counter objectors to the proposal for the option to use 373 as the site for the workplace and proposed head-house, saying that not all the residents of Kennington support the KGSG **(OBJ/158)**. They point to the choice being between a vibrant community around the Green and a vibrant creative business at 373, with 55 current employees and the potential for this to increase to 90 staff.

6.2 Despite many objections, they say that local people have been well, if not over consulted, with three meetings on the Kennington Green that considered options for the Green and the CBL site. They do not recall any largely opposing views being voiced. As it is, there would be disruption wherever the activity goes, but it has to be remembered that people live closer to 373 than the Kennington Green site and there could be a direct physical effect on buildings on the site and around 373, not to mention the loss of jobs.

6.3 **The Heart of Kennington Residents' Association (HKRA) (OBJ/30)** does not wish to see a pocket of properties at risk from ground movement and, therefore, potentially becoming un-saleable as well as possibly uninhabitable. It wants TfL to define better the risks for properties beyond the construction of the main tunnels, and especially those above the proposed gallery tunnels. HKRA asks what owners of properties outside the 10 mm settlement contour can expect, highlighting perceived inconsistencies on boundaries. The Association is also concerned that consultation with occupants of affected properties would take place before the adoption of the CoCP.

6.4 The Association's main worries are about noise and the consequential effects. These embrace noise from the SPJs as well as the standard of 35 dB LAF_{max} to be adopted for the maximum noise level. HKRA says that this would interfere with sleep and the best form of construction available must be adopted to safeguard those living above the NLE. It suggests that the difference in cost would not be significant. There are also doubts that the existing noise levels on the Kennington Loop and run-ins to Kennington Station could be maintained at levels no worse that at present. In any event, this should be treated as part of the NLE proposals with the same noise maximum as the remainder of the line, especially as there is a noticeable rumble throughout the night.

6.5 Next, the Association counter objects to the proposal to use 373 as the preferred option for the work-site and head-house etc. The Association does not represent 373, which is a business, but it does not think either of the 373 or Kennington Green locations would be ideal, and the fact that one has to be chosen is the penalty of a major infrastructure project. It is matter of choosing the lesser of two evils, and, while having sympathy with KGSG

(OBJ/158), and those who do not approve of the head-house design, the Association supports the objection to using 373. Use of 373 would cause traffic problems and local people would be dismayed if the gallery was lost to the area. Having regard to the employment losses, it would be an unjustifiable use of CPO powers to acquire 373.

6.6 Finally, The Association has considerable doubts about the proposed four new cross-passages coping with the conditions at Kennington Station following the opening of the NLE.

6.7 **Ms Lynda Haddock (OBJ/38)** endorses the SoC submitted on behalf of KWNAG **(OBJ/60)**, the Group to which she belongs. Her particular concerns pertain to the consultation process, the implications for Kennington Park, including BeeUrban and the design of the proposed head-house, overcrowding and safety at Kennington Station, noise and other environmental concerns and financing the NLE.

6.8 **Mr Tristan Sandish and Mr David Harkness (OBJ/40)** say that the location, design and scale of the proposed head-house in the distillery yard near to Kennington Green would be inappropriate, given its proximity to the nearby Grade II* listed houses, of which 352 Kennington Road is one. For reasons of appearance and impact on the Kennington Conservation Area and its residents during the construction period and in the long term, they submit that use of 373 would be a much better location for the ventilation shaft, head-house and worksite. They also support the points made by KGSG **(OBJ/158)**.

6.9 **The Oval Partnership (OP) (OBJ/44)** represents local shops and businesses and agrees to the principle of the NLE, but raises concerns about the current proposals and the impacts they would have. Not least, the OP says there would be a commercial imbalance with the NLE. Businesses are sensitive to changes in footfall and there needs to be improvements in the public realm to compensate. The Partnership submits that TfL could influence the success of business and all it needs is someone to engage and ask what is needed.

6.10 Turning to noise, with the maximum level at the 35 dB LAF_{max} people would not be able to get to sleep and there is not a robust assessment and compensation regime for businesses and buildings that would be directly affected by the NLE. Neither has an adequate Health Impact Assessment been prepared to show the effects that noise, air pollution and traffic would have on local businesses and the 1,000s of people living nearby.

6.11 Moving to the implications for Kennington Station, the OP would welcome an upgrade and suggest the access would be better on the other side of the road. The Group also ask for Kennington Station to be re-zoned from Zone 2 to Zone 1. This now appears to be being taken on-board with a proposal, yet to be confirmed, that it would become a Zone 1/2 Station. OP would also support an upgrade at the Oval Station, possibly with additional commercial space and the reinstatement of the flower seller.

6.12 Perhaps the largest of OP's concerns is the effects on Kennington Park and the activities therein. While accepting that the ventilation shaft and head-house could be located on the Park, this should not be at the expense of the Old Lodge and BeeUrban. The alternative site for BeeUrban still raises some difficulties about costings. Although the OP cannot suggest an alternative, it firmly believes that the proposed site for the head-house would not be the best option, as it would be very expensive and have a greater impact on nearby residents.

6.13 As for the ventilation shaft and head-house proposals at Kennington Green, the OP anticipates that the proximity of these works would have an adverse effect on local businesses. Suggestions were made about the possibilities of reducing the impact by relaxing parking restrictions around Kennington Cross.

6.14 **Ms Jennifer Barrie-Murray (OBJ/47)** finds the consultation process deeply flawed, with only three people in her area consulted about the preferred alignment in 2010. She says that by the time wider consultation took place in 2011, it had already been decided that Option 2 was the preferred route for the NLE. Ms Barrie-Murray is unhappy about the timescale for the works and the noise and vibration settlement, which may well lead to a collapse in the local housing market.

6.15 Ms Barrie-Murray poses four questions about the procedure for monitoring operational noise and vibration and enquires about the situation where the two lines run close together. She moves on to ask about the effects geological formations and structural features would have on the transmission of ground-borne noise. Finally, Ms Barrie-Murray moves then to enquire about the anticipated ground settlement and the implications for property values in the Cottingham/ Trigon Road area.

6.16 **Cllr Patrick Diamond (OBJ/48)** is a local Councillor in LBS and his objections reflect local residents and in particular members of KWNAG **(OBJ/60)**, whose properties would be heavily impacted by the proposed NLE works. In more detail, Cllr Diamond is not satisfied that TfL has conducted a sufficiently robust feasibility study to ensure that the works would minimise disruption to local residents living over the proposed NLE line. He highlights the concern residents harbour for the impact on their properties causing damage, and the lack of clarity about the compensation regime TfL proposes.

6.17 Next, Cllr Diamond raises the question of increases in HGV movements and the hours the worksites would be active. He moves on to question the impact on Kennington Station and the lack of improvement there. Finally, he objects to the impact on Kennington Park, which he believes would be a less suitable site for the head-house etc than Oval Green. He challenges the proposed head-house design, which he considers would detract significantly from the unique Georgian architecture nearby. Cllr Diamond claims the arrangements made for the dog-walkers' area would be unacceptable. He complains that users of the Park have not been properly consulted about the plans.

6.18 **Mr John Bayley (OBJ/57)** lives in Faunce Street, near to Kennington Station, and says it is clear to him that the Station would require considerable re-building if it is to accommodate the additional passengers interchanging at Battersea. Moreover, Mr Bayley says that the two over-run tunnels proposed for Battersea to allow for an extension to Battersea makes it more obvious that the plans for Kennington Station need to be considered in the wider context. Finally, he draws the inquiry's attention to there having been no investigation into unexploded war time ordinance and the fact that there was bombing in the area and the NLE could be affected by this.

6.19 **Ms Suzanne Jansen (OBJ/59)** has lived in the Kennington area for 20-years and works as a freelance, mainly from home. Ms Jansen questions the consultation procedure and raises three particular concerns. The first of these is the construction and operational noise, saying that the former would be much better if it was limited to 30 dB LAF_{max} and, in respect of the latter it would be preferable if night-time working did not take place, but if it must the noise impact should be minimised. Next, Ms Jansen is worried about the potential for settlement and contends that the protocol adopted needs to be more robust.

6.20 Finally, she queries the effect the proposals would have on Kennington Road, suggesting that the traffic will become much heavier, and have less carriageway width available. Ms Jansen believes there should be a co-ordinated approach to the traffic and utilities in the area, to minimise the in-combination effects, and submits that a quieter road surface should be introduced. She adds that the works should be introduced earlier to test the advantages or otherwise.

6.21 **The Kennington and Walworth Neighbourhood Action Group (KWNAG) (OBJ/60)** says that its aim is to seek mitigation from the negative impacts of the NLE on its neighbourhood. At the inquiry, KWANAG has made the case for that and we have made some progress in achieving agreed changes to the Order. Even so, there are still matters that trouble the Group. In doing this, we need to be mindful of the contrasts between the ends of the NLE in Battersea and our end in Kennington.

6.22 First, KWNAG has asked questions about the overrun tunnels at Battersea Station. Although there are no simple comparators **(Document TfL114)**, the Group is unsure whether its position has been understood. It seems to KWNAG that the overrun tunnels would enable safe and efficient running of the NLE, while safeguarding the possibility of extending the NLE beyond Battersea Station in the future. The Group notes that to accomplish these desirable outcomes some evidently quite complex engineering must be undertaken, and there would be regrettable disruption to a highly respected charity, the Battersea Dogs and Cats Home. The inquiry has not been told the cost for this work, but it would be expensive.

6.23 KWNAG contrasts this commendably prudent approach, with that being taken at Kennington Station and the three arguments concerning the future passenger safety at Kennington. First, the NLE constitutes a material change to the configuration of the Station within the NL system and, therefore, the contemporary regulations should apply to it. Although KWNAG does not know what legal force such an argument has, it does seem eminently sensible.

6.24 Secondly, the inquiry heard from a witness, Stanley Hart, who is one of the country's leading experts on the safety of underground railways. He reported to the inquiry that the NLE would be one of a series of changes, including the upgrade programmes and separation of lines that will lead to more people travelling through the Station and interchanging there. He expressed concern that the margin of safety, with respect to crowding, would be eroded. More particularly, he pointed out that greater numbers of people at platform level would be hard/ impossible to evacuate within the required time should it be necessary. He regarded TfL's approach to the impact of the NLE to be a form of salami slicing that should prompt a review and drew attention to the Health and Safety at Work Act 1974, which says that developments should not increase risk at other locations.

6.25 A third argument is that the Station is unsafe now, and that simple safety and justice demands work to it now. Again, Mr Hart's work **(Document OBJ/60/12)** highlights the special position of the Station on the network, in that it is a deep interchange station, with no escalator access and only a single means of escape. He could find no comparator station anywhere for it.

6.26 The inquiry has heard that it is not just KWNAG, or its expert witness, that is sounding the alarm about the Station. That is the view expressed by our elected representatives, Kate Hoey MP **(OBJ/121)**, Simon Hughes MP **(OBJ/250)** and Cllr Neil Coyle. The Kennington Association, initially entirely separately from ourselves, has come to a similar view. Mr Boardman's **(OBJ/206)** evidence concerning emergency evacuation of Kennington has not been successfully rebutted by TfL. KWNAG understands that, if the SoSs conclude that further modifications to the Station were needed to render it fit for purpose with the NLE operative, it would mean that the Order would have to be set aside. It is regrettable that the inquiry is faced with an unenviable choice, between a prudential approach and consent for the TWAO. In her individual evidence Ms Bradic-Nelson **(OBJ/146)** reminded us all of the horror of an underground emergency.

6.27 Moving on to the location of the shaft on the Southbound Tunnel, KWNAG is disappointed that, since the consultation process started, there has not been an independent review of the alternative site, variously called the Kennington Oval Green or Oval Triangle. If the shaft were to be sited there, the need for destruction and disruptions within Kennington Park would be obviated. Without this review, KWNAG maintains its position that an independent study and assessment of the suitability of this site should be undertaken.

6.28 However, should this site prove not to be technically feasible, then the Group has the following concerns about the Kennington Park site for the ventilation shaft and head-house. Many are unhappy with the head-house design **(Document OBJ/60/3)**, because of its inappropriateness for the highly sensitive setting. It is highly regrettable that neither an architectural competition nor a community co-design process was implemented. Although KWNAG has sought to decouple that detailed building consent from the TWAO approval, once again TfL says this may be legally difficult, in view of the consents needed for this site in a conservation setting. Even so, the Group suggests that a 'decouple' could be accomplished if the determination is there from TfL to achieve the best possible design. This is a structure that would be there for a very long time and it should be the best.

6.29 Moving to consider the layout of the proposed worksite in Kennington Park a critique of this was presented **(Document OBJ/60/5)**, because it is the only feature of the NLE scheme that would bring HGVs onto a narrow residential road. KWNAG believes this to be unsafe and that the BPM of minimising façade level noise at properties in Kennington Park Place would be difficult to achieve if the acoustic screening round the worksite was not continuous, but 'punctured' by gates.

6.30 The Group is pleased that in TfL's response to KWNAG's counter proposal **(Document TfL118)** it concedes that it would be perfectly feasible for HGVs to enter the worksite directly from the A3 Kennington Park Road, without having to use Kennington Park Place. Following this, KWNAG has identified that some further areas for discussion on traffic management with Southwark and, clearly, that would require some drafting amendments to the Order.

6.31 The issue of operational noise is one of KWNAG's greatest concerns. The evidence to the inquiry has established first, that there is very little independent research on the effects of ground-borne noise (GBN). Moreover, there are no standards specifically for it. Secondly, it also accepted that the Night Noise Guidelines are for airborne noise and can only be used for GBN through using a transform function that, while it may have a certain theoretical rationale, lacks empirical support. Next, the Group is sure that the proposed level of 35dB LAF max would interfere with sleep. Lastly, lower levels of GBN may have health/ well being effects that are not immediately observable.

6.32 The NLE is the first to be built since the Mayor's announcement of all-night running on LU. KWNAG is unconvinced by the very recent TfL document that there is no plan, as yet, for the NLE to run through the night. Once the NLE is built that decision could be changed overnight by administrative fiat. The planned mix of activities in the VNEB suggests that night operation of the NLE would be an advantage. The prudent approach is to build it in the expectation that it will operate at all night, so that levels of GBN no higher than 30 dB LAF max are encountered everywhere along the line.

6.33 KWNAG has responded to the proposed community liaison arrangements **(Document OBJ/60/17)**. The Group hopes that the agreed structure would enable local arrangements to more effectively address the complex issues that would arise from a construction site in Kennington Park, in terms of assisting the development of a Management Plan for the Park during the construction.

6.34 However, there is also a need for Southwark, TfL and local people to work together to develop a partnership. This could perhaps be funded through the Local Implementation Plan, so that the focus post-construction would not be so much on restitution, but on improvement to the public realm, as it would be elsewhere along the NLE.

6.35 There are still several important issues relating to construction that KWNAG has not yet seen in the CoCP or related documents. These relate to the levels of noise during construction of the gallery tunnels and SPJs and the backfilling of the gallery tunnels. The Group remains concerned about the extent of working hours and the implications of techniques that require continuous working. KWNAG welcomes approaches to limit hours of lorry movements to school hours.

6.36 Finally, KWNAG is unimpressed by the consultation process and working with TfL has not been what one should expect of a public body. The Group believes it to be a very difficult and often adversarial process, in which TfL seemed to manage the flow of information and massage responses to its already pre-determined course of action. A much more open and inclusive consultation process would have benefited all and, possibly, shortened the process.

6.37 **Dr Dorothea Kleine (OBJ/65) (See also OBJ/CAC38)** is a member of the Friends of Kennington Park and KWNAG **(OBJ/60)**. Dr Kleine starts off by criticising the consultation process, claiming that significant numbers of Kennington residents were not included in the 2011 consultation and contending that, because of the way responses were counted, those making representation as part of a group were under represented. She submits, also, that, although consulted on the positioning of a 5 m diameter shaft, residents were not consulted before a 12.2 m shaft was decided upon and neither was there opportunity to comment on the gallery tunnels.

6.38 Dr Kleine then complains about the restricted consultation on Kennington Station, pointing to TfL's resistance to comment until the 11th hour, when the cross-passages were introduced. Put bluntly, residents were consulted on matters of detail and not the principles of the scheme design and she expresses concerns about the minutes of meetings etc produced.

6.39 Dr Kleine says that TfL ignored consultation results that wished to see ventilation shafts and head-houses being located away from green areas. She says that a steering group is needed to oversee the proposals for Kennington Park, drawing attention particularly to Bee Urban, the Old Lodge and Bishop's House.

6.40 **Ms Alexandra Norrish (OBJ/66)** lives in Kennington Park Place, directly opposite the site for the proposed ventilation shaft and head-house in Kennington Park. She believes her property would be affected both visually and structurally. Ms Norrish has found no adequate rationale for why the shaft and head-house need to be located in the Park, where there would be significant visual and environmental impact. If the choice of the site is on financial grounds then the structures should be moved to Oval Green. Moreover, she anticipates that the ventilation shaft would permanently increase noise and air pollution levels. As for Ms Norrish's property she foresees the tunnelling creating subsidence with the consequent risk to her property.

6.41 Moving on, Ms Norrish does not believe that the mitigation would be sufficient during the construction period and neither has the impact on the operation of Kennington Station been allowed for through the necessary expansion to cater for the additional passenger traffic. She says that there are no guarantees that once started the NLE would be completed and this could leave restoration of the Park and other community spaces incomplete. Finally, Ms Norrish views the consultation process as haphazard, disorganised and in some cases non-existent. She states that leafleting was skewed towards Battersea and the survey was methodologically flawed and there was no re-consultation on the siting of the head-house once the size of it had been doubled.

6.42 **Dr Robert Lentell (OBJ/71) (See also KWNAG OBJ/60)** is a resident whose property would be affected by the NLE. He wishes to object to the proposed ground stabilisation, which he considers is underprepared, especially in respect of soil analysis and management of groundwater. Dr Lentell needs to compare the two methods of construction proposed and the effects each would have on the arrangements for management of noise and pollution, traffic movements, road closures and parking. He raises the question of in-combination effects and claims that the ES and ESA do not address this adequately.

6.43 Dr Lentell moves on to concerns about the impacts on Kennington Park from the proposed location of the ventilation shaft and head-house to the fact this would cause the destruction of an ecologically diverse site, the demolition of the Old Lodge and displacement of Bee Urban, a thriving community project, and the loss of open green space and reduction in park amenity while the construction takes place. He contends this is especially so as the significant negative effects on Kennington Park far outweigh the less operationally convenient site at Oval Green.

6.44 Dr Lentell then highlights foreseen problems at Kennington Station with the NLE and the increased passenger throughput, not to mention the adverse effect it might have on the use of the Station by Kennington residents. He opines that the cost benefit ratio of the NLE would be modest and the benefits of the NLE would merely benefit the developers at Battersea, leaving more

needed transport schemes unfunded. Finally, Dr Lentell criticises the consultation process, which he says was deeply flawed, which has left many Walworth residents without any information and unaware of the NLE and its environmental consequences for residents.

6.45 **Ms Gill Lucas (OBJ/72)** wishes to focus on traffic matters and in particular the worst junction of Kennington Park Road with Kennington Park Place. Here there have been 12 personal injury accidents, and this junction would become the main access for the Kennington Park worksite for 4-years, where there would be an additional 100-120 trips each day. This would be added to the additional construction traffic from other developments, such as around the Elephant and Castle, delivering a cumulative impact, which has not been assessed in the ES. Both cyclists and pedestrians would suffer as well as residents from the general increase in noise. Ms Lucas is still concerned by the lack of a TMP, which she would like to have seen upfront and she supports the position of Mr Ian Law and the LBS **(REP/17)**. She contends that once the TWAO is confirmed, it would remove any statutory protection for families and residents in the neighbourhood that would be adversely affected.

6.46 **Mr Martin Summersgill (OBJ/97)** has been an Architect for 30-years and challenges the scheme for Kennington Green, saying that it would be in the wrong place in a sensitive area. He argues that there has been a lack of neighbourhood consultation and even where there has been some, this has been inconsistent. Mr Summersgill submits that as the finished building would be seen by large volumes of passing traffic there is now a need for an impartial appraisal of the options.

6.47 Mr Summersgill moves to more detailed architectural considerations, contending that green spaces are important as is the height and design of any proposed structure. He challenges the current design proposal believing that it would not reflect the urban and architectural context of the Green, pointing to the sense of enclosure delivered by the residential terraces on two sides. He suggests that there is need for a residential scale building so close to the Green. Mr Summersgill claims that the current design would not fulfil the obligation to preserve or enhance and, thereby, conflict with the CA policies. He adds that appropriate weight has not been given to the existing assets.

6.48 Mr Summersgill questions the scale of the head-house within the context of the Green and opines that the proposed solution would be banal, offer a poor architectural response, not integrate the new with the old and make a thoughtless contribution to place. He submits that in the Green it would be very difficult to achieve the necessary architectural requirements, but this would be much easier on the site of 373, an alternative option.

6.49 **Professor Roland Petchy (OBJ/99)** (see also Claylands Green Action Group **OBJ/254**) is a resident of Claylands Road and objects to the NLE because in his opinion the operational noise levels would be detrimental to local residents, their sleep and health. He says that the LU noise policy now lags behind the

rest of the developed world and that improved track form should be adopted to deliver a maximum level of 30 dB LAmax for the entire length of the NLE, with a lower level, possibly 20 dB LAmax for habitable rooms.

6.50 **Mr Charles Allen (OBJ/103)**, speaking also on behalf of Ms Marie-Laure Allen, points out that the NLE would make use of a substantial length of the Kennington Loop, which is situate at a depth of 10-15 m. He adds that the Loop was not designed to carry full passenger trains, which would weigh substantially more than the empty passenger trains that use the Loop at present. Mr Allen contends that there are existing noise and vibration problems on the Loop, which TfL has been unable or unwilling to resolve in the period since 2008, when the issue was first raised with TfL. The additional noise and disturbance with the NLE would affect around 400 people who live and work over this section of track.

6.51 As a consequence Mr Allen and Ms Marie-Laure Allen seek commitments from TfL to the effect that the existing problems with the Kennington Loop are resolved and there will be track improvements to the Loop to ensure that the increased number of trains and train loading do not cause an increase in noise and vibration. Furthermore, they demand the establishment of a monitoring scheme for noise and vibration and a binding commitment to resolve any increase in noise and vibration experienced.

6.52 **Ms Kate Hoey MP (OBJ/121)** has been MP for Vauxhall since 1989 and supports her constituents and the KGSG **(OBJ/158)**. In particular she raises concerns about the consultation process for the NLE, especially in the Kennington area. Ms Hoey claims that TfL has not exercised due diligence following the handover from Treasury Holdings and the head-house on Kennington Green had been decided before there were meaningful discussions with local people. She contends that TfL had to be dragged to the table to discuss Health and Safety (H&S) at the CBL site and has thrown money to prevent an Objection from CBL being sustained, as well as giving money to Tesco for accommodation works.

6.53 The MP understands that residents are angered by the way they have been treated. The bottom line is that, whereas there would be advantages for Nine Elms and Wandsworth, the local Kennington people would bear all of the pain without any gain. Ms Hoey points to the loss of the Green for 3-years and the permanent loss of mature trees. She believes that it would have been more sensible to extend the Victoria Line.

6.54 Ms Hoey then moves on to explore the alternative suggestion for the worksite and head-house at 373, initially saying that this has not been looked at objectively. This would lessen the disruption on the nearby roads.

6.55 The MP then moves to the implications for Kennington Park and highlights the adverse impacts on the Old Lodge and Bee Urban. She finds LBL's position somewhat strange, in selling off the Lodge at a low cost, without any

guarantees that the Bee Urban relocation would be adequately funded. Put bluntly, green areas would be given away by LBL for 3-years for nothing: a cosy complacency between the LBL and TfL, while ignoring residents.

6.56 In closing Ms Hoey submits that the situation should be looked at again independently, and bear in mind the lower levels of objection to alternative sites and the impact on residents and landscape assets.

6.57 **VNEB DATA (OBJ/123)** (See also OBJ/179) says that the decision to build the NLE was not taken in response to any comprehensive, neutral or reliable transport needs assessment. VNEB DATA claims that TfL has not assessed a wide enough range of transport options or a mixed mode transport solution. It contends that the last full appraisal was in 2004 and, using realistic trip generation figures, this concluded a preference for a mixed mode solution, which it found completely viable, and ruled out an underground option. VNEB DATA claims that TfL has misrepresented its consultation with NR and says that there are several NR options that have yet to be fully explored.

6.58 VNEB DATA submits that TfL has aspirations to extend the NLE even further and so the full extent and transport and environmental implications have not been disclosed.

6.59 VNEB DATA next moves to criticise the proposed route for the NLE, saying that, crucially, it would not pass through the VNEB OA, be cost effective or serve the transport needs of the OA, principally because it starts at the wrong end of the OA and then travels in the wrong direction, thereby presenting too long a journey to reach Central London. Moreover, VNEB DATA argues that the NLE would not be integrated into a wider transport package and, in any event, the Northern and Victoria Lines are too congested for the level of commuter traffic TfL predicts.

6.60 VNEB DATA contends that the two new NLE stations would not be within easy walking distance and, therefore, not cater for the vast majority of the OA. In many ways, VNEB DATA argues that the better options would be the NR lines to Victoria or the Vauxhall transportation interchange. In fact, VNEB DATA adopts the findings of the VNEB Strategy Board that only the NLE was being considered.

6.61 Turning to the economic and business case, VNEB DATA contends that TfL has ‘conflated’ the advantages and benefits the NLE would bring to the OA. Moreover, even though the success of the OA depends on an efficient and affordable transport system, VNEB DATA submits that this does not have to be the NLE. VNEB DATA then says the funding mechanism is risky, especially if property prices do not rise as TfL predicts. Next, VNEB DATA questions the claim that the majority of jobs created in the OA would be filled by local workers and, in any event, the NLE would not assist them in getting to and from work. Against this background, VNEB DATA concludes that a better cost benefit would be achieved with a mixed mode transport solution.

6.62 As for noise and vibration, VNEB DATA challenges TfL's interpretation of the WHO guidelines and says that it has been selective in ignoring facts that do not fit with its aims.

6.63 Looking at other transport impacts, VNEB DATA contends that inaccurate trip generation figures have been used and that there is no evidence that the pedestrian link under the rail arches at Nine Elms would ever be built and increased pedestrian footfall would exacerbate footways that are already very congested. It also claims that the PTAL levels for Nine Elms is already high without the NLE and that Nine Elms Station would increase congestion around the Vauxhall Cross gyratory and on bus routes in the area. In a nutshell VNEB DATA concludes that there would be no advantage in the Nine Elms Station.

6.64 The final area of TfL's case VNEB DATA seeks to expose is the consultation process. It commences by challenging the early 2011 consultation as not fit for purpose and says that TfL only engaged with Objectors, including VNEB DATA, very late in the day. It also contends that the consultation windows were manipulated to fall during inconvenient times such as school or public holidays, with the results being skewed. VNEB DATA claims that the consultation has been a carefully stage managed series of public presentations, often only with selective groups, that TfL is now using to establish legitimacy for its actions. As a consequence, VNEB DATA avers that peoples' objections have not been reflected in the consultation reports and the choice of NLE Route 2 is a particular example of this.

6.65 **Mr Tom Bartlett (OBJ/128)** (see also KGSG **OBJ/158**) raises four grounds of objection. For the first two, namely the flawed consultation process and the negative factors associated with the proposed ventilation shaft, head-house and worksite on Kennington Green, the submissions by KGSG are relied on. With regard to the third and fourth grounds of objection, Mr Bartlett supports and endorses the representations and submissions made on these points by the Coalition of Lambeth and Wandsworth Residents Group (OBJ/190). These cover the topics of overcrowding and safety at Kennington Station and financial implications of the NLE scheme.

6.66 Finally, Mr Bartlett questions the use of the NR line from Queenstown Road, through Vauxhall to Waterloo. In this context, he supports and relies on the submissions from the Coalition of Lambeth and Wandsworth Residents Group **(OBJ/190)**, VNEB DATA (**OBJ/123**) and the KAPF **(OBJ/206)**.

6.67 **Bee Urban (OBJ/129 and 235)** is a social enterprise supplying environmental, educational beekeeping activities to the community. It enhances Kennington Park with an intensely planted bio-diverse area, encouraging wildlife and providing opportunities and a safe place for children and adults to learn and experience activities otherwise unavailable in the urban environment. As a consequence of the proposed head-house in Kennington Park, the present Bee Urban site would have to close and an agreement between TfL and LBL has identified the sum of £50,000 to relocate Bee Urban.

6.68 However, this figure was based on a budget for Bee Urban to relocate to a temporary site at the end of the Kennington Park dog-walking area and then return to the head-house area after completion of the NLE. This option is now redundant and the latest proposal would be to provide Bee Urban with a permanent relocation site. To achieve this, a large amount of work would be needed to make the site suitable for the continuation of the services that Bee Urban provides **(Documents OBJ/129, 8a, 8b and 8c)**.

6.69 Bee Urban also raises issues about the communication with TfL, drawing attention to Dr Dorothea Kleine's evidence **(OBJ/65)** detailing the deeply flawed methodology in TfL's consultation, which Bee Urban endorses. However, very late in the day, Bee Urban is pleased to report that TfL and LBL have met with the group and agreed to a milestone schedule for relocation. Even so, TfL has reiterated that it would adhere to 4.4.1 of their Agreement document dated 12 November 2013 that Bee Urban first saw while giving evidence to the Inspector.

6.70 As the proposed relocation at the depot site would be so unsuitable for Bee Urban and the community that makes use of our services, Bee Urban submits that, until plans have been agreed to reconfigure the site, no budget could be calculated, agreed or offered. Bee Urban asks that a proper calculation be conducted after agreed plans have been prepared. Thereafter, that sum should be paid to LBL to facilitate the development of the depot for Bee Urban to continue and expand its operations and the services provided to the community.

6.71 Erecting the head-house as proposed would involve TfL spending a significant sum, which would be a sizeable proportion of the cost of constructing the NLE. Bee Urban explained that only a cursory survey of the Lodge site had taken place and requests that a proper survey is conducted. Preservation of the bio-diverse environment, which enhances Kennington Park and offers benefits for those in the lower income groups, the majority of our population, would outweigh the negative aspects of the construction of the shaft. Bee Urban asks that alternatives be properly explored.

6.72 Finally, Bee Urban supports KWNAG's objections to the design of the proposed head-house.

6.73 **Ms Grace Bradic-Nelson (OBJ/146)** (see also KWNAG **OBJ/60**) starts from the premise that the NLE offers no benefits to the Kennington and Walworth residents and that very few jobs would be taken by people in the area where residents would suffer the disbenefits of work at Kennington Station and in Kennington Park. She moves on to raise several issues with regard to the consultation process, which she contends was flawed. She says that many did not receive the 2010 letter and Kennington and Walworth residents should all have been leafleted. Even when consultation responses were received TfL did not make the changes suggested.

6.74 Ms Bradic-Nelson moves on to highlight the impact of the worksite, ventilation shaft and head-house on Kennington Park and the activities it hosts. In particular, she points to a number of trees omitted from the plans and she objects to what she believes would be the permanent loss of some trees that have been planted relatively recently. She moves on to say that the demolition of the Old Lodge, the disruption to Bee Urban and the contemporary design of the proposed head-house would be inappropriate. Ms Bradic-Nelson believes that the head-house would attract anti-social behaviour, that the 20-year cycle for maintenance would be too long and the trees to be planted would take an inordinate time to grow. Having said this, her real point is that other options have not been considered properly.

6.75 Next, Ms Bradic-Nelson raises concerns about the environmental impact from noise, pollution and traffic on local people from the operation of the worksite and construction nearby and that the hours of working would need to be rigidly adhered to. She also submits that the maximum operational noise level at the head-house and ventilation shaft should be of 25dB and operational noise levels at de Laune Street no more than 30dB.

6.76 Finally, she does not believe that the interchange between the NL Bank and Charing Cross Branches would take place at Tottenham Court Road rather than at Kennington, which is smaller and a better interchange point. The implication of this is that the overcrowding and congestion at Kennington would be worse than predicted and as part of her representations for KWNAG **(OBJ/60)**, she highlights tragedies where the escape routes have not proved possible or practical.

6.77 **Mr George Turner** is Chair of and appears on behalf of the **Vauxhall Liberal Democrats (OBJ/157)**. He has lived in the North Lambeth area since 2009 and has had family connections here since the early 1990s. He is currently a freelance writer and journalist, with a particular interest in the field of affordable housing and has a good experience of local planning matters.

6.78 The first thing Mr Turner says is that the SoS should be aware that people in LBL will be paying for the NLE through developer contributions, even where sites plainly have nothing to do with the NLE. In these circumstances, where any developer claims that a scheme would not be financially viable, the local community is being asked to forfeit amenity improvement, affordable housing or other public benefits, purely to fund the NLE. This has led the Vauxhall Lib Dems to campaign to limit the financial contributions from Lambeth to the NLE. Although, subsequently, the LBL Council did move in this direction, there would still be a substantial cost, in terms of disruption, noise, a loss of amenity, the undersupply of affordable housing as well as direct financial contribution, to people in North Lambeth, many of whom would see no benefit from the NLE line whatsoever.

6.79 Mr Turner acknowledges the truth that the developers at BPS would also be making a significant contribution, but they would be getting a substantial

benefit from a new tube station on their site, which will substantially raise the value of their property. They will also be able to write off much of their contribution to the NLE against their affordable housing obligations. The combination of these two things will mean that the developers would still make a substantial profit. It is the people in Lambeth who would be really paying

6.80 Against this background, the Lib Dems say that there is a **need** for the scheme to be clearly and robustly justified. This is of course an OA, and there is a need for new housing in London and everyone accepts there also needs to be improvements to transport to meet an increase in people. Even so, the Lib Dems remain unconvinced that the NLE would be the best way of delivering the necessary transport improvements.

6.81 TfL commissioned SKM to undertake a study on the transport interventions needed for the development scenario at the VNEB **(Document NLE/C2/1)**. While SKM did recommend that the NLE would be the best option for scenario 5, which is the current plan, the recommendation was done on the basis of two key assumptions, which TfL glosses over **(Document NLE/C2/1, pages 157 and 167)**. The key points are that the cost estimate was £867m and that the NLE must be privately funded. However, since this study circumstances have changed, with the cost of capital having increased and the private sector are not now fully funding the cost. This means that rather than an increase in the cost benefit outcome as foreseen by the SKM Study the economic case has declined further.

6.82 There has also been a change in the road impacts of a LRT scheme. The subsequent addendum to the SKM OAPF study recognised that the traffic impacts would be lower than expected previously **(Document NLE/C2/2, page 40)**. Finally it is now LBL's policy to reduce traffic flows around the gyratory. These bolster the case for an LRT scheme, which would provide substantially more public transport benefits to those living in Lambeth and beyond. Finally on this point, the NLE scheme does not make proper provision for cyclists. Despite the change in circumstances, TfL did not reconsider the NLE project.

6.83 Thus, what we have here is a private sector scheme, which was designed for the private sector for the benefit of the private sector and was to have been paid for by the private sector. The only thing that has changed is that the public is now picking up the tab, and yet TfL, the Mayor, the LBs or the Government have not asked whether a better, more cost effective solution that generated greater public benefit could be delivered now that the public are paying for this. The Lib Dems contend that if TfL only showed a bit more imagination they could come up with proposals that would probably avoid the need for a large infrastructure project like the NLE, which, of course, is the approach which is asked for in the NPPF (paragraph 32).

6.84 Moving onto **affordable housing**, Mr Turner draws on the 2011 Census, which shows there is a desperate need in Lambeth, which is one of the most overcrowded boroughs in the country. Currently, new developments proposed

in the OA are not providing decent levels of affordable housing and this has to be taken account of in the balance, when one asks if the NLE is necessary. As it is, the financial contribution to the NLE is largely written off against affordable housing and market housing in Central London is being priced out of the reach even of the rich. These high prices have, in part, been sustained by the demand for second homes in this part of London. There is nothing wrong with foreigners owning housing if it is then placed on the rental market at reasonable prices, but it seems that all too frequently this does not happen.

6.85 Next, Mr Turner moves to raise the high **noise** levels that would be experienced by residents living above the NLE. He understands that TfL is only willing to commit to a condition to limit the noise experienced to 35db. This would plainly not be good enough, as levels of 35 db are known to wake people from sleep, as exampled by someone who lives above the Kennington Loop. TfL freely admits that reducing the level of noise to below 35db would be possible. The Lib Dems preference is to require TfL to use BPM to limit the noise impact on residents, which is a well established legal principle in English law for noise abatement. This would greatly reassure residents, as this would guarantee they would be exposed to noise lower than 35db.

6.86 It was suggested at the inquiry that such a condition would not be possible and against policy. We disagree. While planning permission should not be refused for reasons that can be satisfactorily mitigated by condition, this does not mean that conditions need only go as far as the point where permission would be refused. Sections 70 and 72 of the Town and Country Planning Act give powers to impose conditions that are wide ranging.

6.87 The Lib Dems consider that the **public consultation** has been poor from the very beginning, with the material circulated by TfL clearly leading to a predetermined outcome. There was never, at any point, consultation on different transport modes, only different tube extensions and even this limited consultation was inadequate. Criticism on the consultation was lodged early on by Caroline Pidgeon, the Chair of the Greater London Authority Transport Committee in her response to the public consultation on the proposed routes of a tube extension dated 8 August 2011. More recently, this was confirmed by professionals in this area and the letter from Dr Dorothea Kleine **(OJB/65)**, which is before the inquiry.

6.88 Next, Mr Turner turns to the issue of **Kennington Green**. He understands why, at first, the proposal to use 373 as an alternative worksite and ventilation shaft site was ruled out. At the time the site at 373 housed many workers, but again things have changed significantly. Cactus Studios have moved out and now there is a small arts group, who could easily be found alternative accommodation close by. The group bought the site with planning permission for a housing development and recently tried to extend that permission, albeit unsuccessfully. Nevertheless, the owners do seem to want to develop the land and have little intention of keeping it solely as an employment site.

6.89 An objection has been raised by TfL and the residents around 373 that putting the shaft there would mean a loss of amenity for residents during construction. However, the loss of Kennington Green would also result in a loss of amenity and a more serious one in planning policy terms. There is a raft of policies preventing building on open space, and TfL is seeking to dis-apply primary legislation to that site to allow it to proceed. There would also be permanent damage to the quality of the Green given the loss of mature trees and the inability to replant above the connecting shaft. In terms of the loss of amenity to residents around 373, and especially those on Aulton Place, this has not been well quantified.

6.90 A judgement needs to be made about which loss of amenity would be the more harmful. From the Lib Dems perspective, there are strong policy grounds to protect open space, and the loss of amenity from a loss of open space would be felt by many people, not just those surrounding the site. On balance, therefore, there is a strong argument for moving the location of the head-house and shaft to 373.

6.91 The final issue Mr Turner raises is that of **Kennington Station**, where, after opening the NLE, the prediction is for an extra 6,000 passengers north of Kennington on the Bank Branch and another 4,000 on the Charing Cross Branch at peak times **(Document NLE/C2/2)**. The Lib Dems do not see how this would be possible, and above all how it would be safe. Kennington Station is old, and not built to modern safety standards and was certainly not built to take this level of capacity. If there were to be an accident at Kennington that required evacuation, people would not be able to get out quickly using the spiral staircase.

6.92 Incidentally, the comparison made by TfL between Finsbury Park Station and Kennington Station is ridiculous. Finsbury Park is a shallow station with long tunnels leading from the surface to the platform. There are only a few steps leading from the platform to the pedestrian tunnels and these tunnels lead to multiple exits. It is a world apart from the small confined Kennington Station, with spiral staircases and lifts to access the platforms. Works to upgrade Kennington Station to meet modern standards should be a condition of any consent.

6.93 At the end of the day, if the NLE is built, the developers at Battersea will sell their site and walk away from it, but the people who will have to live with this are the residents who live around the works today.

6.94 **The Kennington Green Supporters Group (KGSG) (OBJ/158)** has not taken a position on the general merits or demerits of the scheme as a transport solution for London. KGSG's submission objects to the proposed Order, because of the nature of the current proposal for using Kennington Green as a worksite and for constructing the permanent ventilation and intervention shaft and head-house at the Green ("the Kennington Green proposal"). KGSG submits that the Order should not be approved without the

substantial modification required to remove the shaft and head-house to a less damaging location.

6.95 The submission identifies the main points of objection, as they now stand in the light of the written and oral evidence given at the inquiry, and then substantiates each of them in turn, by reference to the evidence. The SoS's matters to which this submission relates are Matters 3 and 6.

Inadequate consultation led to flawed proposal

6.96 There has not been meaningful or effective consultation on the Kennington Green proposal that accords with the Department for Transport guidance on consultation as part of TWA procedures **(Document OBJ158/3)**. As a result, the design development process and outcome are flawed. The majority of the major drawbacks listed below did not feature in the proposals on which consultation took place. The minority, which were inherent, were not made clear and seemingly were unknown to TfL.

6.97 Put shortly, effective consultation is a vital tool for design development, because the persons affected will have knowledge and understanding, which the promoter lacks, and needs. Failure to carry out adequate consultations increases the risk of the TWA application not succeeding. The evidence **(Documents OBJ158/1 and 3)** expressly confirms the truth of this, which included the rather sorry history of consultations with CBL and with local residents.

6.98 Moreover, there was no meaningful engagement with residents over the design, and no opportunity for thoughtful feedback to influence the design. In many cases, TfL was inconsistent, if not untruthful, and misleading in its approach, and tended to disregard local views that did not coincide with its designs. The poor level of engagement is reflected in the low number of consultation responses, only some 1,700. Even then, the first indications were that the head-house would be located within the CBL site, with very little visual impact on the Green; trees would not necessarily be lost; and the duration of the disruption would be for some 2-years. In reality, the head-house would have full frontage to the Green, many trees would be lost and the contract duration would be 3-years and 4-months.

6.99 KGSG submits the Inspector should conclude that the proposals for the use of Kennington Green were not sufficiently consulted upon at an appropriate stage, and not sufficiently assessed and thought through, with the result that late changes have resulted in a much more damaging proposal than TfL had ever envisaged or canvassed. The late changes have also vitiated the basis on which the earlier consultations took place and on which earlier design decisions were made.

Major drawbacks

6.100 The current proposal has major drawbacks. First, it would place a large and alien industrial structure in a prominent and sensitive residential location. The Green is classed as a townscape of very high heritage significance, with nine listed buildings of national importance, two of which are Grade II*. Secondly, it would entirely remove from public use one of only two protected green spaces in the Kennington Conservation Area for more than 3-years. Thirdly, it would remove mature trees from the west side of the Green, which provide important amenity benefits in this location, with no possibility of future replacement.

6.101 Fourthly, it would unnecessarily subject a substantial number of residential receptors to construction noise for long periods, especially during night-time hours, when residents have relief from the otherwise significant ambient road traffic noise. Fifthly, it would sterilise future development of 3,960 m^2 of KIBA land for at least 5-years and involve permanent loss of approximately 1,300 m^2 of KIBA land, without providing additional employment or other new economic benefits. Finally, it would result in very substantial inconvenience for pedestrians.

Better alternative location for the head-house and worksite

6.102 At least one viable alternative site exists, namely 373, which has weighty advantages without the major drawbacks listed above. The advantages are first, that 373 would provide an opportunity for substantial enhancement of the Conservation Area, in a less challenging location, and where that enhancement would attract wide support. Secondly, using 373 would have no effect on public use of green space and no impacts, whether temporary or permanent, on mature trees.

6.103 While there would be some disturbance to a similar number of residential receptors, all works at night would be effectively mitigated by an acoustic shed. Importantly, overall daytime disturbance would be less, partly because of the shed and partly because the periods without the shed would be short. Crucially, it would have engineering advantages, because it would be substantially closer to the junction of the proposed NLE with the existing line.

Alternatives not adequately considered

6.104 The current Kennington Green proposal was arrived at without proper, adequate and objective consideration of alternatives. In particular, so far as is known, the original promoters, Treasury Holdings, considered no sites other than Kennington Green for the permanent shaft and head-house for the northbound NLE tunnel. The reasons why Treasury Holdings chose Kennington Green are not known. Despite the suggestion of the alternative site at 373 to Treasury Holdings and Halcrow in 2011 and despite chasers, it was ignored.

6.105 Detailed consideration of 373 did not commence until January 2013, by Halcrow on behalf of TfL. The initial Halcrow report of 25 January 2013 was generally positive and recommended further evaluations of 373. Even so, for the most part they did not take place before the Order application was made. Having made this commitment, TfL's internal review of alternative locations, April 2013, was an inadequate document, which provided a flawed basis for TfL's decision-making.

Evidence insufficient

6.106 The evidence produced to the inquiry by TfL was not of a quality sufficient to demonstrate that an objective, impartial and fully considered assessment would justify the current proposal in preference to 373. There remains a pressing need for re-assessment.

Failure to respond to the identified problems

6.107 A responsible promoter, if properly informed and acting reasonably, would have been unlikely to have promoted the current proposal, because it involves harms, which are unnecessary for the development of the NLE. Until recently TfL was not itself aware of most of the drawbacks. Upon becoming aware of them TfL should have taken the difficult decision to pause the process in order to consult properly and to give full and impartial consideration to alternatives. Instead, TfL pressed on with the TWAO application, while trying to retrospectively justify a decision taken in ignorance of the difficulties it would lead to.

Conclusions

6.108 The TfL SoC **(Document NLE/I1, paragraph 5.4.16)** states that "*The function of the particular shafts drives the broad location of each shaft, and at each broad location a range of alternative sites was identified and appraised in terms of a number of criteria, to establish the preferred sites*." In relation to Kennington Green, this is not true. Kennington Green was selected without consideration of alternative sites.

