

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

THAMESLINK 2000 PUBLIC INQUIRY 2005

**CLOSING SUBMISSIONS ON BEHALF OF
THE CATHEDRAL AREA RESIDENTS' ASSOCIATION
AND THE BANKSIDE RESIDENTS' FORUM**

1. **CARA and BRF** The Cathedral Area Residents' Association (CARA) and the Bankside Residents' Forum (BRF) are the only community organisations in the Borough Market and Bankside area of Southwark, London with briefs to articulate concerns on development projects which affect the area and, hence, represent the authentic voice of people who reside or work in the area. CARA was set up in 1987 to give local residents and others in the Borough Market area a voice in the local planning process, to foster community spirit, to promote dialogue with the local council, business and community groups and to represent their interests in consultation with the local authority and other bodies; its membership includes all the individual objectors to the Thameslink 2000 scheme (the scheme). BRF was established in 1995 to represent residents in the Bankside area with the aim of engaging positively in the processes of regeneration in the area with a variety of development agencies in the public and private sectors; it has the support of key agencies in the area and receives a grant from Southwark Council. CARA and BRF were jointly represented at, and gave evidence before, the Inquiry held between 2000 and 2001 (the

first Inquiry) and, *inter alia*, presented a public petition with over 10,000 signatures opposing the works in the area proposed by the then promoters of the scheme, Railtrack – both the demolition of many listed and unlisted buildings, the heart of the Borough High Street Conservation Area, and the construction of a massive 500-metre viaduct and series of bridges through it.

2. **The Borough High Street Conservation Area** CARA and BRF are the only bodies that have consistently stood up for the preservation of the character of the Borough High Street/Borough Market area and for the setting and integrity of the buildings in the area which, we contend, will be irreversibly damaged if the scheme is implemented in its proposed form. Neither the local planning authority, the London Borough of Southwark, nor the custodian of our national heritage, English Heritage, have maintained their original objections to the scheme. Despite their current stance, it is material to remind and emphasise to the Inquiry that English Heritage (proof of Alan Byrne 583/A at 3.29 and 3.30) “regards the Borough area as one of exceptional importance in terms of built heritage, the unique character of which is especially sensitive and vulnerable to change.....English Heritage objected to the effect of the proposed viaduct on the Borough Market area because of its effect on the character of the area as a whole and a number of historic buildings within it.” It is also relevant to stress that both Southwark Council and English Heritage at the first Inquiry arrived at their support of the scheme by assuming, without considering their merits, that there was no alternative to what was being proposed and so excluding from consideration a transport solution which would avoid the harm to this historic area. Their respective stances were

repeated at this Inquiry. Indeed English Heritage went further and was a party to the design of the viaduct, and Southwark, which had deemed the Conservation Area so significant that, in July 2003, it had published an updated Appraisal (CD/235), regarded its role at this Inquiry simply to question the designs of the “reinstatement” buildings proposed for the rump remaining after the demolitions.

3. **Inquiry legal framework** The present Inquiry, expressed to be a re-opening of the first Inquiry, provides an opportunity “in the light of material changes in circumstances” since that Inquiry for a fresh appraisal of the conclusions of the first Inquiry. The legal authority which defines the framework for the present Inquiry is to be found in the judgment of Forbes J in *Price Brothers (Rode Heath) v The Department of the Environment* (1979) 38 PCR 579 at page 591 (589A/9). It was there held that, where the Secretary of State had to make a fresh decision after the quashing of a previous one, he has to take into account any material consideration affecting the matter that has arisen, whether before the original decision or after it, up to the very moment of his decision; that therefore the decision-maker had a ‘blank sheet’ on which to work. It follows that in the present Inquiry the Inspector is not bound by the conclusions of the first Inquiry when considering the Inquiry’s terms of reference but, on the contrary, has a mandate and is expected to reappraise those conclusions.

4. **Inquiry terms of reference** The terms of reference for the present Inquiry were laid down by the Secretaries of State in the Statement of Matters set out

in Annex D to the letter from the Planning Inspectorate dated 6 January 2005 (the Statement of Matters) CD/176. Of the total of some 28 distinct matters listed in the Statement of Matters, we submit that the pivotal ones in the estimation of the Secretaries of State are the following:-

Matter 1 “An updated assessment of the key aims and objectives of the scheme and its potential transportation, regeneration and socio-economic benefits, having regard to changed circumstances since the earlier inquiry.”

