

THE EXECUTIVE

2 AUGUST 2005

REPORT FROM THE DIRECTOR OF REGENERATION AND ENVIRONMENT

This report is submitted under Agenda Item 10. The Chairman will be asked to decide if it can be considered at the meeting under the provisions of Section 100B(4)(b) of the Local Government Act 1972 as a matter of urgency, so as to avoid delay in giving a response to the Office of the Deputy Prime Minister by the deadline.

Title: Thames Gateway Bridge (TGB) Public Inquiry Submission And Legal Agreement	For Decision
<p>Summary:</p> <p>This Report considers the current position in respect of the Thames Gateway Bridge (TGB) scheme which is progressing through its statutory processes for securing powers to construct it. A written submission is to be made to the Public Inquiry.</p> <p>Current progress in respect of a proposed legal agreement with Transport for London (TfL) and five local Councils is also described. This agreement proposes the establishment of a Boroughs' Consultative Group (BCG) to keep under review key issues associated with the bridge (tolls, public transport, traffic mitigation measures); and agreement to it should enable any reservations the Council may have previously expressed with respect to the project to be withdrawn.</p> <p>Wards Affected: All Wards</p>	
<p>Implications:</p> <p>Financial:</p> <p>Ongoing costs of the Borough Consultative Group are yet to be considered. However, these are likely to be nominal, of the order of officer time and a contribution to administrative costs. Any substantive costs will be brought to Councillors for consideration before any commitment is made.</p> <p>Legal:</p> <p>The terms of the proposed legal agreement have been checked by the Council's Solicitor who has no objections in principle.</p> <p>Risk Management:</p> <p>None.</p>	

Social Inclusion and Diversity:

The Race Relations (Amendment) Act 2000 places a requirement on local authorities to make an assessment of the impact of new and revised policies in terms of race equality. Existing policies have already been subjected to impact assessments. This Authority has adopted an approach of extending the impact to cover gender, disability, sexuality, faith, age and community cohesion.

As this report does not concern a new or revised policy there are no specific adverse impacts insofar as this report is concerned.

Crime and Disorder:

Section 17 of the Crime and Disorder Act 1998 places a responsibility on local authorities to consider the crime and disorder implications of any proposals. In relation to this report there are no specific implications insofar as this report is concerned.

Recommendation(s)

The Executive is asked to agree that:

1. A written submission be made to the TGB Public Inquiry;
2. The content of the written submission be delegated to the Lead Member for Regeneration for approval;
3. The principles of the legal agreement on offer by Transport for London and the establishment of a Boroughs' Consultative Group (BCG);
4. Any drafting change(s) to the legal agreement be delegated to the Director of Regeneration and Environment for agreement and subject to consultation with the Solicitor to the Council; and
5. The concerns previously expressed in respect of Thames Gateway Bridge.be withdrawn.

Reasons

To assist the Council in achieving its Community Priorities of "*Regenerating the Local Economy*", to assist in the good planning of the area and to promote the social, economic and environmental well being of the area; and to make the Borough '*Cleaner, Greener and Safer*'.

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1. Thames Gateway Bridge (TGB) Public Inquiry – Written Submission

- 1.1 The Executive considered the TGB scheme last at the Executive of 21 September 2004 in agreeing a response to consultation on the TGB planning application. The Executive agreed to support the scheme in principle; subject to caveats around the tolling associated with the Bridge; public transport; and traffic mitigation.
- 1.2 These observations were referred to the determining authorities for the Planning Application – London Borough of Greenwich and Newham. They in turn later resolved to grant planning permission subject to conditions and Section 106 Agreement. Since then, however, the application was called in by the Secretary of State for determination and a Public Inquiry into TGB commenced on 7 June 2005.
- 1.3 As the Council is not an objector to the TGB it is not considered necessary for the Council to actually appear at the Inquiry and give evidence. The case will be fully put by the scheme promoter (TfL) and others; who will also deal with any objectors' evidence. As such appearance by the Council would be repetitive and could risk being seen as an unhelpful use of the Inquiry Inspector's time.
- 1.4 Instead a written submission is recommended that would expand on the Council's previous observations made in response to the Planning Application. This would include reference to the regeneration benefits of TGB; the new public and other transport opportunities it would offer; and the reduction in severance between communities (due to the River) that would be gained. Such a submission would also help raise the profile of public transport proposals such as East London Transit / Thames Gateway Transit associated with the Bridge.
- 1.5 The submission would be cleared first by the Lead Member for Regeneration before being sent. Full agreement by the Executive to the content of the submission is not considered necessary as it would be elaborating a decision and views previously agreed. It can be sent any time during the Public Inquiry.
- 1.6 The Inquiry is currently scheduled to run until the end of July when it will recess, reconvening in September 2005. Its conclusion date will be contingent on the amount of evidence to be heard.