6.109 As regards the criteria for deciding the appropriate locations for suitable worksites and ventilation shafts and head-houses **(Document NLE/A19/1, paragraphs 3.57-59)**, 373 would provide a suitable worksite. It could be made available and no unduly difficult construction issues have been identified. At 373, the shaft would be directly over the centre line of the northbound tunnel and 110 m closer to the junction of the proposed and existing railway tunnels. A greater extent of the tunnel would be served by the full capacity of the ventilation and smoke control system and at 373 the above-ground access would be closer than at Kennington Green.

6.110 The land acquired with a view to proceeding at Kennington Green is greater than it would be at 373. Even allowing for what would be sold on at the end of the project, the land taken would still be greater. The permanent and temporary losses of trees and green space at the Green have no counterpart at 373. The heritage and townscape constraints at Kennington Green are far more severe than at 373. At 373 there is better opportunity for positive enhancement of the Conservation Area.

6.111 During construction, residential properties around 373 would be closer than at the Green, but protected for much of the time by an acoustic shed. TfL does not say that there would be operational air quality and noise impacts at either site. Parking could be made available at either site.

6.112 On the basis of the above, KGSG submits that the Order should not be approved without the substantial modification required to remove the shaft and head-house to a less damaging location than Kennington Green. To this end, 373 Kennington Road would be a better site.

6.113 Even should the Inspector to conclude that 373 would not be a better site, and even if there was no alternative to Kennington Green, the current proposal at Kennington Green does not fulfil the appropriate criterion, agreed by TfL, that it should not harm the character and appearance of the Conservation Area, but if possible enhance it to the greatest extent that would be reasonably practicable. TfL does not suggest that the current design was the best that could be devised for the Green, which is a difficult and sensitive site.

6.114 **Mr Marcus Lyon (OBJ/164)** is an artist in his own practice and owner of property in Montford Place. Mr Lyon says that Kennington Green is an oasis between a very real urban space and not a Nimby playground. He is deeply cynical of the thinly disguised consultation process, which was disgraceful, being seriously inadequate, sporadic and often contradictory. Mr Lyon submits that TfL concentrated not on the design of the head-house but on the reinstatement proposals for the Green. He added that the 12 m head-house was inappropriate and the design emerged too late in the day to allow proper consideration by local people.

6.115 He points out that the rebuilding of Kennington Station would negate the need for the head-houses in Kennington Green and Kennington Park and this should have been the preferred approach. Mr Lyon submits that TfL could have got this right, but has failed in its approach to the Green. Finally, he broaches the difficulties that would follow on from narrowing the A23 Kennington Road down to one lane: no doubt 3-years delays of traffic back to Stockwell.

6.116 **Cllr Clyne** speaking on behalf of the eight **Streatham Liberal Democrat Councillors (OBJ/189)** representing Streatham says he is well versed in transport and planning matters and that Streatham was part of the strategic plans after WWII, which were again covered in the South London Access Study in 1989. In this, all options included an extension of the NL to Streatham, an

area in desperate need of public transport improvements. He says that if the NLE did proceed this would leave the only option of a LU link to Streatham by way of the Bakerloo Line and this would be unlikely.

6.117 Cllr Clyne, therefore, sees the NLE as a lost opportunity at the expense of further extensions. In fact, he remains unconvinced that the scale of development in Battersea and Nine Elms would be sufficient to justify the enormous cost of the NLE. As such, whereas there may be benefits for the private development under construction in Wandsworth, there would be little benefit to Lambeth, with the extension from Kennington to Streatham not even being considered. No-one has considered building to a lower level in the OA and serving this development by other less costly public transport alternatives

6.118 **The Coalition of Lambeth and Wandsworth Residents (CLWR) (OBJ/190)** met with TfL in advance of the inquiry and this was useful in gaining an understanding of each other's position. However, the meetings did not remove most of the group's concerns.

6.119 First, CLWR contend that noise and vibration would be the biggest single source of nuisance and health impacts for the majority of Lambeth and Walworth residents, especially during ongoing operations. The Residents argue that TfL is capable of delivering noise levels less than the 35 dB LAF_{max} and that a figure of 30 dB LAF_{max} should be the aim and this would be better for reasons of health. In this context, CLWR requests that TfL says how it intends to procure contractors capable of operating at the cutting edge of noise mitigation technology and how it would hold them to any commitment. CLWR remain unsure about how the construction noise would be held to a minimum and ask TfL indicate what role the LBs would play in enforcing standards.

6.120 As for the potential for ground settlement, CLWR assert that, while a desk-based exercise may have been undertaken, TfL has yet to conduct a building based survey to justify its claim that the large majority of Lambeth buildings would only be affected by ground settlement to a 'negligible' or 'very slight' degree. Although there has been some progress on the provision of Settlement Deeds, this still requires commitment and a protocol for dealing with cases that fall outside 10 mm contour, where owners remain concerned.

6.121 CLWR then move to challenge the transport case for the NLE, submitting that the new residents etc could be catered for by a combination of other transport modes, upgraded where necessary. So far, the Residents do not consider TfL has presented anything approaching an adequate transport assessment. Next, CLWR airs their fears for Kennington Station, with particular regard to the potential for overcrowding, safety risks and closures. They consider that the proposals for the cross-passages have emerged too late in the day to allow proper evaluation and public engagement has been lacking.

6.122 Finally, the Residents claim that the funding and financing plan is not robust and relies on assumptions TfL has made, which are not open to public scrutiny.

They are concerned that should there be a project overrun or revenues from incremental business rates or CIL be delayed, this could lead to the postponement or cancellation of other infrastructure improvements needed in the VNEB area. In particular, CLWR urge that TfL justify its financing statement, based on incremental business rates coming in from economic growth in the VNEB region and which is required to service the £1bn debt, which the Greater London Authority would issue.

6.123 **Ms Francine Yorke (OBJ/202)** considers there are a number of areas of the NLE project which were initiated by a private developer under severe financial stress. She says these matters deserve the closest scrutiny and they include particularly, funding and finance, noise and vibration. First, Ms Yorke questions the consultation procedure conducted, which she considers was flawed, not least because decisions taken by Treasury Holdings were not reassessed and the neutral answers were lumped together with positive comments about the NLE, distorting the true picture. In a nutshell, Ms Yorke believes that little heed was paid to the plight of Lambeth residents in deciding the route and mitigating environmental effects.

6.124 Moving on, Ms Yorke supports the submissions by the Claylands Green NLE Action Group **(OBJ/254)** in respect of her other objections pertaining to noise and vibration, the transport overview and assessment and finance and funding.

6.125 **Ms Frances Goodchild (OBJ/203)** lives in Claylands Road and supports the actions of several other objector groups including CLWR **(OBJ/190)** and CGAG **(OBJ/254)**. From her personal perspective one of the persistent concerns has been over the anticipated increase in passengers using Kennington Station and the safety and overcrowding that would ensue. She does not understand where TfL derives its information that passenger number south of Kennington would reduce significantly. Ms Goodchild also finds it extraordinary that the NLE has got this far without LFEPA having signed off the emergency evacuation procedures for Kennington Station.

6.126 **Kennington Association Planning Forum (KAPF) (OBJ/206)** raises concerns about the demand assumptions underpinning the choice of transport intervention to serve the OA. In particular, the Forum criticises the demographic assumptions and trip generation forecasts, pointing out that the proposed new dwellings being built in the OA will be high status, and highly expensive, but with low occupancy rates. Even though TfL has made some concessions on this point, KAPF is not sure whether, even at 1.8 persons per dwelling, a fully realistic level for occupation has yet been reached. However, with NLE peak hour northbound patronage down to about 4,500, this is certainly more realistic.

6.127 Before considering and comparing the delivery of the alternative transport options, a realistic assessment of future transport demand is required. In this regard, under Article 5(3)(d) of Directive 2011/92/EU on environmental impact, the developer should present "*(d) an outline of the main alternatives*

studied by the developer and an indication of the main reasons for his choice, taking into account the environmental effects;". With the concerns about demand levels, KAPF asks if TfL's material is fit for purpose?

6.128 KAPF agrees with Vauxhall's MP Kate Hoey in saying that, when TfL took over the NLE project from the bankrupt Treasury Holdings, it did not exercise adequate care in readdressing consultation and options, accepting too readily what had been done and chosen by Treasury Holdings. As a consequence, the options that had been previously eliminated on cursory grounds, such as "*rail options judged infeasible*", were not re-examined by TfL. KAPF contends there was still a very limited scrutiny of NR options up to as recently as February 2013.

6.129 Since then, there has been little point in NR advancing a surface rail option, because an NLE was by then firm policy: hence its bland support for the NLE. It is actually plain that the effective choice between an LRT and the NLE was made no later than the 2009 SKM Study, which rejected NR options summarily as "*infeasible*". Moreover, this choice was further supported because the cost benefit studies were skewed in favour of the NLE, by assuming that "*the private sector will build it for free*". Given that the VNEB developments are commonly rated at a Gross Development Value (GDV) of £16bn, with developer profits at 20% GDV, this might well have been the case. Sadly this is now not so.

6.130 KAPF criticises TfL's more recent comparison **(Document NLE/C8)**, saying that, despite its dating as 2013, it contains old demographic assumptions, and persistently omits the lower Lambeth strip from the maps, with numbers concentrating only on the new build. In KAPF's view this is retrospective justification for a decision taken years before, largely on capacity and perceived cost benefit grounds.

6.131 For example, the red line showing the peak hour demand at 22,000 **(Document NLE/C8, Figure 9a)** is subtly pejorative of all the other options, and KAPF defies anyone to read the conclusion **(Document NLE/C8, Section 9)** without believing that the peak hour capacity provided by the NLE is the crucial factor in the option choice. KAPF point to Mr Russell's revised red line **(OBJ/123, Document 3)** showing a 4,500 actual peak hour patronage on the NLE in 2031 with everything in place. This intersects a number of other options, and is a useful antidote to the TfL view. Moreover, TfL's rebuttal is not compelling, though its corrections do go some way to improving compliance with the EU Directive.

6.132 For the record KAPF notes that:

- **Document NLE/C8** presents some of the options without an analysis of capacity, e.g. 5A (New automated metro from BPS to Charing Cross, which could alternatively have been considered as a section of a future Crossrail 2 line delivered earlier.) , 6B (Crossrail 2, see above), some of the Network Rail alternatives, e.g. 7B and 7C.

- Also, **Document NLE/C8** adopts unjustifiable constraints on several of the Network Rail alternatives, e.g. 7A and 7D, by assuming only a single train shuttle, with 7 minutes downtime after every journey.

- The more logical proposal of a service from Victoria to Waterloo by building a short connecting spur near BPS, is not mentioned despite being described in the minutes of our meeting with TfL in January 2012 **(Document OBJ/123-App: item 22)**:-

  "*(b) Provision of an NR service between Victoria and Waterloo, by creating a short spur line to the ex-Eurostar flyover line, with a station provided adjacent to BPS, and then running through Vauxhall to Waterloo, and using one or more of the vacant Eurostar platforms*."

KAPF thinks this option could easily achieve a 5,000+ capacity. Parenthetically, KAPF notes that, if there is such significant Wider Economic Impacts (WEI) relating to BPS, then Network Rail could have been persuaded to accord higher priority to these options.

6.133 KAPF also notes the change in economic justification since 2012, when the NLE was claimed to be justified for transport reasons, with a benefit to cost ratio of 1.5 to 1 (Volterra Study 2012). Against this background, what confidence can one have in such appraisals, when they change so radically from year to year, with a collapse of transport benefits from £1.6bn to £380m (both Present Values (PVs) at 2010 prices), leading to TfL's latest position conceded in oral evidence that "*you wouldn't do this as a transport scheme*".

6.134 As regards the calculation of WEIs, **(e.g.Document TfL6B, Figure 9)**, the Forum is concerned that the economic calculations have not been peer reviewed, do not conform to WebTAG guidance (Transport Analysis Guidance), and are out of line with other WEI calculations, in the overwhelming preponderance of WEIs over conventional transport benefits. WEIs only figure in relation to the NLE option is dependent on the high employment levels forecast at BPS, but then on a risky timetable. Against this background, the SoS should be slow to give these calculations weight.

6.135 Moving on to **finance issues and the Enterprise Zone (EZ) model**, KAPF points out that residents have had a long-standing concern that the revenue assumptions for the EZ and developer contributions towards the NLE are overly generous **(Document OBJ/254 – F1 to F8)**. KAPF has long suspected that when the time comes, the planned developments will either not materialise or will come on stream late. This is the consistent outcome of BPS proposals for the past 30-years.

6.136 The Forum accepts that the funding solution proposed by TfL, with Tax Increment Financing at its heart, is innovative and potentially exciting. However, this means nothing if the underlying assumptions are not robust and/ or if developers do not deliver as planned. In KAPF's view, TfL has not provided enough assurance on these points. The Inspector and the SoS will

need to reflect on the importance of ensuring that this model is very carefully assessed, in view of its novelty, and the likelihood that it could be used to fund other future projects.

6.137 Subsequent to the inquiry session on finance, KAPF has met again with TfL and their real estate advisors Jones Lang Lasalle (JLL). This was a useful and productive session, and included helpful discussions about why certain variables have been assumed at the levels they have. Even so, and despite TfL's attempts to answer the Forum's anxieties **(Document TfL130)**, there remain several main points of concern.

6.138 The first of these is that substantial elements of the commercial space at BPS and elsewhere may either take much longer to build or to be occupied, or may never be built. The concerns of Nathanial Lichfield and Chase & Partners in their August 2013 report **(Document OBJ/206-14, section 5)** are clear. In particular, the background concerns on transport relate to BPS not having the connectivity of other shopping centres of that magnitude. This does not support a standalone and un-integrated NLE. In effect, this is admitted by JLL **(Document TfL130**, who suggest that to make the commercial space successful it needs to be really big. To the Forum's mind this stretches credibility with a cul-de-sac tube from the east and only 1,000 car spaces. Also, is it doubtful that 2.26M sq ft of offices in the EZ will be built and occupied, when the existing office market in the area is so sluggish.

6.139 Secondly, KAPF worries that the moderate downside scenario looks 'carefully crafted', with no guarantees that phases 3-7 will ever be built. The Forum, also, believes that the commercial elements of the other EZ sites are partially at risk. Next, in KAPF's view the Unified Business Rate (UBR) assumption of 56p in 2017 is somewhat high, and this may be inconsistent with facts in the latest Treasury Autumn Statement. The combined effect of continuing the 2% cap on rate poundage increases, and adopting 52.5p in 2017 would reduce the EZ 'take' over 25-years by about 11%.

6.140 Finally, KAPF opines that, if the 'reset' in 2021 does not result in LBs losing their 30% Local Government Rate Retention (LGRR) share, that would erode the EZ 'take' by at least a further 22%. TfL assumes that all incremental business rates post 2021 would be available for the NLE, and none would be redistributed to the LPAs. This is a significant assumption, and would be a long term loss and detriment to the three LBs.

6.141 The Forum refers to the discussion in the inquiry session, leaving the risk should any of these concerns materialise, to fall on the London Mayor. In KAPF's opinion this would place future London taxpayers at potentially significant financial risk or facing potential cuts in future London transport provision elsewhere.

6.142 Turning now to the potential for **congestion at Kennington Station**, KAPF cite the persistent community concern over whether, given the Bank Branch's

already congested character, TfL has predicted only a 3% increase in Bank Branch passengers immediately post the opening of an NLE in 2020. This reflects TfL's view that most NLE passengers would favour the Charing Cross Branch, which has been supported by the analysis based on employment locations **(Document TfL42)**. The Forum notes, however, that that analysis included in the employment generating London Bridge area, and its run up stations on the Bank Branch into the "other" category, thereby artificially depressing the likely Bank Branch tally.

6.143 To KAPF the TfL models seem impenetrable. While end to end analysis appears sound, based on Oyster Card gate-line data, intermediate transfers between stations are estimated by survey, and are inherently more uncertain. The Forum's view is supported by the results of an invigilation of cross-passage movements at Kennington Station, demonstrating that TFL's central estimate of some 15 to 1 was actually 5 to 1 when actually measured **(Document OBJ/206 – 13)**.

6.144 The Forum gives a run of peak hour standing passenger levels per square metre, over the years to 2031 **(Document OBJ/206 – 10)**. This shows that there would be little relief until NLU2. The current peak hour level of 4.3 pax/sq m falls to 3.7 pax/sq m with NLU1 in 2014 and will then rise with natural growth to 4.1 in 2020. With the opening of the NLE there could well be a blip to 4.2 or a bump to 4.3 or higher. After this, the figure could drop to 2.6 with NLU2 in 2022, creeping back up to 3.7 in 2031 with natural growth. Whether there would be a rise or fall, KAPF thinks the jury is still out!

6.145 With the overcrowding envisaged, the real concern for the Forum would be the **safety issues at Kennington Station** in the event of an emergency and the adverse impact on local people wishing to use the NL. During the inquiry there was something of the 'ping pong' played out between TfL and KAPF over the safety and general fitness for purpose of Kennington Station. **(see Documents OBJ/206 - 2, 4, 5, 6, 10, 12, 13 and 17 and TfL 21, 25, 38, 39, 42, 44, 46, 72, 97, 100, 108 and 127)**. The Forum has measured and counted, and come to the conclusion that the Station would not be fit for purpose for the major transfer point that it would become, with the NLE operating.

6.146 KAPF is particularly exercised about the depth of the Station, the 79 steps of the only fixed spiral stair case exit, and the consequent low rate of evacuation - 4 per second in aggregate at best - in an emergency. The Forum has noted the increased transfer numbers between Branches, both from the introduction of fresh passengers with the NLE in 2020 and from the separation of the Branch services with the NLU2 upgrade in 2022. It also anticipates an increased risk of congestion, given the foreseeable perturbations in service that we have seen on a daily basis during invigilation, even with generally good services and the best signalling system. The Forum has examined TfL's own station standards **(Document NLE/G1)**, and especially Section 5.1 Planning for

Hazards – Evacuation. This states that:

"The aim in emergency evacuations is to clear the passengers to a place of safety within six minutes."[in the absence of fire doors, this means evacuation to street level]

"In practice there may be scope for passengers to be evacuated by train, but the planned station capacity shall not rely on this."

"Enclosed (formerly known as Section 12) stations shall have at least two alternative means of escape from each platform and two fire-protected routes passing through the station and leading to street level."

6.147 Despite this, we find TfL standing on its 'grandfather rights' to leave Kennington Station un-modernised, and repeatedly emphasising the facility to evacuate by train, in spite of its own guidance. TfL limits improvements to the extra cross-passages, and rejects KAPF's view that it is in denial about evacuation. The Forum must leave the Inspector and the SoS to judge. Whereas TfL may chide KAPF for using the moving passenger metric rather than the static passenger at platform metric to flag evacuation concerns, it is the prospect of those large static concentrations on platform having to move (or try to) to evacuate by the stairs that drives KAPF's concerns.

6.148 So the view of KAPF, and the community interests the Forum speaks for, alongside the informed opinion of Mr Hart, an experienced railway safety professional **(Document OBJ/60/12)**, is that the change brought to operations at Kennington Station by an NLE would be of such a scale and nature that it should forfeit its 'grandfather rights' and be required to bring Kennington Station up to modern standards. This would require, as a minimum, the surface works to rationalise ingress and egress with an extra gate-line, the installation of additional lift capacity to allow step free access to platform from the existing lift gallery and two fire protected routes to street level.

6.149 If an NLE is to be authorised, KAPF would much prefer these changes to be made conditions precedent to the operation of it. However, given Kennington Station's listed status, TfL states that this would not be possible, because detailed plans for such works would have to be available and have been scrutinised by now. If there is option available e.g. imaginative use of the disapplication power, then the Forum asks the SoS to reject the Order on this ground.

6.150 In respect of **ground settlement** TfL has given assurances to residents at the inquiry that it has used conservative assumptions in determining which properties should be offered a Settlement Deed (SD). Moreover, any settlement damage to properties would become visible shortly after the TBM had passed underneath, which itself would be only a short time after TfL surveyors had carried out a condition survey of any property within the 10 mm

settlement contour, with the property owner's agreement. To safeguard property owners, a comprehensive SD would be offered, as set out in the CoCP, under which TfL unconditionally offers to pay for any reasonable repair costs for damage caused by settlement.

6.151 On this basis, the vast bulk of residents' outstanding concerns on settlement at this stage in the process have been answered. KAPF welcomes the clarification under CoCP **(Document TfL13D, 13.2.1)** that all properties within the Order limits, as defined, would receive a TfL funded survey, be subject to the monitoring regime and be offered their survey results. The Forum asks, however, that TfL is reasonably generous in its consideration of when to offer SDs to properties outside the Order limits, and that the CoCP (13.2.2) be amended to add the following text, which gives effect to TfL's offer **(Document TfL13D, paragraph 4)**:

> "A property owner who is not offered a settlement deed may pay at their expense for a defects survey to be undertaken. If TfL is given reasonable notice, and is able to witness the survey being undertaken, then in the event of a claim being made, it would treat the survey as evidence to assist in determining whether the damage alleged in the claim is attributable to the construction of the NLE".

6.152 The issue of **noise** is joined over operating noise and draft Conditions 13(a) and (b), incorporating 35 dB LAFmax, hereafter 35dB **(Document TfL13D)**. Those following the inquiry now understand that with two sorts of track regime, the plain track and the SPJs, each have their own pinch points. Thus, the mitigation methods necessary to reduce to no more than 35dB at the noisiest points would deliver noise levels below 30dB for much of the remainder, at least as regards the longer length of the plain track. Since all the guidance says that 35dB is the NOEL, Objectors are met with the argument that there is no legal warrant to justify prescribing lower levels, even if the pinch point regime delivers it, in most places, by happy circumstance.

6.153 However, during the course of the inquiry it became clear to KAPF that the Night Noise Guidelines and the National Noise Guidelines all stem from research into aircraft and external noise, with only a theoretical adjustment to take account of ground-borne noise. Importantly, this adjustment has been made without further experimental verification.

6.154 In the debatable gap between 30dB and 35dB, we now have a counterexample of a residential property over the Kennington Loop, which, for reasons of a temporary track imperfection, is demonstrating a noise level of 38dB in a ground floor kitchen and 34.5dB in a first floor bedroom. The reported effect of this in the bedroom is to keep one person from falling asleep until trains cease for the night, and to rouse both occupants from sleep when the first train of the day passes. Such a counterexample is a material consideration of great weight and, consequently, the SoS should give little or no weight to a NOEL of 35dB for ground-borne noise, which is demonstrably in error.

6.155 It must follow that the regime mandated by draft Conditions 13(a) and(b), with 35dB, risks unacceptable noise at the pinch points and in consequence the Forum asks the SoS to vary the condition to specify 30dB.

6.156 As regards construction noise, KAPF is satisfied that, with the amendments to the CoCP **(Document TfL13)** local Councils have entirely adequate powers to preserve residents from noise and vibration nuisance, whether originating above or below ground. That is so long as they are prepared to use them. In this context, the Forum restates its view that tunnelling works are works within the scope of s.60(b) and/or (d) Control of Pollution Act, and hence susceptible to this control regime. KAPF has also noted TfL assurances that no construction railway would be required in the gallery tunnels, and KAPF looks to TfL to ensure that this assurance is carried through contractually to whoever gains the contract for executing these works.

6.157 In summary, the proceedings at and evidence presented to the inquiry have informed KAPF's understanding of the factors employed by TfL and the outcomes pertaining to several areas of concern. Even so, there are several matters, such as finance and safety at Kennington Station, which justify rejecting the TWAO in its present form. There also remain doubts about the safety with the gasometers on the CBL site so close to the head-house and ventilation shaft. On other matters, Conditions and the CoCP could be amended to address concerns.

6.158 **Mr Dave Ramsey MSc (OBJ/225)** is a transportation consultant and was shocked at the paucity of information available to Objectors adding that, even though considerable amounts of data had been collected at the public expense, this had been manipulated cleverly by TfL. In particular, Mr Ramsey cites the 2001 Strategic Rail Authority Data and LU data showing interchange and origin and destination information. He sees this narrow consultation process as depriving Londoners and others the opportunity to debate the use of scarce transportation resources.

6.159 Mr Ramsey is also taken aback at the proposed loss of public open space in Kennington Park, which is used and enjoyed extensively by residents of both LBL and LBS. Finally, he contends that the £1bn cost of the NLE could be put to better strategic transport use, delivering community benefits, rather than merely serving property speculators in the VNEB OA area.

6.160 **Ms Lesley Wertheimer (OBJ/235) (See OBJ/129- Bee Urban)** wishes to oppose the TWAO owing to the decimation of the environment through the proposed destruction of valuable, historic green-space, which are green lungs and vital to the majority of local residents. She points out that an independent review carried out by Ramboll for LBL states that TfL's arguments against alternative site options were "*not considered robust*". EH has also stated that "*clear and compelling reasons for rejecting the alternative site locations for shafts and head-houses have not been addressed in TfL's Environmental Statement*" and that "*there are alternative sites which would have less impact*

on the environment". Ms Wertheimer goes on to say that the London Mayor's policy is to support, develop and improve London's green spaces, with considerable money being made available to this end.

6.161 Looking specifically at Kennington Park, the Park is listed nationally as an Historic Park and Garden and locally as a Site of Local Nature Conservation Importance, thus deeming that the entire area be protected and enhanced. The current proposals for Kennington Park would result in the loss of the Old Lodge and the displacement of Bee Urban, an exceptional educational and community asset.

6.162 **Fentiman Road NLE Affected Properties Group (OBJ/241)** asks for a public inquiry and says that the NLE provides no amenity benefits for residents of Fentiman Road and similar areas in contrast to the large benefits that would accrue for the developers in the OA and future residents of Battersea.

6.163 Moving on, the Group raises issues pertaining to noise and vibration once the NLE becomes operational. In the first place, the group questions why those affected by the NLE should not be treated in the same way as those residing over Crossrail, drawing attention to the requirement of noise levels below the 35dBL_{Amax} F for some stretches of Crossrail. The Group remains unsure that the 35dBL_{Amax} F could be guaranteed and opines that there are construction methods that would achieve a much lower noise level than 35dBL_{Amax} F and cannot understand why this should not be adopted.

6.164 The Group adds that people should not be left in uncertainty about what noise levels they would suffer in the future and submits that it is incumbent on TfL to minimise the noise and disturbance to the lowest possible level. The Group concludes by accentuating the benefits of taking appropriate remediation measures now, rather than leaving compensation claims to be dealt with by the Courts after the event.

6.165 **Mr Joseph May (OBJ/243)** lives in Kennington Park House, which overlooks the proposed worksite in Kennington Park and houses several very old people and 2/3 pram users. He is concerned about the safety and living conditions of these residents and people using BHN next to the proposed ventilation shaft. Mr May highlights the increased traffic, especially HGVs, noise and vermin. Mr May looks onto the Park, which is very well laid out and he would be sorry to see Bee Urban go and the dog-walking area removed, as it is a great social centre. He acknowledges that the Kennington Park Club Room would not be affected, but says the Club's access could be closed off or restricted.

6.166 Turning to Kennington Station, he says that it has a small entrance area and the lifts – known as Ant and Dec – go up and down together. He foresees the inevitable overcrowding leading to closure to local people using the Station in the morning and evening peaks. Personally, Mr May believes that the NLE is the wrong option, favouring a link to the Victoria Line via Pimlico. A further option advanced by Mr May would be a connection from the NR station at

Victoria to Battersea. He concludes by saying that the NL is far too busy at this location to support an extension and asks if TfL informed NL users about the NLE.

6.167 **Ms Sarah Northey and Mr Neil Collingridge (OBJ/249)** are concerned about the effects on their life from the noise and vibration from the NLE tunnel construction and ask if they would hear the work going on in their house. They next question the rate of progress and express worry about the noise from the gallery tunnels, which would have to be shallower, because of their function. Ms Northey and Mr Collingridge would also be anxious should the excavated material be moved during the night-time. They welcome the detail contained in the CoCP, but ask that this is rigorously enforced.

6.168 **Rt Hon Simon Hughes MP (OBJ/250)** is Member of Parliament for Bermondsey and Old Southwark and says that, while supporting improvements to the transport infrastructure in South London, he has received written and oral representations from a significant number of his constituents questioning the economic benefits of the NLE, criticising the consultation process, especially with regard to transport options and expressing concerns about the environmental impacts of the scheme on local residents and the increased traffic and overcrowding at existing stations.

6.169 Mr Hughes is pleased that TfL would pursue the 'gallery tunnel' method, with the consequent removal of the need for temporary shafts in Harmsworth Street and Radcot Street. Even so, he believes the proposed location of one of the permanent shafts, on the site of the Old Lodge in the historic Kennington Park, remains controversial. This would have detrimental impacts on the operation of Bee Urban and the dog-walking area, which are treasured assets of the local community. Moreover, Mr Hughes contends that the construction works and activity would be extremely disruptive to local residents in terms of pollution, the safety of cyclists and young children attending Bishop's House Nursery on Kennington Park Place from increased traffic and possibly causing a fall in property values. He favours the Oval Green option as concluded by Ramboll or scrutiny of other sites.

6.170 Mr Hughes then turns to the general disruption to residents in the Kennington area. On this point, he raises a number of concerns, including noise and air pollution levels, the movement of HGVs, the closure of roads and the proposed working hours. For those living above the proposed route of the NLE, he advances their concerns for settlement and flooding saying that a more extensive risk assessment is needed. Importantly, Mr Hughes submits that it would be vital that local residents are continuously appraised of and consulted on the progress of and changes to the NLE work schedule.

6.171 Next, Mr Hughes opines that the existing plans do not provide convincing evidence that overcrowding at Kennington Station would not be a problem in future years. He adds that the platforms at Kennington Station are served by two lifts and a 79-step spiral staircase. Thus, it needs to be established

beyond reasonable doubt that the NLE would not cause a fire hazard and that people could be evacuated safely.

6.172 Finally, Mr Hughes turns to the economic benefits of the NLE scheme. He submits that despite the potential economic benefits of the NLE to LBL are comprehensively documented, TfL has yet to substantiate clearly what the benefits to Southwark would be. In addition, he questions the estimated costs of the NLE and doubts that these could be realistically contained within the given financial projections.

6.173 **Mr Gerald F Bowden (OBJ/251)** accepts that there would be increased passenger demand arising from regeneration of the area and there is a clear need to improve transport links. Having said this, he believes that the NLE would fail to meet this demand effectively. In particular Mr Bowden objects to operational, engineering, cost, environmental and procedural matters.

6.174 He considers that the NLE to Nine Elms and Battersea represents the least effective solution, when considered alongside the alternative options. Mr Bowden is extremely unhappy about the use of a constrained and unimproved Kennington Station, which has little scope for expansion or development on the present site, either above or below ground. His view is that Vauxhall on the Victoria Line, which is modern and designed as a transport hub represents the most obvious choice for connecting LU and Central London to the BPS site.

6.175 However, Mr Bowden also sees the Elephant and Castle as a possible alternative, to link with the Victoria Line at Vauxhall and then on to the Bakerloo, Waterloo and City and Northern (City Branch) Lines. He opines that there would also be an option of linking NR lines from Queenstown Road or even tunnelling beneath them to Vauxhall might have merit.

6.176 Moving on to the engineering aspects, Mr Bowden submits that the NLE scheme would involve heavy excavation and deep tunnelling that would have long-term and lasting detrimental impact on the surrounding area, especially during the construction phase.

6.177 He is unclear how the NLE would be funded, and while there would be contributions from developers with a vested interest, this has not been quantified. For a scheme financed entirely privately one could be certain of a properly based cost analysis. However, Mr Bowden judges the present financial arrangements to be complex and over-elaborate and one that does not represent good value for public money.

6.178 Moving on to the environment, Mr Bowden notes that both TfL and the public at large accept that the NLE would have profound impact. He suggests this would not only be physical, but social, with long established and settled local communities severely disrupted. The main impacts would be noise, dust, dirt and heavy traffic with consequences for health and safety of pedestrians, cyclists, children and the elderly. The additional traffic would add to

congestion and delays. Crucially, Mr Bowden foresees the tunnelling causing lasting damage to building foundations. He concludes on this matter by saying that both the short and long term environmental damage would be out of all proportion to the limited environmental benefit it would achieve.

6.179 Turning to the consultation process, Mr Bowden views it as misdirected and mishandled in a number of ways. In particular, he thinks the consultation about the choices of mode and route options was studiously avoided. Whereas the publicity material has been highly professional, Mr Bowden questions the quality of the research, statistics and data provided. He considers that the contact made with interested parties was casual, unprofessional and possibly negligent, giving the overall impression that the process lacked thoroughness.

6.180 As a parting shot, Mr Bowden considers that the procedural failings could form the basis of an appeal for Judicial Review.

6.181 **The Claylands Green NLE Action Group (OBJ/254) (**see also **OBJ/99 and OBJ/203)** was formed in May 2011 when, without prior consultation, it became clear that TfL had already decided on route option 2 for the NLE alignment and we were then only talking about sites for intervention shafts. Thereafter, despite assiduous attempts to engage with TfL, the Group only found this possible in May 2012. The Group welcomes the removal of the Claylands Green intervention shaft, which was unnecessary, but endorses the remaining outstanding concerns raised by the Coalition of Lambeth and Walworth Residents **(OBJ/190)**, which represents a collection of Residents' groups in the area.

6.182 The Group is particularly exercised by noise and vibration and says that it is essential that full mitigation forms a part of the design and build criteria and that noise levels are reduced as much as possible, suggesting a max level of 30 dB LAF_{max}. The Group moves next to the potential for ground settlement questioning TfL's assertion that the majority of houses along the route would only suffer minimal or negligible damage. While the Group welcomes the pre-construction surveys, it still harbours doubts about the compensation scheme and also the way properties beyond the 10 mm contour would be dealt with. The Group asks for a protocol to deal with these people who remain concerned.

6.183 Turning now to the transportation assessment conducted by TfL, the Group challenges the figures for interchange and use of Kennington Station now adopted by TfL, which appear much lower than suggested by the Mayor's SKM VNEB OA Transport Study of 2009. As a consequence, the Group does not believe the proposed additional cross-passages would address the increased use and transfer at the Station, thereby exacerbating existing overcrowding and safety risks. The Group adds that if Kennington Station was brought up to modern standards, the intervention shafts would not be necessary.

6.184 Moving on to the implications for Kennington Park and its many users, the Group objects to the temporary loss of part of the Park, including the dog-walking area and the disruption to the Bee Urban project and the effects on the neighbouring children's nursery and early leaning centre. It considers the consultation on these matters has been wanting and the lasting impact of the works not fully assessed or justified. As for the flawed consultation process, the Group commends the points made by KWNAG **(OBJ/60)** adding that the consultation process did not differentiate between those in the Battersea and Nine Elms areas who would benefit from the NLE and those who live near Kennington Station who would suffer all the adverse changes.

6.185 Finally, the Group hones in on the finance and funding package, which it says relies on assumptions made by TfL that are not in the public domain. In particular, it questions TfL's financing statement that says the incremental business rates revenue coming from the economic growth in the VNEB OA would be sufficient to serve the £1bn debt in absolute and cash flow terms. It asks what would happen if there were construction delays to the scheme or a downturn in the economy. The Group expresses concerns that under these circumstances HM Treasury might direct TfL to dedicate wider budget lines to the NLE project at the expense of more worthy transportation schemes.

6.186 **The Battersea Power Station Community Group (incorporating REPS/24 and 25)** is not a formal or registered Objector, but wishes to make representations in connection with BPS and the implications flowing from the development. The Group's starting point is that the Battersea area is already well served by existing NR stations at Battersea Park and Queenstown Road. Consequently, there is no need for the NLE, because the area has good transport links. Moreover, an extension to the Jubilee or Victoria Lines would be preferable and a connection to Clapham better value. Thus, the Group contends that not all the options have been considered, but if the NLE proceeds, it should connect to Battersea Park Station so that there could be an interchange between LU and NR. It points out that to call the new station Battersea would be inappropriate, as it would serve only a small area of what is Battersea.

6.187 The Group challenges the need for a new station at Nine Elms as it would have no purpose. Vauxhall and Kennington serve most of the area and a bus link to one or other covers the rest of the catchment. It says that TfL's claim that the PTAL levels are low in the Nine Elms area is a misnomer: the really low levels are further west and an improved bus service and better cycle links could overcome this.

6.188 The Group submits that the NLE would have no civic purpose or fulfil any long term vision, but is motivated by a wish to attract foreign investors to buy the new properties being built. It points out that these will not be affordable by local people. In effect, there has been a lack of consultation on the alternatives to the NLE, and TfL is acting on behalf of the developers. The

Group turns to the economic aspects, saying that the regeneration is already under way and, as such, this is a further reason why there is no need for the NLE to proceed. By pursuing the NLE, the Group says that money would be diverted from spending on more publically beneficial schemes. If TfL wishes to pursue the NLE then this should be funded through the issue of bonds.

6.189 Finally, the Group says that the jetty at BPS should not be used and the cranes should not be moved away for renovation. They are heritage assets and if the cranes are removed, there would be no guarantee that they would be resited on the River side. As part of the same point, it condemns the high rise buildings between the NR lines and the BPS, submitting that they will destroy the iconic heritage asset.

The material points for those submitting written objections in connection with the TWAO and deemed planning consent are:

6.190 **Ms Karen Crawcour (OBJ/1)**, a resident of Kennington Park Place, raises concerns about the impact on Kennington Park and especially the loss of the Old Lodge and displacement of Bee Urban and the dog-walking area. She also highlights shortcomings in the consultation process and expresses fears about the impact the construction would have the surrounding buildings and the quality of life of residents. There are worries about traffic, including the safety of pedestrians and cyclists. Next, she believes that an upgrade to Kennington Station would be required and this would lead to the demolition of non-listed buildings. Finally, there are questions about financing the entire project.

6.191 **Ms Nina Galinska (OBJ/2)** lives in the area and would be directly affected by the proposed works. She is a user of the NL and finds it very crowded and is surprised that there are no plans to upgrade Kennington Station.

6.192 **Mr Jonathan Cox (OBJ/3)** lives in Montford Place and expresses concern about the impact on his dwelling, which is Listed. He objects to the effects on Kennington Park and surrounding area as a consequence of traffic disruption. In addition, he found the consultation lacking, with the layout plan being ambiguous and the accompanying information weak.

6.193 **Mr Bernhard Blauel (OBJ/4)** is concerned about the impact on his dwelling and, as a consequence, wants the alignment to avoid it.

6.194 **Ms Sue Vincent (OBJ/5)** who lives in Faunce Street claims that the consultation process was inadequate and misleading. She is also concerned about the loss of green space in Kennington and the lack of benefits for Lambeth residents.

6.195 **Ms Rebecca Grist (OBJ/6)** is concerned about the potential for noise and pollution from several aspects of the proposals, including construction, deliveries and removal of spoil and lorries generally. She does not consider that the noise impacts were properly investigated and worries especially about

the disruption at evenings and weekends and the diversion and delay to traffic being exacerbated by the closure of some roads. With regard to Kennington Park, Ms Grist is unhappy with the loss of the Lodge and the impact on Bee Urban, the dog-walking area and the loss of green space generally.

6.196 **Niron Noel (OBJ/7)**, a Kennington resident since 2003, has concerns about the noise and pollution from lorries and the loss of green space in Kennington Park and the impact on the dog-walking area.

6.197 **Ms Suzanne Case (OBJ/8)**, of Clayton Street, voices concerns/objection about the threat to her quality of life and the massive disruption in the area. She does not believe this has been adequately assessed and highlights the duration of the works. Ms Case also raises worries about operational noise from the completed NLE.

6.198 **Shazlynn Omar (OBJ/9)**, of Rotherhithe Street strongly objects to the plans to turn Kennington Park into a construction site, adding that it would ruin the Conservation Area and cause unnecessary disruption to the Kennington area, without delivering any benefits locally.

6.199 **Mr Phil Stanier (OBJ/10)** considers that the NLE would be poor value for money for a short extension LU to connect into a sector that already has good transport connections. He considers it would be far better to focus on increasing capacity/services from existing NR stations or introducing a shuttle bus service or even investigating a short length of LRT as an alternative.

6.200 **Mr Michael Wyatt (OBJ/11)** lives in Morden and uses the NL daily to travel to Charing Cross. While he accepts that Battersea residents would benefit from the NLE, people travelling from Morden have seen access to the Charing Cross Branch eroded and now this would end completely. With the loss of the NR route from Morden South, this means transport links in the Morden and Sutton area need improvement. He also asks why the consultation on the NLE did not include users of the Morden to Kennington section of the NL.

6.201 Although **Mr Tomas Sasko (OBJ/12)** does not live in Kennington, he cycles through each day and spends a lot of time in the Park. He is particularly concerned about noise, pollution and disruption to traffic during the construction period at all times of the day and night and the effects this would have on residents. The impact on Kennington Station in terms of safety and overcrowding leading to possible closure also raises objection. He opines that a connection through to Battersea could be better resolved by a connection from Vauxhall. As for the green spaces in Kennington, Mr Sasko looks for alternative sites and better designs for the head-houses and shafts and retention of the dog-walking area.

6.202 **Mr Matthew Nitch Smith (OBJ/13)** lives on Sharsted Street and is vehemently opposed to the temporary shafts on Harmsworth Streeet. He urges the use of brownfield sites or alternative proposals that do not require

temporary shafts or gallery tunnels. Mr Smith contends that people who have chosen to live in quiet backstreets should not be subjected to this level of disruption for a major project.

6.203 **Ms Louise Holden (OBJ/14)** objects to Kennington Park becoming a construction site for 5-years, with the loss of the Old Lodge and dog-walking area. She is also concerned about the high level of HGVs passing schools and nurseries and endangering cyclists on a Cycle Superhighway. There is the need to examine alternatives and test the scheme proposed and the effects this would have on the already crowded NL.

6.204 **Lady M Field (OBJ/15)**, joint owner of 4 Sharsted Street, is appalled at the proposal to do major works in a heavily residential area served by narrow roads. Property in the area is already suffering blight as a result of the proposal. The construction would disrupt residents' lives for a long period. She urges the use of brownfield sites or alternative proposals that do not require temporary shafts or gallery tunnels, contending that people who have chosen to live in quiet backstreets should not be subjected to this level of disruption for a major project. Finally, Lady Field questions the benefit of a station at Nine Elms for people who would be travelling towards and not away from Central London.

6.205 **Mrs Christine Everrit (OBJ/17)** objects to the proposed temporary shafts and the effects constructing these would have on the health and amenity of local residents in nearby sheltered accommodation. The shafts would be too near residential dwellings in an area where there are preservation orders on trees. This land should be left suitable for our environment.

6.206 **LeFarge Tarmac (OBJ/18)**, supports enhancement of the LU system, but is concerned that the NLE project would compromise their ability to transport bulk aggregates by rail to their rail fed batching plant located at Stewarts Lane Goods Yard, Queenstown Road.

6.207 **Mr Duncan Fry (OBJ/19)** objects to the conversion of the Pay and Display Parking Bays in Harmsworth Street to Residents' Parking Bays.

6.208 **Mr Paul Becha (OBJ/20)**, questions the cost benefit analysis and especially the lack of benefits for Lambeth residents. He is concerned about the disruption during the construction period, especially during evenings and at weekends, highlighting the impact from noise and other pollution sources. Traffic problems and the implications for highway safety for all is also cited. This worry extends to the potential for noise and vibration once the NLE opens, which he believes has not been properly investigated. Next, he requests a station upgrade at Kennington as a consequence of the existing crowding level being added to when the NLE is operative. Lastly the effects on Kennington Park including the movement of Bee Urban, loss of the dog-walking area and demolition of the Lodge all raise objection. In voicing these concerns Mr Becha asks questions about the consultation and the questionnaire methodology.

6.209 **Mr Anthony Pavlovich (OBJ/21)** lives in Cook's Road close to the proposed Kennington Park shaft. While recognising the wider benefits of the NLE, he points out that for people living nearby benefits would be minimal. Mr Pavlovich submits that there should be a genuine attempt to minimise disruption for local people and suggests that to safeguard the Lodge and Bee Urban the head-house and shaft should be relocated to a less intrusive place. He also raises concern about the prospect of construction traffic using residential roads and the prospect of general traffic disruption at all hours of the day and night.

6.210 Messrs **Michael Rourke and Mark Cutton (OBJ/22)** live at 37 Hanover Gardens, which is a property circa 1850 and in the St Marks Conservation Area. This property is thought to have relatively shallow foundations and is located almost entirely within the limits of deviation and land to be acquired or used, with a small part of the garden within the limits for protected works. Given these circumstances they object on grounds of potential settlement, increased noise especially from the temporary railway, but also to operational noise following opening of the NLE. They also seek protection to Hanover Gardens from use as a worksite or a site for locating plant or machinery. Finally, they are concerned about the notice that TfL would have to give prior to initiating survey work and/or entry onto land.

6.211 **Ms Vicky Bowman (OBJ/23)** is a resident of the area and requests that noise levels should be no higher than 27dB. She is also very concerned by the overloading of the NL at Kennington and does not believe that the new cross-passages would address the problems during peak periods.

6.212 **Ms Shellagh Farren (OBJ/24)** does not object to an LU extension to Battersea, but considers that extension from Vauxhall would be a wiser and cheaper solution. With the poor access arrangements at Kennington, she is very surprised that there are no proposals for upgrading this station. She believes that Southwark would get none of the benefits of the NLE, but would suffer years of disruption, with dirt, noise pollution, traffic chaos and the destruction of part of Kennington Park. Finally, she is staggered that as a Southwark resident she has not been consulted about the works, whereas people in Battersea have been extensively consulted.

6.213 **Mr and Mrs Farrell (OBJ/26)** reside next to the proposed shaft on Harmsworth Street and object to this. In addition, they see no need for the NLE, saying that there are adequate buses to serve the area.

