



Our ref: RC/AMGBT

Ms B Emmott
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15th January 2016

RE: Amendment to Garden Bridge Planning Conditions – Application under s96a TCPA.

Dear Ms Emmott

Further to your letter of 14th January and attached to this letter, I can confirm that Transport for London as land owner has no objection to the proposed wording alterations as set out in your letter. As such we hereby give consent for you to submit an amendment on our behalf as landowner.

Yours sincerely



Head of Operational Property

Copy to: Richard De Cani



Mr Adrian Maher
TfL Operational Property & TfL Commercial Development
Transport for London
5th Floor East, 55 Broadway
London,
SW1H 0BD.

14th January 2016

Amendment to Garden Bridge Planning Conditions - Application under Section 96a of the Town and Country Planning Act by Land Interests.

Dear Maher,

As you will be aware, the London Borough of Lambeth (LBL) and Westminster City Council (WCC) granted planning consent for the Garden Bridge in December 2014. These consents were subject to a number of conditions, many of which must be discharged before development can commence. Over the course of the last nine months, the Garden Bridge Trust (GBT) has submitted applications to discharge a number of these pre-commencement conditions, primarily relating to construction matters.

A number of the pre-commencement conditions also relate to how the bridge will operate once it is open. In the case of the Counter Terrorism (CT) Strategy, following submission of the application to discharge it has become apparent that the nature of the condition removes the formal capability to develop the proposals contained within the document to reflect what will evidently be an evolving operational context as recent events have illustrated. Thus, whilst the submitted version of the CT strategy contains details of how a full range of current threats will be tackled, it has been identified that submission at this stage will not allow the Counter Terrorism Security Advisor (CTSA) from the Metropolitan Police Service (MPS) the facility to further examine the effectiveness of the strategy in the light of developing or emerging threats.

This unintended restriction stands in contrast to the condition attached to the Crime Prevention Statement, which has been specifically drafted to facilitate continuing oversight by and consultation with the Designing Out Crime Officer (DOCO) for both LBL and WCC to ensure that operational proposals and physical security measures remain fit for purpose as the development moves towards opening. It is because the situation is very dynamic that it is considered that the information related to the CT Strategy would be best provided prior to the opening of the bridge; a position that would be consistent with the Crime Prevention Statement. The CTSA from the Metropolitan Police Service as well as Planning Officers from both LBL and WCC, support this view. The CTSA made it clear that the requirement for approval prior to opening would be consistent with other major developments across London.

The GBT would therefore like to amend the timing for approval of the Counter Terrorism Strategy required by Condition 37 of the LBL consent and Condition 28 of the WCC consent, as follows:

LBL Condition 37 'No development works shall commence until such time as a Counter Terrorism Strategy has been submitted to and approved in writing by the Local Planning Authority. The development shall be delivered and operated in accordance with the approved Counter Terrorism Strategy thereafter, unless otherwise agreed in writing with the Local Planning Authority.'

Proposed wording:

LBL Condition 37 "Prior to opening the bridge to the public, a Counter Terrorism Strategy shall be submitted to and approved in writing by the Local Planning Authority. The development shall be delivered and operated in accordance with the approved Counter Terrorism Strategy thereafter, unless otherwise agreed in writing with the Local Planning Authority.'

WCC Condition 28 'You must apply to us for approval of a Counter Terrorism Strategy. You must not commence work until we have approved what you have sent us in writing. Thereafter the bridge and north landing shall only operate in accordance with the approved Counter Terrorism Strategy.'

Proposed wording:

WCC Condition 28 'Prior to opening the bridge to the public, you must apply to us for approval of a Counter Terrorism Strategy. You must not open the bridge to the public until we have approved what you have sent us in writing. Thereafter the bridge and north landing shall only operate in accordance with the approved Counter Terrorism Strategy.'

In order to vary the trigger for discharging the condition, an application under s96A of the Town and Country Planning Act 1990 would need to be submitted to both LBL and WCC. Section 96A gives local planning authorities the power to make a change to any planning permission in relation to land in their area if they are satisfied that the change is not material. This includes the ability to impose new conditions, or to remove or alter existing conditions.

The power can however only be exercised on an application made by, or on behalf of, a person with an interest in the land to which the planning permission relates and, if an application is made by, or on behalf of a person with an interest in some, but not all of the land to which the planning permission relates, such an application can only be made in respect of so much of the planning permission as affects the land in which the person has an interest.

In order for the GBT to seek to vary the conditions relating to the timing of the approval of the Counter Terrorism Strategy in advance of obtaining a land interest, the s96A application would need to be submitted on behalf of all of those parties



with a current land interest including London Underground. The GBT would take full responsibility for the preparation and submission of the application.

Approval of the s96A applications will not lessen the requirement for a Counter Terrorism Strategy, it would simply allow the necessary information to be prepared and submitted at the most appropriate time in consultation with key stakeholders including the CTSA.

I would therefore be grateful if you would consider the above points and provide your assistance in this matter and advice of your thoughts.

Yours faithfully,

A large black rectangular box redacting the signature of Bee Emmott.

Bee Emmott
Executive Director
for and on behalf of Garden Bridge Trust

cc Anthony Marley (GBT), Emma Barnett (Adams Hendry acting as GBT Planners),
Richard Carden (TfL), Andy Brown (TfL)