2. Boroughs' Consultative Group (BCG); Transport for London Legal Agreement

- 2.1 A second matter to consider in respect of Thames Gateway Bridge is the offer by Transport for London to establish a (five) Boroughs' Consultative Group (BCG). This has been done to satisfy the conditions on the planning application imposed by the determining planning authorities (London Borough's of Greenwich and Newham) as well as concerns expressed by other authorities such as London Borough of Barking and Dagenham.
- 2.2 A legal agreement is proposed by TfL for this purpose and a draft is attached as an Appendix to this report. This has been considered by the Solicitor to the Council who has no objections in principle, subject to some minor drafting changes.
- 2.3 Membership of the BCG would comprise the Boroughs of Barking and Dagenham, Bexley, Greenwich, Newham and Redbridge. Its main remit would be to keep under review the tolls regime associated with the Bridge; the public transport strategy; and traffic mitigation measures. Not least it would be able to do so through commissioning surveys and studies for this purpose. It would be able to report its views directly to the TfL Board at least once a year by way of an annual report.
- 2.4 Whilst the BCG would have no direct executive powers, nevertheless its membership and reporting lines to the TfL Board will give it considerable influence. It is considered this is a suitable forum for Boroughs to have an input into decisions as to the tolls regime to be operated over the bridge. This is necessary to help ensure decisions as to tolls are not driven by purely commercial considerations but also take into account matters such as local discounts and the role of tolls in managing traffic levels.
- 2.5 This mechanism will also help keep public transport services and strategy across the Bridge under review, including matters such as the Thames Gateway Transit concept (East London Transit connected to Greenwich Waterfront Transit to form a single integrated system) and tram upgrade. The BCG would also be able to make recommendations on further traffic mitigation initiatives in the light of actual operating experience when the Bridge opens.
- 2.6 The establishment of the BCG would be an unprecedented arrangement for a project of this nature. It will be a key forum in considering and meeting the concerns expressed by this and other Councils. On that basis the Executive is recommended to support in principle the establishment of the BCG.
- 2.7 Whilst the principle of the BCG has been the subject of discussion between TfL and the boroughs, details as to its establishment; administration; ongoing costs etc are yet to be considered. However, these are likely to be nominal, of the order of officer time and a contribution to administrative costs. Any substantive costs will be brought to Councillors for consideration before any commitment is made. Against any such commitment of this nature needs to be weighed the substantial benefits likely to accrue from membership of and participation in the BCG.

- 2.8 While the BCG is the main content of the proposed legal agreement, it also covers other matters that would be beneficial to the Borough such as the education plan; sustainability measures; low emission zone; employment strategy; training; and procurement of goods and services clauses. Other clauses are only of relevance to the London Boroughs of Greenwich and Newham as the planning authorities for the Bridge and the authorities most directly affected by it.
- 2.9 If the Executive is minded to agree the principle of the proposed legal agreement, it is recommended that the previously expressed concerns about the Bridge can also be withdrawn.
- 2.10 The legal agreement attached as the Appendix is the most final as at time of writing this report. There may be drafting changes yet made but these should not substantively alter its content. Accordingly, the Executive is recommended to agree it in principle with any further drafting changes delegated to the Director of Regeneration and Environment to conclude and subject to consultation with the Solicitor to the Council.

3. Financial Implications

- 3.1 Details as to the funding, administration and on costs of the BCG are yet to be determined. These are expected to involve any Officer time and a contribution to administrative expenses and so likely to be absorbed within existing revenue budgets and staff resources.
- 3.2 However any major implications for the Council will be the subject of a further report, notwithstanding Councillors are being recommended to agree the principle of the BCG.

4. Regeneration Board

- 4.1 This matter was considered by the Regeneration Board at its meeting on 28 June 2005. A verbal report on the Board's views will be given at the meeting.

5. Consultees

The following people have seen this report; they have either raised no objection or have confirmed that they are happy with the report as it stands.

Lead Member

Regeneration (Transport Strategy), Councillor Kallar

Finance

Alan Russell, Head of Internal Audit

Alex Anderson, Head of Finance (DRE)

Corporate Strategy

Mohammad Saleem, Solicitor to the Council and Monitoring Officer

Robin Hanton, Corporate Lawyer and Deputy Monitoring Officer

Housing and Health

Jeff Elsom; Crime and Anti Social Behaviour Unit Manager

Background Papers.

- Report to Regeneration Board, 28 June 2005.
- Executive Report, Minute 119; Thames Gateway Bridge – Consultation; 21 September 2004.
- Draft Transport for London/Five Boroughs Legal Agreement, June 2005 (Appendix to this Report).