6.214 **Ms Eleanor Hadfield (OBJ/28)** objects to the proposed NLE, which would necessitate removing topsoil and the potential underpinning of her property in Ravensdon Street, Kennington. It is possible that this would result in a loss of rental income and a lowering of value and blight if one wished to sell, adversely affecting her financial security.

6.215 **Mr Brian Hutchinson (OBJ/29)** opines that the NLE would be a total waste of taxpayers' money, with a far more economical solution being an extension from NR's existing lines between Victoria and Battersea.

6.216 **Dr A A Khakoo (OBJ/31)** objects to the NLE on the basis that the route chosen resulted from a series of false choices designed to support a pre-determined option. Dr Khakoo raises concerns about conditions at Kennington Station and the fact this would have to be rebuilt/ relocated in the future. Objection is also made to the likely noise and vibration saying that, to avoid significant impact on residents' lives, the maximum decibel level should not exceed 25 dB.

6.217 **Mr Mel Cullinan (OBJ/32)** lives on Faunce Street and objects to the NLE because of the impact on the quality of life for Kennington residents and businesses. He is especially concerned about noise and pollution and the effects on buildings during the construction and the safety of pedestrians, children and cyclists from HGV traffic. Mr Cullinan believes that the scheme should include upgrades to Kennington Station to avoid dangerous overcrowding.

6.218 **Ms Zimmy Ryan (OBJ/33)** has many strong objections, but the main one is that the NLE scheme would not benefit local residents in any way. Instead they would cause huge disruption and the devastating loss of local Conservation Areas, including a thriving apiary. She opines that the only people who would benefit would be those working in the new American Embassy. Ms Ryan concludes by saying that there are alternative sites that would deliver the same without devastating the Kennington area.

6.219 **Sarah and Ed Burgess (OBJ/34)** object to the principle of the NLE, submitting that it would neither be the best value option nor the best co-ordinated option for the VNEB. The NLE would overstretch existing lines and would not integrate well with other transport options. In addition, they object to the proposal as they would affect Kennington Park. In this regard they consider that the consultation has been poor and biased, that alternative suggestions advanced by locals have not been investigated and the Order proposal would affect the sensitive location of Kennington Park Place. This would not enhance the Conservation Areas in LBL and LBS and should, therefore, not be allowed. As for the design, the new building would present a lifeless and blank façade to Kennington Park Place, offer poor detailing and not appear as settled in the location as the present Lodge in its garden setting.

6.220 **Mr John Atkinson (OBJ/36)** says that, while not objecting to the NLE itself, he does object to the process of consultation of options for the Kennington Green head-house, in terms of design, size and location. There would be preferable options that would not affect the historic landscape of the Green and have considerably less impact on residents. Such other sites as the neighbouring Tesco brownfield site, would also avoid the potential for gas leaks on the nearby Chivas site.

6.221 **Ms Nicole Howard (OBJ/37)** supports the NLE except for the impact it would have on Kennington Park, which is an important green space for the local community. She suggests the use of an alternative site for the ventilation shaft and head-house.

6.222 **Dr Sue Harrington (OBJ/39)** complains about the consultation process and considers the design for the head-house at Kennington Green fails to reflect local views and would be ugly and poorly designed. Moreover, it would be in a conspicuous position in a CA containing some attractive and valuable domestic architecture. Clearly inadequate thought has been given to its position, scale and 'architectural' design. In addition, Dr Harrington harbours concerns about the potential risk of gas escape from the nearby holder. Finally, she submits that TfL has not adequately considered the possible alternatives in sufficient detail and has largely decided matters on the basis of cost.

6.223 **Ms Alison Roberts (OBJ/41)** objects to the plan to demolish the Old Lodge in Kennington Park and replace it with a ventilation shaft and head-house. Kennington Park is a well used, lively and pretty open space. She submits that it would not be fair or acceptable that residents local to the Park should live opposite a noisy building site for much of the time over several years.

6.224 **A Beavers (OBJ/42)** complains about the flawed consultation process, the lack of opportunity to comment on alternatives and the paucity and inconsistency of information supplied. The objection pertains especially to the proposed ventilation shaft and head-house on Kennington Green, which he contends would be of poor design in a conspicuous position. The Conservation Area contains some attractive and valuable domestic architecture and, in this context, it is clear that inadequate thought has been given to the position, scale and 'architectural' design. In addition, the Objector contends that TfL has not considered the possible alternatives in sufficient detail and the final decision has been reached largely on the basis of cost. This is not an objection to the principle of the NLE.

6.225 **Adrian and Victoria Bartlett (OBJ/43)** object in the strongest possible terms to the proposed NLE extension, which would be costly and unjustified. Other transport interventions, such as rapid bus or LRT, could be built to satisfy the needs of the VNEB at the fraction of the cost and without the extensive damage the construction and operation of the NLE would have on residential areas in Lambeth and Southwark. They challenge the passenger demand levels used to justify the scheme and point out that this section of the NL is already overburdened and potentially unsafe and the proposed minimal works to Kennington Station would not constitute an adequate improvement. The construction of the NLE would cause irreparable damage to the local environment during the construction phase and its future operation. Finally, they submit that the money, which was to have come from the developer of the BPS project would now depend on a Government loan and the money could be better spent elsewhere.

6.226 **Ms Lucy Davison (OBJ/50)** complains about the shambolic consultation process with local Kennington residents. In addition, she does not believe that it has been proven that the NLE is the best way to extend transport links to Battersea and the cost, size and impact of the project require that it is properly examined.

6.227 **Ms Zoe Moore (OBJ/53)** is not opposed to the NLE *per se*, but objects to the location of the proposed head-house in Kennington Green and points out that none of the consultation documentation circulated suggests that the head-house would be as high as 10 m. She considers that the consultation process must ensure that everyone receives the same, consistent information about the proposal.

6.228 **Mr Paul Kerr and Ms Ruth Baumgarten (OBJ/54)** live on Kennington Road and say that their property would directly overlook and be the closest building to the proposed shaft and head-house on Kennington Green. They say that the consultation process has been flawed, pointing out that they have not been able to comment on alternative locations and designs. As it stands, the proposed head-house would be excessively tall and consequently may block significant light from their windows infringing their right to light.

6.229 **Ilona Ludewig-Mack (OBJ/56)** objects to the proposed temporary shaft in Harmsworth Street and urges the use of the tunnelling method, thereby avoiding the need for temporary shafts.

6.230 **Mr Martin Graham (OBJ/58)** considers that the consultation process was flawed and inadequate leading to the proposals being constructed in a very unintelligent way, with absolutely no consideration for limiting the impact on local residents. He is particularly concerned about the large number of negative factors associated with the current proposal for a ventilation shaft on Kennington Green favouring the alternative site at 373 submitted by the KGSG. In addition, he is concerned about the impact on Kennington Station and the additional overcrowding on trains with the increase passenger demand. These effects would be extremely unfair to local residents, especially given the years of disruption, nuisance and potential damage to local properties while the NLE is constructed.

6.231 **Mr Craig McKendrick (OBJ/61)** objects to the consultation process and feels that alternative sites have not been properly considered. As proposed, the NLE would have a great, permanent negative effect on the neighbourhood and especially Kennington Park, where the picturesque Old Lodge would be demolished and replaced by a 2-storey industrial structure. This would contrast badly with the listed buildings on the corner of St Agnes Place and Kennington Park Place.

6.232 **Mr William Hall (OBJ/62)** submits that the proposed worksite, shaft and head-house on Kennington Park would be deeply troubling for a number of reasons. These include the flawed consultation process, the loss of the Lodge

and replacement with a building incompatible with the local environment, increasing noise and pollution and the displacement of the dog-walking area. The access route to the worksite would be next to a children's nursery and primary school, increasing safety risks in an area that encourages travel by cycle and on foot. He concludes by saying that, as the local residents would not benefit from the NLE, it is unfair that the local environment would be harmed for the benefit of others.

6.233 **Ms Juliet Hobday (OBJ/63)** objects to the damage the NLE project would have on London's green spaces, noting particularly the ventilation shaft and head-house on Kennington Park and destroying the Old Lodge in the process. She adds that green spaces are at a premium in London and suggests that there are better options, such as the BT site opposite Kennington Station, which would need to be enlarged eventually. Ms Hobday concludes that the correct value should be put on green space and the easy option of using such should be made harder.

6.234 **Yunxin Lin-McKendrick (OBJ/64)** objects to the NLE proposal on the basis that there has been inadequate consultation on alternative sites and that it would have a great impact on the neighbourhood, with no benefit to the Kennington Area. It is added that Kennington Park is an important green area and it would be shameful to destroy the Lodge, which is an excellent community resource.

6.235 **Mr Harry Cobbe (OBJ/67)** supports the principle of the NLE, but objects to the potential environmental impact. In particular, there are concerns about construction and operational noise levels following opening of the NLE, saying that the levels promised by TfL would not be legally required. He also raises worries about the potential for settlement for those like himself living near to the proposed line.

6.236 **Hilary Gal (OBJ/68)** objects strongly to the plan to demolish the Old Lodge in Kennington Park, which is the home to Bee Urban and a dedicated dog-walking area, both important community assets. It is pointed out that Kennington Park is large and there must be other locations to site the shaft and head-house. Finally, fears about the huge disruption for local people are raised.

6.237 **Ms Cassie Pearse (OBJ/69)** lives close to Kennington Park and believes that the proposals for the NLE have been drawn up too hastily, which has produced a shambolic and illogical design that does not take into account the needs of residents.

6.238 **Ms Gail Sixsmith and Mr Aidan Conion (OBJ/75)** live adjacent to Kennington Green and wish to raise a number of issues. First, they point out that the benefits would be for new residents to the area at the expense of the existing population, including diverting pedestrians. Secondly, there are concerns about noise, vibration and settlement and fears that property would

be devalued. Thirdly, they raise the potential exacerbation of overcrowding on trains at Kennington Station. Next, they object to the adverse impact on Kennington Green, the loss of trees and the design and scale of the proposed head-house. They also question the consultation process and support an alternative site for the worksite and head-house at 373.

6.239 **Ms Suzy Gillett (OBJ/76)** suggests there are other locations to site the proposed head-house and ventilation shaft, avoiding the need to destroy the buildings used by Bee Urban and imposing less destruction and distress. She is also concerned about the effect the head-house would have on the beautiful buildings in the Conservation Area, adding that Kennington residents do not want large building works and lorries rumbling around this quiet corner.

6.240 **Ms Felicity Astroulakis (OBJ/77)** would not be directly affected by the proposed route of the NLE, but believes that the scheme would not address the transport needs of the area, which have not been assessed. The NLE would raise new property values and, one way or another the spiralling costs would be borne by the local ratepayers. She also submits that the safety at Kennington Station has not been addressed, saying that there is no provision, financial or otherwise, to improve access or emergency escape. She concludes that TfL has fudged both the public consultation and financial implications.

6.241 **Dr Alison Powell (OBJ/78)** lives on Faunce Street and raises a number of objections. First, she considers that the consultation was flawed and alternatives not canvassed. Dr Powell adds that the NLE plans must not endanger local health, safety or the environment. Secondly, she is concerned about the access to and use of her daughter's nursery, with regard to highway safety and pollution, also citing the proposed hours of operation. Thirdly, there are worries about the implications for the Conservation Area and of tunnelling under listed buildings and other properties in the area. Next, Dr Powell deplores the loss of Bee Urban. Finally, she contends that the NLE would unfairly impose massive disruption on the Kennington area without delivering any benefits or even an upgrade of Kennington Station.

6.242 **Mr Steve Clarke (OBJ/79)** considers that the NL is already overcrowded and believes the NLE would cause unnecessary disruption in the area.

6.243 **Mr Paul Gregan (OBJ/80)** did not appreciate the level and nature of the proposed works and the effect this would have on the Kennington area. With this lack of transparency, he objects to the NLE.

6.244 **Ms Judith Weir CBE (OBJ/82)** lives next to two of the proposed construction sites and above a SPJ. She raises complaints about the lack of consultation and explanation of the possible implications of the NLE project for her. Ms Weir is particularly concerned about the potential for ground destabilisation, the adverse effects on Kennington Park and the consequences of the inevitable increased pressure on Kennington Station and the service levels on the NL. Finally, she opines that the NLE project has been kick-started by private

interests connected to the BPS redevelopment and that the wider benefits to Londoners could be achieved by far less intrusive intervention and impact on residents living in the Kennington area.

6.245 **Ms Christina Gray (OBJ/83)** is a local resident who is at one with Ramboll in voicing her objection to the proposal to locate a ventilation shaft and head-house in Kennington Park, especially as there are viable alternatives. She is a daily user of the Park and a supporter of Bee Urban and the work its does. Ms Gray points out that re-siting bee hives cannot be achieved without seriously damaging effects. She also raises pollution concerns close to a nursery and the potential for cycle /HGV conflict. In more general terms, she is opposed to the environmental impacts of the NLE and believes that TfL has focussed on the benefits of the scheme for people living in Battersea at the expense of the concerns of Kennington residents. In addition, the NLE proposal does not include any extension to Kennington Station, opining that the existing arrangements could not possibly cater for the additional usage once the NLE is operative.

6.246 **Mr Mat Owen (OBJ/84)** objects to the planned building works in Kennington Park, especially when the NLE would deliver little benefit to local people, who wish to live next to a park and not a building site. In addition, he says that the impact on local businesses has not been considered. He believes that the increased traffic and HGVs would add to already high traffic volumes in an area that is unable to cope. Mr Owen asks what the alternatives are, saying that they do not seem to have been investigated or publicised.

6.247 **Gwilym Colenso (OBJ/85)** is a local resident who strongly objects to the NLE and the proposed location of the ventilation shaft in Kennington Park. Both would have a detrimental effect on local people. In particular, concerns are raised about the failure to consider alternatives. As such, if the scheme proceeds as proposed, it would cause lengthy disruption for locals, loss of amenity and increased congestion on the NL, with trains arriving full at Kennington on both the Bank and Charing Cross Branches. This would deliver no benefits to people currently resident in the local Kennington area, but merely assist the non UK, wealthy residents buying high priced property in Battersea. There is no indication about how many of the 25,000 new jobs would go to local people and the £1bn could be better spent on upgrading the existing system.

6.248 **Mr Martyn Thomas and Ms Anne Rogers (OBJ/86)** live directly above the NLE route and lodge particular worries about damage to their property both during construction and when the NLE is operational. In addition, they are concerned about noise and vibration with the NLE running and the reduction in the value of their property. Against this background, they require the best engineering and technology to be employed to minimise these concerns and a protocol for assessing, monitoring and, if necessary, compensating for any damage due to the works as well as compensation for loss in property value.

6.249 **Ms Emma Rhys (OBJ/87)** objects to the current plans for the NLE, having regard to the effect on Kennington locals and the implications for Bee Urban, dog-walkers in Kennington Park and for children using the local nursery. She believes that there are better options for the ventilation shaft and head-house and a preferable route for the NLE in Vauxhall, which already has the necessary infrastructure. Finally, Ms Rhys is fearful about the congestion that would ensue at Kennington Station on the already very busy NL.

6.250 **Mr Nicolas Bence-Trower (OBJ/88)** says that, while supporting the principle of the NLE, he objects to the TWAO application on the grounds of the environmental impact due to noise and vibration and the affect it would have on the Fentiman Arms. Mr Bence-Trower is dissatisfied about the undertaking with respect to mitigation, especially noise, unless the maximum possible mitigation measures and a legal undertaking to deliver maximum noise levels of 35 dBL at SPJs / points/ crossings and 27 dBL on the remainder of the running track.

6.251 **Ms Jean Geldart (OBJ/89)** says that the NLE would run beneath her property and is very concerned that it would affect her comfort and health and the value of her house. She is particularly worried about the noise and vibration affecting the quiet enjoyment of her home and expects adequate compensation for the reduction in property value and an acceptable protocol for measuring, monitoring and compensation for potential structural impacts.

6.252 **The Talisman Charitable Trust (OBJ/90)** strongly objects to the proposed siting of the ventilation shaft and head-house on Kennington Green and supports the submissions of the KGSG **(OBJ/158)**.

6.253 **Mr Christopher Broadhurst (OBJ/91)** does not feel he has been adequately consulted or been able to comment on alternatives prior to reaching a decision on the design and location of the ventilation shaft and head-house at Kennington Green. As a consequence, he considers the consultation process flawed and requires an in depth review of the available options. He adds that he is not opposed to the NLE *per se*.

6.254 **Ms Anne Willmott (OBJ/92)** has no objection to the principle of the NLE, but considers the consultation process has been misleading and flawed. She believes that the proposal to construct the ventilation shaft and head-house overlooking Kennington Green should be opposed and supports the alternative site at 373 promoted by KGSG **(OBJ/158)**. Ms Wilmot is also concerned about the footfall to the Bee Urban Visitor Centre.

6.255 **Ms Nicola Fleming (OBJ/93)** objects to the consultation process, which she considers has been misleading and flawed. She does not feel she has been able to comment on alternatives. Ms Fleming believes that the proposal to construct the ventilation shaft and head-house overlooking Kennington Green, which would blight the Conservation Area valuable domestic architecture, should be opposed and supports the alternative site at 373 promoted by KGSG

(OBJ/158). She says that local residents should not lose the use of the Green, suffer the loss of mature trees proposed and have local businesses disrupted when it could all be confined to 373. Finally, questions are also raised about the diversion for large numbers of pedestrians who use the route across the Green and the traffic congestion that would be caused by the suspension of the bus lane on Kennington Road.

6.256 **Mr Paolo Panizzo (OBJ/95) and Ms Sandrina Carosso (OBJ/96)** consider they have not seen or been able to comment on the various options for the head-house on Kennington Green. They consider the consultation flawed and require an in depth review of the available options, with the facility to consider and comment on them. They add that they are not opposed to the NLE *per se*.

6.257 **Ms Rachael Panizzo (OBJ/98)** is not opposed to the principle of the NLE, but objects to the consultation process, which she considers has been misleading and flawed. She does not feel she has been able to comment on alternatives. In particular, the proposal for Kennington Green would be ugly, poorly designed and conspicuous, thereby blighting the CA and its attractive and valuable domestic architecture. She opines that this should be reviewed by a more professional and thoughtful process that would avoid unnecessary adverse impacts.

6.258 **Mr Stephen Bayley (OBJ/100)** supports the NLE in principle, but as his house is located above the proposed alignment he is concerned about noise and vibration. As such, he requires the maximum possible mitigation measures and a legal undertaking to deliver maximum noise level of 35 dBL at SPJs / points/ crossings and 27 dBL on the remainder of the running track.

6.259 **Mr Duncan Smith (OBJ/102)** objects to the impact of the work on local residents, which he contends has been grossly underestimated, especially with regard to noise. Mr Smith also believes Kennington Park would suffer and strongly opposes the demolition of the Old Lodge. Furthermore, he remains unconvinced about the benefits of the NLE, but says that if it is necessary then it should continue to Clapham. He suggests that the sole purpose of the NLE would be to serve the rich investors at the BPS development and infers that this should not be at the disadvantage of Kennington residents.

6.260 **Ms Lindsey Trice (OBJ/104)** feels that the benefits promised to new occupiers in the Nine Elms developments would be at the expense of the Kennington area. She adds that there have been inadequate investigations into Kennington Station, Kennington Park, two local schools and noise levels during construction. Ms Trice believes that more weight should be given to the interests of Kennington and that all possible routes and sites for the NLE should be investigated.

6.261 **Mr Trevor Quick (OBJ/105)** believes that there has been no real consultation and that it is unfair that the residents of Kennington would suffer 5-years of noise and nuisance. In particular, he is concerned about the effect

on Kennington Park, with the loss of the dog-walking area and the change in view from his home. Finally, he is worried about what would happen to his disabled parking bay on St Agnes Place.

6.262 **Ms Natalee Vehring (OBJ/106)** says that as a Kennington resident she is very concerned about the effects that the NLE would have on the area. She is particularly worried about the implications for the Children's Centre at Bishop's House from traffic, pollution, vibration and noise. Ms Vehring objects to the loss of the Old Lodge and the dog-walking area in Kennington Park. She also objects to the effect on Bee Urban. Ms Vehring then moves on to raise concerns about traffic and safety on local roads and the possible difficulties at Kennington Station with the passenger increase. Finally, she asks for sites other than Kennington Park to be considered for the siting of the ventilation shaft and head-house.

6.263 **Ms Nicola Green (OBJ/108)** particularly objects to the proposed use of Kennington Green as a worksite and the head-house on the distillery site. She believes the works would cause great disruption, damage, noise and severe deterioration of the environment. The head-house would adversely affect the listed buildings around the Green.

6.264 **Ms Daphne Keen (OBJ/110)** resides over the route of the proposed NLE. She is a member of a local action group and after considerable research into the likely consequences of the NLE firmly believes that noise, vibration and subsidence would be significant and the operational noise from the NLE would be detrimental to the local residents, their sleep and health. Ms Keen considers that the noise levels would not accord with the best practice in the developed world and TfL should be required to meet the standards elsewhere of 30 or 32 dB LAmax. Finally, she raises worries about the settlement of buildings directly above and even further away. The safety of buildings should be part of a protocol that would assess the before and after situation and pay compensation where necessary.

6.265 **The Landsowne Residents Association (OBJ/111)** objects to the NLE as a hugely expensive scheme, with unproven need. The Association opines that the financing mechanisms are not clear and that there are more cost-effective alternatives. Residents are concerned that mitigation of noise, vibration, disruption and construction traffic has not been specified in sufficient detail and the Association adds that the NLE would deliver no significant benefit to Lambeth, while causing harm to the environment.

6.266 **Ms Alison Louise Forbes and Mr Andrew Michael Forbes (OBJ/112)** primarily oppose the NLE and object to the TWAO, because of the direct potential environmental impact on their property in Fentiman Road. They question the level of consultation and the information informing what the available compensation would be if there were damage or a drop in property value. They also highlight the likely noise levels and question the mitigation proposed. As such, they require the maximum possible mitigation measures,

believing that a noise level of 19-20 dB $LA_{max}S$ could be achieved, but require a legal undertaking to deliver maximum noise level of 35 dBL at SPJs / points/ crossings and 27 dBL on the remainder of the running track.

6.267 **Ms Anna Marrollo (OBJ/113)** does not oppose the NLE, but does object to the location of the proposed ventilation shaft and head-house in Kennington Park and especially the demolition of the Old Lodge. She believes that an alternative site within the Park or even outside would be preferable.

6.268 **Mr Peter Carew and Ms Laura Carew (OBJ/114)** say that their property is shown in the Book of Reference Volume 1 as one that would be directly affected, but they have not been served a Rule 15 Notice. They also believe that noise and vibration would be significant and the operational noise from the NLE would be detrimental to the local residents, their sleep and health. They consider that the noise levels would not accord with the best practice in the developed world and TfL should be required to meet the standards elsewhere of 30 or 32 dB L_{Amax}. Finally, she raises worries about the settlement of buildings directly above and even further away. The safety of buildings should be part of a protocol that would assess the before and after situation and pay compensation where necessary.

6.269 **Mr Ben Long (OBJ/115)** objects to the use of part of Kennington Park for the ventilation shaft and head-house and believes that inadequate guarantees and/or information have been given in respect of the noise levels and air pollution from these when operational. As a regular user of Kennington Station, Mr Long is worried about public safety. In addition, he is concerned about the potential damage to property, the controls over disruption to residents of the area during construction and guarantees that once the NLE is started it would be completed.

6.270 **Mr St John Smith (OBJ/116)** does not oppose the NLE, but would prefer that the head-house etc was not located in a position that would cause the loss of the Old Lodge and garden aentre. He considers there are plenty of other options, including the existing dog-walking area, which would avoid the need to demolish.

6.271 **Mr Paul Palmer (OBJ/117) and Mr Bret Pletnicki (OBJ/119)** object to the impact the NLE would have on Kennington Park. They are particularly concerned about use of the worksite for 5-years, with the 40-50 HGVs travelling daily down Kennington Park Road and Kennington Park Place, adding a safety risk to cyclists and children attending schools and nurseries. Mr Palmer and Mr Pletnicki also oppose the loss of the Old Lodge and closure of the dog-walking area in the Park. They add concerns about the potential effects of tunnelling on the houses in the area and the already overcrowded NL. Finally, they demand that all viable alternatives are examined and that TfL is not allowed to take the softest option.

6.272 **Ms Imogen Evans (OBJ/118)** is a long term resident of Kennington, whose property would be affected by the NLE. She wishes to register objections to the increased pressure on the already overcrowded NL at Kennington Station during peak hours. In addition, she protests about the negative impacts on Kennington Park, drawing particular attention to loss of the local amenity, including the loss of the Old Lodge and dog-walking area. Ms Evans raises questions about the consultation with local people and does not believe that all the options for the worksite and head-house have been considered on a level playing field. Finally, she is worried about the stability of her property during and after the tunnelling and the extra traffic, noise, dirt, pollution and road closures during the work. She says Kennington is a quiet neighbourhood that would experience the full brunt of the works without any benefits to the local community.

6.273 **Ms Vicki Towers (OBJ/120)**, **Mr Joel O'Sullivan (OBJ/137)** and **Mr Grant Hamilton Smith (OBJ/141)** ask for a public inquiry and opine that, as there is no demand for the NLE in the Kennington area, the ultimate scheme put forward must be the result of a neutral and detailed transport needs assessment. They believe, also, that the financing arrangements for the NLE are incomplete and misleading. Next, Ms Towers and Mr O'Sullivan say that the serious concerns of residents regarding safety, technical and environmental impacts and public realm benefits, confirmed by LBL's consultants, have not been addressed. They add that the consultation process with local residents has been selective and manipulative, with serious issues ignored. Finally, they would like to endorse the points made by VNEB DATA **(OBJ/123)**, especially in their response dated December 2012.

6.274 **Mr Paul Dean's (OBJ/122)** property would be directly above the NLE and his representations relate to the three matters of subsoil acquisition, noise and vibrations and the temporary shafts and gallery tunnels. Mr Dean is concerned that granting the TWAO would confer absolute discretion on TfL to acquire any land it considers necessary. He believes that what should happen is that the Order should be amended to ensure that only the minimum land would be acquired. As for noise and vibration, Mr Dean is unhappy about the protocol being adopted, saying that the noise levels would be too high and there is no guarantee that TfL would even achieve what is proposed. Finally, he is clear that the use of gallery tunnels would be far preferable to the use of temporary shafts.

6.275 **Ms Naomi Roper (OBJ/124)** objects to the NLE plans because of the impacts on Kennington Park and the local community. With respect to the former she highlights the loss of community green space in a populous area, where there is currently very little. Next, Ms Roper anticipates that the works would cause huge disruption to the local residential and business communities, with noise, dirt and traffic pollution delivering a very unhealthy environment. Finally, she draws attention to the amount of HGV traffic forecast and the fact that local properties would face a considerable risk of damage.

6.276 **Ms Ellen Foreman (OBJ/125)** is a local resident who formally objects to the plans for the NLE. She finds that the disruption to residents during construction and the long, and sometimes unsocial, working hours, would be unacceptable in such a highly dense residential area. Ms Foreman is especially exercised about the negative impacts of the proposed ventilation shaft and head-house in Kennington Park, submitting that the site at Oval Green would be preferable, adding that the health and safety reasons for not adopting this site are not evidentially based. She is unhappy about the guarantees for operational noise levels and the air pollution from the ventilation shafts. Next, Ms Foreman is concerned about public safety at Kennington Station with the increased passenger throughput. Finally, the consultation process is challenged and said to have been inadequate.

6.277 **The Kennington Park House Tenants' and Residents' Association (OBJ/127)** occupy some 40 properties overlooking Kennington Park, with many using the NL to access work etc. First, the Association raises questions about the consultation procedure. It moves on to health and safety, pointing out that nothing is in place to demonstrate that the position with regard to the basements of their properties, which are prone to flooding, would not be exacerbated. The Association is concerned about the noise from drilling and construction traffic as well as that from trains when the NLE is open.

6.278 It objects to the use of Kennington Park for the proposed shaft and head-house, pointing out that there is already one in the Park and suggesting that the site at Oval Green would be preferable. Next, the Association draws attention to the potential for further overcrowding at Kennington Station and the possibility this would become an exit only station during peak hours. Finally, the legality of a decision that would impose such harm and blight on a locality without delivering any benefits is questioned, pointing out that the s.106 money that should be available for the wider locality would be used to pay for the NLE.

6.279 **IMPACT (OBJ/131)** is a residents' association covering properties in Meadow Road, Palfrey Place, Ashmole Street, Claylands Road, Claylands Place and Trigon Road. The Association acts for many residents who would be directly affected by the proposed NLE. As a result, the concerns raised by IMPACT focus on the construction and operation of the NLE, the implications for the NL and Kennington Station and the effects on community facilities in the area, especially in relation to the proposal for Kennington Park. The Association contends that the public consultation process has failed to address residents' concerns about noise and vibration, ground settlement and transport. Finally, it raises questions about the funding and financing for the NLE.

6.280 **Mr Richard Clayton and Ms Laura Foreman (OBJ/132)** are householders of a property directly affected by the proposed NLE and object specifically to the noise protocol envisaged saying that there is a lack of clarity about the mitigating measures. They require TfL to be subject to a legal requirement for

noise levels and, in any event, contend that 30 dB LAFmax would be a preferable target.

6.281 **Mr Gordon Nelki (OBJ/133)** lodges the strongest possible protest about the proposed NLE and the impacts on the Kennington area. He submits that there has been no independent assessment of alternative routes and options, believing that the better solution would be to extend the Victoria Line from Vauxhall rather than exacerbating conditions on the already overcrowded NL. Mr Nelki argues that Kennington has very long established residential premises and facilities that would be permanently and severely compromised. Movement in the area would be impeded by the increase in traffic and road closures. Moreover, he says that buildings on the Lambeth side of Kennington Park Road are already suffering from noise and vibration from the NL trains passing under buildings and causing subsidence and fractures. He concludes by contending that the local population lacks confidence in TfL's behaviour.

6.282 **Mr Nicolas Tate (OBJ/134)** says his environment and way of life would be tiresomely affected by the NLE, without delivering him any benefit. He is particularly exercised by the failure to connect the NLE to the Victoria Line and to the desecration of Kennington Park, noting especially the outrageous and unnecessary vandalism that would follow the demolition of the Old Lodge.

6.283 **Mr Ulf Krautmacher (OBJ/135)** objects to the NLE because the construction work would damage the integrity of the recreational area of Kennington Park for thousands of local residents, who have no alternative open space nearby. Moreover, he questions the levels of air pollution that would emanate from the proposed ventilation shaft and head-house in Kennington Park adding, finally, that there are no plans to cope with the increased passenger numbers at Kennington Station.

6.284 **Ms Inge Laursen (OBJ/136)** says the NLE scheme is ill conceived and requires a public inquiry. She contends that the current proposals do not address the concerns of local Kennington people or the current congestion at Kennington Station, adding that the proposals to improve the Station have been rejected as too expensive. Ms Laursen questions the finance for the NLE, which is escalating. She is unhappy about the consultation procedure, which she says was fundamentally flawed, asking for further analysis to assess the effect on local communities, the cost implications, the benefits and environmental impacts. Finally, Ms Laursen objects to the proposed ventilation shaft and head-house in Kennington Park that would require demolition of the Old Lodge and dislocation of Bee Urban, which is a much loved community resource for learning about and keeping bees.

6.285 **Mr Edward and Ms Emma Docx (OBJ/138)**, **Mr Roger Ayers (OBJ/139)** and **Ms Emma Bassett (OBJ/140)** support the principle of the NLE, but object to the TWAO on the grounds of the potential environment impact. They say that they have not been consulted and are concerned that the noise

mitigation required would neither achieve an acceptable level nor be legally enforceable.

6.286 **Mr Lawrence Springall (OBJ/142)** objects to the current plans for the NLE on the basis that there has been insufficient public consultation, inadequate consideration of the alternatives and the detrimental impact there would be on local community amenities.

6.287 **Ms Nikki Vane (OBJ/143)** says she attended a consultation session at Kennington Park, but, despite promises has not been contacted since. She is particularly annoyed about the location and unsustainable design of the proposed head-house, and the need to demolish the Old Keeper's Lodge and relocate Bee Urban to accommodate it. She has been involved with Bee Urban since its inception and points out that it is a valuable community asset and even if relocated would transfer to a new as opposed to an established garden environment.

6.288 **Mr David Powell (OBJ/144)** objects to the long term effects the NLE would have on the Kennington area and the negligible benefits compared to those living nearer to Battersea. He highlights the noise and disruption for residents near to the worksites and ventilation shafts and the loss of facilities in Kennington Park, including the dog-walking area and Bee Urban. Mr Powell sees the head-house on the site of the Old Lodge as being too large and inappropriate. He also raises fears about the implications for Kennington Station unless there is considerable improvement. Finally, he contends that the consultation process has not been conducted properly.

6.289 **Ms Amanda Rodgers (OBJ/145)** is very concerned that the NLE would have a disastrous effect on the Kennington area. At the outset, she favours consideration of other options and possibly a monorail along the River, utilising the NL network or a connection to Vauxhall rather than Kennington, where the Station would not be upgraded despite severe overloading. Ms Rodgers also points to the implications for Kennington Park and the surrounding area. In particular, there would be the closure of the dog-walking area and dislocation of Bee Urban, the effects of additional HGVs on cyclists and pedestrians and nearby schools and nursery, the implications for rubbish collections, delivery services, trades-people and parking with the road closures and the noise and vibration and possible subsidence of buildings, including some that are Listed. She goes on to say that the consultation process has left much to be desired, with poor notification and an appallingly biased questionnaire. In summing up, Ms Rodgers can understand why so many local people object, having regard to the grave negative impacts and the lack of any local benefits.

6.290 **Mr Robert Woodliff (OBJ/148)** is concerned by the effects there would be on Kennington Park Place and local residents from additional traffic noise, excavations and the movement of HGVs. He says that the excavated material should be moved underground as was the case when the Channel Tunnel were constructed.

6.291 **Dr Ceri Morgan (OBJ/149) and Mr Andrew Weller and Ms Irene Bax (OBJ/150)** live on Fentiman Road and object to the NLE and the TWAO on the grounds of the potential and environment impact. They say that they have not been consulted and are concerned that the noise mitigation required would neither achieve an acceptable level nor be legally enforceable.

6.292 **Mrs Anais and Mr Alistair Hawkins (OBJ/151)** are deeply concerned about the lack of consultation, which was deeply flawed and inadequate. Their particular objection relates to the current poorly thought out scheme for a ventilation shaft and head-house on Kennington Green, with the loss of open space and mature tress and little consideration for those that would be affected by the construction taking some 2-3 years. In their opinion, the site at 373 would be far preferable for both the head-house and worksite, avoiding the lack of shielding to The Lycee, a Grade II Listed Building.

6.293 **Sian Thomas (OBJ/152)** has severe misgivings about the way the consultation process has been handled thus far going on to point out that the objections concerning the heritage and future of the neighbourhood and its residents are absolutely valid.

6.294 **Dr Philip Inglesant (OBJ/153)** is not opposed to the NLE in principle, but contends the consultation process has been a joke, assuming that the NLE is a foregone conclusion and merely consulting about the details. He concludes by saying that all the options and their potential consequences need to be evaluated properly.

6.295 **Ms Lynn Muller (OBJ/154)** submits that the consultation process on the NLE has been poor, not allowing residents to voice their concerns about the options. She says that the material prepared by the former developer should not be relied upon or taken into account. Ms Muller claims that the costings are inadequate, including the sums proposed for compensation. She concludes by criticising the drafting of certain sections of the Order.

6.296 **Ms Kathryn Gilgallon (OBJ/155)** is a Kennington resident and complains that it was only very late in the day she was made aware of the temporary air shafts proposed for Kennington Park. She expresses particular concerns about the permanent negative effects there would be on local amenities and the fact that alternatives have not been properly considered. Ms Gilgallon requests a full public consultation before matters are progressed further.

6.297 **Mr Ed Campbell (OBJ/156)** raises concerns about the effect the NLE would have on Kennington Park, the local roads and the dog exercise area. He suggests that TfL is taking the easiest option, rather than considering the significant impact the works would have on the local area. Mr Campbell's particular concern pertains to the volume of additional traffic that would come through the area and the consequence risk for pedestrians and cyclists. He believes that knocking down the Old Lodge and closing Bee Urban would be a great shame. Mr Campbell concludes by saying that Kennington Park is a

asset to the area and benefit to residents, and that it would be irresponsible to allow TfL to turn the Park into a building site for 5-years, without considering the effects on residents and reviewing all other options first.

6.298 **Ms Helen Anderson (OBJ/159)** supports the objections lodged by many local organisations representing the concerns of residents. She finds the initial consultation process poor and even after attending most of the later opportunities to discuss matters still finds there are outstanding issues. In the first place, Ms Anderson believes there is inadequate information or assurance about the construction and operational standards that would apply to the construction and running of the NLE. In particular, she fears the consequential effects from noise and vibration for those residing above Route 2 and the potential for settlement and damage to property, contending that the lessons from the Jubilee Line Extension have not been learnt and that there is no compensation protocol in place.

6.299 Ms Anderson moves on to challenge the thoughts about the overcrowding and safety issues associated with Kennington Station, saying the figures produced by TfL since 2009 have been contradictory in the extreme and she does not accept that the introduction of additional cross-passages would address the problems of overcrowding on the platforms or the trains. Ms Anderson then turns to the impact of the proposed ventilation shaft and head-house on Kennington Park and the harm that would be caused to its amenity value both during and after construction. She supports Ramboll in saying that Oval Green would be a more suitable site, but that if Kennington Station were brought up to current TfL standards the proposed ventilation shafts and associated head-houses would likely be unnecessary.

6.300 **Ms Annette Fowkes (OBJ/162), Ms Jasmine Roper (OBJ/163) and Mr Alan Cross (OBJ/168)** are not opposed to the principle of the NLE, but object to the consultation process, which has not allowed comment on alternatives. In particular, they consider the consultation has been misleading and flawed. They feel that the proposal for Kennington Green would be ugly, poorly designed and conspicuous, thereby blighting the Conservation Area and its attractive and valuable domestic architecture. They opine that this should be reviewed by a more professional and thoughtful process that would avoid unnecessary adverse impacts. Ms Roper adds that she considers the alternative site at 373 would more viable. Mr Cross also raises concerns about noise from the construction of the tunnel and the subsequent running of the NLE.

6.301 **The Covent Garden Tenants Association Ltd (OBJ/165)** endorses the objections lodged by the CGMA **(OBJ/130)** and specifically the use on a temporary basis of the Apex Site, the permanent acquisition of the Boiler House and Covent House, without addressing the need for replacement or relocation. (Inspector Note: The objection lodged by the CGMA was withdrawn following discussions with TfL)

6.302 **Ms Daphne De Souza (OBJ/166)** states that a public inquiry into the NLE proposals is necessary. In particular, she challenges the funding and financing plan, which she considers not to be robust, relying as it does on assumptions made by TfL that have not been open to public scrutiny.

6.303 **Mr Alan Montgomery (OBJ/167)** is disappointed about the plans to demolish Bee Urban in Kennington Park, which is a much loved local amenity. He understands that there are other less invasive alternatives, which would be much more preferable.

6.304 **Mr Tom and Ms Lucy Cleeve (OBJ/170)** live in a Georgian townhouse on Kennington Park Road, which is listed Grade II and support other Objectors including Mr Eric Guibert and Mr Robin Pembrooke (OBJ/27), Dr Robert Lentell (OBJ/71) and KGSG (OBJ/158). From their own perspective, they are concerned about noise, vibration and possible damage to their property. For this reason they wish any scheme for the NLE to incorporate the most up-to-date technology to deal with these factors. They also fear that the increased passenger movements within Kennington Station would be dangerous and in cases of overcrowding would expect to see passengers to this Station being turned away to use other transport modes that do not exist or wait until conditions return to normal.

6.305 **Mr Robert Ilango (OBJ/171)** objects to the proposed Kennington Park ventilation shaft and head-house that would result in the loss of the Old Lodge. As the area would become a very busy worksite for 5-years and for 6-days each week, he suggests that alternatives are examined.

6.306 **Mr Daire Wheeler (OBJ/172)** raises three main objections. The first is the level of noise from trains once the NLE is running. The second relates to the construction of the NLE, and especially the use and closure of Radcot Street. He is concerned about the noise and disturbance during the 2+ year's construction, with the heavy vehicles and increased noise levels and the physical threat to his property. Finally, Mr Wheeler objects to the suspension of parking spaces outside his property, and the possible consequent increase in car insurance.

6.307 **Ms Laurie Yu (OBJ/173) and Mr Tim Coldman (OBJ/180)** object to the location of the proposed works in Kennington Park, suggesting that the impacts and alternatives have not been adequately addressed. They do not believe that the necessary assurances have been given about operational noise levels and pollution from the tunnels and proposed head-house. Next, they question whether Kennington Station would cope with the increased loadings. Further they raise concerns about the potential damage to property and the disruption for residents during construction. Finally, they opine that there are no guarantees that, once started, the NLE would be completed and are unhappy about the consultation process followed so far.

6.308 **Ms D Braithwaite (OBJ/174)** is concerned about the potential for damage to her home in Victoria Mansions from the construction of the NLE under this old, iconic, but structurally challenged building. She considers that the scheme would blight her quality of life through increased noise and vibration, adding that TfL has not committed to the most stringent standards achievable. Next, Ms Braithwaite says the proposal lacks a coherent strategy for engaging with people whose properties may be liable to settlement. Finally, she contends that the route chosen for the NLE would have the greatest adverse impacts on residential property of any of the options and fails to understand why this particular route was chosen.

6.309 **Mr Sean Maher (OBJ/175)** complains about the lack of ground investigation and says that local residents must be able to scrutinise the safety of the project. He believes that inadequate information is available about the potential for damage to property. Next, Mr Maher questions the implications for overcrowding and emergency evacuation at Kennington Station with the increased passenger throughput. Mr Maher moves on to challenge the chosen option of the NLE and TfL's preferred route, saying that no independent assessment has been undertaken.

6.310 As for noise, he believes the operational noise levels would exceed WHO recommendations. Mr Maher has express concerns about the adverse effects on Southwark residents and the neighbourhood generally during the construction period, citing such impacts as noise, vibration, pollution, parking, traffic and the effects on two schools Bishop's House and Keyworth Primary School. Finally, he believes there have been major flaws in the consultation process and especially so for Southwark residents. Even where consultation has taken place, Mr Maher claims that responses have been ignored in favour of TfL's preferred option.

6.311 **Mr Ben Rymer and Ms Noemi Defossez (OBJ/176)** raise serious concerns about noise and vibration during both the construction and operational phases of the NLE. They question the need for the NLE, suggesting that other transport options would be preferable and, even if the flawed modelling assumptions are seen to justify the NLE, they consider the favoured alignment is unsupported by independent review. Next, questions about the financing and funding are raised and finally, they advance worries about ground settlement and the potential for damage to property.

6.312 **Ms Sarah Turner (OBJ/177)** objects to the destruction of parts of Kennington Park to build the NLE.

6.313 **Mr Stefan Finnis (OBJ/178)** voices objections to TfL's plans to place a ventilation shaft on the site of the Old Keeper's Lodge, which has historical value and deserves to be protected as a community asset. Next, Mr Finnis contends that the planned works would dramatically reduce and permanently alter in an irreparable way a valuable green space, without TfL taking alternatives seriously.

6.314 **The Kennington Oval and Vauxhall Forum (OBJ/179)** represents many residents from across north Lambeth and believes there are a number of unresolved issues. The first of these is the increased risks to passenger health and safety at Kennington Station due to overcrowding on the NL. Secondly, it claims there is a lack of a robust funding agreement for the scheme. Next, the Forum asserts that TfL has not undertaken a comprehensive study of alternatives. Finally, it says that the loss of valuable green space to the proposed shafts and head-houses would be contrary to the principles of the London Plan, which seek to safeguard open space in areas where there is a deficiency.

6.315 **Ms Barbara Lawson (OBJ/181)** is disappointed and dismayed by the plans to demolish the Old Lodge in Kennington Park to accommodate the NLE. She opines that outdoor public spaces in London are rare and once gone cannot be restored. Ms Lawson points out that the Lodge is home to Bee Urban and she cannot understand how this can be contemplated when the world's bee population is in crisis.

6.316 As a local resident and regular user of Kennington Park, **Ms Beatrice Parvin (OBJ/183)** is outraged by the proposal to use it as a building site. She highlights the potential for impact on many peoples' lives, the ecology and wildlife, including the destruction of Bee Urban's base in the Old Lodge. Ms Parvin says the plans must be reconsidered to take account of the community view.

6.317 **Mrs Anne MacNeary (OBJ/185)** objects to the proposals for the NLE, because it should not be from Kennington, but Vauxhall. This would cause less intrusion for the fewer residents in that area. She points out that the Vauxhall area is already a complete building site, inferring that adding a further construction site or two would make little difference. Next, she contends there has been no research done on the impact on Kennington Station with its overcrowding and safety risks, leading to closure for local users. Living in Harmsworth Street, Ms MacNeary foretells of the disruption to her family life through noise, dust, traffic and street closures. Finally, she expresses concerns about the ground stability and the possibilities this might have for buildings located above.

