

**TRANSPORT AND WORKS ACT 1992
TOWN AND COUNTRY PLANNING ACT 1990
PLANNING (LISTED BUILDINGS AND CONSERVATION AREAS) ACT 1990**

**PROPOSED LONDON UNDERGROUND
(NORTHERN LINE EXTENSION) ORDER**

TRANSPORT FOR LONDON'S REBUTTAL

OF

THE EVIDENCE OF GRACE BRADIC-NELSON

ON

**THE NEED FOR AND ALIGNMENT OF THE SCHEME, CONSULTATION,
KENNINGTON STATION, NOISE & VIBRATION AND THE DRAFT ORDER**

December 2013

1. INTRODUCTION

- 1.1.1 This rebuttal proof of evidence has been prepared on behalf of Transport for London to address particular aspects of Grace Bradic-Nelson's proof of evidence (OBJ 146) related to the need for and alignment of the scheme, consultation, noise & vibration, Kennington station and the draft Order. It should be noted that the aspects of Ms Bradic-Nelson's proof concerning Kennington Park (including noise from the permanent shaft and consultation on the head house design) and Equalities Impacts were addressed in TFL24.
- 1.1.2 It is not intended that this rebuttal proof should address further points that witnesses for TfL have previously covered in their evidence; however, cross-references to relevant paragraphs of those witnesses' proofs of evidence will be made where appropriate.
- 1.1.3 It is intended that this rebuttal proof should be a composite response to those issues raised by Ms Bradic-Nelson and set out above. In this respect, for cross-examination purposes the name of the TfL witness who is responsible for each aspect of this rebuttal proof will be given at the beginning of each section below.
- 1.1.4 This rebuttal proof sets out the points raised by Ms Bradic-Nelson under the topics identified above. For each of these sections, the points are organised into themes and sub-themes (numbered and shown in bold font) related to the topics of the need for and alignment of the scheme, consultation, noise & vibration, Kennington station and the draft Order.
- 1.1.5 In each of these sections, the objector's point is summarized in plain font, with any quotations shown in italics. This is followed by TfL's response in bold font, preceded by the name of the witness making that part of the rebuttal. Within each sub-theme, there may be several points, each of which is dealt with separately in turn, and with the witness identified as described.

2. NEED FOR AND ALIGNMENT OF THE SCHEME

2.1 *The alignment of the tunnel under Kennington Park*

2.1.1 In paragraph 2.1 of her evidence, Ms Bradic-Nelson calls for the alignment to be changed so that it does not cause adverse impacts on Kennington Park.

Expert witness: *Jonathan Gammon*

2.1.2 **The alignment in the vicinity of Kennington Park was determined based on the relevant constraints between Nine Elms station and the connection to the only practicable location on the Kennington Loop. These constraints are explained in my Proof of Evidence [TFL2/A] at Paragraphs 10.1 - 10.16, inclusive. The southbound shaft was located as close to the Kennington Loop as possible.**

3. CONSULTATION

3.1 *Initial consultation letter not received*

3.1.1 In paragraph 6.2 of her evidence, Ms Bradic-Nelson states that she did not receive the consultation letter in 2010.

Expert witness: *Richard de Cani*

3.1.2 **Paragraphs 4.3.9 – 4.3.13 of my Proof of Evidence [TFL1/A] set out how in 2011 TfL and Treasury Holdings UK re-ran the 2010 consultation in response to concerns such as these and Figure 6 of my Proof of Evidence [TFL1/B] sets out the leaflet distribution area.**

3.2 *Geographical area of consultation*

3.2.1 In paragraph 6.6 of her evidence, Ms Bradic-Nelson states that residents in Kennington and Walworth were not given the opportunity to comment on the proposals and that the consultation should be repeated.

Expert witness: *Richard de Cani*

3.2.2 **As set out in paragraph 11.1.43 of Appendix 10 of my Proof of Evidence [TfL1/B], Figure 6 of my Proof of Evidence [TFL1/B] sets out the leaflet distribution area and shows that areas well beyond the Opportunity Area were contacted as part of the consultation.**

3.2.3 **Around one third of the leaflet delivery addresses were in the Kennington and Walworth post code districts of SE11 and SE17 compared to 16% in the Battersea postcode district of SW11. It should be noted that the promotion of NLE consultations was supported through other communication channels as well, as set out in the Consultation Report [NLE/A7].**

3.2.4 **A map of the leaflet distribution area for the 2011 consultation is included in Appendix 1 of TfL's rebuttal to the evidence of Dr Dorothea Kleine [TfL37]. I would also reiterate, as stated in that rebuttal, that Kennington and Walworth were included in that distribution and that in addition to leaflet distribution, TfL used a range of other methods such as local media, its website and drop-in events in order to raise awareness of the proposals and the consultation.**

3.3 Flawed methodology

3.3.1 In paragraph 6.7 of her evidence, Ms Bradic-Nelson states that the consultation methodology used by TfL in 2011 was flawed, referring to the evidence of Dr Dorothea Kleine (OBJ 65).

Expert witness: *Richard de Cani*

3.3.2 **TfL believes that the consultation undertaken in 2011 is in line with best practice principles. I have addressed Dr Kleine's points in rebuttal to her evidence [TFL37]. As I noted in that rebuttal, consultation is one among many tools which TfL uses in order to inform decision-making but is not a decision-making tool in its own right, nor is a consultation intended to be a referendum.**

3.4 Failure to consult and make changes in response to views.

3.4.1 In paragraph 6.8 of her evidence, Ms Bradic-Nelson states that TfL did not properly consult with residents, and that suggestions made by residents were dismissed. In paragraph 6.13 Ms Bradic-Nelson states that responses regarding the location of the Kennington park shaft and other matters were ignored by TfL, and that TfL plans to "...demolish the old lodge...destroy the green spaces...dog area, apiary..."