6.318 **Carl and Suzanna Callaghan (OBJ/191)** believe a public inquiry is necessary and supports the objections and concerns raised by KWNAG **(OBJ/60)**. However, they have their own questions. First, they challenge TfL about the takeover from Treasury Holdings without questioning the purpose, cost and public benefit of the NLE. Secondly, they ask what the purpose of the NLE is and whether it is the right solution. The Callaghans submit that the better transport solution would be from Vauxhall connection to the Victoria Line, whereas the NLE is merely an investment incentive to make the flats on the BPS site more attractive. Next, they raise concerns about the SPJs and the potential damage to property from vibration and noise. They are especially

concerned about the consequences for the area during construction and oppose the demolition of the Old Lodge in Kennington Park to make way for the proposed ventilation shaft and head-house. Finally, the Callaghans strongly object to the lack of mitigation at Kennington Station to safeguard passengers and local Kennington users.

6.319 **Scotia Gas Networks Ltd (OBJ/192)** and **Southern Gas Networks Plc (OBJ/193)** object to the proposed Order and especially to the compulsory acquisition protocol and protective provisions set out in Schedule 8 of the draft Order. They believe the short comings would prejudice the operation of their apparatus in a safe and efficient manner and in offering only to reimburse "*reasonable expenses*" insufficiently protects their interests.

6.320 **Ms Laura Swaffield (OBJ/195)** claims that TfL's consultation has been minimal, has not taken on board well argued points and has been completely unacceptable. She goes on to say that she believes that the NLE scheme is appalling and the transport aims could be achieved better, more cheaply and efficiently by completely other means and without causing havoc to those using current transport routes.

6.321 **Mr Charles Pender and Ms Teresa Clay (OBJ/196)** are concerned about the potential impact from noise and vibration on their property in Fentiman Road, saying that the proposed noise level of 35 dB LAF_{max} would safeguard their quiet enjoyment of their home. They also suggest that, with the overcrowding on the NL, the better transport option would be a NR rail connection from Victoria Station to Battersea, noting that lines already run past BPS.

6.322 **M C Field (OBJ/197)** acknowledges that an extension is inevitable, but objects to the current NLE proposal on the basis of the construction works involving road closures, HGVs, noise, dirt in a small residential enclave for some 2-years. To assist, it is urged that the gallery tunnel approach should be adopted as this would be far preferable and avoid the need for a temporary shaft.

6.323 **Mr Duncan MacAskill (OBJ/198)** is a working artist whose studio would be directly above the NLE route. He believes that the consultation process was mishandled from the start and is unfair and unrepresentative. Mr MacAskill is concerned about the possible damage to foundations from the vibration during construction and says he has received no assurances about compensation in the event of damage. Finally, he claims there has been little investigation into improving existing transport structures in the area that would cost less than the £1bn estimate and have less environmental impact than the NLE. His wife **Mrs Harriet MacAskill (OBJ/199)** endorses and supports this objection. In addition, **Ms Harriet Cruiskshank (OBJ/200)** has an office above the proposed NLE line and lodges the same objections.

6.324 **Mr Andy Green (OBJ/204)** says that the NLE would pass directly under his house in Hanover Gardens and believes the mitigation of noise and vibration has not been specified in sufficient detail. He is similarly concerned about details of any measurement and compensation for subsidence as a consequence of the work. Finally, Mr Green points that the NLE would bring no benefit to him or other residents of Lambeth.

6.325 **Ms K E Castillo (OBJ/207)** has no objection to the proposed NLE or the siting of the ventilation shaft and head-house on the Old Lodge site in Kennington Park. However, she does object to the alternative site suggested by KWNAG **(OBJ/60)** as unviable for both logistical and environmental reasons, facts confirmed by both TfL and LBL.

6.326 **Mr Jonathan Berger's (OBJ/210)** property would be directly affected by the proposed NLE and he objects to the draft Order, because of the potential environmental impact. He raises specific concerns about the noise and vibration protocol envisaged, saying that there is a lack of clarity about the mitigating measures. He requires TfL to be subject to a legal requirement for noise levels and, in any event, contends that 30 dB $LAF_{max\ x}$ would be a preferable target.

6.327 **Ms Jane Lord (OBJ/211)** voices concerns about the construction traffic and local disruption during the engineering works for the NLE. She questions the potential for noise and asks what the benefit of the NLE is to Lambeth residents?

6.328 **KG Project Ltd (OBJ/212)** formally object to the proposed NLE as unnecessary and unjustified, when the cost benefits are weighed against the disruption and damage that would be caused. Moreover, they say that the route chosen is not the best or most sustainable route. It is too shallow and no station is required at Nine Elms. This will cause unacceptable noise and vibration and ground movement and settlement. Finally, the firm raises a query about the protective works protocol.

6.329 As a local resident, **Ms Chistina Borrego (OBJ/213)** is unhappy with the plans to demolish Bee Urban. She says this is a valuable local resource and she believes there are other sites for the ventilation shaft that would be a lot more appropriate and cause less damage.

6.330 **Ms Clamor Vehring (OBJ/215)** requests and supports a public inquiry, but expresses concerns about the worksite and ventilation shaft and head-house proposed for Kennington Park, causing the Old Lodge to be demolished and closure of the dog-walking area. She objects to Kennington Park being a construction site for several years, with the traffic using the local streets. Ms Vehring also raises questions about the impact on Kennington Station and requests that all efforts are made to minimise the impact of the works.

6.331 **Mr John Wyllie (OBJ/216)** claims the consultation has been inadequate and that local interests are not being taken into account. He objects, particularly, to the impacts construction of the NLE would have on Kennington Park and the local area.

6.332 **Ms Jane Unwin (OBJ/217)** registers a strong objection to the NLE project and the granting of an Order before there has been a public inquiry into all possible options, given the scale of disruption the present proposals would inflict on the local community.

6.333 **Ms Simona Pompili (OBJ/218)** is against the partial destruction of Kennington Park for the NLE.

6.334 **Ms Emma Whiteside (OBJ/219)** raises concerns about the impact the NLE would have on Kennington Park, local roads and Bee Urban and the dog-exercise area. She submits that TfL is taking the easy option, without considering the significant impact the works would have on the local area. Finally, Ms Whiteside says it would be irresponsible to allow the Park to be turned into a building site for 5-years.

6.335 **Nunzio Di Nunno (OBJ/220)** and **Cosimo Di Nunno (OBJ/223)** raise a number of issues starting with concerns about the noise and vibration that would be suffered and argue for a lower target of 30 dB LAF_{max}, with guarantees that construction noise would be kept within acceptable bounds. The objections then move to cover worries about ground settlement. They go on to suggest that the transport case for the NLE remains unjustified in order to deliver the VNEB regeneration envisaged and that there are discrepancies in the transport modelling and challenges over the lack of robustness on costings. Finally, attention is drawn to the lack of consultation on and proposals for upgrading Kennington Station.

6.336 **Mr Peter Camp (OBJ/221)** says that the objections by the Coalition of Lambeth Residents **(OBJ/190)** and the KGSG **(OBJ/158)** fully reflect his feelings and objections.

6.337 **Michael and Linden Burleigh (OBJ/222)** are concerned about the future impact from noise and vibration and the possible settlement and threat to the structural integrity of the period houses in Hanover Gardens. They have seen no proposals to compensate if anything goes wrong and firmly believe that there should be a public inquiry.

6.338 **VSN (NCGM) Ltd (OBJ/224)** supports the principle of the NLE, but objects to the Order for the same reasons as the New Covent Garden Market Authority **(OBJ/130)**. (Inspector Note: OBJ/130 withdrawn following consultation.)

6.339 **Ms Mary Davies (OBJ/226)** is a long-time resident of Lambeth and whose house in Old South Lambeth Road is located above one of the proposed NLE tunnels. This gives her cause for concern about noise during both the

construction and operation of the NLE and possible ground movement and subsidence of properties such as hers. Ms Davies contends there would be no benefits for Lambeth residents and says that the areas that would be accessed by the new line are already well served by public transport. She concludes by saying the massive costs of the scheme would be out of proportion to the benefits and supports the Coalition of Lambeth and Wandsworth Residents (CLWR) **(OBJ/190)** request for a public inquiry, based on the issues they have raised.

6.340 As the proposal for the NLE is deeply flawed in many respects, **Ms Andrea Hofling (OBJ/227)** strongly believes there should be a public inquiry into the financial, safety and environmental aspects of the scheme. She believes that TfL has been influenced by the 'sweetener' from the BPS development and aligns her objections with those from VNEB DATA Group **(OBJ/123)**, the KAPF **(OBJ/206)** and the CLWR **(OBJ/190)**.

6.341 **Ms Linda Suggate (OBJ/231)** fully supports the objections forwarded by CLWR, and particularly draws attention to concerns over the lack of gain for Kennington people and the disruption for residents and the implications for overcrowding and safety at Kennington Station.

6.342 **John and Sarah Crowley (OBJ/232)** support the requests for a public inquiry into the NLE proposal to consider several matters of concern.

6.343 **Myrna Taylor and residents at 88 De Laune Street (OBJ/233)** object to the NLE proposals on the basis of the shaft on Harmsworth Street and the problems of access that would accompany it. They are also concerned about the noise levels, which could aggravate peoples' health.

6.344 **Mrs Rebecca Kemmer (OBJ/234)** questions the consultation process saying that it has been flawed, insufficiently wide and biased, and has ignored consultation responses. She also highlights the damage that would be done to Kennington Park, and local Kennington residents, when the real gain would be to property developers, Battersea investors and the American Embassy.

6.345 **Pastor Lloyd Grossett (OBJ/236)** says that further consultation is necessary to assure himself and brethren at the Fentiman Road Church that they would not be materially affected during the construction of the proposed NLE.

6.346 **Mr David Winter (OBJ/237)** questions the need for a separate and additional rail connection, suggesting that the necessary levels of connectivity could be provided by the existing transport infrastructure enhanced by travelators or similar. He queries if, having regard to the assumed travel patterns for residents and those employed in Battersea, the NLE would be the best transport linkage and wonders how Crossrail 2 (CR2) would fit in with the BPS development. Next, Mr Winter asks if Battersea or Chelsea would be the more appropriate development to be served by CR2 and if it serves Battersea

would the NLE be needed, and the NLE would not improve Chelsea's connectivity.

6.347 **Mr David Glass (OBJ/238)** objects to the NLE and TWAO on the grounds of the potential environmental impact. He says that people have not been consulted and he is concerned that the noise mitigation required would neither achieve an acceptable level nor be legally enforceable. Although **Mr S H M Ricketts (OBJ/239)** and **Ms Antonia and Mr Ronan Cantwell (OBJ/240)** support the principle of the NLE, they voice the same objection as Mr Glass about the environmental and noise impacts.

6.348 **Ms Pauline Gaunt (OBJ/242)** urges reconsideration of the NLE proposal saying that the decision to build it was taken in association with the previous developers of BPS to enhance the commercial advantage of the site. She argues that there has never been proper consideration of alternatives, with TfL twisting the facts to suit its case. Ms Gaunt claims the costs have more than doubled and that residents of Lambeth would pick up a disproportionate share of the cost. She goes on say that the environmental impacts have not been properly assessed and neither have the safeguards for those residents and properties who would be affected by the proposal, with far too little control over TfL's actions both during and after construction of the NLE.

6.349 **Ms Nicola Brooker (OBJ/244)** looks down on Kennington Green and objects to the proposals and the loss of the Green and trees, saying that she was not consulted. She adds that when the Green is reinstated further consultation should take place with local people and to ensure that there would be at least one tree with blossom to replace that lost.

6.350 **Mr Kevin O'Connor (OBJ/245)** objects to the works planned for Kennington Park in connection with the NLE. He says that the Park is a jewel in the area and the damage over the next 5-years should not be supported, especially the loss of the Old Lodge and dog-walkers' area. He asks what alternatives have been considered.

6.351 **Ms Jean Nicholson (OBJ/247)** wishes to associate herself with the concerns raised by action groups including VNEB DATA **(OBJ/123)**, The Claylands Green NLE Action Group **(OBJ/254)**, the Fentiman Road NLE Affected Properties Group **(OBJ/241)** and KAPF **(OBJ/206)**. In particular, she believes the NLE extension is wrong on financial and environmental grounds and is concerned by the fact that and that TfL has gained support for it by manipulating information and ignoring public opposition. Ms Nicholson fears for the future of Kennington Station without an upgrade and is now even more concerned about the mitigation of noise and vibration for properties and those living above the line of the NLE. She asserts that TfL has not carried out the necessary surveys to support its predictions on these aspects and the potential for damage. Finally, Ms Nicholson is still shocked that the NLE proposal came from the original owners of BPS wanting to improve its investment value rather than finding the best transport resolution for transport needs in Lambeth.

6.352 **Ms M Smith (OBJ/248)** objects to the proposals affecting Kennington Park, which is the only green space within a walkable distance now available for residents and dog-walkers.

6.353 **Athiqur Meah (OBJ/253)** says that, while the NLE may bring benefits for some, it would only bring pain and misery for his family. The particular concerns arise from the potential for damage to his property and the noise, which would have a significant effect on property values. The Objector claims there would be adverse psychological effects for the family knowing that trains were passing below. It concludes by contending that the line for the NLE has been deliberately chosen to target residents and devalue their property.

6.354 **The Museum of Contemporary Art (OBJ/255)** is shocked by the disrespect for private property and for young entrepreneurs trying hard to help the UK economy as it comes out of recession. The Museum objects to the use of 373 and commends the original preference for using Kennington Green for the worksite, ventilation shaft and head-house.

6.355 **Ms Sylvia Sumira (OBJ/256)** supports the need for a public inquiry as she questions the fairness and handling of the consultation process. She is particularly concerned about the possible damage to her property during construction of the NLE and as a result of vibration. Ms Sumira believes there has been little investigation into possible improvements to the existing transport infrastructure in the area that might achieve the same outcome, but with less overall expenditure and environmental damage. Finally, she questions whether the cost would be justified.

6.356 **Mr Kenneth Barker (OBJ/258)** objects to the NLE, contending that it would be an illogical route and worsen the already overcrowded southern reaches of the NL and deny travellers from Morden linking directly with the Charing Cross Branch. He says that the NLE would be three times longer than a spur from Pimlico on the superior Victoria Line. Mr Barker believes that the NLE would ruin long term plans to extend the NL directly to Croydon via Brixton and Streatham, which would be a welcome extension and reduce crowding on the southern section of the NL.

The material points for those submitting orally in connection with the Conservation Area Consents are:

For Kennington Green

6.357 **Mr David Harkness (OBJ/CAC01) (See also OBJ/40)** objects to the proposals for Kennington Green and, especially, permission at this stage in the proceedings, to demolish a wall designed and constructed specifically to complement the Grade II* Listed properties that overlook Kennington Green in the CA. He goes on to say that, even if the wall is to be demolished, the plans for a suitable reinstatement should be made clear first and a condition imposed on the consent as to the replacement and timescale for this to be completed.

6.358 **The Young Liberal Democrats (OBJ/CAC03) (See also OBJ/157)** objects to any CA consents affecting Kennington Green in the Kennington CA (KCA). They say that, given the importance of this open space, all viable alternatives to using the Green must be explored.

6.359 **Mr Tom Bartlett (OBJ/CAC04) (See also OBJ/158)** says that, as they stand, the NLE proposals would cause unnecessary harm to Kennington Green in the KCA as they would not preserve or enhance the special character of the KCA. Moreover, the Green is within the setting of a number of listed structures of high to very high significance within a CA of very high significance, and the proposed head-house would cause harm to the setting of "*particular important buildings of more than special interest*". The proposed head-house does not have the support of the local community and even EH says that the proposed design would be less than desirable in a CA. Crucially, there is an alternative site at 373 to accommodate the works proposed for the Green, where the existing buildings are of low significance **(Document NLE/A19/2, Volume IIa, Appendix D)**.

For Kennington Park:

6.360 **Ms Alexandra Norrish (OBJ/CAC11) (See also OBJ/66)** opines that the application to demolish the Old Lodge is somewhat premature, given that the decision about the NLE has not yet been confirmed. She says that, while the Lodge may not be of great architectural interest, the detrimental impact of the proposed head-house most certainly would be. It would not, Ms Norrish contends, be acceptable as stated in the application letter. At the time of the objection, TfL has made no alternative proposals for the users of the Lodge site. Ms Norrish moves on to challenge the consultation process as it was riddled with methodological errors and decisions made without having considered the alternatives adequately, with the site at the Oval a more acceptable option. It seems to the Objector that the choice of site has largely been made on cost grounds and has not taken into account the environmental impacts on people living near to the proposed works.

6.361 **Mr Michael Keane (OBJ/CAC16)** says that TfL should not be putting forward the proposal to demolish the Old Lodge while other options are still being considered. He contends that the demolition is only necessary because of the proposal to site the head-house on the Old Lodge and BeeUrban's operation. Mr Keane claims that TfL put in an incomplete range of un-costed options and then claimed strong support for the least outrageous. He argues that the chosen option would be a waste of public money and he is satisfied that BeeUrban's present site would no longer be suitable for keeping bees and if accommodated elsewhere in the Park this would obviate the need for an unviable community building.

6.362 **Mr Barnaby Shaw (OBJ/CAC28) (See also OBJ/129)** is a leading light in BeeUrban's operations and objects to the proposals to close the present site and relocate to other buildings on a permanent basis. He raises particular

worries about the cost of the transfer and the poorer environment for bees. Mr Shaw says that as the TWAO has only just been submitted the CAC application is premature and destroying such a bio-diverse area of Local Nature Conservation in an Historic Park is incomprehensible, especially as there is a nearby alternative in the current dog-walking area.

6.363 **Dr Dorothea Kleine (OBJ/CAC38) (See also OBJ/65)** raises a number of concerns, though most are around the consultation process and what flowed from that. First, she argues that, with the NLE project yet to be confirmed, the application for CAC is premature, saying that there have been several failed attempts to regenerate BPS and that as the main driver for the NLE it is too early to say the latest one will be successful.

6.364 Secondly, Dr Kleine submits that the Oval site suggested by Ramboll could have cost benefits for TfL and should also inflict less environmental harm on residential amenity and Kennington Park and the surrounding area. The current site proposed for the ventilation shaft and head-house would lead to the demolition of the Old Lodge, effectively deal a death blow to the bee colony and harm the Park and the Park Place Corner, with its Listed Buildings.

6.365 Next, she describes significant gaps in the consultation process, including a failure to engage with local Kennington groups and residents or even inform some key activities that would be affected, such as BeeUrban. She moves fourthly to the methodological flaws in the 2011 consultation survey, opining that it was poorly constructed, lacking in rigour and the results were not fit for purpose. Dr Kleine goes on to say that the 2012 consultation presented proposals that were expressly against what local people wanted and appeared as a done deal for siting the head-house with the disastrous consequences of the demolition of the Old Lodge for the Park and the activities within it and for the wider CA. Finally Dr Kleine draws attention to the environmental harm for local residents in choosing this site in terms of the noise and air pollution from the shaft/head-house louvres.

6.366 **Dr Robert Lentell (OBJ/CAC41) (See also OBJ/71)** says that as a nearby resident he is mystified why this proposal is brought forward now. He argues that, as the NLE is not approved and the siting of the ventilation shaft and head-house is still under debate, it should have an ES independent of the one provided for the TWAO. Dr Lentell contends that there is no need for these features to be located in Kennington Park in a location vigorously opposed by local people merely because TfL find the location convenient.

6.367 He moves onto say that LBL is not fulfilling its obligation to protect green spaces, which is one of the most ecologically diverse parts of the Park and intensively used by the BeeUrban project, which has yet to be satisfactorily re-housed. In terms of design, Dr Lentell submits that the proposed development is of a scale wholly inappropriate to a sensitive site and would, thereby, spoil the Kennington Park Place CA and make a mockery of the protection afforded by the planning system to such sensitive sites.

6.368 **Ms Lesley Wertheimer (OBJ/CAC42) (See also OBJ/235)** does not object the NLE, but strongly opposes the destruction of the most intensely developed and diverse area of Kennington Park, with several endangered species present. She says that the Old Keeper's Lodge is a safe area, where humans and wildlife are able to coexist, and especially cites the implications for BeeUrban. Ms Wertheimer notes that Kennington Park is listed as a Site of Local Nature Conservation Importance as well as being an Historic Park and Garden on the EH Register. She believes that demolishing the Old Lodge and erecting two large buildings in its place would dramatically reduce the green space that should be protected. Ms Wertheimer claims that the consultation process has been minimal at best and totally inadequate for a scheme of this size. She points out that the NLE project has yet to be confirmed, implying that the CAC application is premature.

The material points for those submitting oral objections in connection with the Listed Building Consent application at Kennington Station are:

6.369 **Kennington and Walworth Neighbourhood Action Group (KWNAG) (OBJ/LBC1) (See also OBJ/60)** expresses concerns about defective consultation procedure, commencing with the failure to consult at all on this aspect of the NLE TWAO. Also highlighted is the lack of notification of the proposals to local heritage and community groups, occupants of neighbouring properties that might be affected by noise and bodies concerned with disabled access. Next, the Group submits that the addition of the four extra cross-passages at the Station would not be adequate to meet the levels of congestion envisaged and there would remain no access for wheelchair users from surface level.

6.370 The Group says that although a separate look is being taken of the situation at Kennington Station, there is no commitment, and undertaking this piecemeal will make it difficult to safeguard the heritage assets of the Station. Finally, at an earlier stage concerns were expressed about the removal of the excavated material from the proposed new connecting passages by road. However, on finding that the material would be excavated by rail the Group withdrew this part of its objection.

6.371 In summary, KWNAG asks for TfL to bring forward a comprehensive strategy for developing the Station so that it can meet the demands of current and future passenger traffic, while having its status protected as an important piece of the Borough's heritage.

The material points for those submitting written objections in connection with the Conservation Area Consents are:

For Kennington Green

6.372 **Ms Sue Vincent (OBJ/CAC02) (See also OBJ/5)** objects to the consent issued by LBL in the absence of a replacement scheme. She says this is a

clear indication that the NLE is a foregone conclusion, irrespective of the high levels of objection.

For Kennington Park

6.373 **Ms Sue Vincent (OBJ/CAC1) (See also OBJ/5)** says that the proposal to demolish the Old Lodge in Kennington Park is outrageous, with no arrangements yet made to re-house Bee Urban and their hives. She adds that TfL should find an alternative site for the head-house and strongly objects to the current proposal as not being a sensible use of resources or in the interest of local residents.

6.374 **Ms Karen Crawcour (OBJ/CAC2) (See also OBJ/1)** considers the proposal to knock down a beautiful old park building and replace it with an unsightly hole in the ground has been conducted in a most underhand manner. She claims that the consultation process has been flawed and very limited, which is why there is so little objection. As such, Ms Crawcour objects to the proposals to demolish the Old Lodge and associated structures and fencing to facilitate the NLE project.

6.375 **Ms Lucy Reed (OBJ/CAC3)** contends that the demolition of the Old Lodge, which she describes as a charming old building in keeping with the surrounding area and housing the thriving Bee Urban and small education centre, would be criminal. The proposed works would simply ruin a beautiful and peaceful corner of London.

6.376 **Mr Tim Coldman (OBJ/CAC4) (See also OBJ/180)** says that the destruction of the Old Lodge and bee keeping project would be a terrible loss to the community, adding that there does not appear to have been a proper consideration of viable alternatives.

6.377 **Useult Fitzgerald (OBJ/CAC5)** objects to the proposal to knock down a beautiful old park building housing popular community facilities and replace it with an ugly shaft. She submits that this would be a great shame.

6.378 **Ms Christina Gray (OBJ/CAC6)** is a local resident who uses Kennington Park daily. She is shocked by the shabby and confusing survey conducted by TfL and objects to the proposed demolition of the Lodge and the loss of BeeUrban and its wildlife sanctuary. Ms Gray suggests that the adjacent dog-walking area would be a suitable alternative site for the shaft and head-house and avoid the destruction of 30-40 year old trees.

6.379 **Ms Alison Quin (OBJ/CAC7)** says that it would be a disgrace to desecrate a CA to extend the NL against the wishes of the people in Kennington. She adds that the demolition of the Old Lodge, which she describes as a charming old building, and replacing it with a vent shaft for the NLE would be criminal. Ms Quin concludes by saying that the proposed works would simply ruin a beautiful and peaceful corner of London.

6.380 **Mr Malcolm Coldman (OBJ/CAC8)** says that the Old Lodge is an interesting local amenity and its loss would be terrible if the plans were to go ahead.

6.381 **Ms Lynda Haddock (OBJ/CAC9) (See also OBJ/38)** is strongly opposed to the proposal to knock down an established old park building, housing popular community facilities such as BeeUrban and replacing it with an unwanted and badly designed community centre. She says that TfL should find an alternative site as demolition of the Old Lodge would not be a sensible use of resources or in the interest of local residents.

6.382 **Mr James Jarrett (OBJ/CAC12)** is not particularly opposed to the NLE, but thinks the proposals for Kennington Park are dim-witted and short-sighted. He points out that the Park lies within a CA and demolishing the Old Lodge and the loss of the conservation interests on the site would be a real blow to the community and the environment that no modern building could replace.

6.383 **Mr Alan Montgomery (OBJ/CAC13) (See also OBJ/167)** says that as less invasive alternatives have been proposed, it would be crazy to wipe out such a valuable local asset. He says that the Lodge and gardens are well used and much loved by locals and bee-keepers alike, and could not be replaced.

6.384 **Mr Sam Macrory (OBJ/CAC14)** is not opposed to the idea of the NLE, but objects to the flawed consultation process and to the loss of the Old Lodge and the work of BeeUrban, which is something the locals are proud of and keen to be involved.

6.385 **Ms Rebecca Kemmer (OBJ/CAC15) (See also OBJ/234)** overlooks the Old Lodge and objects in the strongest possible terms to its demolition for a number of reasons. The first of these is the proposed replacement building – the head-house – would not be at all in keeping with the local properties. Moreover, she mourns the loss of some of the Park and the dog-walking area and the community facilities and BeeUrban in the Lodge. She goes on to contend that the consultation process was a farce and unpalatable parts very well concealed.

6.386 **Ms Zimmy Ryan (OBJ/CAC17) (See also OBJ/33)** strongly objects to the proposals for the Park and the effects these would have on BeeUrban, which is a point of community interest and environmental education. She argues that the proposal would not benefit local residents and a beautiful and ecologically diverse CA would be replaced by a building site for a minimum of 5-years. Ms Ryan also complains about the consultation process and is outraged by the huge upheaval and noise pollution for the duration of the contract.

6.387 **Mr Michal Nachmani (OBJ/CAC18)** objects to the demolition of the Old Lodge, because the Park is easily the best feature of the neighbourhood. He considers that the consultation process has been underhand and sneaky. Mr Nachmani concludes by saying the proposal would be offensive and would not have the interests of local people at heart.

6.388 **Ms Anna Ryan (OBJ/CAC20)** considers the loss of part of the CA, historic parkland and ancient trees to be an outrage and strongly objects to the NLE proposal, which would offer no benefits to the people of Kennington.

6.389 **Miss Marta Sacristan (OBJ/CAC21)** asks what is wrong with the current Lodge and considers building a new one to be a waste of public funds.

6.390 **Mr Alex Gatehouse (OBJ/CAC23)** strongly objects to the planned demolition of Kennington Park Lodge and related works. He believes the plans have followed the line of least resistance and most upsetting for local residents. Mr Gatehouse argues that the works would obliterate a shared space by doing lasting damage to one of the only green spaces in the area, not to mention uprooting ancient trees. He is also an avid supporter of the Bee Urban initiative and fails to comprehend why the proposals would be carried out with total disregard and maximum damage to local spaces, businesses and residents.

6.391 **Mr Crispin Jones (OBJ/CAC25)** does not feel that he has been properly consulted and that the feedback has been totally ignored by TfL. He goes on to say that the BeeUrban scheme is an important grass roots initiative that would be wrecked by having to move its home. Mr Jones adds that the proposed new structure would be taller than the Lodge and an ugly addition to the Park.

6.392 **Ms Louise James (OBJ/CAC26)** strongly objects to the proposals, which she sees as the causing the loss of conservation area, historic parkland, ancient trees and the BeeUrban initiative. She submits that the scheme is short sighted and sneaky.

6.393 **Mrs Suzanna Callaghan (OBJ/CAC27) (See also OBJ/191)** is strongly opposed to the demolition of the Old Lodge and destruction of a much loved corner of a much loved public park on the EH Register for Historic Parks and Gardens to make way for the unwelcome, permanent ventilation shaft and head-house for the NLE. In particular, she objects to the lack of meaningful consultation and the inadequate consideration of alternative sites and future uses. Mrs Callaghan also raises concerns about the loss of BeeUrban's wonderful work and the fact it may not return to the same site. She goes on to say that the new structure would have an adverse effect on Kennington Park, the St Mark's and Southwark CA and the nearby Grade II Listed Buildings. Finally, Mrs Callaghan highlights concerns about the environmental impacts from noise, dust, traffic and parking problems during the construction and the long-term implications from noise and air and dust pollution from the proposed shaft.

6.394 **Mr Yannick Le Callet (OBJ/CAC29)** objects to the proposal to destroy the beautiful Old Lodge building and replace it with an extremely cheap and unstylish structure on a prominent corner that would be out of keeping with the original style of the CA and the spirit of the Park. He claims that the

consultation process has lacked fairness, with a biased analysis of results and has been conducted in an underhand manner.

6.395 **Mr Gilad Nachmani (OBJ/CAC30)** is opposed to the plans to destroy the Old Lodge, which is a perfectly good and solid building and an integrated part of the Park and local community.

6.396 **Ms Mhairi Morrison (OBJ/CAC31)** says the proposal is not in the interest of residents and the local community and appears to be proceeding without taking account of their consideration or opinion. She adds that from social and environmental perspectives the project is an extremely unattractive prospect that has not been open to meaningful public scrutiny and she is, therefore, firmly opposed to the damage to the Park.

6.397 **Mrs Lindsey Trice (OBJ/CAC32) (See also OBJ/104)** expresses her concerns over the proposal to demolish the Old Lodge in Kennington Park, which has stood as a local landmark for many years. She also raises the loss of BeeUrban and its contribution to local amenity, education and nature conservation, with no apparent replacement. Mrs Trice moves on to object to the noise from the proposed ventilation shaft, claiming a lack of investigation of alternative sites and that the cheapest option has been chosen irrespective of the impact on the local area. She opines that the loss will only be realised when it is too late.

6.398 **Mrs Frances Ryan (OBJ/CAC33)** asks for the Park and the Old Lodge with its bees in a quiet and peaceful oasis of a busy part of London not to be destroyed. She believes there are other less destructive ways to manage the needs for the NLE.

6.399 **Mr Jesper Christensen (OBJ/CAC34)** objects strongly to the demolition of the historic Old Lodge and surrounding area. This has been developed as an important part of the environmental life of the Park, with its bees that offer an ecological and cultural local resource. He suggests that the ventilation shaft should be located further into the Park behind the café, where it would be out of sight and not disturb the residents.

6.400 **Ms Rachael Paterson (OBJ/CAC35)** contends that siting the proposed head-house in the corner of Kennington Park would be disastrous for the local community, causing the destruction of the Old Lodge and the closure of the important wildlife initiative BeeUrban, which is both an enjoyable and educational resource for local community groups and schools. She says that it would also reduce the very popular dog-exercise area and detrimentally affect the eight nearby Listed Buildings. Ms Paterson claims there is evidence that the consultation process has not been conducted in an appropriate manner and it seems that the scheme is being rushed through to benefit TfL.

6.401 **Mr Kevin Tohill (OBJ/CAC36)** says that the Old Lodge and Bee Urban are a key part of Kennington Park and the community, giving the Park great

character and offering an educational function. He contends that it would be a great loss if these assets were destroyed by digging up a proportion of the Park and endangering a series of Listed Buildings for the sake of a ventilation shaft, especially when there is an alternative identified by Ramboll on a concrete area opposite the Oval. While not objecting to the NLE in principle, Mr Tohill does not see why it has to be undertaken in a manner that would make Kennington a less pleasant place, with fewer community amenities.

6.402 **Mr Mel Cullinan (OBJ/CAC37) (See also OBJ/32)** strongly objects to the proposal saying that it is completely outrageous to demolish the Old Lodge before the NLE gets definite approval. He challenges LBL to stand up for local people and at least show a pretence of observing due process.

6.403 **Mr Thomas James (OBJ/CAC39)** believes that tearing down the Old Lodge housing BeeUrban would have too many negative effects. He points out that there are many alternatives available for the ventilation shaft and head-house, but no other options to replacing the amount of pollination for the community that benefits from BeeUrban's enterprise with its healthy bee hives. He adds that healthy bee hives cannot be replaced.

6.404 **Mr Peter Hayward (OBJ/CAC40)** thinks that the loss of the Old Lodge and associated beehives would be a great shame. He finds the Lodge attractive and with the beehives adds to the completeness of the Park. Mr Hayward says that others have advanced less destructive, cheaper sites for the ventilation shaft and head-house and he hopes that planners will reconsider.

6.405 **Ms Junko Nkata (OBJ/CAC43)** has only recently discovered Kennington Park and thinks the Old Lodge and BeeUrban is a wonderful spot and also educational. She feels sure that an alternative solution could be found without destroying the Lodge.

6.406 **Mr Stefan Finnis (OBJ/CAC44) (See also OBJ/178)** says the CAC application seems very premature, given TfL's plans to locate the ventilation shaft on the site of the Old Lodge have yet to be finalised. He submits that is the Keeper's Lodge site must be one of, if not the, most diverse sites in Kennington Park and its loss would irreparably affect this asset. Mr Finnis questions the logic of destroying a significant green space, when the London Mayor is actively seeking to increase the amount of green spaces in the City. He concludes by saying that the Old Lodge is invested with a great deal of history and character and deserves to be listed and safeguarded as a community asset.

6.407 **Mr David Young FCA (OBJ/CAC45)** strongly objects to the proposal to demolish the Old Lodge, which is in the CA and provides a valuable community service. He contends that the loss would have a significant detrimental effect on the area and that the proposed head-house would be entirely out of proportion in this conservation and sensitive area.

6.408 **Ms Joan Twelves (OBJ/CAC9)** is a local resident and objects to the demolition of the Old Lodge in Kennington Park.

6.409 **English Heritage (EH)** in its letter dated 26 June 2013 says that the LPAs should determine the application in accordance with national and local policy guidance and on the basis of its specialist conservation advice. Accordingly, EH has drafted the necessary letter of authorisation.

The material points for those submitting written objections in connection with the Listed Building Consent application at BPS Jetty are:

6.410 **Ms Joan Twelves (OBJ/CAC9)** complains about the unusable consultation documents at Battersea Park Library, which were in no order, with no index and comprising mostly large format documents. As for the proposals for the Listed Jetty, Ms Twelves says there was nothing showing what the refurbished jetty would look like in interim and final form. She goes on to question whether the cranes would be replaced and if the riverside walkway would be retained. Ms Twelves asks that the material in connection with the Jetty is presented to the public in a more considered and user friendly format.

6.411 English Heritage (EH) appreciates the significant public benefits of this proposal and that it satisfies the Framework (paragraph 134). EH also notes that the works would be fully reversible. Thus, in its letter dated 18 July 2013 EH says that the LPA should determine the application in accordance with national and local policy guidance and on the basis of its specialist conservation advice. Accordingly, EH has drafted the necessary letter of authorisation.

7. RESPONSE BY THE PROMOTERS

The material points are:

7.1 The points raised by Objectors have been dealt with in the substantive evidence presented to the inquiry. In terms of the documentation available, TfL has prepared several documents to assist the Inspector and SoSs. These include **Document TFL119**, which is a master schedule giving the status of all objections, representations and letters in support. **Document TFL120** is a summary of all TfL's responses to Objectors appearing at the inquiry and **Document TFL121** TfL's responses to Objectors not appearing at the inquiry, but submitting representations in writing.

8. CONCLUSIONS

8.1. Bearing in mind the submissions and representations reported, I have reached the following conclusions. Where appropriate there is cross reference to earlier paragraphs of this report, using square brackets, usually at the end of a paragraph, though where there are a significant number of Objector submissions in writing references for these are given after the appropriate heading or sub-heading.

8.2. On 6 September 2013, the Secretaries of State (SoSs) issued a Statement **(Document DOC1)** setting out those matters on which they particularly wished to be informed for the purposes of their consideration of the draft Order. Each of those matters is addressed below. Where not covered in the conclusions on the matters, I also consider several other objection topics and representations, before reaching an overall conclusion and making a recommendation. **[1.12-1.13]**

Overview

8.3. The Order proposal involves the construction of a 3.2 km extension to the NL, with works in the three LBs of Southwark, Wandsworth and Lambeth. However, most of the work that could be considered to be of a disruptive nature, especially at surface level, would fall within Lambeth. It is from this Borough and especially residents and businesses around Kennington Green and Kennington Park where the vast majority of objections are generated. **[3.8-3.10 and 3.13]**

8.4. A theme running through these is a feeling of resentment that the residents and businesses of Lambeth and Southwark would suffer virtually all the pain and benefit little if any from the gains. This is because the extension to the CAZ, the EZ and the VNEB OA embrace large tracts of Wandsworth, but only a relatively small area of Lambeth and virtually none in Southwark. **[3.8-3.10 and 3.13]**

8.5. In broad terms there are relatively few objections to the principle of the NLE scheme, though some do advance alternative transport options and/or question the justification and its financial integrity. Most concerns arise from the perceived environmental impacts during the construction and operational phases. Of particular concern are noise, vibration, traffic and the effects on the heritage assets of the area. There are also those who support the project, including many raise no in principle objection to the NLE, but who do object to the details. **[3.1-3.3]**

8.6. The key starting point is that this is not a scheme justified solely by the existing transport needs of the area. It looks to the future and is essentially development led, with income streams from the new development in the OA providing almost all the funding for the scheme. So much so that the approval for the major part of a key development, that at BPS, requires commitment to the NLE before the later stages can proceed. It is this

protocol that creates a clear interdependence between the NLE and future development in the OA. **[3.17]**

Matter 1 - The aims and objectives of, and the need for, the extension of the Northern Line (Charing Cross Branch) from Kennington to Battersea. ("the scheme").

8.7. Although there are some transport benefits, it is quite clear from the evidence that the need for the proposed NLE is predominantly development led. The VNEB constitutes the largest development opportunity within London's enlarged CAZ. Redevelopment of the area should create 16,000 new homes and some 25,000 new jobs and large areas offer poor levels of public transport accessibility, when measured against the PTAL scale. Many of the homes and jobs are directly dependent on the construction of the NLE, and, as noted above, this is particularly true of the later stages of the BPS redevelopment. **[3.2-3.3, 3.15, 3.17, 4.1, 4.6, 4.13, 4.30 and 4.45]**

8.8. Moreover, successive failures to redevelop the large BPS site in the past **[2.10 and 3.5]** indicate that a major transport intervention can only aid the path to success. Various scenarios have been examined, but a later conclusion will show that the NLE would be the only option that could both convey the volume of movement foreseen and, more importantly, act as the catalyst for regeneration within the OA. **[3.2-3.3, 3.15, 3.17, 4.1, 4.6, 4.13, 4.30 and 4.45]**

8.9. In addition to the NLE scheme, a number of other infrastructure responses are proposed to meet the access needs of the area **[3.21]**. These comprise better bus service levels and some new routes, modernising Vauxhall Station and greatly improved pedestrian and cycle facilities, all within an enhanced public realm. There is even the potential for further extending the NLE to Clapham. Some of these infrastructure schemes are committed and some at the planning stage, with some such as any further extension to the NE to Clapham, well into the future and currently not envisaged before 2031. **[3.16, 4.31, 4.40, 5.11, 5.14, 5.16, 6.18, 6.22, 6.58 and 6.186]**

8.10. All this offers the opportunity to sustainably regenerate this area, which would be a major fillip for the wider London and UK economy and creates an irresistible need for the NLE. **[3.2-3.3, 3.15, 3.17, 4.1, 4.6, 4.13, 4.30 and 4.45]**

Matter 2 - The justification for the particular proposals in the draft TWA Order, including the anticipated transportation, regeneration and the socio-economic benefits of the scheme.

8.11. The key point here is that the NLE would introduce the LU to an area of London where this currently does not exist. Clearly some of the fringes of the OA are within walking distance of existing LU stations such as Sloane Square, Vauxhall and even the Kenningtons. However, these are at the margins and the introduction of the NLE would reach the heart of the OA and place this sector of the CAZ on a par with the remainder and, crucially, facilitate connections to the wider LU network. This is something that other modes achieve to a much lesser degree and, thus, militate against relying on

their use as major transport carriers. As for the direct and indirect benefits there would be many. **[3.15, 3.39-3.45, 4.4, 4.11, 4.22, 4.35, 4.39, 4.51, 4.53, 4.55, 4.62 and 5.15]**

Transport benefits

8.12. On the transportation front, there would be the LU access to the OA itself. It could be argued that this alone raises the OA from a redevelopment area of questionable provenance to one similar to the old style Transport Development Areas. In this concept the improved transport accessibility increases the value of development land such that this uplift is capable of funding most, if not all, of the necessary infrastructure to serve it. In my opinion, a LU connection is so key to the rejuvenation of the area that, even if the levels of patronage did not reach TfL's predictions, this line of argument would not be compelling **[3.33-3.34, 4.57, 6.63, 6.126, 6.129-6.131, 6.158, 6.179, 6.183, OBJ/43 and OBJ/247]**.

8.13. Coupled with this would be the raft of improvements to other travel modes: buses, surface rail, cycling and making pedestrian movement more attractive by improvements to the public realm. In concert, these would greatly improve the PTAL levels for much of the OA. Moreover, by taking travel below ground would allow for better management of the highway system to aid the important bus and service movements and may even reduce existing congestion levels **[3.21, 4.26, 4.41-4.42, 4.56 and SUPP/38]**.

Regeneration benefits

8.14. Turning to regeneration of the OA, there is debate about whether the NLE has acted as the catalyst to development that TfL claims. There can be little doubt that in the normal course of events some renewal of the area would have happened anyway. A cursory examination shows that many areas and buildings have reached, or past, their 'sell by dates'. However, it is equally clear that the density of development with the NLE would be far greater, and the conditional approval to the BPS redevelopment is testament to that. **[3.17, 3.35-3.38, 4.8, 4.11, 4.50, 4.61-4.62 and 6.61]**

8.15. Crucially, it is the high density of development that creates its own dynamics, with concentrations or hubs of similar businesses leading to wider economic agglomeration. In such locations, businesses would be able to interact with one another on a local basis and the new residential and business populations would be served by the retail and service offers proposed. The failed attempts at redeveloping BPS **[2.10 and 3.5]** are a key indicator that the NLE would be a fundamental catalyst for the regeneration of the OA, such that it can take its place alongside other areas of the CAZ. **[3.17, 3.35-3.38, 4.8, 4.11, 4.50, 4.61-4.62 and 6.61]**

8.16. Importantly, this seems to be an extremely timely opportunity to drive this regeneration forward, when residential development is attractive to buyers, many of whom are from overseas. The high residential property values are available to support the commercial and employment elements as part of the

large mixed use developments, both proposed and already under construction. **[3.17, 3.35-3.38, 4.8, 4.11, 4.50, 4.61-4.62 and 6.61]**

Socio-economic benefits

8.17. The socio-economic benefits are perhaps undervalued by some Objectors. Nevertheless, they are very important attributes, especially in an area where many commercial buildings look run down and many residents within and just beyond the OA live in socially deprived areas. Although it is contended by at least one Objector **[6.73]** that there would be few jobs available for Kennington residents, it is not clear to me why this would be so. Admittedly employment levels in the Kennington area are no doubt very high, but Kennington residents would not be precluded from applying and, being just 'down the road' may prove attractive in travel benefit terms. **[3.39-3.45]**

Housing

[OBJ/77, OBJ/85, OBJ/157]

8.18. Where there might be some imbalance is in the residential provision. Open market properties in a location so close to Central London will be high value and beyond the means of most existing residents. Some claim that the NLE would merely facilitate the building of high priced dwellings to fuel the profits of developers. Common sense tells one that, to attract investment, there must be a profit element and it is true that, so far, many have been sold 'off-plan' to overseas investors. **[3.15-3.17, 4.1, 4.12, 4.18 and 6.84]**

8.19. Notwithstanding, there would be a sizeable element of social housing, some 20%, especially in the later phases. Albeit even these might not be affordable for everyone to buy, some would be available for rent or through shared equity schemes, and this should assist in energising the internal local market lower down the price range. Importantly, as agreed in answer to my question, it would be within the gift of the LBs and other agencies to ensure that properties owned by foreign investors would be liable to pay the full Council Tax and other standing charges, which should act as something of an incentive to rent. **[3.15-3.17, 4.1, 4.12, 4.18 and 6.84]**

8.20. There is some implication that, by fuelling a localised property bubble, the creation of more new high value homes in Battersea may not be in either the greater London or wider national interest. While this may be an interesting debating point, it is one that should be conducted almost entirely in political and fiscal circles. Stifling competition is not a material planning consideration and the matter would only become of interest to planning if the redevelopment were contrary to development plan policies. As we shall see later, this is not the case here. What is directed by Government is that we are short of houses and that an increase in the supply should have a beneficial effect on prices. **[3.15-3.17, 4.1, 4.12, 4.18 and 6.84]**

Employment

8.21. Just as important, there would be a greatly improved retail and commercial offer spread over the OA, starting with the new Sainsbury's store

development. The 25,000 jobs would be generated in all fields, including many in the service or lower paid sectors. Schemes for local take up would be assisted by the Employment and Skills Frameworks proposed. There would also be a large number of construction jobs involved in both the NLE and other projects. In addition, each of these new developments, along with the proposed stations on the NLE, should deliver improvements to the public realm. **[3.39-3.45, 4.3, 4.5, 4.8-4.9, 4.13, 4.19 and 4.24]**

8.22. Together all these factors should assist in raising the quality of life for people living and working in or on the edges of the OA. They would also benefit from the NLE by being able to connect better to the wider LU network, with the employment and leisure opportunities that offers. Attracted by the improved public realm, walking should increase with the attendant health and climate change benefits. For example, a footpath and cycleway **[3.149, 3.157 and 6.3]** would be created to link the proposed Nine Elms Station in a northerly direction, through the railway arches, to the River Thames. **[3.39-3.45, 4.3, 4.5, 4.8-4.9, 4.13, 4.19 and 4.24]**

8.23. In terms of accessibility, the new NLE stations would offer step-free access and this would be complemented by step-free interchange between the north and south Charing Cross and Bank Branches at Kennington Station. **[3.26-3.27, 3.351-3.356, 4.2 and 4.19]**

8.24. However, through travel to and from the Bank Branch south of Kennington to the NLE would not be possible by level access transfer. These passengers would not be able to effect the change at Kennington at grade, but have to use steps to change from the northbound Bank Branch to the southbound Charing Cross Branches. As such, this would not allow equality of access, and those unable to negotiate stairs would have to go beyond Kennington Station, to transfer, at grade, to a southbound train at the next station north with equality of access. This is currently London Bridge, but following upgrading should be the Elephant and Castle in 2019/20. **[3.26-3.27, 3.351-3.356, 4.2 and 4.19]**

8.25. In summary, although not justified in conventional transport terms, there would be some transport benefits and, when added to the immense regeneration and socio-economic benefits, cumulatively they provide a compelling justification for the NLE. In financial terms, there would be high cost benefits (approaching 10:1) **[3.39 and 3.397]**, which underpin the wider justification.

Matter 3 - The main alternative options considered by TfL and the reasons for choosing the proposals comprised in this scheme.

8.26. There are many threads to this matter. First, there is the question of the consultation protocol: both how this was carried out and how it led to the options considered. Secondly, there is the principle of the modal choice. Next, once the modal choice had been decided there are challenges to the route chosen and, even then, the need for an intermediate station at Nine Elms. Fourthly, many raise objections to the locations chosen for the

workplace areas and head-houses. Finally, there are design concerns about the head-houses themselves. Each of these is looked at in turn.

Consultation

[OBJ/3, OBJ/5, OBJ/11, OBJ/20, OBJ/24, OBJ/34, OBJ/39, OBJ/42, OBJ/50, OBJ/53, OBJ/54, OBJ/58, OBJ/61, OBJ/62, OBJ/64, OBJ/78, OBJ/82, OBJ/91, OBJ/92, OBJ/93, OBJ/95, OBJ/98, OBJ/112, OBJ/114, OBJ/120, OBJ/137, OBJ/125, OBJ/127, OBJ/131, OBJ/136, OBJ/141, OBJ/142, OBJ/144, OBJ/145, OBJ/149, OBJ/150, OBJ/151, OBJ/152, OBJ/153, OBJ/154, OBJ/159, OBJ/162, OBJ/163, OBJ/168, OBJ/195, OBJ/198, OBJ/199, OBJ/200, OBJ/216, OBJ/234, OBJ/238, OBJ/239, OBJ/240, OBJ/244 and OBJ/256]

8.27. The consultation process was not considered by many Objectors to be robust or extensive enough. As for robustness, there is no doubt that the early engagements with the public did not necessarily ask the questions that people are now most concerned about. Neither did the consultation process draw attention to the areas that would be directly affected by the works. However, at the early stages this would have been difficult as many of the detailed decisions about modal choice, route options, locations for station boxes, ventilation shafts and head-houses had not been taken. It is hardly surprising, therefore, if in the early stages people in the Kennington or Walworth areas were not alerted to the consequences for them. **[3.46-3.51, 3.55-3.59, 4.16, 5.10, 6.7, 6.14, 6.17, 6.19, 6.36-6.38, 6.41, 6.44, 6.52, 6.64-6.65, 6.69, 6.73, 6.87, 6.96-6.99, 6.114, 6.128, 6.179-6.180 and 6.184]**

8.28. As a result, it is claimed this led to a skewed outcome, with many more appearing to support the scheme than was actually the case. Following some consultations, each response was counted as one unit, when some were from an organisation representing large numbers of people. TfL is not convinced by this argument and claims that, even following a weighting exercise to allow for the response profile, there are still a majority in favour of the NLE. TfL accepts, however, that it did respond to early criticism and the later consultation rounds were more focussed. **[3.46-3.51, 3.55-3.59, 4.16, 5.10, 6.7, 6.14, 6.17, 6.19, 6.36-6.38, 6.41, 6.44, 6.52, 6.64-6.65, 6.69, 6.73, 6.87, 6.96-6.99, 6.114, 6.128, 6.179-6.180 and 6.184]**

8.29. There is little doubt that the consultation process was less than ideal. Despite many local people saying they had not been formally consulted, the circulation coverage was actually very large and it seems unlikely that many of those directly affected would have slipped through the net. There are circumstances where some may have missed with notices being served on owners rather than tenants. Later in the day, all owners of properties included in the Book of Reference were sent Rule 15 Notices by recorded delivery on or around 30 April 2013. **[3.46-3.51, 3.55-3.59, 4.16, 5.10, 6.7, 6.14, 6.17, 6.19, 6.36-6.38, 6.41, 6.44, 6.52, 6.64-6.65, 6.69, 6.73, 6.87, 6.96-6.99, 6.114, 6.128, 6.179-6.180 and 6.184]**

8.30. In addition, all the users of the NL that could be identified from the Oyster Card database were consulted. What is clear is that even with the extensive consultation very few people responded – less than 2,000 **[6.98]** in total. **[3.46-3.51, 3.55-3.59, 4.16, 5.10, 6.7, 6.14, 6.17, 6.19, 6.36-6.38, 6.41, 6.44, 6.52, 6.64-6.65, 6.69, 6.73, 6.87, 6.96-6.99, 6.114, 6.128, 6.179-6.180 and 6.184]**

8.31. Even so, there is no evidence to suggest that any lack of appreciation of the consequences of the NLE was as a result of failing to consult widely. It is just as likely to be general disinterest, with individuals not getting involved and talking with one another, and perhaps in the early stages residents not appreciating the consequences for them. **[3.46-3.51, 3.55-3.59, 4.16, 5.10, 6.7, 6.14, 6.17, 6.19, 6.36-6.38, 6.41, 6.44, 6.52, 6.64-6.65, 6.69, 6.73, 6.87, 6.96-6.99, 6.114, 6.128, 6.179-6.180 and 6.184]**

8.32. This is especially so in the Kennington and Walworth area, where leaflets may not have triggered interest about a transport scheme to serve the VNEB OA, no doubt headlined as providing a new connection to Battersea. Once the decisions were well down the line there was clearly much greater understanding and interaction at local level. Unfortunately, this was at a stage when it would have been difficult, if not impossible, to go back to a blank canvas and this is where many current Objectors feel cheated. **[3.46-3.51, 3.55-3.59, 4.16, 5.10, 6.7, 6.14, 6.17, 6.19, 6.36-6.38, 6.41, 6.44, 6.52, 6.64-6.65, 6.69, 6.73, 6.87, 6.96-6.99, 6.114, 6.128, 6.179-6.180 and 6.184]**

8.33. Thus, though TfL may deserve to shoulder some of the blame, it certainly believed it had done its best. In doing this, it has achieved an outcome that has not attracted a vast groundswell of objection to the principle of the NLE and, even now, many registered Objectors to details of the scheme qualify their objections by voicing support for the principle of the NLE **[8.5]**. Also, it is worth noting that TfL only took overall responsibility for the NLE relatively late in the day, with the early rounds of engagement overseen by Treasury Holdings, who, before going into liquidation, were the developers of the BPS and promoters of the NLE. **[3.46-3.51, 3.55-3.59, 4.16, 5.10, 6.7, 6.14, 6.17, 6.19, 6.36-6.38, 6.41, 6.44, 6.52, 6.64-6.65, 6.69, 6.73, 6.87, 6.96-6.99, 6.114, 6.128, 6.179-6.180 and 6.184]**

8.34. In any event, even had there been a majority of the representations against the principle of the NLE, the consultation process was never intended to be, and neither should it have been, a public referendum. The need for and principle of a major transport intervention to serve the OA was something that had already been decided at a strategic level through the development plan process and similar policy documents **[3.22-3.23, 3.30, 3.58, 3.60-3.65 and 4.14]**. Thus, it was mainly the less strategic matters that were open for detailed comment and it is the effects of these that are mainly at issue today. **[3.46-3.51, 3.55-3.59, 4.16, 5.10, 6.7, 6.14, 6.17, 6.19, 6.36-6.38, 6.41, 6.44, 6.52, 6.64-6.65, 6.69, 6.73, 6.87, 6.96-6.99, 6.114, 6.128, 6.179-6.180 and 6.184]**

8.35. Looking at matters, such as alignment and location and design of necessary construction features, one has to take a view as to whether the outcome would have been different if the consultation had been more focussed and dedicated. Whatever the conclusion, the inquiry offered the opportunity for all interests to air their different views. **[3.46-3.51, 3.55-3.59, 4.16, 5.10, 6.7, 6.14, 6.17, 6.19, 6.36-6.38, 6.41, 6.44, 6.52, 6.64-6.65, 6.69, 6.73, 6.87, 6.96-6.99, 6.114, 6.128, 6.179-6.180 and 6.184]**

Choice of transport mode

[OBJ/10, OBJ/26, OBJ/50, OBJ/77, OBJ/82, OBJ/85, OBJ/133, OBJ/142, OBJ/145, OBJ/155, OBJ/191, OBJ/195, OBJ/196, OBJ/212, OBJ/226, OBJ/237, OBJ/242, OBJ/247 and OBJ/256]

8.36. Looking first at the choice of mode, there are some who believe that an alternative or alternatives to the NLE should be the preferred transport solution. TfL has undertaken considerable work in analysing the various options and has revisited this on several occasions. For my part, I have no doubt that the NLE, supported by an improved package of buses, would be the best and probably the only realistic solution. **[3.46-3.47, 4.7, 4.50, 6.16, 6.66, 6.80, 6.116-6.117, 6.121, 6.127, 6.132, 6.166, 6,174-6.175 and 6.186]**

8.37. The first, and overarching point, is the kudos an underground connection brings to an area. Without this, it is almost certain that land values would be significantly lower and the money available to contribute to any transport upgrade markedly less. The plain truth is that, it is the high density of development and the high value of units facilitated by the NLE, which in turn, generates the income to fund the NLE in a way that would not be the case with an NR **[OBJ/29 and OBJ/159]**, bus, LRT or other combined forms of public transport intervention. **[3.46-3.47, 4.7, 4.50, 6.16, 6.66, 6.80, 6.116-6.117, 6.121, 6.127, 6.132, 6.166, 6,174-6.175 and 6.186]**

8.38. The second, and other main point, is the need for any scheme to convey the large numbers of passengers necessary to serve the OA. The only other mode with adequate capacity would be some form of light railway. However, as a free standing scheme this would have very limited connectivity benefits with other parts of the transport system and involve complicated interchanges. The practical/engineering difficulties of extending the DLR would be extremely costly, would still not have the same capacity as the NLE and again have limited passenger catchment. **[3.46-3.47, 4.7, 4.50, 6.16, 6.66, 6.80, 6.116-6.117, 6.121, 6.127, 6.132, 6.166, 6,174-6.175 and 6.186]**

8.39. Any other form of light rapid transport would encounter capacity problems and, of course, would not marry with any existing mode. Neither would it have the potential to deliver an extension compatible with the existing modes at Clapham. Bus and NR possibilities both have capacity problems and in any event, bus frequency would be improved and the NR option was a feature of a previous redevelopment proposal of BPS, which failed. The NR option would not link directly with the preferred mode of travel for the City and the north of London. **[3.46-3.47, 4.7, 4.50, 6.16, 6.66, 6.80, 6.116-6.117, 6.121, 6.127, 6.132, 6.166, 6,174-6.175 and 6.186]**

8.40. In summary, transport options other than the NLE would find it difficult to generate sufficient capacity, but more importantly, they would not offer the same degree of service, be as prestigious or have similar connectivity advantages. **[3.46-3.47, 4.7, 4.50, 6.16, 6.66, 6.80, 6.116-6.117, 6.121, 6.127, 6.132, 6.166, 6,174-6.175 and 6.186]**

Passenger demand

8.41. Several Objectors challenge TfL's passenger demand figures. Their argument is based on the high value of the property being built, the likely occupancy levels and the need or desire of owners/tenants to travel by public transport into the City. The claim is that many properties would be owned by absent landlords or used as a *pied a terre*, with occupancy levels lower than generally associated with this type of development. As such, it is contended that a lower capacity transport option could be adopted. **[3.33-3.34, 4.3, 4.57, 6.126-6.127, 8.12 and OBJ/43]**

8.42. It is possible that the passenger demand might fall below that envisaged by TfL, and certainly this could be so in the early years. However, the developments proposed can be expected to last for many decades, during which time occupancy type and level could change appreciably. Under these circumstances, it would be extremely short-sighted not to plan for the future possibilities and provide a transport solution with headroom to cater for times to come. Thus, this line of argument attracts little weight. **[3.33-3.34, 4.3, 4.57, 6.126-6.127, 8.12 and OBJ/43]**

Alignment options

[OBJ/104, OBJ/253 and OBJ/258]

8.43. We turn next to the alignment options, having once decided that the underground solution should be pursued. The first submission is that it would be better to connect with the Victoria Line at or near Vauxhall rather than the NL. This would have the advantage of a shorter journey time to the City and a 'direct' connection with the NR system and a true transport hub. The second contention is that having decided on a NLE the alignment option proposed would not be the best, especially as it would appear to travel in the wrong direction to access the City centre. There is another suggestion that the NL should extend, not to Battersea, but to Streatham **[6.116-6.117 and OBJ/258]**, as proposed at an earlier date. **[3.19-3.20, 3.46-3.47 5.17-5.18, 6.59, 6.64 and 6.116]**

8.44. On the first of these issues the Victoria Line option does appear very attractive and would certainly be more direct. However, TfL has raised a number of points that militate strongly against a connection with the Victoria Line. These include the Victoria Line being able to offer a lower level of capacity and the fact that to split the line would inevitably reduce the frequency of service to Brixton on what is already a very busy section of the route. This could lead to station closures during peak times. In addition, there would be engineering complications due to the infrastructure around Vauxhall, leading to an appreciable increase in cost. It would also require a longer route to provide an intermediate station at Nine Elms. **[2.6, 3.20, 5.14, 5.21 and REP/8]**

8.45. The compelling advantage of the NL is that it is essentially two north to south lines already, joining in the south at Kennington. By running these as separate lines, with interchange facilities at Kennington, this allows one

Branch, in this case the Charing Cross Branch, to be extended, without any detriment to the improvements implicit with NLU1 and NLU2 and deliver the increased capacity proposed. **[3.19-3.20, 3.46-3.47 5.17-5.18, 6.59, 6.64 and 6.116]**

8.46. This would not be possible with a Victoria Line link, where any spur would inhibit the frequency on the main run, which, as noted, is already very heavily subscribed. Thus, on the basis of a better capacity profile on the NL and the ability for level interchange between the Bank and Charing Cross Branches, the NLE would be by far the best way forward. There is a relatively convenient NL connection to the Victoria Line at Stockwell and the NLE should reduce pressure on Vauxhall **[3.28]** and busy sections of the Victoria Line. **[3.19-3.20, 3.46-3.47, 3.337-3.339, 5.17-5.18, 6.59, 6.64 and 6.116]**

8.47. As for the alignment chosen for the proposed NLE, there are three key factors. First of these is the start point at or near Kennington and a sensible connection to the existing NL. Secondly, there is the 'fixed' terminus at Battersea **[5.17]** and thirdly, the desire for the intermediate station at Nine Elms. There is also the defined alignment for the overrun tunnels at Battersea, which would allow for any onward extension towards Clapham. **[3.19-3.20, 3.46-3.47 5.17-5.18, 6.59, 6.64 and 6.116]**

8.48. Taking these constraints on board, whereas it would perhaps be possible to tweak the alignment from that currently proposed, wholesale realignment would not be possible. Even the advantages of minor realignment would be limited. What might be seen as the 'saviour' for one group would almost inevitably be at the expense of another group. Incidentally, I can find no grounds to suggest that the route has been chosen to maximise the disruption for residents. If anything, it is the other way round. **[3.19-3.20, 3.46-3.47 5.17-5.18, 6.59, 6.64 and 6.116]**

8.49. The connection to the Kennington Loop does seem the most sensible approach, minimising interference with the continuing operation of the NL during construction and the Bank Branch in the future. In addition, the connection would require no above ground works and would utilise a tunnel, which is already there – a more sustainable option. Lastly, but very important, it could be delivered generating the same noise levels as a new tunnel, without the extra construction noise. **[3.19-3.20, 3.46-3.47 5.17-5.18, 6.59, 6.64 and 6.116]**

Extension to Clapham Junction

[SUPP/3, SUPP/14, SUPP/23, SUPP/26, REP/4, REP/8, REP/10, OBJ/57 and OBJ/102]

8.50. The suggestion that the NLE should be continued to Clapham is something of a red herring. There might be an argument that an extension to LU ending in a cul-de-sac would not be the ideal solution to transport connectivity for the OA regeneration. However, the concentration of 16,000 new homes and 25,000 new jobs does create a significant catchment in its own right, and that is even without the existing residents and businesses that would be attracted to use the NLE. **[1.11, 3.16, 4.3, 4.16, 4.31, 4.40, 5.11, 5.14, 5.16, 6.18, 6.22, 6.58 and 6.186]**

8.51. Thus, albeit desirable, an extension to Clapham would be unnecessary to serve the needs of the OA. Even more crucially, there would not be sufficient monies generated by the OA for its finance. As a transport justified scheme, it is not in any foreseeable transport programme in its own right. As noted under Matter 1, it is not in any proposal before 2031 and common sense dictates that a decision on this should await the outcome of such matters as Crossrail 2 **[3.16 and OBJ/237]**. **[1.11, 3.16, 4.3, 4.16, 4.31, 4.40, 5.11, 5.14, 5.16, 6.18, 6.22, 6.58 and 6.186]**

8.52. The suggestion that the line should run to Streatham instead is not supported by any data, though it might have been the wish of some. However, Battersea is the chosen terminus by virtue of the BPS planning permissions and, there is nothing to indicate that the route to Streatham would attract the necessary finance through redevelopment **[6.116-6.117 and OBJ/258]**.

Nine Elms station

[OBJ/15 and OBJ/212]

8.53. Returning to the current NLE project, the need for the Nine Elms Station divides opinion. The main point against is that, not being centrally located within the OA, the station would be unnecessary to serve the OA. It is seen as a sop to the LBL, and, with the walking distance to either Vauxhall or Battersea submitted as well within the acceptable range, it is argued that the improvements to the PTAL levels it would deliver would not be significant. The second objection is that the bus routes past the station site are perfectly adequate to meet the transport needs of the area. While there may be some justification for these claims, they are not compelling. **[1.11, 2.11-2.12, 3.30-3.32, 4.11-4.12, 4.25, 4.30, 4.54, 4.60, 6.60, 6.63 and 6.186]**

8.54. In the first place, this omits to take into account the advantages of the station in an area that is socially challenged. The new station would deliver prestige to the area and improve connectivity for local people on the margins of an acceptable walk isochrone. It would provide a catalyst for new development in the area, not least the OSD and it would link in well with the new Sainsburys' project. The cycle and pedestrian improvements that would accompany the station would also be of great benefit. Although the question of whether to have two station entrances **[3.148 and 4.17]** remains unresolved, the option would be there and is an aspiration of LBL. **[1.11, 2.11-2.12, 3.30-3.32, 4.11-4.12, 4.25, 4.30, 4.54, 4.60, 6.60, 6.63 and 6.186]**

8.55. It might be said these could be achieved without the station, but as is so often the case cross-funding can be the main driver to action. Finally, the fact that, as a result, it attracts much stronger support from the LBL should not be discounted **[4.10]**. In both social and financial terms this is a material benefit. **[1.11, 2.11-2.12, 3.30-3.32, 4.11-4.12, 4.25, 4.30, 4.54, 4.60, 6.60, 6.63 and 6.186]**

8.56. This leaves the choice of workplace and head-house locations and the design of the latter still to be addressed. However, as these are all more involved with specific heritage factors they are, with one exception, left to the place in

this report where they can be covered along with other related topics.

Kennington Station Upgrade

[OBJ/1, OBJ/12, OBJ/20, OBJ/24, OBJ/31, OBJ/32, OBJ/43, OBJ/63, OBJ/75, OBJ/78, OBJ/83, OBJ/104, OBJ/136, OBJ/144, OBJ/159, OBJ/220, OBJ/223 and OBJ/247]

8.57. There remains a very strong argument pertaining to the need to upgrade Kennington Station now and not sometime in the future. It is suggested that if this was undertaken as part of the NLE project, then the need for the ventilation shafts at Kennington Park and Kennington Green could be avoided **[6.115 and 6.183]**. On the face of it, this is an incredibly attractive proposition and would accommodate a great raft of Objectors at a stroke. However, this possibility does need looking at a little more closely. **[1.11, 3.35, 3.251-3.253, 4.3, 6.11, 6.18, 6.23, 6.41, 6.92 and 6.115]**

8.58. Putting the cost on one side for a moment, as much of this would occur anyway as and when the upgrading of Kennington Station took place, what would be the advantages and disadvantages. Clearly, the main advantage would be avoiding intrusion into the open spaces of Kennington Park and Kennington Green and appease virtually all the objections they attract. **[1.11, 3.35, 3.57-3.58, 4.3, 6.11, 6.18, 6.23, 6.41, 6.92 and 6.115]**

8.59. The downside would be a less efficient ventilation system, caused by the bifurcation of the Kennington Link and the potential split in the ventilating air pushed through the tunnels. This is also added to by the exceedence of the desirable distance between ventilation shafts. Then there would be the construction of the shaft itself needing temporary ventilation shafts and much more engineering work nearer the surface. **[1.11, 3.35, 3.57-3.58, 4.3, 6.11, 6.18, 6.23, 6.41, 6.92 and 6.115]**

8.60. On one hand, to remove the need for permanent ventilation shafts at Kennington Park and Kennington Green, it would require a long length of cut and cover work, with the intrusion and inconvenience that would create for many more people than would be affected by the Order proposals. On the other hand, the Kennington Park and Green shafts would avoid the need for this work to be undertaken in the future and reduce the cost of the Kennington Station upgrade. **[1.11, 3.35, 3.57-3.58, 4.3, 6.11, 6.18, 6.23, 6.41, 6.92 and 6.115]**

8.61. Finally, but importantly, the scheme works necessary at Kennington Station would be very expensive – between £120-200M, which could not be raised on the back of the redevelopment of the OA and so would have to await funding being secured. The need to acquire property would delay the NLE considerably and the benefits it would deliver to the OA redevelopment in the Order form. A knock-on effect would be the delay to much of the BPS redevelopment and possibly other investment. **[1.11, 3.35, 3.57-3.58, 3.300-3.301, 4.3, 6.11, 6.18, 6.23, 6.41, 6.92 and 6.115]**

8.62. Thus, apart from the aspects referred to immediately above, it is fair to conclude that the public consultation could have been more focussed, especially during the earlier stages of engagement. However, as will

transpire, in my judgement this was unlikely to have resulted in any change in the NLE as the favoured choice or to its alignment. As such, one can be satisfied that the main alternative options were considered by TfL and the reasons for choosing the proposals comprised in this scheme are justified. **[3.18-3.21, 6.6 and 6.18]**

Matter 4 - The extent to which the scheme would be consistent with the National Planning Policy Framework, Mayoral Plans and Strategies for London and with local planning authority policies.

8.63. There are several national, regional and local policies of relevance to this scheme. In each case, the delivery of the NLE would accord with national, regional and local policies and with the strategic principles embodied within them. These are set out in the ES **(Document NLE/A19/1, Chapter 5)**. Although this cannot count in precisely the same way as s.38(6) compliance, it nevertheless generates a strong argument in favour of the NLE. **[3.22-3.31, 3.58, 3.60-3.65 and 4.14]**

8.64. Importantly, despite the objections about the failure to carry out meaningful, comprehensive and focussed consultation, the production of the published plans and guidance relied on, such as the London Plan, The Mayor's Transport Strategy 2010 and the VNEB OA Planning Framework, not to mention a raft of Local Plans in the three LBs, are further indications that opportunities for objecting to the principle of the NLE proposal have been available previously, albeit in a different forum. **[3.22-3.31, 3.58, 3.60-3.65 and 4.14]**

8.65. The one exception to this is in regard to the heritage policies, especially with regard to Kennington Park and Kennington Place, and the claim by some that here there would be conflict with the relevant CA, Listed Building and Registered Park Policies **[6.8, 6.47, 6.65, 6.89-6.90, 6.100, 6.113-6.114, 6.161, OBJ/34, OBJ/42, OBJ/61, OBJ/76 and OBJ/78]**. These are considered later in the report.

Matter 5 - The likely impact on local residents, others visiting or passing through the area, businesses and the environment of the scheme during construction and operation, including;

5a) Noise and vibration

Operational noise levels

[OBJ/8, OBJ/23, OBJ/31, OBJ/67, OBJ/75, OBJ/86, OBJ/88, OBJ/89, OBJ/100, OBJ/110, OBJ/112, OBJ/114, OBJ/122, OBJ/125, 127, OBJ/132, OBJ/138, OBJ/139, OBJ/140, OBJ/149, OBJ/150, OBJ/159, OBJ/168, OBJ/170, OBJ/172, OBJ/173, OBJ/180, OBJ/191, OBJ/196, OBJ/204, OBJ/210, OBJ/220, OBJ/222, OBJ/223, OBJ/226, OBJ/238, OBJ/239, OBJ/240, OBJ/247 and OBJ/253]

8.66. There is little doubt that this topic exercised the inquiry extensively and, almost certainly occupied more inquiry time than any other. It is therefore

paradoxical that my conclusion can be so concise. The simple fact is that, despite the concerns of very many local residents, there should be absolutely no noise problem in any of the premises above the line of the NLE, when it is running. To be fair to Objectors, the proof of this only materialised at the very end of the inquiry, during the demonstration visit to the sound laboratory, where the maximum noise levels were able to be heard. As one Objector opined following the session, had TfL demonstrated this before the Order was advertised, he doubted if there would have been any objections about operational noise. **[3.67-3.101, 6.4, 6.10, 6.14, 6.19, 6.31-6.32, 6.40, 6.49, 6.50-6.51, 6.62, 6.75, 6.85-6.86, 6.119, 6.124, 6.152-6.155,6.163-6.164 and 6.182]**

8.67. In a nutshell, the maximum noise level of 35 dB LAFmax, permitted under the conditions, is below the NOEL. On the restrained track bed proposed, it is barely even audible in circumstances where the background noise levels are well below those experienced in normal everyday life, even during night-time. Moreover, the maximum level is just that and it would only be at a couple of pinch points where this level would be experienced and then, most probably, at property basement level. **[3.67-3.101, 6.4, 6.10, 6.14, 6.19, 6.31-6.32, 6.40, 6.49, 6.50-6.51, 6.62, 6.75, 6.85-6.86, 6.119, 6.124, 6.152-6.155,6.163-6.164 and 6.182]**

8.68. Everywhere else the experienced levels would be lower, and in many cases appreciably so. One can say this with some confidence, as the levels of noise experienced on the site visit to private properties could be used as comparators. These varied between the maximum of 46 dB LAFmax in a basement, and ground floor levels only a relatively short distance away of 36 and 39 dB LAFmax. Crucially, these measurements were all taken above the Kennington Loop **[3.81]**, which suffers from ground-borne noise and which TfL accepts needs some remedial maintenance to stop the ground-vibration currently experienced. **[3.67-3.101, 6.4, 6.10, 6.14, 6.19, 6.31-6.32, 6.40, 6.49, 6.50-6.51, 6.62, 6.75, 6.85-6.86, 6.119, 6.124, 6.152-6.155,6.163-6.164 and 6.182]**

8.69. One further point is that any contractor would be taking great risk if the system was designed to just meet the 35 dB LAFmax at the worst pinch point. The risk involved in this would make it is almost certain that the maximum level at the pinch points would be somewhere below the 35 dB LAFmax in order to provide a working safety margin. The remainder of noise levels should then be correspondingly lower. **[3.67-3.101, 6.4, 6.10, 6.14, 6.19, 6.31-6.32, 6.40, 6.49, 6.50-6.51, 6.62, 6.75, 6.85-6.86, 6.119, 6.124, 6.152-6.155,6.163-6.164 and 6.182]**

8.70. Several additional concerns were raised by Objectors. These include the use of lower noise levels on the continent, the combined noise from two tracks running close together, with passing trains on both at the same time, the difference between aircraft noise and underground rail noise, the use of two different types of construction for the plain track and SPJs and use of a section of the Kennington Loop. **[3.67-3.101, 6.4, 6.10, 6.14, 6.19, 6.31-6.32, 6.40, 6.49, 6.50-6.51, 6.62, 6.75, 6.85-6.86, 6.119, 6.124, 6.152-6.155,6.163-6.164 and 6.182]**

8.71. In all cases the rebuttals by TfL address the points, usually with the commitment to requiring that a 35 dB LAFmax NOEL level would be in place. As for the use of the lower noise level on the continent, this seems to have initiated and driven the debate. However, as became clear, the decisions taken to adopt a lower level were in advance of the WHO publication and the subsequent draft UK National Noise Policy Statement (NNPS) was based on this. I can find no justification for the contention that the NNPS has misapplied the WHO guidance to distort the standards being applied in the UK. **[3.67-3.101, 6.4, 6.10, 6.14, 6.19, 6.31-6.32, 6.40, 6.49, 6.50-6.51, 6.62, 6.75, 6.85-6.86, 6.119, 6.124, 6.152-6.155,6.163-6.164 and 6.182]**

8.72. Turning to the combined noise from the two tracks of the NLE running close together **[OBJ/47]**, this would be very unlikely to occur at a pinch point or, in fact, where the track level would be shallow enough to deliver anywhere near the maximum noise. Even then, at least the line of one or both of the tracks would be slightly offset from the properties above, meaning that the noise sources added together would be most unlikely to exceed the maximum with one line running directly underneath a property. Even with the lines running equidistant from any property the combined increase would only be some 3 dBA, which is an increase normally not perceptible to human experience and, of course, by definition both lines would be offset. **[3.67-3.101, 6.4, 6.10, 6.14, 6.19, 6.31-6.32, 6.40, 6.49, 6.50-6.51, 6.62, 6.75, 6.85-6.86, 6.119, 6.124, 6.152-6.155,6.163-6.164 and 6.182]**

8.73. Moving on to the difference between aircraft noise and underground rail noise, it was never asserted that they were the same, but only that they were similar enough to be used as comparators. In doing this, the only difference would be in the ground-borne element and what is appropriately described as 'feelability'. With the construction format of both the plain track and SPJs necessary to deliver the 35 dB LAFmax level the ground-borne element would not be a factor and this was clearly so at the demonstration. The 'feelability' experienced on site, in properties above the Kennington Loop, is as a consequence of inefficient maintenance, something which will now be rectified, albeit somewhat late in the day. **[3.67-3.101, 6.4, 6.10, 6.14, 6.19, 6.31-6.32, 6.40, 6.49, 6.50-6.51, 6.62, 6.75, 6.85-6.86, 6.119, 6.124, 6.152-6.155,6.163-6.164 and 6.182]**

8.74. Finally, the different construction techniques for the plain track and SPJs should not mean that there would be any difference in perceived or experienced noise levels in the properties above. The 35 dB LAFmax level would be conditional on both once operational, though construction noises may differ slightly as mentioned below. The existing length of the Kennington Loop that would form part of the NLE running line would be maintained at the same level as it should be when working properly and there are mechanisms available, such as speed control, to ensure that the 35 dB LAFmax level would not be breached. **[3.67-3.101, 6.4, 6.10, 6.14, 6.19, 6.31-6.32, 6.40, 6.49, 6.50-6.51, 6.62, 6.75, 6.85-6.86, 6.119, 6.124, 6.152-6.155,6.163-6.164 and 6.182]**

8.75. On the basis of this, TfL's position that it would not be justified to further reduce noise level below that which could not be heard can be supported. Put bluntly, if one cannot hear noise at 35 dB LAFmax the extra cost of reducing levels further would produce no identifiable benefits. **[3.67-3.101, 6.4, 6.10, 6.14, 6.19, 6.31-6.32, 6.40, 6.49, 6.50-6.51, 6.62, 6.75, 6.85-6.86, 6.119, 6.124, 6.152-6.155,6.163-6.164 and 6.182]**

8.76. Several Objectors raise vibration as a concern, possibly as a separate entity from vibration that might physically affect buildings above. This seems to be the anticipation that the 'feelability' of vibrations through the ground when the NLE is running would prove disconcerting. The first thing to say is that the noise levels experienced during the laboratory tests showed no sense of vibration. **[3.67-3.101, 6.4, 6.10, 6.14, 6.19, 6.31-6.32, 6.40, 6.49, 6.50-6.51, 6.62, 6.75, 6.85-6.86, 6.119, 6.124, 6.152-6.155,6.163-6.164 and 6.182]**

8.77. This was unlike the observations above the Kennington Loop, where there was definitely a sense of vibration. However, we know that the Kennington Loop needs remediation. With these experiences, I would not expect any vibration at 'feelability' sensation to emanate from the NLE when operative. This is TfL's position and, if any vibration is experienced, this would require investigation, because, almost inevitably, there would be something wrong with the performance of the track and/or trains. **[3.67-3.101, 6.4, 6.10, 6.14, 6.19, 6.31-6.32, 6.40, 6.49, 6.50-6.51, 6.62, 6.75, 6.85-6.86, 6.119, 6.124, 6.152-6.155,6.163-6.164 and 6.182]**

8.78. Finally, the noise levels for fixed plant would be conditioned to operate well below existing background levels and, thus, this should guarantee that there would be no observable increase in sound levels. **[3.101 and 3.211]**

8.79. In conclusion, the noise levels that would be experienced from the operational regime of the NLE would be below the NOEL level and, therefore acceptable. Although there are currently no proposals for the NL to run through the night, this even includes the possibility that it would operate through the night on some days of the week **[6.31- 6.32]**. The monitoring that would take place of noise levels experienced would be reported to the appointed Liaison Groups and any difficulties remediated through train and rail management. **[3.67-3.101, 6.4, 6.10, 6.14, 6.19, 6.31-6.32, 6.40, 6.49, 6.50-6.51, 6.62, 6.75, 6.85-6.86, 6.119, 6.124, 6.152-6.155,6.163-6.164 and 6.182]**

Construction noise effects

[OBJ/1, OBJ/6, OBJ/7, OBJ/12, OBJ/41, OBJ/67, OBJ/75, OBJ/88, OBJ/102, OBJ/104, OBJ/110, OBJ/111, OBJ/118, OBJ/122, OBJ/127, OBJ/148, OBJ/168, OBJ/172, OBJ/185, OBJ/197, OBJ/207, OBJ/212, OBJ/226, OBJ/227, OBJ/233, OBJ/238, OBJ/239 and OBJ/240]

8.80. The main areas of concern here are the impacts of noise from the use of the worksites and construction of the ventilation shafts and head-houses at Kennington Green and Kennington Park, the effects of additional traffic and the construction of the tunnels for the NLE. In each case, BPM would be

employed and the conditions and CoCP would allow the Liaison Groups and the LPAs to monitor and the latter to take enforcement action should that be necessary. **[1.11, 3.67-3.73, 3.102-3.119, 6.14, 6.19, 6.42, 6.45, 6.75, 6.124, 6.156, 6.167 and 6.170]**

8.81. Incidentally, it is a matter of universal support that the construction method adopted for the plain track would avoid the need for temporary ventilation shafts at Radcot Street and Harmsworth Street and the disturbance and disruption they would cause **[OBJ/13, OBJ/19 and OBJ/26]** . Their omission removes a significant number of objections at a stroke. **[1.11, 3.67-3.73, 3.102-3.119, 6.14, 6.19, 6.42, 6.45, 6.75, 6.124, 6.156, 6.167 and 6.170]**

8.82. Moving to look at the worksites first, there are common sense reasons why these would best be located close to the proposed shafts and head-houses. In the cases of those at Battersea and Nine Elms, there is little or no objection. However, alternative proposals have been submitted for both Kennington Park and Kennington Green, though in the case of the former this pertains mainly to access. The Kennington Green worksite has an entirely different location suggested (373 Kennington Road) and the comparison between these two is explored under Matter 6. At this point the Order proposals are considered and in both cases, without BPM employed, the increase in noise levels at certain times would be appreciable. **[1.11, 3.67-3.73, 3.102-3.119, 6.14, 6.19, 6.42, 6.45, 6.75, 6.124, 6.156, 6.167 and 6.170]**

8.83. There would be the construction of the worksites themselves and the subsequent dismantling. During the lifetime of the NLE contract, there would be the movement and loading/ unloading of HGVs, including reversing and there would be the normal civil engineering noises associated with the construction of the two station boxes at Battersea and Nine Elms and the ventilation shafts and head-houses at Kennington Green and Kennington Park. No-one would welcome this intrusion on their doorstep, but if the NLE is accepted as being in the wider public interest the worksites have to go somewhere. It is perhaps unfortunate that they would be located in Kennington, an area, where, as many Objectors point out, most of the pain would be suffered for little or none of the gain. **[1.11, 3.67-3.73, 3.102-3.119, 6.14, 6.19, 6.42, 6.45, 6.75, 6.124, 6.156, 6.167 and 6.170]**

8.84. Having said this, with the BPM protocol in place this should mitigate the impact to the lowest achievable levels. If this is felt not to be the case, then the LPAs and the Liaison Groups would be in a position to influence and if necessary challenge the construction and working techniques employed. The final fallback position is that the option of soundproofing of buildings or temporary relocation would be available in the very unlikely event anyone remained severely affected. No-one is suggesting this would be ideal, but the activity would be temporary and the peaks of activity of very limited duration within this period. **[1.11, 3.67-3.73, 3.102-3.119, 6.14, 6.19, 6.42, 6.45, 6.75, 6.124, 6.156, 6.167 and 6.170]**

8.85. As for construction traffic, in the wider environment this would deliver very small increases in noise, largely due to the relatively high existing background noise levels. However, in certain quieter locations the passage of individual HGVs would be noticeable and certainly irritating for most. However, for most of the construction period it would only be relatively small numbers of HGVs at both the Kennington worksite locations. There would be a short duration of 2-3 weeks when this number would increase substantially and this would, no doubt, attract higher levels of annoyance. **[1.11, 3.67-3.73, 3.102-3.119, 6.14, 6.19, 6.42, 6.45, 6.75, 6.124, 6.156, 6.167 and 6.170]**

8.86. The two other above ground construction sites would be for the station boxes at the proposed Battersea and Nine Elms Stations. These would again generate increased noise levels from the engineering operations and servicing the sites with materials and staff. Having said this, there is very little objection to these elements and they would operate as any other of the redevelopment sites in an area undergoing major regeneration. They would be disruptive for a temporary period and during this time there would certainly be some noise peaks. BPM would again be employed and the complaint system set up and the conditions and CoCP should prevent anything untoward. Even so, TfL can only control its actions and cannot assume responsibility for others. Thus, it is impossible to foresee if the cumulative effects of a number of construction sites in an area would be significant. **[1.11, 3.67-3.73, 3.102-3.119, 6.14, 6.19, 6.42, 6.45, 6.75, 6.124, 6.156, 6.167 and 6.170]**

8.87. The overhead conveyor carrying the spoil from the tunnels and other construction sites would be entirely enclosed and impose no noticeable noise levels above background. Movement would mainly take place during the working day, when background levels in the affected areas would be relatively high from traffic and redevelopment of other sites. **[1.11, 3.67-3.73, 3.102-3.119, 3.267, 6.14, 6.19, 6.42, 6.45, 6.75, 6.124, 6.156, 6.167 and 6.170]**

8.88. Turning to the construction of the underground tunnels themselves, this again can be broken down into elements. The first is the actual TBM used for the plain track tunnels, which would increase noise levels experienced above. However, the increase would not be inordinate – between 35-40 dB LASmax – and below the LOAEL level of 42 dB LASmax identified by the WHO. Moreover, the highest noise levels would again be at a very limited number of pinch-points. Crucially, albeit the TBM would be a 24-hour operation, it would last for a maximum of 3-days at any location, and people would be given advance notice of when this could be expected. **[1.11, 3.67-3.73, 3.102-3.119, 6.14, 6.19, 6.42, 6.45, 6.75, 6.124, 6.156, 6.167 and 6.170]**

8.89. From the geological survey work undertaken so far, negligible impact from vibration is predicted at surface levels, though it would be conceivable that human intervention e.g unexploded ordinance, or geological 'imperfections' could lead to very localised problems for a short period. **[6.15, 6.18 and OBJ/57]**

8.90. The temporary construction railways would again operate for 24/7 and this would clearly impinge for much longer on people living near the beginning of the tunnel bores. Even so, the transmission of vibration and ground-borne noise would be minimised and enforced by condition. The maximum expected levels would be 40-45 dB LAFmax, which could be significant at the upper end of the range. However, experience from Crossrail indicates that the level would most likely be lower than 40 dB LAFmax and there would only be some 60 movements each day, concentrated primarily to times during the working day. **[1.11, 3.67-3.73, 3.102-3.119, 6.14, 6.19, 6.42, 6.45, 6.75, 6.124, 6.156, 6.167 and 6.170]**

8.91. The gallery tunnels would not have a temporary construction railway and their construction would be subject to BPM. As such, there would be some ground-borne noise, though this should once again not reach significant levels. In simple terms the noise output would be similar to the main tunnel drive. **[1.11, 3.67-3.73, 3.102-3.119, 6.14, 6.19, 6.42, 6.45, 6.75, 6.124, 6.156, 6.167 and 6.170]**

8.92. Excavation and construction of the SPJs would be undertaken in a manner similar to the gallery tunnels. However, in this case they would be at a deeper level and, being subject to BPM, no significant ground-borne levels would be expected. **[1.11, 3.67-3.73, 3.102-3.119, 6.14, 6.19, 6.42, 6.45, 6.75, 6.124, 6.156, 6.167 and 6.170]**

8.93. Finally, with the use of electric submersible pumps adequately noise insulated, the pumping associated with water control should not give rise to any significant effects with the predicted noise levels. **[3.118]**

8.94. In summary on this topic, construction noise would undoubtedly be a factor, but on the basis of the information provided the impacts should not reach the levels feared by residents. Once operative, noise from the NLE should not be noticeable in a normal working regime. The temporary noise of the various elements of construction would be intrusive for some, even with BPM employed. However, nothing in the proposals appears to be a show stopper and the increase in the noise is a moderate negative factor to be weighed in the overall balance. **[1.11, 3.67-3.73, 3.102-3.119, 6.14, 6.19, 6.42, 6.45, 6.75, 6.124, 6.156, 6.167 and 6.170]**

5b) Impacts on properties from ground movement

[OBJ/3, OBJ/22, OBJ/28, OBJ/47, OBJ/67, OBJ/82, OBJ/86, OBJ/89, OBJ/100, OBJ/110, OBJ/111, OBJ/114, OBJ/117, OBJ/118, OBJ/119, OBJ/122, OBJ/124, OBJ/131, OBJ/145, OBJ/159, OBJ/170, OBJ/172, OBJ/173, OBJ/180, OBJ/191, OBJ/196, OBJ/198, OBJ/199, OBJ/200, OBJ/204, OBJ/210, OBJ/212, OBJ/220, OBJ/222, OBJ/223, OBJ/226, OBJ/247, OBJ/253 and OBJ/256]

8.95. This moves on from the 'feelability' sensation to the physical effects vibration might have. However, having heard the evidence and listened to the concerns raised by residents, it is clear that the fears of what might happen greatly exceed the probability. Residents are understandably worried and, of

course, adopt a responsible position in wishing to safeguard their properties and investment. Nevertheless, the bottom line is that no property should experience an impact from ground movement that would threaten the integrity of its structure. Even under the worst scenario, very few properties fall within a zone where there would be any possibility of any movement caused by the underground construction or operational activities. **[1.11, 3.7, 3.120-3.136, 5.23, 6.14, 6.19, 6.40, 6.42, 6.119-6.120, 6.124, 6.150-6.151, 6.163-6.164, 6.167, 6.178 and 6.182]**

8.96. Against this background, coupled with the experience gained on other contracts, one can be confident that the TfL approach of pre-survey and monitoring would cover virtually all eventualities. Even then, the survey limits chosen include many properties where predictions show that there would be no chance of settlement. This even embraces those properties built in times before modern building regulations prevailed or where foundations are less robust. Thus, the 'Settlement Deed' on offer and the framework set out in the CoCP should be judged acceptable. **[1.11, 3.7, 3.120-3.136, 5.23, 6.14, 6.19, 6.40, 6.42, 6.119-6.120, 6.124, 6.150-6.151, 6.163-6.164, 6.167, 6.178 and 6.182]**

8.97. Notwithstanding this, there are some people who consider that TfL should go even further and set criteria for buildings beyond the proposed survey contour limit that, if met, would trigger a survey on these properties **[3.134]**. On the evidence, to do this would be taking the precautionary principle a stage too far and there is no justification for this. On a practical point, the definition of SMART criteria to establish a trigger would be almost impossible: each property would have its own structural idiosyncrasies, even if they were seemingly identical in design, form and location. **[1.11, 3.7, 3.12, 3.120-3.136, 5.23, 6.14, 6.19, 6.4, 6.42, 6.119-6.120, 6.124, 6.150-6.151, 6.163-6.164, 6.167, 6.178 and 6.182]**

8.98. However, if people feel that, despite TfL's reassurances, they wish to carry out a survey at their own expense, TfL has offered a protocol that would cover this. In any event, any who remain concerned may, of course, take their own photographs and will no doubt consult their insurance documents to reassure themselves further. **[1.11, 3.7, 3.12, 3.120-3.136, 5.23, 6.14, 6.19, 6.4, 6.42, 6.119-6.120, 6.124, 6.150-6.151, 6.163-6.164, 6.167, 6.178 and 6.182]**

8.99. Incidentally, on a specific point, there would be no damage to or adverse implications for the Fentiman Road Church **[OBJ/236]** **(Document TfL121)**.