Expert witness: *Richard de Cani*

3.4.2 **TfL consulted on the location of the shafts in summer 2011 and the autumn 2012 consultation provided a further opportunity for people to comment on the proposed shafts.**

3.4.3 **Ms Bradic-Nelson quotes the report on the 2011 consultation [NLE/C16] as saying that respondents preferred shafts to be kept away from housing and green areas, noting that the proposed shaft for Kennington Park is in a green area, demonstrating that TfL did not take account of this view. However, the proposed location results in no permanent loss of green space, whereas the alternative option – within the Park itself – would have resulted in a loss of green space. More than 1700 responses were made to the question regarding the location of this shaft and the proposed location was the most popular option (chosen by 27% of respondents compared to 12% preferring it to be in the park; 40% had no opinion). There was also the opportunity to make comments as well as indicate a preferred option. I believe this demonstrates that TfL did listen to consultation.**

- 3.4.4 There are several more instances of TfL making changes to the scheme in response to feedback received from residents. For example, as set out in TfL's Consultation Report [NLE/A7], we made changes to the design of the head house at Kennington Park and also moved the location of the maintenance entrance. As well as the public consultations, TfL has met with Kennington Park Neighbourhood Action Group 8 times between October 2012 and October 2013.**
- 3.4.5 TfL has worked closely with the London Borough of Lambeth and the Friends of Kennington Park on the proposed shaft and head house at Kennington Park. This is detailed in my proof of evidence paragraphs 4.4.57 to 4.4.64. As noted in paragraph 4.4.62, TfL has agreed with LB Lambeth to fund the cost of relocating Bee Urban to a new location in the park. With regard to the dog area, a temporary dog walking area will be provided within the Park during NLE construction and subject to agreement with the Friends and Kennington Park, the existing area will be reinstated once works are complete.**
- 3.4.6 Additionally, and as detailed in TFL37 TfL has made a series of commitments with regard to the reinstatement of green space at Kennington Park, Bee Urban and the potential impacts to residents and the Bishop's House Children's Centre.**

4. NOISE & VIBRATION

4.1 *Noise levels from tunnels and locally*

4.1.1 In paragraph 5.2 of her evidence, Ms Bradic-Nelson states that noise levels from tunnels must not exceed 30db.

Expert witness: *Rupert Thornely-Taylor*

4.1.2 **The setting of appropriate design noise levels for tunnels has been made having regard to government policy and precedents in the successful design of underground railways in the UK building on the decision of Parliament during the passage of the Crossrail Act.**

4.1.3 **In my Proof of Evidence I set out in section 5.4 a comparison of the proposed design level with national and international guidance. I demonstrate that the proposed design level of 35 dB LAFmax is lower than the “No Observed Effect Level” for transportation noise in general and the Lnight level identified at the NOEL threshold within the Night Noise Guidelines for Europe.**

4.1.4 **The adoption of the 35 dB LAFmax design level proposed will not result in sleep disturbance.**

4.1.5 **To adopt a design level below the 35 dB LAFmax would impose additional cost without any scientific basis for concluding that there would be additional public benefit. In my view a 30 dB level is not justified either on scientific or policy basis.**

5. KENNINGTON STATION

5.1 Interchange forecasts

5.1.1 At Paragraph 4.7 the Objector questions TfL's forecasts for the number of passengers that will interchange at Kennington station, stating that an interchange at Kennington from the Charing Cross to Bank branch would be preferable to that of changing at Tottenham Court Road for Crossrail.

Expert witness: *David Bowers*

5.1.2 **The number of people interchanging at Kennington will depend on several issues including the final destination of each passenger and crowding levels. Figure 32 of my Proof of Evidence shows all the locations on the Underground and Crossrail network which are accessible from the NLE with one interchange and this shows there are alternative routes to many parts of central London. TfL's notes on current and predicted crowding on the Victoria and Northern lines [TFL41] and the split of passengers between the Charing Cross and Bank branches of the Northern Line [TFL42] provide a further explanation of these issues. TFL46 presents the results of sensitivity tests which show the impact of alternative splits of passengers at Kennington. TFL44 also presents the results of sensitivity tests using Legion modelling software to examine the impact of additional passengers interchanging at Kennington. All these assessments show that changes in the forecast split of passengers at Kennington do not affect the conclusions concerning crowding on the Northern line or at Kennington station.**

6. THE DRAFT ORDER

6.1 *Extension to Clapham Junction*

6.1.1 Ms Bradic-Nelson refers in paragraph 4.5.7 of her Proof of Evidence to TfL's intentions to extend the NLE to Clapham Junction.

Expert witness: *Richard de Cani*

6.1.2 **As set out in the deposited plans and sections [NLE/A14/1 – Sheet No.2] TfL is applying to extend the Northern line to a point just west of the terminal station at the Battersea Power Station development site to allow for overrun tunnels and stabling. As stated clearly in Paragraph 5.9.2 of my Proof of Evidence [TFL1/A] no plans currently exist or are funded for an extension of the Northern line from Battersea. Any future extensions would need to be considered in the context of the overall transport strategy at the time.**

6.1.3 **I have also noted in TfL's rebuttal of the evidence of KWNAG and KAPF on the need for and objectives of the NLE [TFL21] that there is no defined scheme for any such extension and that any extension beyond Battersea, should it be identified, would be subject to its own appraisal and assessment. Finally I would note that there is no reference to an extension to Clapham Junction in the Mayor's Transport Strategy [NLE/E13]; the relevant proposal (Proposal 22) refers to "*a privately funded extension of the Northern line to Battersea to support regeneration of the Vauxhall/Nine Elms Battersea area*" (page 139 of the Strategy).**