5c) Impacts on townscape and visual amenity;

8.100. The impacts on Kennington Green and Kennington Park from the construction worksites and the head-houses are concluded on under Matter 6. Suffice it to say here that these constitute the second key focus for local objection. The interchange and the four proposed cross-passages at Kennington Station will be covered under Matter 8.

8.101. Moving on to the proposed Battersea and Nine Elms Stations, they raise very little comment and this is hardly surprising. The site inspection showed these lie in areas already undergoing large scale regeneration. The former within the redevelopment site of BPS and the latter immediately adjacent to the new Sainsbury's complex, which will now have commenced. In both cases the Station proposals are designed to complement the other development and should add to the regeneration sites in terms of transport and general accessibility and should improve the public realm. **[3.142-3.144 and 3.147-3.151]**

8.102. As such, after the inevitable intrusion of the construction works themselves, they should both have a beneficial impact on the townscape and visual amenity. The one caveat to this is the OSD at Nine Elms, which has not yet been designed. However, the expected design brief should raise no particular problems and will consider the need for two entrances **[3.147-3.151 and 4.17]**. There was criticism of the development at BPS, and particularly the intrusive effects of introducing tall buildings between the NR lines and the BPS listed structure **[6.189]**. In this regard, the planning permission for the BPS redevelopment has been granted and so meaningful comment falls outside the TWAO remit. **[3.142-3.144 and 3.147-3.151]**

8.103. Finally, there are the Battersea jetty and the cranes. In the case of these, there would be a temporary hiatus during the construction period, when the jetty would be modified to accommodate the transportation of spoil from the NLE excavation. However, this would be reinstated after the NLE works and the final impact would be negligible in townscape and visual amenity terms, and show an improvement in functionality. **[3.145-3.146]**

8.104. As for the cranes, concern was expressed by some that if they were removed from site for renovation, there was a chance they might not return. They are key visual components to the BPS complex and clearly if that was a possibility it would be very serious. However, the condition attached to the LBC (Condition 2) would ensure that this fear is unfounded and the outcome would be overseen by the LPA. **[3.145-3.146, 6.189 and OBJ/CAC9]**

8.105. In summary, apart from the implications for Kennington Green, Kennington Park and Kennington Station, the townscape and visual amenity impacts would suffer temporarily during construction, but, following the opening of the NLE they should all be favourable.

5d) Impacts on users of the River Thames

8.106. The Port of London Authority, Marine Management Organisation and other users have withdrawn their objections. During construction of the NLE, it is proposed that the excavated material from the works would be transported from the Battersea Station site by conveyor to the jetty and taken away by barge. Off-site material would be transported to Battersea by road and

thence by the conveyor to the jetty. There are no final details of this, as they await the appointment of a contractor, but no reason has been advanced that would challenge this protocol and it rests comfortably with policy. **[3.4, 3.38, 3.152, 3.171 and 5.19]**

5e) Impacts on water resources, including flood risk and the potential contamination

8.107. Several Objectors raise concerns about the possible effects that the NLE construction would have on groundwater and the potential to flood basements **[3.154 and OBJ/127]**. However, while it is likely management of groundwater would be necessary during the construction period the prospects for this should be limited and be capable of being controlled by on-site management, probably through the use of electric pumps. As such, those Objectors who fear for their basements being inundated by groundwater can be confident this should not happen. **[3.4, 3.153-3.156]**

8.108. As for all other topics under this matter, the Regulatory bodies in the form of the EA and the LBs have raised no objections. Against this background, it can be safely concluded that the risks would be negligible and not register as a material objection to the NLE project. **[3.153-3.156]**

5f) Impacts on land use, including the effects on commercial property and the viability of businesses, and the effects on the right of access

8.109. There can be little doubt that the climate for businesses in and around the NLE would change. However, with one notable exception, it is what the NLE would bring to the OA and neighbouring land in terms of new development and increased population that is the crucial factor. The exception would be Bee Urban, which might not be termed strictly a business, but it does have some commercial interests. The displacement of Bee Urban from its current location is looked at in some detail later under Matter 6. **[3.157-3.163, 6.9, 6.13 and OBJ/155]**

8.110. As the temporary shafts would no longer be needed **[OBJ/13, OBJ/19 and OBJ/26]**, access to businesses in these areas should not be unduly affected. In all cases, there would be viable alternatives, with no 'service' roads being closed off. Redevelopment in the OA, in terms of both new residential property and the jobs the new offices would generate, should have a beneficial effect on the economy of the locality, for both new and existing businesses. **[3.157-3.163, 6.9, 6.13 and OBJ/155]**

8.111. While it is understandable that individuals might harbour fears about how the NLE would impact on their livelihood, there is no evidence to suggest that the overall effect would not be beneficial. This is not to say that some businesses may fail and some may suffer from increased competition. Even so, it is not the role of planning to stifle or regulate competition. Competition

generally has an uplifting effect and, with the large numbers of new residents and workers in the OA, one would expect something of a ripple effect that would benefit business beyond the OA. This should certainly be the case for existing businesses around the proposed Nine Elms Station. As for the Oval, this is more remote from the direct effects of the NLE and should, therefore, be impacted on less. This is confirmed by the transport modelling undertaken. **[3.157-3.163, 6.9, 6.13 and OBJ/155]**

8.112. One area of concern raised by some was the potential impact on businesses should pedestrians be diverted from their usual route. There are two elements to this and these are those businesses that anticipate being affected by the construction works themselves and those who fear a downturn in trade if travellers change their transport mode or their station of journey origin. **[3.157-3.163, 6.9, 6.13 and OBJ/155]**

8.113. For the first group, the main diversions would occur round the worksites and ground-level construction works. In these cases, there could be some diversions if routes, such as that across Kennington Green, were closed. However, in most cases pedestrian access would be maintained relatively close to the existing desire lines. Perhaps the one exception would be at Kennington Green **[6.101]**, but even here there is no evidence to suggest that any particular destinations would be avoided as a consequence and certainly not on a permanent basis. Access either side of Kennington Green would be retained for all but 3-months of the NLE contract, when a longer diversion might be necessary for some. **[3.157-3.163, 3.177, 3.190-3.191, 6.9, 6.13 and OBJ/155]**

8.114. Turning to those where desire lines might change permanently as new travel options become available, this is very difficult to predict. Even so, new development works regularly change walking patterns and create new attractions and destinations. Consequently, while there might be a negative impact for a few, it is not something that should be seen as compelling argument to prevent a far greater public benefit coming forward. **[3.157-3.163, 6.9, 6.13 and OBJ/155]**

5 g) Impact of the scheme on air quality

[OBJ/1, OBJ/06, OBJ/07, OBJ/12, OBJ/24, OBJ/32, OBJ/115, OBJ/118, OBJ/122, OBJ/135, OBJ/185, OBJ/197 and OBJ/227]

8.115. There are a number of Objectors who raise concerns about the potential for air pollution, including dust, during construction of the NLE. However, having studied the protocols that would be in place with the three tiers of control, their concerns appear unfounded. As a back up, there would be the facility to complain 24-hours a day, for the matter to be taken up by the Liaison Groups and in the final analysis for the LBs to take action as statutory Regulator. **[3.164-3.169, 6.40 and 6.170]**

8.116. This does not mean that there would be no prospect of short-term pollution events caused by a particular circumstance or weather episode. What the control should ensure is that any problem would be of short duration and the cumulative effects would be kept within the prescribed targets. It has to be remembered that the NLE construction is only one of a significant number of new developments in the OA and the LBs will have to monitor all these in the event of a complaint. It is noteworthy that there have been very few complaints to TfL during the construction of other similar projects **(Document TfL43A)**. **[3.164-3.169, 6.40 and 6.170]**

5 h) Impact of the scheme on the built environment

8.117. Following the same line as TfL in addressing the Matters, this is covered in Matter 5 c) above and Matter 6, which follows on. **[3.170]**

5 i) Impacts of construction traffic on the highway network, cyclists, pedestrians and parking

[OBJ/10, OBJ/26, OBJ/50, OBJ/77, OBJ/82, OBJ/85, OBJ/133, OBJ/142, OBJ/145, OBJ/155, OBJ/191, OBJ/195, OBJ/196, OBJ/212, OBJ/226, OBJ/237, OBJ/242, OBJ/247 and OBJ/256]

8.118. Wherever reasonably practicable, excavated material would be taken from the construction sites by River to minimise the effect on the road network. This would be secured through TfL's contract with the appointed NLE contractor. As noted above, the use of the River to remove excavated material accords with policy and should minimise the effects on the highway network. **[1.11 and 3.171]**

8.119. This leaves the residual traffic movements and over the period of the contract a large number of HGV movements to and from the proposed worksites. To govern this, a TMP would be prepared for each worksite and this would be monitored by the Liaison Groups and the LBs as local planning and highway authorities. There is no doubt that the works would cause some disruption in terms of noise and air pollution and traffic movement and highway safety risks. The first two topics have been dealt with previously and so the last two are addressed here in more detail. **[3.172-3.173]**

8.120. The telling arguments in this regard are twofold. First, we are talking about a temporary period and to undertake any development, infrastructure or otherwise, there are invariably downsides. In the main, these downsides impinge on those who will derive benefits from the completed projects. In this instance, the greater measure of 'pain' would be suffered by a resident population who are convinced they would enjoy little or no gain from the completed NLE. As such, many of the arguments are very parochial. **[3.174-3.195, 6.17, 6.42, 6.82 and 6.170, 6.178]**

8.121. In this regard, where the harm caused by a scheme would be long-term, or even in perpetuity, it is easy to measure this and assess if it would be reasonable. However, in the case of impacts for a temporary duration the thresholds for unacceptability inevitably have to be higher, otherwise there would be little progress. Even so, one must look at the magnitude of the predicted harm, because in some cases harm of even short duration might be inordinate and unacceptable. **[3.174-3.195, 6.17, 6.42, 6.82 and 6.170, 6.178]**

8.122. In this instance, it is clear that with the provisions in place and the magnitude of increased traffic movement spread over the construction period itself this would not lead to an unacceptable level of harm. To assist, each worksite would have its own Travel Plan **[3.186]**. One problem is that the maximum number of HGV movements has been noted by Objectors and assumed by many to be the daily average. It is fair to say that if this level of HGV movement was to occur for the entire 3-year construction period and not 3-weeks then the negative weight to be attached would be very much greater. **[3.174-3.195, 6.17, 6.42, 6.82 and 6.170, 6.178]**

8.123. However, this is simply not the case, with the typical HGV movements to each of the more sensitive sites at Kennington Park and Kennington Green six and seven HGV movements per day respectively. This figure would be higher at both Nine Elms and Battersea, but these would be sites already located in areas of major development, though all have close links to the classified road network. Some on-street parking spaces would need to be suspended for the duration of the NLE contract, but in each case the available nearby parking **[3.187-3.188]** should easily cater for the displaced vehicles. **[3.174-3.195, 6.17, 6.42, 6.82 and 6.170, 6.178]**

8.124. This is not to say that the increased traffic would go unnoticed, but it would have very little impact on the capacity of the major highway network. As for local roads, the increases would be more noticeable, but not inordinate in traffic capacity terms. If there is a real concern, it must be the impact on pedestrian movement and cyclists, especially with regard to the younger members of society. Here, diversions would be necessary for long periods and this inconvenience could lead to an increased safety risk arising from both the potential from direct traffic conflict and also the unfamiliarity with diversion routes. **[3.174-3.195, 6.17, 6.42, 6.82 and 6.170, 6.178]**

8.125. In some cases TfL has proposed physical changes to access such as that to the Bishop's House Nursery and relocated pedestrian crossing facilities at Kennington Green and Nine Elms. If too lengthy, diversions can encourage people to take greater risks and, so, minimising the deviation from natural desire lines and prominent signing is essential. On balance, TfL has achieved this. Some modest pedestrian diversions would remain, but these would fall within the bounds of acceptability for a temporary duration. KWNAG **[OBJ/60]** welcome TfL's assurance that, to minimise the safety risks, HGV movements

to and from the worksites would be restricted to times within school hours and this could be incorporated in the relevant TMP. **[3.183 and 3.190-3.193]**

8.126. Turning to cyclists, the inquiry took place at an especially sensitive time following a spate of fatal HGV/cycle collisions. Irrespective of this, a full range of measures would be necessary to avoid and, where this would not prove possible, minimise risk. In this context, the CoCP introduces a raft of measures in terms of signing, education, training and fitting cameras to HGVs to facilitate greater awareness of drivers. While this would be unlikely to fully address the concerns, it is difficult to see what else could be done other than introducing total segregation, which for a temporary period would be extremely expensive and unjustified, not to mention inconvenient for the local population. **[3.184-3.185]**

8.127. A key point here is that changes to routine and the unfamiliarity that brings can be a problem in itself. However safe an intervention may appear at first glance, a change in the regular pattern of things can cause uncertainty and add to danger. Of course, introducing change for a temporary period would also involve two changes. On balance, while not ideal, with the level of management proposed, the outcome for cyclists would be minimised and, therefore, should not be unduly problematic. **[3.184-3.185]**

8.128. Next, looking at buses, there would be a suspension of a short length of bus lane near to Kennington Green and any increased level of congestion would be an undesirable factor in maintaining service levels. Even so, this small interruption and possible delay does not constitute a weighty objection. **[2.21, 3.176, 3.189 and 3.292]**

8.129. Having said this, the introduction of one feature at the Kennington Park Road/ Kennington Park Place junction that could be of assistance would be a yellow box junction marking. During peak hours at present, observations show that there is frequently standing traffic blocking across the junction and preventing traffic turning right into or out of Kennington Park Place. An increase in turning traffic could well exacerbate the situation and possibly encourage some drivers to undertake the traffic waiting to turn. This would conflict with the through northbound cycle lane - Barclay's Cycle Superhighway 7 (CS7) on Kennington Park Road. This raised no objection from TfL when suggested and, thus, in the event the Order is confirmed, a condition is recommended to address this concern. **[3.214]**

8.130. Finally, Objectors **[6.29 and 6.30]** suggest that an alternative access should be provided for the Kennington Park worksite and head-house and an entirely different workplace location for Kennington Green. These proposals are examined in some detail under Matter 6.

8.131. In summary on this topic, with the mitigation measures in place for each of the proposed worksites, there would be no traffic consequences that would

individually or cumulatively justify withholding confirmation of the Order. The only suggested improvement to the proposals as they stand would be the introduction of the yellow box marking at the Kennington Park Road/ Kennington Park Place junction. This is not to suggest that local people would not experience some level of disruption and disturbance, but this should not be inordinate and the TMPs present an opportunity for everyone to see what would be expected and for the Liaison Groups and LBs to influence outcomes. **[3.174-3.195, 6.17, 6.42, 6.82, 6.170 and 6.178]**

Matter 6 - The effects of the construction of a permanent shaft and head house in Kennington Park and Kennington Green.

8.132. Along with noise, the objections by local residents and groups to the impacts on these two assets in Kennington represent the strongest concerns. They are looked at separately and are broken down into topics relevant to each site.

The effects on Kennington Park

[OBJ/1, OBJ/3, OBJ/9, OBJ/12, OBJ/20, OBJ/34, OBJ/37, OBJ/62, OBJ/104, OBJ/113, OBJ/115, OBJ/124, OBJ/131, OBJ/134, OBJ/183, OBJ/216, OBJ/218, OBJ/234 and OBJ/245]

8.133. Kennington Park is a relatively large and well used open space in this part of London. The Park is a Grade II Registered Park and Garden of Special Interest and the list entry describes the physical character of the Park, including its important structures. It is, therefore, highly desirable that the final presentation of the Park following any development would not detract from the heritage and functional contribution it makes and that, even during the construction period, every opportunity is taken to minimise the adverse effects on the Park and its users. The elements of concern are looked at below. **[1.3, 2.14-2.17, 3.9, 6.7, 6.12, 6.17, 6.74 and 6.184]**

Choice of site for the ventilation shaft, head-house and worksite

[OBJ/21, OBJ/83, OBJ/84, OBJ/85, OBJ/87, OBJ/106, OBJ/113, OBJ/116, OBJ/125, OBJ/127, OBJ/159, OBJ/207, OBJ/213 and OBJ/245]

8.134. If the proposed line and features of the NLE is adopted as proposed in the TWAO, the need for a ventilation shaft and attendant head-house in the vicinity of the Park is necessary. Any other option would be less efficient in providing the required levels of ventilation. Although people local to the Park may think the Order option could be improved upon by moving it elsewhere in the Park or to Oval Green, this would raise objections. None of the options would produce as effective a ventilation and smoke control system and could equally attract a raft of Objections from the group of people that would be affected by the change. **[1.11, 3.196-3.202, 4.46, 6.17, 6.27, 6.39, 6.40, 6,43, 6.56, 6.160 and 6.169]**

8.135. In respect of the alternative at Oval Green, favoured by many, in addition to the lower efficiency it would deliver, there are ground condition problems and the possible consequences of wartime bombing. There could also be highway safety implications and potential conflict with passengers walking to and from Oval Station. Although the arguments here may not seem compelling, and certainly Ramboll did not find them so, the question is would the balance of advantage of moving the works to Oval Green be so significant as to justify incurring the delay cost increases that a change would require. **[1.11, 3.196-3.202, 4.46, 6.17, 6.27, 6.39 - 6.40, 6,43, 6.56, 6.160 and 6.169]**

8.136. Although finely balanced, the answer would be no, and the main reasons for this are that there is a lack of detailed information about how the Oval Green site would operate and whether there would be adverse implications for passengers using the Station. Again there would be delay consequences involved. Perhaps most compelling, the Old Lodge in Kennington Park is to be disposed of anyway, offering a previously developed site for the head-house. **[1.11, 3.196-3.202, 4.46, 6.17 -6.18, 6.27, 6.39 - 6.40, 6,43, 6.56, 6.160 and 6.169]**

8.137. Progress can rarely, if ever, be achieved without some objection from the local people directly affected. Even so, the use of a Park site should only be acceptable if the mitigation during construction fulfils its purpose and the appearance of the final head-house structure rests comfortably in its Park location. **[1.11, 3.196-3.202, 4.46, 6.17, 6.27, 6.39 - 6.40, 6,43, 6.56, 6.160 and 6.169]**

8.138. As for the particular site chosen for the head-house, on the site of the Old Keeper's Lodge in the north-east corner of the Park, many Objectors suggest other locations within the Park would be more suitable. For my part, I disagree. There would certainly be other options, but any other possible location in the Park would leave the head-house far more visually isolated and would impinge much more on the use of the Park during the construction period, whether the worksite remains where currently proposed or if an entirely new site was chosen. As I see it, the proposed site would allow much more containment. **[1.11, 3.196-3.202, 4.46, 6.17, 6.27, 6.39 - 6.40, 6,43, 6.56, 6.160 and 6.169]**

8.139. However, as noted above, perhaps the most compelling argument is that the site chosen for the head-house would be in a location where there is already a building – the Old Lodge – avoiding the need for any further built intrusion in the wider Park. The simple fact is that, irrespective of the NLE, the Lodge will be disposed of by the Council and so the part it plays in the life of the Park at present, including hosting Bee Urban, would change fundamentally. **[1.11, 3.196-3.202, 4.46, 6.17, 6.27, 6.39 - 6.40, 6,43, 6.56, 6.160 and 6.169]**

8.140. Although many local people submit that the Lodge is visually pleasing, it is not nationally or locally listed as an important architectural or heritage feature. Building the head-house on the site of the Lodge would provide an

opportunity to design a replacement structure in sympathy with the surroundings. The debate about whether the proposed head-house would achieve this is addressed later. **[1.11, 3.196-3.202, 4.46, 6.17, 6.27, 6.39 - 6.40, 6,43, 6.56, 6.160 and 6.169]**

8.141. Thus, in summary, the arguments for any other site option for the proposed head-house are not compelling. **[1.11, 3.196-3.202, 4.46, 6.17, 6.27, 6.39 - 6.40, 6,43, 6.56, 6.160 and 6.169]**

8.142. Turning to the worksite, common sense says that if the shaft and head-house are to be built at a particular location it would make sense to locate the worksite that would serve the engineering construction next door. To position it anywhere else would mean that there would have to be a travel link between the two, with the potential for double handling and the inevitable need to extend the head-house construction site, even if materials were delivered on a 'Just in Time' basis. For these reasons, with the head-house in the Order position, the choice of the worksite location would be the best option. **[1.11, 3.196-3.202, 4.46, 6.17, 6.27, 6.39 - 6.40, 6,43, 6.56, 6.160 and 6.169]**

Access

[OBJ/78, OBJ/83, OBJ/84, OBJ/87, OBJ/104, OBJ/117, OBJ/119, OBJ/124, OBJ/145, OBJ/156, OBJ/215 and OBJ/219]

8.143. The proposed access to the worksite would be from Kennington Park Road via Kennington Park Place. As concluded earlier, there would be some downsides with this, including pedestrian/cyclist/HGV conflict and the need to remove some on-street parking spaces in Kennington Park Place. Even so, with the proposed mitigation and the suggested yellow box junction marking, the access via Kennington Park Place would be acceptable in traffic terms.

8.144. Turning to the alternative access advanced by Objectors, the intended advantages would be to remove traffic from Kennington Park Place and reduce the noise effects on neighbours, especially those residing in the apartments at Kennington Park House. The noise aspects are looked at below and so here we concentrate on the traffic implications.

8.145. The Order proposal would be for traffic accessing the Kennington Park worksite to turn off Kennington Park Road (A3) at its junction with Kennington Park Place. The junction is controlled by traffic signals and cycleway CS7 passes through the junction. Kennington Park Place provides access to residential development and the BHN. Parking is currently permitted along sections of the Place, but this is one location where some of the on-street parking would need to be suspended to accommodate the passage of HGVs **(OBJ/172)**. However, the disabled parking bay used by Mr Quick **(OBJ/105)** **(Document TfL121)** would not be affected and the surveys show

that there would be adequate general parking available fairly nearby. Nevertheless, it is considered by Objectors that the use of the proposed route would entail conflict between vehicles and pedestrians and cyclists. **[2.16-2.17, 3.183, 3.187-3.188, 3.203, 3.212-3.216, 6.39, 6.45, 6.165 and 6.169]**

8.146. The alternative suggestion advanced by Objectors is for a new access to be forged from Kennington Park Road directly into the Park and a link constructed between this access and the workplace. The perceived advantage of this would be to remove the potential for traffic conflict and lessen the impact on residents and users of Kennington Park Place. With respect to some impacts this would, of course, almost certainly be true. In traffic terms, however, although physically achievable, the alternative access appears weak for a number of reasons. **[3.205-3.207 and 6.29-6.30]**

8.147. First, if the new access was introduced, it would require signalising. For several hours of the day, drivers of traffic to and from Kennington Park Place find turning extremely difficult. This would be equally so at a new junction. Secondly, if the existing junction with Kennington Park Place was kept open this too would still, no doubt, require signals being retained. If they are justified now, there is nothing to suggest they would not continue to be justified during the NLE contract. This would place two sets of signals in relatively close proximity and even allowing for linkage, this could have severe traffic congestion consequences in a location where the main road flows are already at or near capacity during peak hours. **[3.205-3.207 and 6.29-6.30]**

8.148. On the other hand, if the junction of Kennington Park Road and Kennington Park Place was closed for the duration of the NLE contract, then the vehicular traffic currently using the junction would be transferred to the next junction along – Braganza Street. This would worsen the functionality of that junction at a point where many pedestrians are walking to and from Kennington Station, which is not something to be commended. **[3.205-3.207 and 6.29-6.30]**

8.149. In adopting the alternative access scenario, where there would be a benefit would be in removing any conflict between vehicles accessing the worksite and pedestrians and cyclists in Kennington Park Place. However, with the low levels of HGVs during most of the contract period this does seem a disproportionate response and, as noted earlier, the unfamiliarity arising from any diversion may introduce its own problems. **[3.205-3.207 and 6.29-6.30]**

8.150. As for the construction of the alternative access itself, it could be made to work. Notwithstanding, it would be expensive circa £500,000, would take 2-3 months to construct and would take a similar time and cost to remove after the NLE contract period **(Document TfL118)**. In addition, although most of the trees worthy of retention could be avoided, it would intrude further into Kennington Park to the great disbenefit of users living to the north and

arguably impact on the skate-park and possibly require the temporary resiting of the War Memorial. **[3.205-3.207 and 6.29-6.30]**

8.151. Having had regard to everything, this seems something of an over-reaction by residents to a temporary problem that would only really manifest itself in significant terms for a 3-week period. Even then, there would be the management controls in place as safeguards. As such, the works and expenditure for the alternative could not be justified as a temporary expedient and the balance of advantage clearly points to the Order option. To pursue the alternative would require amendments to the TWAO and delays to both the NLE and regeneration in the OA. **[3.203-3.208 and 6.29-6.30]**

Noise impact

[OBJ/20, OBJ/24, OBJ/83, OBJ/86 and OBJ/124]

8.152. The major noise sources would be from traffic, operation of the worksite and those emanating from the civil engineering works. If the head-house was constructed on the site of the Lodge, then the noises during its construction and that of the shaft would be inevitable. The control of these noises would be subject to the BPM and the Noise and Vibration Mitigation Plan. While the impacts would no doubt be undesirable, they would not be expected to reach inordinate levels. Moreover, if the levels exceeded predictions then the Liaison Groups and LPA would raise the issue and there are several further interventions that could be invoked, even at short notice, to attenuate noises near to the source and/or receptors. **[3.209-3.211, 6.29-6.30, 6.39 and 6.169]**

8.153. Noise from the worksite would again not be expected to exceed thresholds likely to cause unacceptable problems, so long as the safeguards are in place. There would be unwelcome increases in noise, but measures would be available to maintain noise at reasonable levels. Arrangements would be made to protect the most sensitive receptor, Bishop's House Nursery, and as a consequence the LBS has withdrawn its objection in this regard. **[3.209-3.211, 6.29-6.30, 6.39 and 6.169]**

8.154. Two points raised by Objectors pertain to the openings that would be left open along the site boundary to allow vehicle access to the worksite and the need for operations during unsocial hours. The noise assessment has taken account of these factors and the noise predictions would still remain within acceptable limits, to reflect the day and night-time background levels. **[3.209-3.211, 6.29-6.30, 6.39 and 6.169]**

8.155. Objectors frequently raised the question of working hours **[OBJ/02, OBJ/24, OBJ/78, OBJ/118, OBJ/125 and OBJ/171]**. As a general rule, these would not extend outside the normal working day. However, the tunnel boring would go on 24/7 and the spoil would need to be stockpiled overnight and at weekends. There would also be some necessary maintenance and ancillary jobs to be

conducted outside the core working hours and this would be a further noise disbenefit, albeit small. **[3.113, 3.267, 6.14, 6.17, 6.19, 6.75, 6.101, 6.167 and 6.170]**

8.156. The suggestion that the entrance to the Kennington Park worksite should be moved a matter of 80 m into the Park and away from the residential properties on Kennington Park Place has been evaluated from the noise perspective, but there would be distinct downsides. **[3.209-3.211, 6.29-6.30, 6.39 and 6.169]**

8.157. First of all, moving the HGVs attending the worksite further away from residential property and the Nursery may not deliver the advantages envisaged. As noted above, it is always easier to abate noise by intervening very close to either the noise source or the receptor. Thus, screening along the back of the footway on Kennington Park Place, should be almost as effective a solution as moving the access some 80 m and screening it there. Certainly with respect to increased noise, the very small advantages would not justify the change and significant cost. Also of import, screening the new route through the Park from the junction on Kennington Park Road and the worksite would isolate access to the Park for a significant number of users walking to and from the north. **[3.209-3.211, 6.29-6.30, 6.39 and 6.169]**

8.158. Having regard to the Order proposal and if necessary further available mitigation, the noise levels should be below the SOAEL level. These would be acceptable, when involved in a construction project of this magnitude, and, of course, temporary. **[3.209-3.211, 6.29-6.30, 6.39 and 6.169]**

Effect on the townscape, built environment and heritage assets

[OBJ/14, OBJ/20, OBJ/21, OBJ/34, OBJ/41, OBJ/61, OBJ/63, OBJ/64, OBJ/68, OBJ/69, OBJ/102, OBJ/106, OBJ/113, OBJ/116, OBJ/117, OBJ/118, OBJ/119, OBJ/134, OBJ/136, OBJ/143, OBJ/144, OBJ/156, OBJ/171, OBJ/181, OBJ/183, OBJ/191, OBJ/215, OBJ/245, OBJ/CAC11, OBJ/CAC16, OBJ/CAC16, OBJ/CAC28, OBJ/CAC38, OBJ/CAC41, OBJ/CAC42, OBJ/CAC43, OBJ/CAC44, and OBJ/CAC45]

8.159. The first point to recognise is that the Lodge would be disposed of, with or without the NLE and, as LBL raises no objection to its demolition, one might well expect this to follow disposal. In any event, there would be fundamental changes to its current function. With this in mind, the key questions are whether the head-house should be constructed on the site of the Lodge and would the proposed design preserve or enhance the character or appearance of the Conservation Areas, their settings and the listed properties on Kennington Park Place and St Agnes Place? **[2.14, 3.217-3.231, 4.48, 6.12, 6.39, 6.43, 6.54, 6.74, 6.161 and 6.169]**

8.160. The landscape and the boundary treatment raise little concern. What is there at present could be replicated, though landscape planting would take some time to achieve equivalent maturity. **[2.14, 3.217-3.231, 4.48, 6.12, 6.39, 6.43, 6.54, 6.74, 6.161 and 6.169]**

8.161. Thus, the main thrust of objection is directed against the head-house itself, and especially its contemporary design. Although TfL says that the design has been developed in close collaboration with local residents and community groups, it is these very people that object to the present design and in some cases vehemently. There are many claims that the proposed design would be inappropriate and harmful. Many object to the contemporary design, favouring one of a more classical or traditional hue. The simple fact is that there is often a difference of opinion on design matters. **[2.14, 3.217-3.231, 4.48, 6.7, 6.12, 6.17, 6.28, 6.39, 6.43, 6.54, 6.74, 6.161 and 6.169]**

8.162. Even with this difference of opinion, the idea of having some sort of design competition would not really be practical **[6.28]**. The design must have professional input, while attempting to reflect the favoured principles gained through consultation. In this case, a majority of residents, though arguably small in overall numbers, with many not expressing any opinion, as well as EH and LBL favour the contemporary design. Once this has been established, the matter must be left to the professional architects and heritage advisors to progress the design. **[2.14, 3.217-3.231, 4.48, 6.7, 6.12, 6.17, 6.28, 6.39, 6.43, 6.54, 6.74, 6.161 and 6.169]**

8.163. For some of us the outcome proposed might not be seen as a roaring success, but conservation Officers at the LBL and EH support the design currently proposed. Against this background, it would be inappropriate to advance personal preferences and, as noted, the landscape setting etc should help the structure settle in its parkland setting. With modest scale and the use of traditional and sustainable materials the head-house structure should exhibit a neutral effect, even if for many it could not be regarded as greatly preserving or enhancing the nearby heritage assets. Moreover, as TfL emphasises, rejection of the current proposal would incur time and cost penalties for the NLE project. A redesign could not be effected by way of condition, being located, as it is, in a CA. **[2.14, 3.217-3.231, 4.48, 6.7, 6.12, 6.17, 6.28, 6.39, 6.43, 6.54, 6.74, 6.161 and 6.169]**

Ecology

8.164. From the ecological impact assessment contained in the ES and the details of the bat survey, there is no cogent argument to suggest that TfL has not conducted the required survey work and analysis and would undertake the necessary mitigation and enhancement as part of the NLE scheme. **[3.232-3.235, 5.9, 6.43 and 6.67]**

Impact on trees

8.165. Although there are some concerns about the potential impact on trees in the Park, the end result should be an improvement. A landscape scheme would be approved by the LPA and this would incorporate the reinstatement of any of the existing younger trees that could be moved physically,

replacement of any lost on a one for one basis, or better, and the planting of additional quality species. The protection of trees close to the works would be governed by the proposed conditions. All in all, although there would be some temporary loss and disturbance, there would be an acceptable level of reinstatement, described as of minor benefit. The downside, as always, is the time it would take new landscape features to mature and deliver the forecast benefits. **[2.15-2.16, 3.236-3.239 and 6.74]**

Implications for Bee Urban

[OBJ/1, OBJ/6, OBJ/20, OBJ/21, OBJ/68, OBJ/76, OBJ/78, OBJ/83, OBJ/87, OBJ/92, OBJ/106, OBJ/136, OBJ/143, OBJ/144, OBJ/145, OBJ/167, OBJ/181, OBJ/183, OBJ/213 and OBJ/219]

8.166. This proved to be an emotive issue raised by Objectors, but much of the angst appears to be directed toward the wrong body. While recognising the significant community and educational benefit Bee Urban offers, the simple fact is that LBL intends to dispose of the Lodge, irrespective of the NLE project. This means that the facilities would no longer be available to Bee Urban and they would have to move. All that TfL has done is avail itself of the opportunity to locate the proposed head-house on a site intended to be vacated on the periphery of the Park. **[2.14, 3.240-3.241, 5.10, 6.7, 6.12, 6.39, 6.43, 6.54, 6.67-6.72, 6.74, 6.161, 6.165, 6.169 and 6.184]**

8.167. Moreover, and although it seems under no direct obligation, TfL would make money available to facilitate Bee Urban's move. There are arguments about whether this would be enough, but no objective evidence was submitted to the inquiry to suggest the magnitude of any shortfall. There is also the potential for money to be saved if some of the work was carried out by supporters of the Bee Urban project. LBL has identified an alternative site, only a short distance away and some additional land to adapt and expand the operation. While there may be teething problems in establishing the replacement habitat, this would not seem insurmountable and, as we saw on site, the useful part of the Park for bees to forage may well be extended. **[2.14, 3.240-3.241, 5.10, 6.7, 6.12, 6.39, 6.43, 6.54, 6.67-6.72, 6.74, 6.161, 6.165, 6.169 and 6.184]**

8.168. In summary, while Bee Urban may prefer to stay where it is and further develop that site, this is not an option. As a fall back, TfL has done as much as it can to safeguard the operation going forward. It is fair to say that the initial discussions between TfL and Bee Urban might have been conducted better, but the outcome should be acceptable, better than might have been the case and possibly capable of some improvement outside the TWAO. Ironically, TfL's financial input might actually prove to be the saviour of Bee Urban going forward once the Lodge is disposed of by LBL. **[2.14, 3.240-3.241, 5.10, 6.7, 6.12, 6.39, 6.43, 6.54, 6.67-6.72, 6.74, 6.161, 6.165, 6.169 and 6.184]**

Impact on users of the Park

8.169. As TfL points out, the area of the Park that would be lost to public access during the construction phase would be very small – some 2%. In general terms, there is no reason to believe that this would foster a material, adverse effect on uses in and the users of the Park, including children. Access to the Park from certain locations and some walks through the Park might be affected, but not denied. **[3.242-3.246, 6.43, 6.55, 6.159, 6.160, 6.169, OBJ/6, OBJ/7, OBJ/63, OBJ/64, OBJ/105, OBJ/135, OBJ/215, OBJ/219 and OBJ/248]**

8.170. The one exception to this would be the designated dog-walking area. However, even here there would be a replacement of roughly equivalent size, albeit in what may be a less peaceful location, alongside Kennington Park Road and its junction with Camberwell New Road. This may not be as attractive as the current location, but it should be adequate for a temporary period. Even then, if a preferred site can be identified that would not have other unacceptable impacts, the machinery would be there for discussions to take place with LBL and if a change to the current proposed replacement was agreed, this would not affect, or delay, the processing of the TWAO. **[3.242-3.246, 6.17, 6.72, 6.165, 6.169, 6.184, OBJ/1, OBJ/6, OBJ/7, OBJ/14, OBJ/20, OBJ/62, OBJ/68, OBJ/87, OBJ/105, OBJ/106, OBJ/117, OBJ/118, OBJ/119, OBJ/145, OBJ/156, OBJ/215, OBJ/219, OBJ/245 and OBJ/248]**

Conclusion on the effects on Kennington Park

8.170.1. There is little doubt that those living and working in the area around the Park would prefer to maintain the *status quo*, with any construction activity taking place well away from their corner of Kennington. There is also little doubt that local residents would experience change and some disturbance and inconvenience for the duration of the NLE contract. Having said this, wherever the worksite and head-house were located, there would be some impact on neighbours, and other options would be little or no better. What would occur here should not be so significant as to unduly interrupt life in Kennington. If anything unexpected were to occur then there would be a management regime in place and the Liaison Groups would be in a position

8.170.2.

8.171. After completion of the works, reinstatement would be the best that could be achieved and the uses of the Park equivalently reinstated. The head-house itself would, no doubt, become a feature of this part of Kennington and attract admiration and criticism in equal measure. The real angst is that most of the disturbance would descend on Kennington, whereas the benefits would be reaped elsewhere. A difficult balance, but one that occasionally exists where progress is sought.

The effects on Kennington Green

[OBJ/3, OBJ/12, OBJ/36, OBJ/42, OBJ/54, OBJ/58, OBJ/90, OBJ/244, OBJ/CAC1, OBJ/CAC2, OBJ/CAC3 and OBJ/CAC4]

8.172. For a number of reasons, this topic represents perhaps the weakest element of TfL's case. Kennington Green lies alongside and is bordered on one side by Kennington Road and falls to be protected by the London Squares Act 1931 **(Document TfL8A)**. It is in the Kennington Conservation Area and partially defined by two Grade II* and six Grade II listed Georgian properties on the north and west sides of the Green and a Grade II listed former Victorian School on the east side. The works would require dis-application of the protection offered to the Green by virtue of the London Squares Act 1931. LBL **[4.60]** raises no objection to this. **[2.18-2.22]**

8.173. From the site visit, it was clear that the built development around the Green is softened by a number of trees, most of which would be lost. An articulate argument against the use of the Green for the ventilation shaft and head-house is tendered by many Objectors and, in particular, the KGSG **(OBJ/158)**, which along with others **[OBJ/58, OBJ/75, OBJ/91, OBJ/92, OBJ/95, OBJ/151 and OBJ/163]** advances an alternative option at 373 Kennington Road (373) **[6.48, 6.52, 6.54, 6.88-6.90 and 6.102-6.113]**. However, there are a number of counter Objectors to the use of 373 **[6.1, 6.2 and OBJ/255]**. The various arguments are examined in the following sections.

Consultation process

[OBJ/3, OBJ/5, OBJ/11, OBJ/20, OBJ/24, OBJ/34, OBJ/39, OBJ/42, OBJ/50, OBJ/53, OBJ/54, OBJ/58, OBJ/61, OBJ/62, OBJ/64, OBJ/78, OBJ/82, OBJ/91, OBJ/92, OBJ/93, OBJ/95, OBJ/98, OBJ/112, OBJ/114, OBJ/120, OBJ/137, OBJ/125, OBJ/127, OBJ/131, OBJ/136, OBJ/141, OBJ/142, OBJ/144, OBJ/145, OBJ/149, OBJ/150, OBJ/151, OBJ/152, OBJ/153, OBJ/154, OBJ/159, OBJ/162, OBJ/163, OBJ/168, OBJ/195, OBJ/198, OBJ/199, OBJ/200, OBJ/216, OBJ/234, OBJ/238, OBJ/239, OBJ/240, OBJ/244, OBJ/255 and OBJ/256]

8.174. There has already been discussion about the overall consultation process under Matter 3, but in the following sections we look at the more site specific arguments. Without doubt there is a dispute about the consultation 'drops' at the properties most directly affected. Although TfL might have done its best, there does appear to be a consistent cry from local people, that they were not contacted about the scheme and not invited to consultation events. No concrete evidence to the contrary was before the inquiry, and in one respect it is possible to see how some residents were missed. Using the contact names available to TfL the information would have been sent to the property owners and not to tenants, thereby, quite possibly omitting a significant number of interested parties from the loop. **[1.11, 3.46-3.51, 3.55-3.59, 3.248-3.253, 4.16, 5.10, 6.7, 6.14, 6.17, 6.19, 6.36-6.38, 6.41, 6.44, 6.52, 6.64-6.65, 6.69, 6.73, 6.87, 6.96-6.99, 6.114, 6.128, 6.179-6.180 and 6.184]**

8.175. Notwithstanding, several factors do militate against too great a criticism of TfL. The first point is that some local residents are owner occupiers and

were informed directly. Even so, there appears to have been little, if any, outward dissemination of the information through neighbourly contact leading to meaningful engagement. Secondly, it is surprising that with the examination of several development plan documents and similar, in addition to the regular meetings between TfL and the LBs, that the implications of the proposals have not been more widely known about from an early stage. **[1.11, 3.46-3.51, 3.55-3.59, 3.248-3.253, 4.16, 5.10, 6.7, 6.14, 6.17, 6.19, 6.36-6.38, 6.41, 6.44, 6.52, 6.64-6.65, 6.69, 6.73, 6.87, 6.96-6.99, 6.114, 6.128, 6.179-6.180 and 6.184]**

8.176. Thirdly, there was widespread notification to passengers on the NL using the Oyster Card information. Once again, this must have alerted the many local people who travel from Kennington or Oval Stations. Finally, individuals do have a certain responsibility to make themselves aware of what is going on in their locality. It is hard to reach any other conclusion than many local Kennington people have walked through the consultation process in a blinkered way, ignoring information or looking parochially and assuming that a transport scheme to link Battersea to the LU network would not impinge on them, either directly or indirectly. **[1.11, 3.46-3.51, 3.55-3.59, 3.248-3.253, 4.16, 5.10, 6.7, 6.14, 6.17, 6.19, 6.36-6.38, 6.41, 6.44, 6.52, 6.64-6.65, 6.69, 6.73, 6.87, 6.96-6.99, 6.114, 6.128, 6.179-6.180 and 6.184]**

8.177. Having said this, the demand for a public inquiry made by many Objectors has been met. At the inquiry, considerable flexibility was granted local people and organisations to advance and present arguments. As such, one can be confident that every topic that was exercising the local populus was aired at the inquiry and/or raised by way of written representation. **[1.11, 3.46-3.51, 3.55-3.59, 3.248-3.253, 4.16, 5.10, 6.7, 6.14, 6.17, 6.19, 6.36-6.38, 6.41, 6.44, 6.52, 6.64-6.65, 6.69, 6.73, 6.87, 6.96-6.99, 6.114, 6.128, 6.179-6.180 and 6.184]**

Property and business effects

8.178. Objectors argue that, on the one hand, the use of the CBL site and the neighbouring Tesco land in the manner proposed would run counter to the LBL CS Policy S3, designed to safeguard KIBAs. On the other hand, TfL submits that use of these sites and its subsequent redevelopment would meet the obligation of the Policy. **[3.254-3.261, 6.1-6.2, 6.5, 6.88 and 6.101]**

8.179. Let us first dispense with the 373 site. Here it is not a matter of dispute. Although some of the land would be occupied by the head-house, the remainder of the site could be redeveloped to comply with the KIBA Policy. Even so, there would be a net loss in KIBA potential and the temporary displacement of between 30 and 55 jobs currently supported on the site and the potential for the creation of many more. **[3.254-3.261, 6.1-6.2, 6.5, 6.88 and 6.101]**

8.180. As for the Chivas and Tesco land, one can see how a rigid interpretation of the wording of the Policy might give some cause for doubt. However, one

key factor in this debate is that the LBL disagrees with the objection, saying that the Tesco land to be used by Chivas would replace that required by the NLE project. While no new jobs would be created, it would support the continued operation of the Company and the employment it offers, thereby according with the intention of the Policy. **[3.254-3.261, 6.1-6.2, 6.5, 6.88 and 6.101]**

8.181. As for the balance of the Tesco land, it would take some time before redevelopment for employment purposes could take place. Nevertheless, there is nothing to suggest that this would not be the final outcome, thereby complying with CS Policy S3. Moreover, the site would be used for storage in the interim, which loosely fits within the Policy S3 remit. **[3.254-3.261, 6.1-6.2, 6.5, 6.88 and 6.101]**

8.182. Weighing these factors together, there would be a moderate advantage in the TfL Order scheme as no jobs would be lost or displaced. For the 373 option jobs would be displaced and this displacement would, itself, mean that the site moved to would not be available for employment opportunities during the period of temporary occupation. **[3.254-3.261, 6.1-6.2, 6.5, 6.88 and 6.101]**

Noise impacts

8.183. The impact of noise from the worksite and construction works on the buildings surrounding the Green would cause disturbance and be undesirable, but it would be temporary. Moreover, there would be options to mitigate the impact in terms of secondary glazing and even temporary relocation, such as to keep levels within the relevant thresholds. While the former could happen, the latter seems very unlikely based on the evidence available. In addition, it would be possible that the hoarding around the worksite may attenuate noise from traffic passing along Kennington Road. Currently, this is the main source of background noise, and it is relatively high. Even so, the incidence of a high background noise level is no argument for making the situation worse. **[3.262-3.268, 6.8, 6.101, OBJ/75 and OBJ/108]**

8.184. Turning to the 373 option, the worksite and engineering works would be somewhat closer to existing residential property. So close, in fact, that an acoustic shed would be necessary. Without this, the increase in noise level for some residents would be much more noticeable due to the current, lower ambient noise levels. There would, of course, be the added noise in constructing the shed and then dismantling it once the NLE contract was completed. This might require vacating the nearest properties, while the piling for and erection of the acoustic shed took place. Thereafter, bearing in mind the close proximity, the noise level increases may well attract significant complaint from residents simply because the existing background noise levels are less than at Kennington Green. **[3.262-3.268, 6.8, 6.101, OBJ/75 and OBJ/108]**

8.185. Once again, there would be a slight advantage in the Kennington Green option, though in both cases the night-time impact could be reduced by storing spoil from the excavations on site overnight for removal the following morning. As explained in Matter 5, fears about unsocial working hours are overstated. **[3.262-3.268, 6.8, 6.101, OBJ/75 and OBJ/108]**

Sunlight and daylight

8.186. TfL says that its proposed scheme for the Green would have no material adverse effect for nearby residential properties. In fact, during the summer months, there could be an improvement to properties and windows at lower levels, with the loss of shading trees. As for the 373 option, the acoustic shed would create difficulties for residents residing on Aulton Place. It was submitted by KGSG that the approved, albeit lapsed, scheme for redevelopment of the 373 site would have caused similar problems, but of a permanent nature. However, detailed examination of this proposal showed this not to be the case. On this basis, the TWAO scheme is again to be favoured. **[3.269-3.270 and OBJ/54]**

Engineering considerations

8.187. On this matter, TfL considers the comparison between the Kennington Green and 373 options would be finely balanced. On the one hand, the extent of the works on and under the Green would be more extensive and costly, owing to the distance of the ventilation shaft from the NLE running tunnel. At 373 the ventilation shaft and head-house would be directly overhead, providing full ventilation for a greater length of the running tunnel and cutting down the construction costs. **[3.271-3.274 and 6.103]**

8.188. However, the savings in construction costs would be eroded to some extent by the need to demolish the existing buildings on site and erect and dismantle the acoustic shed. In addition, the redevelopment of the residual 373 site would extend the construction operations for local residents, meaning a much longer period without respite. Even though redevelopment of 373 is likely, anyway, at some time in the future, there remains a moderate engineering advantage in favour of the 373 scheme. What was not available to the inquiry was a comparison of the acquisition costs for the Chivas/Tesco land and 373. **[3.271-3.274 and 6.103]**

Heritage impacts

[OBJ/39, OBJ/42, OBJ/53, OBJ/75, OBJ/90, OBJ/91, OBJ/92, OBJ/93, OBJ/98, OBJ/108, OBJ/151, OBJ/162, OBJ/163, OBJ/168, OBJ/CAC1, OBJ/CAC2, OBJ/CAC3 and OBJ/CAC4]

8.189. The inquiry was faced with a very interesting approach to this by TfL, insofar as, with regard to Kennington Green, the built development is looked at almost entirely separately from the landscape arguments. In respect of the built development, there is a divergence of views about the

architectural acceptability of the proposed head-house opposite the Green. **[3.275-3.288, 4.46-4.47, 5.13, 6.8, 6.46-6.48, 6.65, 6.100 and 6.114]**

8.190. In this case, the local people's consternation is perhaps understandable. What appeared to have been fairly strong objections from the professionals early on have decayed to such an extent that LBL, the Georgian Society and EH have all withdrawn their objections and now support the current head-house design, having regard to the obligations implicit in the CA and alongside listed buildings. Even for me, it has been difficult to follow the audit trail of consultation responses, and this is especially so for EH, who appears to have made a substantial adjustment in its original position very late in the day, with little or no reasoning. In particular, there is the clear inconsistency between its letters of June and July 2013 and its withdrawal letter dated 11 December 2013. In the earlier responses, it is not clear that EH enthusiastically supports the design of the head-houses in either location. **[3.275-3.288, 4.46-4.47, 5.13, 6.8, 6.47, 6.65, 6.100 and 6.114]**

8.191. Looking at the position as objectively as possible, it does seem that people generally favour a traditional design. Also, the head-house as proposed would close off a section of the built boundary to the Green. However, this would not provide total closure as the access to the CBL site would be retained. In some ways this would be unfortunate as it is not clear that retention of the access would be necessary in the future. A new and seemingly better access would be created for their use from Montford Place across the former Tesco land. As such, it would have been helpful for interested parties if an illustration had been prepared showing how the gap could be closed off successfully. As concluded previously **[8.162]**, I do not subscribe to the competition approach – committees and camels come to mind. **[3.275-3.288, 4.46-4.47, 5.13, 6.8, 6.47, 6.65, 6.100 and 6.114]**

8.192. What is clear is that no one has found a solution to the head-house design and its location that everyone can support. Even so, while not being as high as other nearby buildings, the proposed design would retain the vertical emphasis consistent with the surrounding buildings and it would be built in complementary materials. Neither would it preclude the gap being closed off totally at some time in the future. As for the contention that the head-house would be too high, this is difficult to understand. Apart from functional requirements, a lower structure would block off less of the gap and inhibit future possibilities for further or total closure. **[3.275-3.288, 4.46-4.47, 5.13, 6.8, 6.47, 6.65, 6.100 and 6.114]**

8.193. Thus, even if one could not conclude that the head-house proposal would enhance the character or appearance of the Conservation Area and/or the setting of the nearby listed buildings, it would preserve them and, thereby, fulfil the necessary obligation. The closing off of more of the gap and the additional screening of the factory behind that would deliver, would be a modest enhancement over the existing wall. To conclude, in the absence of

any sustained objection by the responsible authorities, the controversy about the proposed design does not constitute a compelling objection. **[3.275-3.288, 4.46-4.47, 5.13, 6.8, 6.47, 6.65, 6.100 and 6.114]**

8.194. Moving to look at the 373 site option, the site visit showed that the present buildings occupying the site do not contribute positively to the Conservation Area or to the setting of the nearby listed Town Hall. Moreover, this is confirmed by the past actions of the LPA in granting a planning permission for their demolition and redevelopment of the site. Under such circumstances, the opportunity for redevelopment with a building or buildings to enhance the character and/or appearance the Conservation Area must be a positive. **[3.275-3.288, 4.46-4.47, 5.13, 6.8, 6.47, 6.65, 6.100 and 6.114]**

8.195. Weighing the arguments it is once again fairly finely balanced, but slightly in favour of the 373 opportunity for enhancement. **[3.275-3.288, 4.46-4.47, 5.13, 6.8, 6.47, 6.65, 6.100 and 6.114]**

The impact on trees

[OBJ/75, OBJ/93, OBJ/151 and OBJ/254]

8.196. On this point, virtually all the arguments come down in favour of the 373 option. The view of and around the site of Kennington Green, even in winter, shows the trees to be important features in the presentation of the Green to the wider area and particularly for those using the busy Kennington Road. Several of the trees and, although not, of course, planted at the time the buildings were erected, have achieved a height that complements the age and stature of the surrounding listed buildings. Surveys show that the quality of many of the trees is not the highest, but the removal of eight trees at a stroke would be a serious loss and their replacement with younger trees take very many years to achieve equivalent reinstatement. **[2.19, 3.289-3.291, 6.53 and 6.100]**

8.197. If landscape improvement was undertaken without the need for the worksite and head-house then replacement of the trees could be phased. The submission by TfL that this would be temporary is, of course, strictly true, but it would be a very long temporary. This would be so even if semi-mature trees were used and my experience shows that younger trees are invariably subject to a greater incidence of vandalism. **[2.19, 3.289-3.291, 6.53 and 6.100]**

8.198. Compounding these fears, my prognosis for T4 would be much less optimistic that TfL's. True, it need not be physically affected. Even so, with carriageways running to the north and west of the tree, the only catchment for root sustenance is the grass area within the Green. If the structure for the connection between the proposed ventilation shaft and head-house runs under this area, as envisaged, there would be significant interference with the roots and only a relatively shallow depth of cover replaced. There was

no professional arboriculturalist to ask at the inquiry, but there must be very real doubts about its survival. It is a tree in good condition and its loss would have a pronounced adverse impact on the Green from both internal and external perspectives. **[2.19, 3.289-3.291, 6.53 and 6.100]**

8.199. However, when weighing the combined effects on the Conservation Area and listed buildings I am in no doubt that the modest enhancement the new head-house offers would be far outweighed by the harmful loss of the existing trees. The outcome would be a seriously negative effect on the character and appearance of the Conservation Area and the setting of the surrounding Listed Buildings. TfL relies very heavily on the restoration proposals, but as said, these benefits, especially from newly planted trees, would be very long-term. It seems to me that the views of the responsible bodies were disaggregated and the cumulative effects not really assessed. **[2.19, 3.289-3.291, 6.53 and 6.100]**

8.200. As accepted by TfL, there would be no effect on trees with the 373 option and, so, in this regard the 373 scheme would offer appreciable benefits over the Kennington Green location. **[2.19, 3.289-3.291, 6.53 and 6.100]**

Traffic

8.201. The Kennington Green proposal would mean that a modest length of bus lane on Kennington Road would be suspended for the duration of the worksite. Although this would cause some problems and delays to local traffic it would only weigh in the balance as a very minor negative factor. The local traffic circulation around the Green would also suffer some disruption for local residents and servicing their properties. This would be especially so during the closure of the northerly link between Montford Place and Kennington Road and add an additional minor problem. **[3.176-3.177, 3.189-3.191, 3.292-3.297, 5.10, 6.8, 6.20, 6.54 and OBJ/93]**

8.202. On the face of it, access to and from the 373 site option would involve far greater dislocation. However, on closer examination, if the worksite were extended into the public highway running behind the Town Hall, which would require the relocation of a disabled parking space, then the site should work with little or no worse effects on the public highway than the use of the Green. There would be space to enter and leave in forward gear and for a second HGV to wait off the main carriageway. There would be the potential for right-turning vehicles to obstruct through traffic on Kennington Road, but for most of the time it would only be some seven HGV movements each day, with a peak for about 3-weeks. Even then, there are similarities with the Kennington Green site and management of vehicle routing could assist in both cases. **[3.292-3.297, 5.10, 6.8, 6.20, 6.54 and OBJ/93]**

8.203. On balance, there would be little to choose between the sites at the Green and 373 in access terms. **[3.292-3.297, 5.10, 6.8, 6.20, 6.54 and OBJ/93]**

Pedestrians

8.204. There was much made of the closure of the through route across the Green to the crossing on Kennington Road. This route is used by many from the south and east to gain access to properties in and beyond Montford Street, including the nearby Tesco store on Kennington Lane. Other local movements would also be dislocated. The key point made by Objectors is that the diversion route for pedestrians would be longer, would not be by a formalised crossing and this may lead to pedestrians taking risks to minimise the deviation from their desire line. **[2.22, 3.177, 3.190-3.191, 3.298-3.299 and 6.101]**

8.205. TfL counters by pointing out that the road closure adjacent to the proposed head-house would only be for a period of about 3-months and the likely diversion route for many, and certainly for the shoppers, would be entirely different. They would refrain from using the path across Kennington Green, but use the route via Kennington Lane and cross Kennington Road at the signal controlled junction. Having walked the routes, the TfL thoughts are logical. As such, the negative impact would only be small. **[2.22, 3.177, 3.190-3.191, 3.298-3.299 and 6.101]**

8.206. Looking at the 373 option, to enable the worksite to work efficiently and safely there would need to be some closure of roads, accompanied by pedestrian diversion. Moreover, this would be for the entire duration of the contract. However, the diversions involved would be relatively short, involve fewer movements and certainly be little worse in distance terms than the diversions round the Green, if that were used for the worksite. **[2.22, 3.177, 3.190-3.191, 3.298-3.299 and 6.101]**

8.207. Once again, there would be little difference between the two schemes, though, as TfL concedes, the 373 site would offer some advantage, albeit not significant. **[2.22, 3.177, 3.190-3.191, 3.298-3.299 and 6.101]**

Delay

8.208. TfL is concerned that the delay in changing the Order scheme to the 373 worksite option would be costly both in time penalties and financially. This must be so, as the necessary agreements with landowners on and around the Green are already in place. To take the 373 site to a similar level of preparedness would take time. First, the landowner at 373 is a counter Objector to this proposal and so acquisition of the land is unlikely to be unopposed and TfL would certainly need to adopt a fall back position of compulsory acquisition powers. **[3.300-3.301, 6.1-6.2 and 6.5]**

8.209. It was claimed that a suitable site is currently available for relocation and this may be so. Nevertheless, there would be a delay in going through the legal processes and in the move itself. It may be possible to do this while

the contract for the NLE is being let, but there could be no guarantees. Thus, although I doubt this would have major funding implications, there are uncertainties that could lead to a serious delay in the NLE, with the knock–on implications for the land use and transport objectives for the OA and especially to the redevelopment of the BPS site, which is conditionally linked to the NLE. This would be a significant downside. **[3.300-3.301, 6.1-6.2 and 6.5]**

Restoration benefits

8.210. This is not something that has been considered in isolation by TfL, but would have some important implications. For Kennington Green, the restoration should deliver an improvement in time – when the newly planted trees reach maturity. This would be a long-term benefit to the heritage assets of the Green and surrounding buildings and a start would be made during the NLE contract period. On the other hand, without the NLE, the financing of the improved Green is not something on the horizon. Clearly it could be achieved without the NLE, but no-one has come forward to say when or how. **[3.285-3.286, 3.289, 6.100 and OBJ/247]**

8.211. As for 373, this starts off with a less favourable presentation in terms of the Conservation Area and Listed Town Hall. The buildings on 373 can at best be described as functional and utilitarian. Thus, using 373 as the worksite etc would provide an opportunity for redevelopment that could deliver improvement to the heritage asset of the site and enhance the surrounding area, including providing better access and pedestrian circulation to nearby properties. **[3.285-3.286, 3.289, 6.100 and OBJ/247]**

8.212. The downside of this is that there is nothing in place for this today. The redevelopment of the site would also be an add-on to the NLE contract and, worst of all possibilities, the NLE could be completed some time before redevelopment of the site commenced. In this scenario local residents and businesses could get used to the work having been completed, only to find construction works recommencing at a later date. In effect, they would suffer a double whammy. **[3.285-3.286, 3.289, 6.100 and OBJ/247]**

Conclusions on the Kennington Green and 373 options

8.213. On many of the comparison topics there would be little to choose between the sites, and certainly nothing so significant as to justify promoting one over the other. However, there are a couple of matters that would be material.

8.214. The first of these would be the combined effects of the worksite and proposed head-house at Kennington Green on the character and appearance of the Conservation Area and the setting of the listed buildings around the Green. When disaggregating the implications for the built

heritage from the landscape elements the former may deliver a degree of enhancement. However, when adding the loss of the trees, the overall effects on the Green, the Listed Buildings and the screening and softening effect on the new head-house, would lead to significant net harm. The second key point of difference would be the potential for delay should the 373 option be pursued. As the bottom line, it is down to weighing these two factors in the balance.

8.215. In some ways, the Objectors to the Kennington Green scheme are understandably incensed by the process. Although options for the location of the ventilation shaft and head-house were considered at an early stage, 373 seems to have come to the fore as a serious contender relatively late in the day. Moreover, it does appear that the criteria employed in establishing the preferred option militated against the loss of property and jobs and favoured open land. In many cases this can and should be supported, but in this instance, had Treasury Holdings or TfL looked at the 373 site earlier, with more conviction, it might have been possible to negotiate a successful outcome, at less cost than dealing with Chivas and Tesco. This is particularly so as only about a third of the floorspace at 373 is currently occupied. In my view, this was a significant shortcoming in the design evolution and development assessment.

8.216. Having said this, we are where we are and we have to take a decision on the benefits and disbenefits that exist today. On this basis, in an extremely finely balanced assessment of the facts, the uncertainties and potential delay in pursuing the 373 option just outweigh the long-term harm to the Kennington Green heritage assets. My conclusion, and consequent recommendation, will no doubt come as a disappointment to the Objectors on this matter, and especially to the KGSG who invested a considerable amount of time and effort in mounting an extremely articulate and well presented case in opposition. Unfortunately, on some occasions pragmatism has to hold sway and I judge this to be such a case.

Health and safety considerations

8.217. There is one final topic under this matter and this pertains to the proximity of the proposed head-house to the gasometers at Kennington Green. In the absence of any concerns raised by the responsible authorities of the Health and Safety Executive and the Office of Rail Regulation, I do not find this point should be given any material weight. One can understand concerns over the locational dispositions, and had there been any inkling of concern from the Regulators this may well have elevated the argument significantly. However, there is not. **[3.303, 6.157, OBJ/36 and OBJ/39]**

Matter 7 - The effects of the scheme on statutory undertakers and other utility providers, and their ability to carry out undertakings effectively, safely and in compliance with any statutory or contractual obligations.

8.218. In the absence of any outstanding objection from the statutory and utilities providers, this matter does not raise any negative concerns to be weighed in the balance. The objections raised by Scotia Gas Networks **[OBJ/192]** and Southern Gas Networks **[OBJ/193]** were not pursued at the inquiry and letters dated 18 November 2013 indicated that negotiations were at an advanced stage and anticipated that agreement would be reached shortly **(Document TfL121)**. However, by the date the inquiry closed these agreements had not been submitted. **[3.4 and 3.304]**

Matter 8 - The impact the scheme will have during construction and operation on passengers using the Northern Line Kennington interchange.

TfL's proposals

8.219. Under this matter there are several topics raised by Objectors and each is looked at in turn. The NLE works at Kennington Station comprise the construction of four new cross-passages linking the existing platforms to assist in the interchange of passengers at the Station between the Bank and Charing Cross Branches of the NL. **[1.3, 3.29, 3.305-3.307, 4.51, 5.10, 6.142-6.144 and OBJ/LBC1]**

8.220. The objections to these are fears that the construction work would impinge on the safe and efficient operation of the Station, that the excavated material from the cross-passages would be taken to the surface and exported by road and the additional cross-passages would not be an adequate response to the increased passenger throughput at the Station in terms of overcrowding and evacuation in the case of an emergency. **[1.3, 3.29, 3.305-3.307, 4.51, 5.10, 6.142-6.144 and OBJ/LBC1]**

8.221. On the first point, the construction works would be carried out when the Station is closed and, so, not affect its operation when the NL is live. On the second topic, TfL confirms that the excavated material would all be removed by rail and not by road. Thus, in connection with the physical works at the Station, the concerns raised would be addressed satisfactorily. **[1.3, 3.29, 3.305-3.307, 4.51, 5.10, 6.142-6.144 and OBJ/LBC1]**

Interchange at Kennington Station

[OBJ/2, OBJ/14, OBJ/20, OBJ/23, OBJ/43, OBJ/58, OBJ/79, OBJ/82, OBJ/87, OBJ/106, OBJ/117, OBJ/119, OBJ/127, OBJ/131, OBJ/133, OBJ/136, OBJ/159, OBJ/170, OBJ/173, OBJ/180, OBJ/185, OBJ/191, OBJ/215, OBJ/231, OBJ/258 and OBJ/LBC1]

8.222. There is no doubt that the platforms at Kennington Station can be extremely busy, especially during peak hours. The actual number of

passengers using Kennington Station to join or leave the trains at the beginning or end of their journeys would not increase greatly with the NLE running and be relatively low in comparison to the total number of passengers using the Station. The main concern for the future would be the interchange movements between the Bank and Charing Cross Branches and the implications this might have for passengers starting their journey at Kennington Station. **[1.11, 3.29, 3.308-3.334, 4.51, 6.6, 6.7, 6.44, 6.65, 6.76, 6.91, 6.121, 6.125, 6.145-6.149 and 6.171]**

8.223. At present the movement of passengers between the Branches is assisted by four cross-passages allowing at grade interchange. However, in time the numbers interchanging would increase through natural growth and the segregation of the Bank and Charing Cross Branches and to this must be added the new passengers from the NLE. To accommodate the predicted increase TfL is confident that the four new cross-passages, two for northbound and two for southbound passengers, would cater satisfactorily. The Objectors doubt this would be the case in practice. **[1.11, 3.29, 3.308-3.334, 4.51, 6.6, 6.7, 6.44, 6.65, 6.76, 6.91, 6.121, 6.125, 6.145-6.149 and 6.171]**

8.224. TfL has modelled the forecast trips, including the new traffic from the NLE, and considers the figures are robust. There is some challenge to the figures, but having regard to the input data, with one exception I am content they are the best that could be achieved and allow a measure of safety. Paradoxically, the Objectors are faced with a dilemma. On one hand, they claim the numbers of passenger interchanges would not be catered for by the existing and proposed cross-passages. On the other hand they say that TfL's predictions for travel generation from the new stations at Battersea and Nine Elms are over estimates. **[1.11, 3.29, 3.308-3.334, 4.51, 6.6, 6.7, 6.44, 6.65, 6.76, 6.91, 6.121, 6.125, 6.145-6.149 and 6.171]**

8.225. The one exception would be catering for those passengers travelling from stations south of Kennington to and from Nine Elms and Battersea, which was discussed under Matter 2. **[1.11, 3.29, 3.308-3.334, 4.51, 6.6, 6.7, 6.44, 6.65, 6.76, 6.91, 6.121, 6.125, 6.145-6.149 and 6.171]**

8.226. Returning to the general interchange movements, the simple fact is that, at present the only feasible way of transferring passengers from one Branch to the other is by way of cross-passages. The NLE proposals would add to the existing making four cross-passages for each direction. Any other option would necessitate the construction of what would effectively be a new station complex at significant cost between £120-200m. **[1.11, 3.29, 3.308-3.334, 4.51, 6.6, 6.7, 6.44, 6.65, 6.76, 6.91, 6.121, 6.125, 6.145-6.149 and 6.171]**

8.227. Moreover, should there be unforeseen problems for interchanging passengers in the future there would be the relatively inexpensive option available. Although not proposed, no doubt further cross-passages could be commissioned without compromising the operation of the Station or the

running of the NL. On the basis of the figures at present, this would not be justified, but it would represent a fallback position. **[1.11, 3.29, 3.308-3.334, 4.51, 6.6, 6.7, 6.44, 6.65, 6.76, 6.91, 6.121, 6.125, 6.145-6.149 and 6.171]**

8.228. Two of the key reasons delivering confidence that the growth in interchange movements would be catered for would be the total separation of the Bank and Charing Cross Branches and the consequential increase in the throughput of trains. By the time 2031 comes round, at peak times there should be one train every 2-minutes in each direction on each Branch, thereby reducing waiting times and, logically, the number of passengers waiting on the platform at any one time. **[1.11, 3.29, 3.308-3.334, 4.51, 6.6, 6.7, 6.44, 6.65, 6.76, 6.91, 6.121, 6.125, 6.145-6.149 and 6.171]**

8.229. Now the main concern expressed by Objectors is the occurrence of perturbations or irregularities in the published timetable. On-site observations showed that what is timetabled to be a 3-minute headway between trains in any direction can easily become a 6-minute headway and occasionally longer. If this happens then the trains travelling on the other Branch still maintain their scheduled headway, creating a situation where two, or as a rare event three, trains would disgorge passengers wishing to interchange between Branches to add to those embarking at Kennington Station. This can create very congested platforms and, obviously, have a knock on effect on the movement of passengers through the cross-passages and onto the correct platform for their train. **[1.11, 3.29, 3.308-3.334, 4.51, 6.6, 6.7, 6.44, 6.65, 6.76, 6.91, 6.121, 6.125, 6.145-6.149 and 6.171]**

8.230. This is clearly not an ideal situation and can lead to greater congestion on the trains and a longer stopping duration while passengers embark and, thereby, potentially exacerbate the perturbation. This leads to some passengers not getting on the next train, but waiting for the one after, so long as the information boards indicate that this would not be too lengthy a wait. **[1.11, 3.29, 3.308-3.341, 4.51, 6.6, 6.7, 6.44, 6.65, 6.76, 6.91, 6.121, 6.125, 6.145-6.149 and 6.171]**

8.231. On the occasions this happens, there are interventions that TfL Managers can interpose. These include oral information and guidance to waiting passengers, holding trains travelling in the opposite direction to lessen the volume of interchanging passengers at any instant, not stopping at stations to assist in getting the timetable back on track and closing Kennington Station to 'new' passengers at the gate-line. **[1.11, 3.29, 3.308-3.334, 4.51, 6.6, 6.7, 6.44, 6.65, 6.76, 6.91, 6.121, 6.125, 6.145-6.149 and 6.171]**

8.232. The evidence and observations show that these interventions lead to a fairly rapid decay in the problems, usually the passage of two or three trains or 10-minutes at most. On a very busy line this is an acceptable, though an unwelcome, scenario. Of course, as the train frequencies increase with NLU1 and NLU2, one could expect some 'ironing out' of the

consequences of any perturbations to be more effective. However, where the delay is caused by human frailty e.g preventing doors from closing, this is not guaranteed. **[1.11, 3.29, 3.308-3.334, 4.51, 6.6, 6.7, 6.44, 6.65, 6.76, 6.91, 6.121, 6.125, 6.145-6.149 and 6.171]**

8.233. The one item that really irks passengers using Kennington Station is the closure of the Station at the gate-line as an intervention. It was felt by many Objectors that this was a frequent occurrence. However, examination of the closure history **(Document TfL39)** does not bear this out. It does happen, but very infrequently, and is not, as many suggest a consequence of an identified safety incident, but invariably to relieve passenger congestion somewhere in the Station though, thereby, perhaps preventing something worse. **[1.11, 3.29, 3.308-3.334, 4.51, 6.6, 6.7, 6.44, 6.65, 6.76, 6.91, 6.121, 6.125, 6.145-6.149 and 6.171]**

8.234. Taken overall, even with the NLE the situation regarding overcrowding is manageable if undesirable. It should improve with the upgrades proposed and as a spin-off should assist in reducing the levels of congestion on the Victoria Line **[3.28]**. On this basis, and with the possible fallback position of additional cross-passages, at this time it would not be essential for TfL to take any additional action in this regard. **[1.11, 3.29, 3.308-3.334, 4.51, 6.6, 6.7, 6.44, 6.65, 6.76, 6.91, 6.121, 6.125, 6.145-6.149 and 6.171]**

Safety at Kennington

[OBJ/77, OBJ/115, OBJ/125, OBJ/135, OBJ/159, OBJ/170, OBJ/185, OBJ/227 and OBJ/231]

8.235. On this topic the fears of the local population were made patently clear. Put briefly, they fear a disaster at Kennington Station is something just waiting to happen. Their main worry is a failure to upgrade to cater for the increase in passengers using Kennington, either as an interchange stop or, to a lesser extent, as an origin or destination station. They are also anxious about the possibility of the NLE being further extended to Clapham and the increase in passengers this would attract. **[1.11, 3.5, 3.342-3.358, 6.7, 6.23-6.26, 6.58, 6.65, 6.76, 6.91, 6.121, 6.145-6.149 and 6.171]**

8.236. One main thrust of their argument is that if Kennington Station was new, the situation that prevails now, and would continue to prevail after opening of the NLE, would not be acceptable on safety grounds. A new station would not be able to rely on its 'grandfather rights', but would have to upgrade to modern day standards. Objectors contend that, to all intents and purposes, the significant changes in the operating regime at Kennington with the NLE are equivalent to creating a new station and, as such, it should be upgraded to reflect the reality of the situation. **[1.11, 3.5, 3.342-3.358, 6.7, 6.23-6.26, 6.58, 6.65, 6.76, 6.91, 6.121, 6.145-6.149 and 6.171]**

8.237. It is easy to empathise with Objectors' views. The Station does not offer a built in emergency escape regime that instils much confidence. In terms of

a risk assessment, the lifts could not be included and neither should the use of trains. Consequently, the stairs represent the only viable escape route and these are both narrow and lengthy – some 79 steps. One can easily see the reason for not relying on lifts or trains as part of the evacuation protocol. The power supply for lifts cannot be guaranteed during an emergency and common sense directs that stopping a full train at a station experiencing an emergency would cause confusion, with some passengers wishing to alight or interchange, while others are trying to escape the emergency. **[1.11, 3.5, 3.342-3.358, 6.7, 6.23-6.26, 6.58, 6.65, 6.76, 6.91, 6.121, 6.145-6.149 and 6.171]**

8.238. TfL's resistance to improvements at Kennington Station are threefold. Although it argues that safety is paramount, it is hard to reconcile this with its lack of movement to provide modern emergency access routes. TfL is fully aware what users of Kennington Station are asking for now is something that will have to be undertaken sometime in the future. Thus, what we are really talking about is expenditure today against expenditure in the future. **[1.11, 3.5, 3.342-3.358, 6.7, 6.23-6.26, 6.58, 6.65, 6.76, 6.91, 6.121, 6.145-6.149 and 6.171]**

8.239. At this time, however, the technical and engineering arguments against a full-scale improvement to Kennington Station discussed in Matter 3 are significant. When these are added to the high cost, I am forced to agree that this could not be justified at this time. Even so, as noted in Matter 11, I firmly believe there should be a precautionary condition attached to the deemed planning consent. To go down any other route would have several unfortunate consequences. **[1.11, 3.5, 3.342-3.358, 6.7, 6.23-6.26, 6.58, 6.65, 6.76, 6.91, 6.121, 6.145-6.149 and 6.171]**

8.240. First, there would be an inevitable delay to the NLE scheme and a threat to the funding regime currently in place. Objectors already question the funding regime for the £1bn cost estimate to build the Order scheme. I am in no doubt that the additional cost of £120-200M would not be generated by the redevelopment in the OA. **[1.11, 3.5, 3.342-3.358, 6.7, 6.23-6.26, 6.58, 6.65, 6.76, 6.91, 6.121, 6.145-6.149 and 6.171]**

8.241. To this, must also be added the disruption to the NL service during the works, though this would happen whenever the upgrading took place. As is rightly pointed out, as Kennington Station is a Listed Building, the works to upgrade the Station could not be part of a conditional approval of the TWAO. The Order process would have to start again or, at least, be put on hold until a scheme for improvement could be brought forward. **[1.11, 3.5, 3.342-3.358, 6.7, 6.23-6.26, 6.58, 6.65, 6.76, 6.91, 6.121, 6.145-6.149 and 6.171]**

8.242. Had this just been a simple exercise to remove the need for the head-houses at Kennington Park and Kennington Green without adversely affecting other groups, then this would be a very significant plus. However,

with the need for temporary ventilation shafts and a considerable amount of cut and cover engineering work, there would be much wider negative impacts. With the ventilation shafts and head-houses at Kennington Park and Kennington Green, the works to upgrade Kennington Station should be capable of being achieved with far less disruption and environmental harm. **[1.11, 3.5, 3.342-3.358, 6.7, 6.23-6.26, 6.58, 6.65, 6.76, 6.91, 6.121, 6.145-6.149 and 6.171]**

8.243. Having aired these points, the critical factor is that had there been any level of concern expressed by the Regulatory bodies, this one aspect alone would have been an irresistible show stopper for the current TWAO scheme. However, the responsible authorities of the Office of Rail Regulation and the London Fire and Emergency Planning Authority have raised no objection. They have the powers to close the Station if they judge the situation to be dangerous and would certainly have said so if they had foreseen this as a likely situation following the opening of the NLE. In the light of this, it would be unsupportable to take a unilateral decision to insist on upgrading as part of the NLE scheme. Put bluntly, without justification and objection from the Regulators, it would be unlikely to pass legal scrutiny. **[1.11, 3.5, 3.342-3.358, 6.7, 6.23-6.26, 6.58, 6.65, 6.76, 6.91, 6.121, 6.145-6.149 and 6.171]**

8.244. Notwithstanding, I am extremely uncomfortable with the situation and have examined ways to minimise the risks to Kennington Station users and NL passengers generally. Of particular concern is that there is nothing programmed for an upgrade of this scale before 2031. This could change of course, but there are no guarantees. Consequently, in the event the SoS confirms the Order, I have suggested a condition that would introduce a protocol for monitoring to alert the responsible authorities, including TfL, to any changing situation or where its predictions for congestion on the station platforms became materially worse than forecast. If necessary, this would elicit the earliest response to any increased risk and drive intervention sooner rather than later. **[1.11, 3.5, 3.342-3.358, 6.7, 6.23-6.26, 6.58, 6.65, 6.76, 6.91, 6.121, 6.145-6.149 and 6.171]**

8.245. I have not found TfL's comparison with Finsbury Park conclusive. I did visit the Station and accept the peak hour passenger numbers are higher. However, there are appreciable physical and operational differences, which suggest the evacuation scenarios would not be sufficiently alike to establish a precedent. Neither have I judged the Objectors' examples of disasters to be convincing portents of what might happen at Kennington Station. This is not an unmanaged system, and the crucial point to take away is that it is a far from ideal situation, but one the Regulators seem content to accept for the present. **[1.11, 3.5, 3.342-3.358, 6.7, 6.23-6.26, 6.58, 6.65, 6.76, 6.91, 6.121, 6.145-6.149 and 6.171]**

8.246. Even though no wholesale improvement of the Station can be countenanced, there are some improvements to Kennington Station access in gestation. However, these would not fully address the situation in the

event of the need for an emergency evacuation from the Station and are not yet in any firm programme. The estimated cost of a full upgrade would be very high and would certainly require the acquisition of additional property and the demolition of some dwellings. **[1.11, 3.5, 3.342-3.358, 6.7, 6.23-6.26, 6.58, 6.65, 6.76, 6.91, 6.121, 6.145-6.149 and 6.171]**

Summary

8.247. In some objections it is clear that the disbenefits perceived on this topic stem from the fairly universal belief of Kennington residents that they would suffer all the pain and benefit from none of the gain. This makes them extremely unhappy and an upgrade to Kennington Station would possibly have deflected some of the general angst. However, this is not the way planning works. The harm must be real and measurable if it is to form part of a cogent objection. **[1.11, 3.5, 3.342-3.358, 6.7, 6.23-6.26, 6.58, 6.65, 6.76, 6.91, 6.121, 6.145-6.149 and 6.171]**

8.248. In this regard, faced with the evidence on view and the challenges to it, I conclude that in terms of the interchange facilities and overcrowding, the TfL evidence stands up. That is not to say that its accuracy can be guaranteed, but it has enough safeguards and sensitivity testing to deliver reasonable confidence. One downside of the proposal is the lack of the diversity of access to allow all passengers wishing to travel in all directions, without additional inconvenience or delay. **[1.11, 3.5, 3.342-3.358, 6.7, 6.23-6.26, 6.58, 6.65, 6.76, 6.91, 6.121, 6.145-6.149 and 6.171]**

8.249. There can be no doubt that the weakest element of TfL's submission on this matter pertains to safety and the benefits of an emergency evacuation upgrade. While resisting the entire NLE project without the support of the Regulators cannot be condoned, I do think that additional safeguards need to be in place and have suggested the imposition of an additional condition. Even so, the Station remains more vulnerable than I would wish. **[1.11, 3.5, 3.342-3.358, 6.7, 6.23-6.26, 6.58, 6.65, 6.76, 6.91, 6.121, 6.145-6.149 and 6.171]**

Matter 9 - The measures proposed by TfL for mitigating any adverse impacts of the scheme

8.250. The particular topics the SoSs asked to be reviewed under this head include the proposed CoCP, any measures to avoid, reduce or remedy any major or significant adverse environmental impacts of the scheme, and whether, and if so, to what extent, any adverse environmental impact would still remain after the proposed mitigation. To these I have also added legal Agreements and planning conditions that could and should be a part of any deemed planning permission. Last, and by no means least, there would be the role of the Liaison Groups. **[3.359-3.363 and OBJ/212]**

8.251. A set of draft conditions was submitted and discussed at the inquiry and additions and amendments made. Some further minor amendments in drafting have been included to reflect the Planning Practice Guidance. These are included at Appendix D and are commended if the SoSs confirm the Order and grant deemed planning, LB and CA consents. It is considered that these conditions meet the tests of being necessary, relevant, enforceable, precise and reasonable. **[3.359-3.363 and OBJ/212]**

8.252. Two of these conditions (draft Conditions 6 and 7) require the preparation of and adherence to a CoCP. Legal Agreements between TfL and the London Boroughs Wandsworth and Lambeth are also in place, with a draft being worked up with LBS, to secure additional protective measures. Finally, TfL would tie the appointed contractor for the NLE to a series of environmental commitments. **[3.359-3.363 and OBJ/212]**

8.253. Even with these safeguards in place, there would still be negative impacts, especially during the construction phase. Having said this, the conditions and CoCP and the management plans they require would minimise the adverse effects on residents, businesses and other interest groups. It is, of course, inevitable that some disruption and environmental impact would be associated with a scheme of this magnitude. The key difficulty would be in persuading those people who would benefit little, if any, from the NLE to accept that the wider public benefits should outweigh the disruptive impacts construction of the NLE would impose on them. **[3.359-3.363, 6.44, 6.73, OBJ/5, OBJ/9, OBJ/20, OBJ/21, OBJ/24, OBJ/33, OBJ/58, OBJ/62, OBJ/78, OBJ/84, OBJ/102, OBJ/104, OBJ/105, OBJ/118, OBJ/127, OBJ/134, OBJ/204, OBJ/212, OBJ/226, OBJ/231 and OBJ/242]**

8.254. Notwithstanding, the main question posed by this matter is have all the material adverse impacts been addressed and mitigated and would any of the impacts still constitute unacceptable harm, even with the mitigation in place? In my view they should not be. There would be enough safeguards in place and, so long as TfL employs BPM and the LPAs monitor and enforce the conditions appropriately, there should be no unreasonable impact. **[3.359-3.363 and OBJ/212]**

8.255. A key concern of Objectors is the willingness and commitment of the LBs to monitor and enforce conditions. Having said this, the interests of the local people would be further safeguarded by the Liaison Groups that would be formed as a result of the CoCP and the linkage these would provide between individual residents/businesses and the LPAs and TfL and its contractors. Experience shows that this usually keeps the LPAs on their mettle. **[3.359-3.363 and OBJ/212]**

8.256. Following opening of the NLE, the main concern of Objectors would be the noise and vibration from the operation of the NLE. With the design protocols and proposed maintenance regime in place, there should be no material adverse impacts. Restoration of Kennington Park and Kennington

Green, the latter if accepted, should deliver some benefits, though in the case of the Green these would be very long term. **[3.359-3.363 and OBJ/212]**

8.257. There is now one matter that still needs airing and this stems from LBS's sustained objection to the dis-application of a limited number of provisions in the NRSWA and the Traffic Management Act 2004. TfL and LBS take an entirely different view of the dis-applications sought. From TfL's perspective it believes that without the dis-applications this could lead to delays and increased cost. From LBS's point of view, experience, especially in connection with the London Bridge NR Station works, has taught it that there can be problems that are better resolved by the local highway authority, who know the area better. **[3.1, 3.4, 3.60-3.63, 3.195, 4.17 and 5.2-5.6]**

8.258. This is a difficult one. On the one hand, there would clearly be benefits for TfL to enable it and its contractors to take unilateral action. On the other hand, these very actions could impinge on other, unrelated activities programmed by the local authority and the dis-benefits of this were laid before the inquiry. Having said this, there are many safeguards that would remain. **[3.1, 3.4, 3.60-3.63, 3.195, 4.17 and 5.2-5.6]**

8.259. For example, certain provisions of NSRWA would remain. First, these include the notice provisions under s.54 and s.55 and the reinstatement provisions under s.70 to 73. Secondly, the requirement for approval of a TMP under Part B of the CoCP, which would include the matters of relevance, would remain. Thirdly, the requirement for consultation with LBS under Schedule 8 part 2 of the draft Order in relation to any authorised work as to timing, extent of surface and the conditions of construction "*so as to avoid or minimise inconvenience to the public and ensure the safety of the public*" as well as a requirement to "*consult the Council on the measures which the Council considers necessary to discharge its duty to co-ordinate street works*", would also remain. **[3.1, 3.4, 3.60-3.63, 3.195, 4.17 and 5.2-5.6]**

8.260. This is very finely balanced, but the single factor that tips the scales in favour of supporting the dis-applications is the fact that they would apply to three out of the four highway authorities. It would make things too complex to operate two different regimes on the one project and very likely add to the NLE costs. Although there could be problems, the safeguards remaining in place should minimise the risk and is, therefore, worth taking in the interests of efficient management of the NLE contract if it proceeds. I am mindful, also, that as the scheme stands there should be very little effect on the local highway network in Southwark. Most would fall on roads in Lambeth and Wandsworth. **[3.1, 3.4, 3.60-3.63, 3.195, 4.17 and 5.2-5.6]**

8.261. Taking all these factors together, I am satisfied that the measures proposed by TfL for mitigating any adverse impacts of the scheme would be adequate and commensurate with the environmental impacts predicted. As such, they should be supported. **[3.1, 3.4, 3.60-3.63, 3.195, 4.17 and 5.2-5.6]**

Matter 10 - The adequacy of the Environmental Statement submitted with the application for the TWA Order, having regard to the requirements of the Transport and Works (Application and Objections Procedure) (England and Wales) Rules 2006, and whether the statutory procedural requirements have been complied with.

8.262. There are several areas of contention about the adequacy of the ES. However, there is no suggestion that the statutory procedures have not been completed satisfactorily and, therefore, the relevant legislation has been fully complied with. The ES comprises the initial ES, with a Non Technical Summary, followed by an addendum ESA. Finally, the information contained therein was supplemented by the detailed evidence presented to the inquiry. **[1.13-1.14, 3.364-3.371 and 6.59]**

8.263. As for the areas of dispute, these fall under two heads. The first is those matters that Objectors submit should have been covered, but were not. The second group is those that go to the information in the ES submission, and especially some baseline data that underpins the assessment. **[1.13-1.14, 3.364-3.371 and 6.59]**

8.264. Looking at the first group, these cover the possibility of an extension of the NL beyond Battersea to Clapham and the works to Kennington Station that Objectors are convinced will be necessary should the NLE proceed. There is also some suggestion that the ES should cover certain highway and public realm proposals, but here I agree with TfL that the completion of the NLE would not be reliant on these being undertaken. In any event, the most extensive of these around Vauxhall is proceeding in its own right. Most of the other public realm improvements would be carried out as part of redevelopment that, while it may be served by the NLE, would not be prerequisites to its commencement. **[1.13-1.14, 3.364-3.371 and 6.59]**

8.265. The possible extension of the NLE onwards from Battersea to Clapham has been examined previously under Matter 3, and as noted there are attractions. That said, the NLE to Battersea would not be dependent on a further extension and neither would it be an inevitable consequence of the NLE. It is not in any programme before 2031 and there is no suggestion that it could be funded innovatively and would probably have to stand as a transport scheme pure and simple. Against this background, there is no obligation to include assessing the impacts of a further extension as part of the NLE. At the moment, it is just not a runner. **[1.11, 1.13-1.14, 3.16, 3.364-3.371, 4.3, 6.59, 6.186, SUPP/3, SUPP/14. SUPP/23, SUPP/26 and OBJ/57, OBJ/60, OBJ/102 and OBJ/123]**

8.266. As for the works thought to be necessary at Kennington Station, this is a little less clear cut. If the works envisaged by Objectors were enhancements to the Station, then they would not be interdependent or linked in any specific way with the NLE. They would essentially be free standing improvements, possibly to redress the disruption and

inconvenience that would occur in Kennington, while the NLE was constructed. Thus, the environmental impacts of these should not be assessed along with the NLE. **[1.13-1.14, 3.364-3.71, 6.59, OBJ/77, OBJ/115, OBJ/125, OBJ/135, OBJ/159, OBJ/170, OBJ/185, OBJ/227 and OBJ/231]**

8.267. If, however, they are judged to be essential as a safety feature to reflect the increased throughput at Kennington Station then any impacts should be included in the NLE ES. However, as concluded earlier under Matter 8 this is not a case supported by the relevant Regulators. As such, unless the SoSs wish to adopt a precautionary principle in this regard any future works to Kennington Station, other than the additional cross-passages, must fall to be considered as a separate scheme and not as a part of the NLE. **[1.13-1.14, 3.364-3.71, 6.59, OBJ/77, OBJ/115, OBJ/125, OBJ/135, OBJ/159, OBJ/170, OBJ/185, OBJ/227 and OBJ/231]**

8.268. Turning now to the more detailed aspects of the ES submission, it is claimed by some that the baseline information is inadequate or inaccurate and so, when the additional negative impacts are taken into account there is an underestimate of the actual perceived effects. Attention is particularly drawn to noise, air pollution and traffic impacts. I have carefully considered both the baseline information and the predicted impacts and can find no evidence to suggest that there is a material discrepancy in any of the figures. TfL confirmed that a Health Impact Assessment has been undertaken, and no material adverse concerns had emerged **(Document TfL54)**. **[3.245, 6.10 and OBJ/44]**

8.269. If anything, TfL has undertaken a robust assessment, looking at worst case scenarios, and so the outcomes predicted should always be on the high side and for a shorter duration than many fear. As said earlier, if any discrepancies do emerge, then the Liaison Groups, backed up by the LPAs through their enforcement powers should be able to address any problems and mitigate the harm.

8.270. One final point on the ES process has been a criticism that the cumulative or in combination effects of the works have not been taken into account sufficiently. In terms of adding the effects of several activities contributing to the same impact, e.g. noise or traffic this has been undertaken in ES **(Document NLE/A19/1, Chapter 17)**. It has also attempted to sum or weight the various levels of harm across different impact heads e.g. noise, pollution, traffic and heritage, so that an overall figure could be given. What the ES has not attempted to do, however, is to look beyond the NLE at other developments or works that might add to the levels of disruption and intrusion. **[3.364 and 6.42]**

8.271. While one can appreciate the Objector's argument, doing this is not the role of the NLE ES. The other impacts are outside the control of TfL, and even should the in-combination effects be significant and negative, they do not

go to the heart of the adequacy of the ES. This something the LPAs would have to take into account when issuing planning permissions and then monitoring the situation and, if necessary, taking the appropriate action using the powers they have available to them. None of the LBs raised objections at the inquiry. **[3.364 and 6.42]**

8.272. Thus, in summary, the various elements comprising the ES were examined at the inquiry, sometimes forensically. The conclusion is that, whereas some outcomes will count on the negative side of the balancing equation, there should be no outstanding significant harm once the proposed mitigation is in place. Next, I am satisfied that the adequacy of the ES and ESA submitted with the application for the TWA Order has complied with the requirements of the Transport and Works (Application and Objections Procedure) (England and Wales) Rules 2006, and that the statutory procedural requirements have also been complied with. Furthermore, the evidence presented to the inquiry fleshed out any points that Objectors considered had not been addressed or made clear.

Matter 11 - The conditions proposed to be attached to the deemed planning permission for the scheme, if given, and in particular whether those conditions meet the tests of the DOE Circular 11/95 of being necessary, relevant, enforceable, precise and reasonable. (Inspector Note: Circular 11/95 has been superceded by the recently published Planning Practice Guidance)

8.273. The draft conditions **(Document TfL14)** were considered both outside the inquiry and at two sessions during the inquiry, when the formality of the inquiry procedures was relaxed to allow more general input and discussion. Many changes were made and the outcome of this is a set of draft Conditions agreed by TfL and the three LBs as meeting the tests of being necessary, relevant, enforceable, precise and reasonable. Wording has been varied to reflect the Guidance advice and on a number of occasions the words "unless otherwise approved in writing by the local planning authority" has been omitted as an unacceptable tailpiece. Condition 15 has been renumbered Condition 20 for reasons of logic. **[1.4, 3.7, 3.66, 3.372-3.373 and OBJ/212]**

The reasons for the suggested draft planning Conditions are as follows:

Condition 1: Reason: To ensure that the Development is commenced within a reasonable period of time.

Condition 2: Reason: For the avoidance of doubt and in the interests of proper planning.

Condition 3: Reason: To enable reasonable and proper control to be exercised over these aspects of the Development.

Condition 4: Reason: To provide a suitable setting for the Development in the interests of visual amenity and to enhance flora and fauna.

Condition 5: Reason: In the interests of visual amenity and to ensure that planting is carried out in a timely manner.

Condition 6: Reason: In the interests of amenity.

Condition 7: Reason: To protect the environment and amenity of the locality.

Condition 8: Reason: To protect the amenity of occupiers of premises close to construction sites.

Condition 9: Reason: 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 offsite receptors.

Condition 10: Reason: To ensure that works are undertaken with due regard to any archaeological remains on the site.

Condition 11: Reason: To ensure that works are undertaken with due regard to listed buildings.

Condition 12: Reason: To ensure highway safety.

Condition 13: Reason: To protect the amenity, in respect of noise and vibration, of occupiers of premises above and close to the alignment of the Development.

Condition 14: Reason: To protect the amenity, in respect of noise, of occupiers of premises close to fixed plant installed as part of the Development.

Condition 15: Reason: in the interests of visual and other amenity of the Development and furtherance of the overall vision and place-making of the Vauxhall Nine Elms Battersea Opportunity Area Planning Framework (2012) area and as set out in LB Wandsworth's Site Specific Allocations Document (2012).

Condition 16: Reason: In the interests of amenity.

Condition 17: Reason: in the interests of visual amenity.

Condition 20: Reason: To provide for certainty in the approvals and implementation processes.

Additional suggested conditions

8.274. In addition to those draft conditions agreed, there are a further two the SoSs are asked to consider. The first of these, Condition 18 relates to the junction of Kennington Park Road and Kennington Park Place, discussed under Matter 5i. In this regard, there is quite often standing traffic on Kennington Park Road, blocking vehicles wishing to turn right from Kennington Park Road into Kennington Park Place. This includes vehicles wishing to gain access to the Kennington Park worksite and construction area for the proposed ventilation shaft and head-house. To address this, it is suggested that a yellow box junction marking is installed at the junction for south bound traffic. This was discussed at the inquiry and did not raise any particular concerns by TfL. The reason for this would be in the interests of highway safety and maintaining the free flow of traffic.

Condition 18

Prior to commencement of the workplace on Kennington Park Place, a scheme for the introduction of a yellow box junction marking on the southbound side of the carriageway of Kennington Park Road, at its junction with Kennington Park Pvenue, shall be submitted to the LPA and approved in writing. Thereafter, the approved scheme shall be implemented prior to construction being started on this workplace and retained until such time as the workplace has ceased to be used and the ventilation shaft and head-house have been completed.

8.275. The second is much more controversial and pertains to the safety regime at Kennington Station examined under Matter 8. For the reasons given previously, I believe that there should be a protocol in place should the movements and transfers of passengers within the station not accord with TfL's predictions. This would be necessary in the interests of the public safety.

Condition 19

Prior to the commencement of works on the NLE a protocol for monitoring the passenger movements within Kennington Station shall be submitted to and approved in writing by the LPA. Thereafter, the agreed protocol shall be implemented following the opening of the NLE. Should the results of the monitoring show more than a 10% deviation (increase) from the predicted levels of passenger movement within the Station then TfL should consult the regulatory powers (Office of Rail Regulation and The London Fire and Emergency Planning Authority) and submit details of their responses to the LPA.

Matter 12 - TfL's proposals for funding the scheme

[OBJ/1, OBJ/10, OBJ/20, OBJ/29, OBJ/34, OBJ/42, OBJ/43, OBJ/77, OBJ/102, OBJ/111, OBJ/120, OBJ/136, OBJ/137, OBJ/141, OBJ/154, OBJ/166, OBJ/191, OBJ/195, OBJ/198, OBJ/199, OBJ/200, OBJ/220, OBJ/223, OBJ/227, OBJ/242, OBJ/247 and OBJ/256]

8.276. This was a particular bone of contention for many Objectors and the intensely academic thesis was essentially directed along three lines. The first is that the money to fund the NLE would come directly or indirectly from monies that would otherwise be paid to the three LBs involved, where they could be put to uses more beneficial to the wider public in each of those boroughs. In similar vein, it is submitted that if the expected level of financial contribution was not received from the developments in the OA, then, once started, the NLE project would have to be completed with funding from TfL and/or the Greater London Authority, again to the disbenefit of the wider public in respect of cancelling or postponing alternative transport provision or improvement. **[1.11, 3.374-3.380, 4.11, 4.15, 4.43, 4.52, 4.61, 5.14, 6.7, 6.79, 6.81, 6.122, 6.123, 6.133-6.141, 6.177, 6.185 and 6.188]**

8.277. The third is that the proposal for the NLE would not offer the best value for money in general transport terms for the existing community in the three LBs. **[3.374-3.380, 6.44, 6.61, 6.117, 6.159, 6.172 and 6.186]**

8.278. At the start, it is worth remembering that the direction to transport authorities wishing to pursue infrastructure schemes is that the financing should be innovative, essentially requiring finance to be gained from budgets other than that specifically set aside for transport. This must be sensible, especially for schemes that would not be fully justified on purely transport grounds, but necessary to kick-start and serve redevelopment. This the TfL has sought to do and it is perhaps the difficulty of the concept that creates much of the Objectors' concern. **[1.11, 3.374-3.380, 4.11, 4.15, 4.43, 4.52, 4.61, 5.14, 6.7, 6.79, 6.81, 6.122, 6.123, 6.133-6.141, 6.177, 6.185 and 6.188]**

8.279. The protocol for financing the NLE is very simple in the generic sense, and derives much from the scheme for Transport Development Areas advocated in the 1990s by the Royal Institute of Chartered Surveyors and referred to in an early version (now withdrawn) of Planning Policy Guidance Note 13: Transport. The essence is that planned new transport infrastructure for an area would increase the value of the land served by the infrastructure and allow for development at a far higher density than would otherwise be the case. The increased asset value of the development on that land could then be appropriated to pay for the new transport project. This sort of scheme is not justified on the transport benefits it would deliver to the existing population, but largely for the benefits for the future population. **[1.11, 3.374-3.380, 4.11, 4.15, 4.43, 4.52, 4.61, 5.14, 6.7, 6.79, 6.81, 6.122, 6.123, 6.133-6.141, 6.177, 6.185 and 6.188]**

8.280. The NLE is just such a transport intervention, whereby the value of the land within the OA would increase significantly as a consequence of the NLE, in turn lifting the market or rental value of the new development, some of which is already under construction, such as at BPS. It is a proportion of this increase in property value that would fund the NLE. Without the NLE, the values of land and development would remain lower and the business rate deliver less. A key flaw in the Objectors' argument is that, without the increase in equity of land and development in the OA, the money they anticipate would be forthcoming for the LBs to use would simply not be there. It is the NLE that would be the catalyst for generating the necessary funding. **[1.11, 3.374-3.380, 4.11, 4.15, 4.43, 4.52, 4.61, 5.14, 6.7, 6.79, 6.81, 6.122, 6.123, 6.133-6.141, 6.177, 6.185 and 6.188]**

8.281. Now the next question to address is whether the pace of development in the OA would be sufficient to secure completion of the NLE? There is no doubt that financial markets can be fickle and there could be an economic downturn. Equally, the popularity of London generally or the OA in particular could wane. So what safeguards are in place to cover these eventualities? **[1.11, 3.374-3.380, 4.11, 4.15, 4.43, 4.52, 4.61, 5.14, 6.7, 6.79, 6.81, 6.122, 6.123, 6.133-6.141, 6.177, 6.185 and 6.188]**

8.282. The first key element is that the Exchequer would guarantee the loan requirement of £1bn at preferred interest rates. The second is that, although construction estimates have risen, the current costing has assumed the top end of the range for each activity. Moreover, there is a built in buffer or contingency to allow for any further unforeseen increases. **[1.11, 3.374-3.380, 4.11, 4.15, 4.43, 4.52, 4.61, 5.14, 6.7, 6.79, 6.81, 6.122, 6.123, 6.133-6.141, 6.177, 6.185 and 6.188]**

8.283. Thirdly, construction of the NLE would not commence until Phase 1 of the BPS development is well under way, with Phase 2 committed. Although there may have been some justifiable scepticism when the TWAO for the NLE was in its early gestation period, Phase 1 has started and disposal of the properties that are being built and marketed seems to be successful, especially in respect of attracting overseas buyers. The fourth is that the site visit clearly showed that other redevelopment within the OA is progressing apace. This reflects there being more optimism in the general economic revival than there was, even 12-months ago, and especially so in London, where the increase in property price continues to outstrip the rest of the country. Some developers **[4.11]** have already made substantial contribution to the NLE. **[1.11, 3.374-3.380, 4.11, 4.15, 4.43, 4.52, 4.61, 5.14, 6.7, 6.79, 6.81, 6.122, 6.123, 6.133-6.141, 6.177, 6.185 and 6.188]**

8.284. Thus, there is nothing tangible on the financial front that indicates that the expected development contributions would not materialise. There appears to be some dispute about whether the Mayor, in 2010, exempted the Nine Elms area from the CrossRail levy **[4.45, SUPP/29 and SUPP/35]** and, if so, how

long this might pertain. **[1.11, 3.374-3.380, 4.11, 4.15, 4.43, 4.52, 4.61, 5.14, 6.7, 6.79, 6.81, 6.122, 6.123, 6.133-6.141, 6.177, 6.185 and 6.188]**

8.285. Even so, what would happen if the financial bubble burst after the NLE contract had been let. However remote this might seem at present, the same might have been said just prior to the last financial crash in 2008/9. There is, also, the possibility that, even short of a crash, world events or similar could cause a slowdown in the development market and anticipated sales targets would not be realised and/or the business rate might not increase as TfL predicts. **[1.11, 3.374-3.380, 4.11, 4.15, 4.43, 4.52, 4.61, 5.14, 6.7, 6.79, 6.81, 6.122, 6.123, 6.133-6.141, 6.177, 6.185 and 6.188]**

8.286. The key point here is that, even before any of this could affect the funding stream for the NLE, there would be contributions by way of s.106 Obligations or Community Infrastructure Levy (CIL), from the developments that have already been built out or are currently under construction. Thus, any shortfall in the financial profile would occur towards the end of the NLE construction. This would give TfL time to adjust its large budget to redress any shortfall, or to seek support from other agencies. **[1.11, 3.374-3.380, 4.11, 4.15, 4.43, 4.52, 4.61, 5.14, 6.7, 6.79, 6.81, 6.122, 6.123, 6.133-6.141, 6.177, 6.185 and 6.188]**

8.287. One way of doing this would be to invoke the option to extend the EZ status for an additional 5-years. Neither must it be forgotten that, although the NLE could not be justified entirely on transport grounds, it would deliver some general transport benefits and, thus, it would not be untoward if TfL had to divert some of its investment potential to completing the NLE. There would also be the provision to adjust the fares that TfL says would apply to the NLE. Currently, Kennington Station is in Zone 2, but there is an unconfirmed proposal **[1.2, 4.57 and 6.11]** to change the designation to Zone 1/2 for this and the new stations. **[1.11, 3.374-3.380, 4.11, 4.15, 4.43, 4.52, 4.61, 5.14, 6.7, 6.79, 6.81, 6.122, 6.123, 6.133-6.141, 6.177, 6.185 and 6.188]**

8.288. Whereas this would seem unlikely in today's economic situation, the plain fact is that any scheme adhering to Government's preferred finance strategy could fall foul of a downward trend in the economy. However, to adopt the precautionary principle on every occasion would mean that everything would be delayed or possibly never be built. **[1.11, 3.374-3.380, 4.11, 4.15, 4.43, 4.52, 4.61, 5.14, 6.7, 6.79, 6.81, 6.122, 6.123, 6.133-6.141, 6.177, 6.185 and 6.188]**

8.289. Turning to the second strand of objection, that the choice of the NLE does not represent the best value for money and that a lower level of funding would deliver a satisfactory level of transport infrastructure for the OA. This has been explored in detail earlier under Matter 2. Suffice it to say here, I am convinced that the level of development investment in the OA would be far less without an underground service to connect to the other parts of the London CAZ. Without the NLE, the VNEB OA, the CAZ and EZ

would forever be the poor relations and the expected property values would not be achieved, thereby threatening the level of investment and crucially the regeneration programme. **[3.374-3.380, 6.44, 6.61, 6.117, 6.159, 6.172 and 6.186]**

8.290. To sum up, I am satisfied that TfL's proposals for funding the NLE scheme accord with Government direction, are as robust as they can be and there is nothing tangible to suggest that the necessary level of contribution from the envisaged development in the OA would not be realised. Moreover, this money would not be generated without the NLE and so the perceived shortfall in the future income of the three LBs is misconceived.

Matter 13 - Whether there is a compelling case in the public interest for conferring on TfL powers compulsorily to acquire and use land for the purposes of the scheme, having regard to the guidance on the making of compulsory purchase orders in ODPM Circular 06/2004, paragraphs 16 to 23; and whether the land and rights in land for which compulsory acquisition powers are sought are required by the Promoter in order to secure satisfactory implementation of the scheme. **[OBJ/122]**

8.291. There is no dispute that the construction and operation of the NLE would require the acquisition of land on both a permanent and a temporary basis. In this regard, there is no suggestion that any of the surface land that would be acquired permanently would be either unnecessary or excessive. The land owners in question have agreed with the proposed acquisitions and all have withdrawn their objections. **[3.381 and 3.386]**

8.292. As for the temporary acquisitions, the key bones of contention relate to parts of Kennington Park and Kennington Place. The merits of using these sites for the worksites have been discussed previously under Matter 6, but if the SoSs support their use then the amount of land that would be utilised is commensurate with the level of activity proposed. Against this background, there are no outstanding objections from the landowners. As for the use of 373 as a worksite, in all likelihood this would attract objections from the owners. **[3.381 and 3.386, 6.1-6.2, 6.5 and OBJ/255]**

8.293. The temporary use and permanent acquisition of land underground has attracted objection, both on the basis of the route taken and the potential for damage to the structures above. Once again these matters have been aired in Matters 3 and 5, and the permanent route chosen for the NLE is commended and the temporary works utilise a minimum of land. Importantly, there would be a sensible protocol in place for establishing a baseline, monitoring, powers to carry out protective works to any building within the Order limits and, in the unlikely event of any material ground disturbance, a compensation scheme would be in place. Owners of land or property within the Order Limits would have the opportunity to engage through the Settlement Deed. **[3.381 and 3.386, 6.1-6.2, 6.5 and OBJ/255]**

8.294. On this basis, I agree there is a compelling case in the public interest for conferring on TfL powers compulsorily to acquire and use land for the purposes of the NLE scheme and that, the land and rights in land for which compulsory acquisition powers are sought are required by TfL in order to secure satisfactory implementation of the NLE scheme. **[3.381 and 3.386, 6.1-6.2, 6.5 and OBJ/255]**

Matter 14 - Whether the relevant Crown authority has agreed to the compulsory acquisition of interests in, and/or the application of provisions in the draft TWA Order in relation to, the Crown land identified in the book of reference.

8.295. While there appear to be some 'i's' to dot and 't's' still to cross, there does not seem to be any material impediment to the compulsory acquisition of interests in, and/or the application of provisions in the draft TWA Order in relation to, the Crown land identified in the book of reference. **[3.4 and 3.387]**

Matter 15 - The purpose and effect of any substantive changes proposed by TfL to the draft TWA Order, and whether anyone whose interests are likely to be affected by such changes has been notified.

8.296. It is agreed that the purpose and effect of any of the proposed changes to the draft TWA Order, would not be additional, but reductions in the requirement. As such, no-one's interests would be adversely affected by the changes, and many Objectors will welcome the firming up of the construction method for the tunnels that renders the temporary ventilation shafts in Radcot Street and Harmsworth Street unnecessary. **[1.15-1.18, 3.5-3.6, 3.11-3.12, 3.388-3.389, OBJ/13, OBJ/17, OBJ/19, OBJ/26, OBJ/56, and OBJ/212]**

<u>In relation to the applications for listed building and conservation area consents:</u>

Matter 16 - The extent to which the Listed Building Consent works to 1) the creation of four new cross platform passages (Kennington Station) and 2) the jetty and associated cranes (Battersea Power Station) will impact the designated heritage assets and are in accordance with the relevant development plans of the three London Borough's concerned, including any saved policies.

The creation of four new cross platform passages (Kennington Station)

8.297. The effects of the proposed additional cross-passages at Kennington Station are generally seen as advantageous and not something that would have any material effects on the heritage assets at the Station. The main concerns of several Objectors are that they represent an insufficient response to the predicted overcrowding at Kennington and a belief that the

excavated material would be transported from the site by road. **[1.3, 1.6, 1.9 and 3.151]**

8.298. As for the effectiveness of the additional four cross-passages, this topic has been dealt with previously under Matter 8. Looking at the excavated material, all those attending the inquiry welcomed the commitment by TfL and the work-schedule requiring the excavated material to be exported from the site by rail. As a consequence, the objections regarding the removal of excavated material have been answered satisfactorily and I have no reason to suggest this should be otherwise. **[1.3, 1.6, 1.9 and 3.151]**

The jetty and associated cranes (Battersea Power Station)

8.299. Turning to the proposed works at the BPS jetty and to the cranes, two lines of concern are advanced. The first is a perceived lack of clarity about the proposals both during the construction and renovation stages and afterward about the maintenance of the riverside walk past the jetty and cranes **[OBJ/CAC9]**. The second worry arises from a lack of certainty on behalf of some that if the cranes were removed from their present site they might well not return. As a consequence, there was a request that the renovation of the cranes took place *in situ*. **[1.6, 1.9, 1.11, 2.23-2.26, 3. 145-3.146, 4.48, 6.189 and OBJ/CAC9]**

8.300. On the first of these topics, the retention of the riverside walk falls outside the NLE remit and would be decided by the LPA in conjunction with the developers for the BPS site. From the extant planning permission, it would seem that the riverside walk in front of BPS would be reinstated at some stage during the BPS redevelopment and link in with other strategic pedestrian links **(Document TfL8B, Figure 1)**, including the cycle and pedestrian link from the proposed Nine Elms Station through the railway arches. **[1.6, 1.9, 1.11, 2.23-2.26, 3.145-3.146, 3.149, 3.157, 4.48, 6.189 and OBJ/CAC9]**

8.301. Although one can appreciate the worry about the cranes, it would seem difficult to fully renovate these on-site and so an off-site scenario would seem preferable. This is covered by condition and is fully enforceable by the LPA. There is no reason to suggest that the LPA would not use every avenue open to it to ensure that such an iconic feature was replaced in good order and in good time. Moreover, as it forms part of the overall TWAO project, TfL's credibility would be compromised if this did not happen and prejudice its future proposals related to heritage assets. **[1.6, 1.9, 1.11, 2.23-2.26, 3.145-3.146, 4.48, 6.189 and OBJ/CAC9]**

8.302. Incidentally, in both the cases of the Kennington Station and the jetty and associated cranes the actions would rest comfortably alongside the Framework policies and those in the relevant development plan. In connection with the Station works and when considering the BPS jetty and cranes the Framework paragraphs 128-132 are pertinent as is Policy 7.8 of

The London Plan 2011. Similar references and aims are included in the LBL UDP 2007 (saved policies) and the adopted CS 2011, the LBW CS 2010 and accompanying Development Framework documents and Policy 12 of LBS's CS 2011. **[1.6, 1.9, 1.11, 2.23-2.26, 3.145-3.146, 4.48, 6.189 and OBJ/CAC9]**

Matter 17 - The extent to which the Conservation Area Consent applications for (1) the demolition of a boundary wall (East and West of Montford Place) and (2) the demolition of an existing two storey building, associated structures and fencing (Kennington Park Lodge) will impact the Kennington Conservation Area and are in accordance with the relevant development plan of the London Borough concerned, including any saved policies, including those relating to the cultural significance of the Lodge and Park area.

8.303. Looking at these in turn, the local policies are very similar to the national policy regarding the obligation to consider if the proposals would preserve or enhance the character or appearance of the relevant conservation areas. **[1.5, 2.20, 3.137-3.138 and 3.281]**

8.304. As for the demolition of the boundary wall at Montford Place, the first thing to say is that if the TWAO is not confirmed then the demolition of the wall would not proceed **(OBJ/CAC01)**. In the heritage context, the boundary wall was constructed in 2002 and is, therefore, modern. Nevertheless, its functionality within the Green in screening part views of the Chivas Distillery behind is of benefit. **[1.5, 2.20, 3.137-3.138 and 3.281]**

8.305. However, its proposed demolition and replacement by the head-house building would replicate the function and, in design terms, would preserve and arguably enhance the Green and the setting of the adjacent Listed Buildings. As such, it would comply with the Kennington CA Statement 2012, which will normally allow the removal and sympathetic replacement of those buildings that make a neutral contribution. Perhaps surprisingly the wall is not listed as either a positive or neutral contributor, though TfL suggest this might be an oversight. **[1.5, 2.20, 3.137-3.138 and 3.281]**

8.306. Either way, there would be no policy objection to its replacement. Thus, it would accord with the LBL CS 2011 and the national heritage legislation and policy guidance in the 1990 Planning (Listed Buildings and Conservation Areas) Act and Policy 131 of the NPG issued recently 2013. **[1.5, 2.20, 3.137-3.138 and 3.281]**

8.307. Turning to the works around the Kennington Park Lodge, these are perhaps more sensitive. The Lodge lies in the St Mark's Conservation Area and within the setting of the Kennington Road CA. There are also Listed Buildings on Kennington Park Place and St Agnes Place near to the Registered Kennington Park. Once again the policy background is the same

at national level and the local Policy is LBL Conservation Areas Policy 47. **[1.5, 3.137-3.138, 3.227-3.231 and 3.281]**

8.308. There is agreement from both LBs and EH that the present structure is only of neutral value and that the principle of demolition of the Lodge and its replacement with a high quality new building would be acceptable. In this context, it is worth reminding ourselves that the Lodge is on the Council's disposal list. Taking these points, and despite what individuals might think of the head-house design, there is accord from the professionals that the demolition and replacement structure would rest comfortably with national and local policy. In the light of this, I can see no cogent planning or heritage reasons to disagree. **[1.5, 2.20, 3.137-3.138 and 3.281]**

Matter 18 - The extent to which the works above would accord with the National Planning Policy Framework and in particular the desirability of sustaining or enhancing the character and appearance of the heritage assets.

8.309. As noted above, the boundary wall at Montford Place is of modern construction and its demolition and replacement would screen more of the industrial buildings behind and help close off the Green. It would, therefore preserve and arguably enhance the CA and the setting of the Listed Buildings around the Green. Whether the design of the replacement in the form of the proposed head-house could be improved upon is a moot point. However, as all the authoritative agencies now accept that it would accord with policy, there is no basis for objection on the grounds of conflict with the Framework (paragraphs 129-132). **[3.223-3.229, 3.286 and 3.390- 3.391]**

8.310. As concluded earlier under Matter 6, it is really the loss of trees that constitutes the material harm to the character and appearance of the CA and setting of the Listed Buildings. Even so, also as concluded previously under Matter 6 this is outweighed by the need to avoid delay to the NLE. Incidentally, to carry out the works proposed, there would need to be dis-application of the protection granted by virtue of the London Squares Preservation Act 1931, which is not objected to. **[3.223-3.229, 3.286 and 3.390-3.391]**

8.311. Turning to the works around the Kennington Park Lodge, these are perhaps more contentious. However, although the Lodge has been there since the 1930s, it is not nationally or locally listed. This said, visually it is a pleasant structure. Although it would turn its back on the Park, it sits well in its location and offers functional benefits in the CA and the setting of the nearby LBs. **[3.223-3.229, 3.286 and 3.390- 3.391]**

8.312. The simple fact is that for local people this is a well loved building that would be replaced by something contemporary that is perceived by many as being alien to its location in the Conservation Area. Put briefly, they do

not wish an established and traditional building to be replaced by something modern and they submit that this would harm the character and appearance of this part of Conservation Area and the setting of the adjacent Conservation Area and the Listed Buildings nearby. **[3.223-3.229, 3.286 and 3.390- 3.391]**

8.313. The problem they face in advancing this argument is three-fold. First, however much Objectors criticise the consultation process, the majority of people responding to this question preferred a more modern concept, although many failed to express any preference. Secondly, even though concerns were identified earlier, none of the responsible authorities sustain their objections and they now support the proposal. Thirdly, there is the time constraint and the delay and cost penalties that would be imposed on the NLE programme and regeneration in the OA should the design be revisited. **[3.223-3.229, 3.286 and 3.390- 3.391]**

8.314. The first thing to say is that it is not unusual in my experience for new modern buildings to be opposed and this is especially so where one would replace one perceived to have existed in harmony for a long time. Even so, the reasoning behind the design would deliver a sustainable structure that would have visual and architectural reference to the surroundings in terms of the materials to be used. **[3.223-3.229, 3.286 and 3.390- 3.391]**

8.315. As for the fencing and planting, these would all be replaced and, albeit the landscape would take some time to mature, the setting and the boundary treatment would preserve, and possibly enhance, the existing contribution they make to the character and appearance of the CAs. The head-house that would replace the Old Lodge may prove contentious initially, but all the professional evidence is that it would preserve or, at the very least, be neutral in terms of preserving the appearance of the Conservation Area. It is fair to say that even had it not preserved the appearance of the CA, the negative effects of this would not have outweighed the time and cost implications for the NLE project. **[3.223-3.229, 3.286 and 3.390- 3.391]**

Matter 19 - If the consents for the works above are granted, the need for any conditions to ensure they are carried out in a satisfactory manner.

8.316. There are a number of conditions proposed in connection with the applications for CA and Listed Building consents **(Document TfL14/D)**. These were discussed at the inquiry and there were no outstanding objections to their inclusion. They are supported by the LPA and accord with the tests in the published guidance. **[1.4, 3.104-3.106, 3.372-3.373 and 3.392]**

8.317. The reasons for the Listed Building conditions in relation to the BPS jetty are:

Condition 1: Reason: To comply with the Planning (Listed Buildings and Conservation) Act 1990, section 91(1)(a) of the Town and Country Planning Act 1990 and Section 51 of the Planning and Compulsory Purchase Act 2004.

Condition 2: Reason: In order to safeguard the special architectural or historic interest of the building, in accordance with policy 45 of the Unitary Development Plan (Adopted August 2003) saved policies (UDP) and policy DMS2 of the Development Management Policies Document 2012.

Condition 3: Reason: In order to safeguard the special architectural or historic interest of the building, in accordance with policy 45 of the Unitary Development Plan (Adopted August 2003) saved policies (UDP) and policy DMS2 of the Development Management Policies Document 2012.

Condition 4: Reason: In order that English Heritage and the local planning authority may be given the opportunity of monitoring the progress of works on site to ensure the preservation of the special interest of the building affected by the works hereby approved, in accordance with UDP policy 45 of the Unitary Development Plan (Adopted August 2003) saved policies (UDP) and policy DMS2 of the Development Management Policies Document 2012.

8.318. The reasons for the Listed Building conditions in relation to Kennington Station are:

Condition 1: Reason: As required under Section 18 of the Planning (Listed Buildings & Conservation Areas) Act 1990 as amended.

Condition 2: Reason: In order that the special architectural or historic interest of this listed building is safeguarded, in accordance with Saved Policy 3.17 of the Southwark Plan 2007 and LB Lambeth Saved Policy 45.

Condition 3: Reason: In order that the special architectural or historic interest of this listed building is safeguarded, in accordance with Saved Policy 3.17 of the Southwark Plan 2007 and LB Lambeth Saved Policy 45.

8.319. The reasons for the Conservation Area conditions in relation to Kennington Park are:

Condition 1: Reason: to comply with the Planning (Listed Buildings and Conservation) Act 1990, section 91(1)(a) of the Town and Country

Planning Act 1990 and Section 51 of the Planning and Compulsory Purchase Act 2004

Condition 2: Reason: To ensure that premature demolition does not take place before a contractor for the relevant work is appointed, thus ensuring that the visual amenity of the area is safeguarded (Policy 47 of the Saved Unitary Development Plan and Policy S9 of the Core Strategy).

Condition 3: Reason: To ensure visual amenity of the area is safeguarded after the relevant work is complete (Policy 47 of the Saved Unitary Development Plan and Policy S9 of the Core Strategy).

8.320. The reasons for the Conservation Area conditions in relation to Kennington Green are:

Condition 1: Reason: to comply with the Planning (Listed Buildings and Conservation) Act 1990, section 91(1)(a) of the Town and Country Planning Act 1990 and Section 51 of the Planning and Compulsory Purchase Act 2004

Condition 2: Reason: To ensure that premature demolition does not take place before a contractor for the relevant work is appointed, thus ensuring that the visual amenity of the area is safeguarded (Policy 47 of the Saved Unitary Development Plan and Policy S9 of the Core Strategy).

Condition 3: Reason: To ensure visual amenity of the area is safeguarded after the relevant work is complete (Policy 47 of the Saved Unitary Development Plan and Policy S9 of the Core Strategy).

In relation to the application for an open space certificate:

Matter 20 - The extent to which the advantages of the rights over lands as a facility for public recreation would be noticeably reduced by the acquisition of the permanent rights for access for future maintenance, repair, renewal and replacement of structures which will be constructed beneath the surface of the land.

8.321. Clearly, dislocation of the Bee Urban project from the Old Lodge in Kennington Park would constitute a material loss in the facility for public recreation as well as its educational outreach. However, there are advanced moves to relocate the project and monies would be made available by TfL to effect the transfer. It also has to be remembered that irrespective of the NLE, the Old Lodge used by Bee Urban is on the LB's disposal list and Bee Urban has no security of tenure. Accordingly, while the immediate dislocation might be seen by local people as a large negative feature, the NLE scheme could eventually be viewed as the long-term

saviour for the Bee Urban project. **[1.7, 3.242-3.247 and 3.393-3.395]**

8.322. All in all, the acquisition of the permanent rights for access for future maintenance, repair, renewal and replacement of structures, which would be constructed beneath the surface of the land, would have a very minimal adverse long-term effect on the public recreational use of the Park. Moreover, TfL is committed to a management scheme for the head-house in an effort to prevent the abuses that one could see have been perpetrated on the existing one in the Park. **[1.7, 3.242-3.247 and 3.393-3.395]**

Matter 21 - The extent to which the frequency of access is anticipated and the effect on the public use of the open space.

8.323. This open space point pertains to both Kennington Park and Kennington Green and the access needed for the head-house and subterranean structure. In each case, the functional maintenance is only anticipated to be very occasionally, though clearly there may be a need for some early checks on the progress of new landscape and for emergency and superficial maintenance. In particular, the latter might possibly be occasioned by vandalism/ graffiti and as noted above, a maintenance plan to cover this eventuality would be required by Condition. Other than that, access would only be required after 125 years for rebuilding the head-house at the end of its life. On this basis, I am satisfied that this would have minimal effect on public access and use. **[3.227 and 3.393-3.395]**

Matter 22 - The extent to which the rights would accord with the National Planning Policy Framework.

8.324. Clearly there would be some loss of rights to access and use of the public open space within Kennington Park. As noted this would particularly affect the dog-walking area, as the Old Lodge would be disposed of in any event. This would be contrary to a strict application of the Framework and especially paragraphs 128-135. On this basis, this is a negative factor to be weighed in the balance, when reaching an overall conclusion on the TWAO. However, as TfL points out, the loss of open space would be very small in the context of the Park as a whole and, as such, not a compelling reason to resist the Certificate. **[3.395]**

Matter 23 - The need for any conditions to be attached to the certificate if granted.

8.325. There is no need for any additional conditions as the restoration and landscape proposals for the Park areas that would be used would be covered by the deemed planning permission for the NLE and the conditions that would be attached thereto. **[3.104-3.107, 3.372-3.373 and 3.396]**

Other relevant matters raised at the inquiry, including any individual objections and representations not dealt with above.

8.326. There are very few topics that have not been covered under the foregoing Matters, but there are one or two that merit comment.

8.327. The first of these is the suggestion by Mr Jonathan Laventhol that the new NLE station at Battersea should not be called Battersea or Battersea Power Station, but should be named 'Cats and Dogs'. Such matters clearly fall outside the remit of consideration of the TWAO, but it does constitute a novel approach, which I find attractive. However, a decision on this would be made elsewhere and now this suggestion is on the table it would no doubt be given due consideration. **[5.8]**

8.328. One Objector raises questions about the potential for vermin to thrive around the works. I think this would be unlikely, but there are adequate actions available to the local authority to deal with this matter and no doubt the Liaison Groups would draw attention if vermin did become more prevalent **[6.165]**.

8.329. As for the possibility, raised by many Objectors, that house prices in the area would fall **[OBJ/75, OBJ/86, OBJ/89, OBJ/112 and OBJ/253]**, this is not a material consideration in planning and TWA appraisals. If the proposals were so intrusive on environmental grounds then the proposal should be turned away. I have not found this to be the case here and, in answer to my question, history invariably shows that improved connectivity to the LU network leads to an increase in property values. The downside of environmental intrusion would only be for a temporary period. Similarly, no one has the right to a protected view **[6.40]** or a right to light **[OBJ/54]**. In law this is judged as a matter of fact and degree and in this case, I can see no-one's view or light being impeded to such an extent as to warrant withholding confirmation of the TWAO. **[6.15, OBJ/28, OBJ/75, OBJ/86, OBJ/89, OBJ/112 and OBJ/253]**

8.330. Finally, one Objector **(OBJ/18)** is concerned that the NLE scheme would adversely impact on their rail freight operation. TfL confirms in response to that Objection **(Document TfL121)** that there would not be expected to be any effect in this regard.

8.331. In conclusion on these other matters, taken singularly or cumulatively, they do not constitute an objection sufficient to deflect the overall public benefit.

9. SUMMARY OF CONCLUSIONS

9.1 As a starting point, there is no reason to suggest that in commissioning and submitting the TWAO the necessary legal and other procedures were not carried out in accordance with the legislation. Neither can the ES and ESA be other than judged adequate.

9.2 There is criticism of the consultation process and, with so many people raising the same points, it is hard to ignore this. TfL clearly believes it has done its best and there is no doubt that a myriad of consultation events took place. However, the question is were they asking the right questions and were they directed to the most appropriate forum? In some cases it is clear they were not. Having said this, TfL did focus better later on and there was praise for the assistance given just before and during the inquiry.

9.3 The simple fact is that many people wanted to go back to a blank canvas, but that was not possible or practical. The principles of the NLE are enshrined in many policy documents and the BPS planning permission. On matters of detail, consultation was not inviting a popularity vote by the public. TfL is entitled to gain confirmation for the Order unless there are material and compelling reasons why it should not. The point is that the inquiry allowed a full review of the events leading up to and including the content of the Order works.

9.4 As for the decision to adopt the underground approach to serve the transport needs of the OA, I am entirely convinced that this is the right option. It may be that other transport interventions or combinations could be made to work, but they would all be more of a 'make do' option. The LU is the transport mode of choice in Central London, an almost universal feature of the CAZ and the transport mode that attracts high value development. I am in no doubt that any lesser intervention would not be as attractive to developers and the OA redevelopment could flounder as a result.

9.5 Moving to the decision to extend the NL as the underground option, it would not be the ideal solution. Those who consider connection to the Victoria Line at Vauxhall advance very strong reasons for advocating this. However, this solution has been looked at carefully and the conclusions why this would prove impractical are compelling. It would be the very connection to the Victoria Line that would devalue the service that makes it so attractive in the first place.

9.6 The key reason the NL would offer a sustainable option is that there are two Branches coming into Kennington Station and by totally segregating these, the additional traffic could be accommodated, while still allowing the NL upgrades to proceed. The only downside would be the perception that the route from Battersea would first travel away from the City and take

slightly longer. However, it would still be much quicker than routes by bus or NR services, which could not provide the regular services of required capacity and would more often than not require further mode interchange.

9.7 Turning to the alignment of the NLE, Kennington Station must be the logical starting point, simply because it is the location where the Charing Cross and Bank Branches bifurcate. For similar reasons, the connection to the Kennington Loop seems eminently sensible in allowing the necessary connection to be made, without penalty to the existing NL service. The terminus at BPS is fixed by virtue of the extant planning permission. The intermediate station at Nine Elms might not be seen as essential by all, but it would help in the regeneration of the immediate area around it and importantly introduce LU connectivity to some of the more deprived areas of South London. It also carries with it LBL's support for the NLE.

9.8 The great bone of contention with the alignment and the construction programme generally is that a significant burden would fall on an area that would derive few transport benefits, but suffer most of the environmental impact and social infraction. This, of course, would be far more noticeable, because the Kennington and Walworth areas are stable with little regeneration evident or even necessary. The VNEB OA area generally is subject to massive regeneration and redevelopment and so the worksites and station developments at Battersea and Nine Elms would largely go unnoticed in the sea of new building that surrounds them.

9.9 The crux of the matter is have the residents and businesses been dealt with fairly and would the residual environmental and social impacts be acceptable? Fairness is a difficult commodity when it comes to planning and transportation and a NIMBY approach is a frequent and loud response to new development. Even so, the greater public good has to prevail or progress would prove extremely difficult.

9.10 Here it would have been nice to offer redevelopment of Kennington Station as part of the NLE scheme. This 'carrot' might have assuaged much of the local opposition. It would have been particularly so if this could have removed the need for the ventilation shafts and head-houses at Kennington Green and Kennington Park. However, there are a number of good reasons why this should not be undertaken at present, and the cost of it would be significant. Importantly, for the upgrade to remove the need for the ventilation shafts and head-houses at Kennington Green and Kennington Park the NLE works would be far more intrusive in many respects. Finally on this point, the upgrade could not have been funded in the same innovative way as the current NLE project, and enough people believe the funding for that looks uncertain.

9.11 The impact on the environment and peoples' living conditions probably formed the greatest spread of objection. This was broadly split into two topic areas relating to construction and operational factors.

9.12 On the former, we again have two prongs of attack. First the choice of location for the worksites and the head-houses and then the environmental impacts themselves. As for choice of location, the Kennington Station option has to be ruled out on grounds of cost and delay, not to mention the added engineering problems and acquisition of properties. For Kennington Park, the favoured alternative is Oval Green. Although TfL's dismissal of this is hardly overwhelming, the advantages I can see would not be sufficient to delay the NLE project. For the alternative to Kennington Green, the headline claim that 373 would be a better option is persuasive. Even so, on close analysis, the arguments are very much more finely balanced and, once again, delay and extra cost implications for the NLE and redevelopment in the OA generally tip the scales in favour of the Kennington Green site.

9.13 Moving onto the TWAO options for worksites and head-houses, there would be appreciable impact for the duration of the contract. Even so, the controls that would be in place and the need to observe BPM should leave the residual effects, while in no sense desirable, acceptable. Importantly, the Liaison Groups would be there to 'oversee' events and I am sure they will make their feelings known if 'breaches' occur. Finally, the LPAs can enforce if necessary. The question of potential settlement is covered by what seems a comprehensive protocol and Settlement Deed.

9.14 The activity and accompanying noise, disturbance and dust at the worksites would add to residents' angst during the construction period. Nevertheless, I am certain it would not be as intrusive as Objectors fear and there is a raft of provisions to safeguard local interest. Although it would be temporary, this still features as an appreciable negative aspect of the NLE project.

9.15 Once operational, the running of trains on the NLE should have no observed effect in noise and vibration terms. If there is a problem then there is something wrong and the maintenance regime should kick in.

9.16 The situation at Kennington Station is one area where many expressed heartfelt concerns and this can be appreciated. However, with the NLU1 and 2, overcrowding should get no worse and possibly improve. Safety at the station, and particularly the ability to evacuate in an emergency situation, leaves me with unanswered questions. Despite my misgivings, the Regulators responsible for safety have raised no objections and it is, therefore, inappropriate to see this as a compelling objection to the scheme. This is perhaps fortuitous, because if they had registered a strong objection the scheme would not be moving forward until the necessary

finance to address their concerns could be organised. As a safeguard to alert the powers that be, I have suggested a condition that requires monitoring the situation going forward and commend this to the SoSs.

9.17 Moving now to the heritage aspects of the Order, there are mixed views and many strongly held objections to the effect the proposal would have on certain heritage assets and especially those at and around Kennington Park and Kennington Green. In respect of the former, I can see no objection in principle, subject to a satisfactory design for the head-house. Although not everyone's cup of tea, the majority who 'voted' yea or nay prefer a contemporary approach and this is supported by the responsible agencies. As such, the conclusion must be that the new head-house would at least preserve the character and appearance of the CA and the setting of other nearby assets.

9.18 The downside would be that the construction site would impinge on a number of activities held dearly by local people. The dislocation of Bee Urban, albeit extremely unfortunate, is something that would happen anyway and, in reality, the NLE has actually thrown it a strong financial lifeline. The dog-walking area and interference with access generally would be undesirable and inconvenient. However, the effects would be temporary and the actual area out of bounds very small – 2%. Reinstatement would be fulsome, though landscape would take a considerable time to mature.

9.19 Kennington Green is another matter and here I believe there would be harm to the heritage assets for a considerable period of time during and after the works. It is the destructive effect of the loss of eight or nine important trees that creates the harm. Whereas the head-house structure itself may have a neutral or even beneficial effect on the heritage assets I am convinced the loss of trees would be very harmful. As such, any benefits that might follow from the restoration would be outweighed by the length of time to achieve equivalent reinstatement.

9.20 Finally, we look at the finance for the NLE and the challenges to the funding regime proposed. As noted, it was at times a cerebral debate and some telling points were made. Notwithstanding, in circumstances where funding an infrastructure scheme is based on anything other than a direct transport justification there must be inherent risks of failure through general or specific economic failure.

9.21 Even so, so long as the figures stack up in today's market place, and there are robust estimates and headroom to allow for slippages, the fears of financial meltdown should not be invoked to support a precautionary stance. In this case, I am satisfied that there are enough safeguards in place to ensure that the NLE would be completed once started and that the funding for the later stage payments should not devolve onto the public purse. As I concluded, the charge that the money going towards the NLE

would somehow deprive finance for other worthwhile public schemes is unfounded. Without the NLE there would be far less accrued money to spend.

9.22 To summarise, there would be downsides flowing from the scheme, especially for some residents and people living and working in areas around the surface works during the construction period. There would be material harm to the heritage asset that is Kennington Green and there are questions about the emergency escape protocol at Kennington Station. Notwithstanding, if the VNEB OA is to be redeveloped as proposed in the approved policy documents, the NLE is crucial to this and a key driver to the regeneration of this area, that in large part looks tired. Thus, there is a strong balance of advantage in supporting for the NLE and only downsides in delaying the contract to review any aspect, even though many might judge them preferable options.

9.23 Some Objectors might see a positive recommendation as confirming a 'done deal'. It is true that the policies in place and the planning permission for BPS do make a return to a blank canvass virtually impossible. However, in the strategic sense I fully endorse TfL's view about the need for the NLE. Even so, there are a couple of crucial factors, such as Kennington Station, that could have meant rejection of the entire project. As for the more site specific aspects, the inquiry forum allowed all the concerns to be aired. Although Objectors may feel that even here too much weight has been afforded to cost and time implications of revisiting some of these, the evidence brought nothing to light to demonstrate that the Order scheme would not work or that there are compelling, as opposed to desirable, reasons for diverting from the Order scheme.

9.24 For the reasons set out above, and having taken into account all other matters raised in the evidence and representations, I conclude that the TWAO for the NLE and associated works should be supported subject to the two additional planning conditions suggested.

10. RECOMMENDATIONS

10.1 I recommend that the Order should be made, subject to the amendments to the submitted Order sought by the Promoters in the filled up Order **(Document NLE/A/12/6)**, and that deemed planning permission, Conservation Area and Listed Buildings Consents sought for the works covered by the Order should be granted, subject to the conditions set out in Appendix D to this report. This should similarly apply to the Open Space Certificate sought. Before confirmation, there are two matters that would require confirmation. The first of these pertains to Matter 7 and the Gas Network Companies and the second arises from Matter 14.

J Stuart Nixon

INSPECTOR