Matter 5 “The likely effects of construction and operation of the scheme on the character of the Borough High Street/ Borough Market area and on the setting and integrity of buildings within that area in the light of changed circumstances since the earlier inquiry, including the cumulative impact of the proposed new buildings in the area.”

Matter 6 “An updated assessment, in the light of changed circumstances since the earlier inquiry, of the feasibility of alternatively (a) routing Thameslink services via Elephant & Castle and Herne Hill stations; or (b) constructing a tunnel from King’s Cross or Farringdon to Bermondsey.”

Matter 7 “Whether, in the light of updated assessments arising under 5 and 6 above, the transport and other benefits assessed under 1 above would outweigh the harm arising to heritage interests, principally in the Borough Market area.”

That the above are the pivotal matters so far as Government is concerned is, we submit, clear. As Simon Hughes MP (who gave evidence to the Inquiry in support of CARA and BRF) observed, the Deputy Prime Minister could have been minded to approve the scheme conditionally or to have issued a minded to grant letter after the first Inquiry had reported but, quite exceptionally, did not do so and, instead, indicated by the Statement of Matters before this Inquiry that a strategic case for the scheme could not be made out which resulted in so unsatisfactory a conclusion for the Borough High Street Conservation Area, Southwark's "jewel in the crown." It is also here relevant to observe, in the light of Network Rail's repeatedly expressed fears concerning delay, and of its consequences for the implementation of its scheme that, had Government shared these concerns, it would not have instituted a second inquiry; rather Government must be taken to have been cognisant of further inevitable delays in achieving a fully acceptable scheme.

5. **Appraisal and reappraisal** The first Inquiry concluded that the benefits of the scheme, which enhanced cross-London rail links, outweighed the disbenefits, notably the harm to the Borough Market area. It conducted a balancing exercise and came down in favour of the scheme because of what it offered the public in transport terms. That was a conclusion reached after consideration of the evidence put to the Inquiry for and against the scheme. We do not seek to impugn that conclusion based, as it was, on a balancing of the evidence before **that** Inquiry. But the present Inquiry starts with a blank sheet and comes afresh to an assessment of new evidence put before it and has the task of performing a new balancing exercise in the light of the changed

circumstances prevailing today. It follows that that balance must be affected by what is now put into the scales; placing more weight on one factor inevitably affects the significance of other factors. That is notably so having regard to the matters put to the Inquiry. Whilst most of them are matters of detail consequent on the conclusions reached last time, in particular the “deficiencies” of the scheme outlined in the first Inquiry report, the four matters we have highlighted above spell out that the Secretaries of State expect a far-reaching and objective re-evaluation of the scheme with an emphasis on a contemporary assessment of transport needs and a dispassionate appraisal of heritage interests in the Borough Market area.

6. **Network Rail’s response** It is our submission that Network Rail has not risen to the challenge. It has approached this Inquiry on the premise that all the key decisions were made at the first Inquiry, that that Inquiry endorsed the scheme, that Government approved it, and that all that was expected of it was to rectify the “deficiencies” identified in the report of the first Inquiry’s Inspector; in particular London Bridge station (now the subject of Masterplan, approved by the local planning authority) and the replacement buildings in the Borough Market area. Whilst Network Rail has put before the Inquiry evidence in response to Matter 1 (the transport case), it has failed to adduce adequate evidence either on Matter 5 (the character of the Borough Market area) or on Matter 6 (the transport alternatives) and hence made it impossible for the Inquiry to arrive at a coherent balancing exercise as required by Matter 7. There has been no evidence in chief from Network Rail on the radically changed character of the Borough Market since the first Inquiry; simply

evidence (primarily from its heritage expert, Dr Filmer-Sankey) on the effect of the proposed reinstatement buildings made on the assumption that the demolitions will take place and some rebuttal evidence in reply to our evidence. The evidence on the issue of transport alternatives put initially before the Inquiry, the Alternatives Report 2004, part of the Environmental Statement 2004, was essentially a regurgitation of material put before the first Inquiry and, we submit, quite inadequate, although it is fair to add that a late attempt to redress matters was made in the rebuttal evidence on the “Lambeth Alternative”, the case for the London Borough of Lambeth and, on tunnelling, in the rebuttal evidence of Alan Finch on which we comment below. Network Rail’s case was, above all, dominated by the repeated refrain “Delay is fatal” to the scheme, an issue which we do not take lightly but which we address hereafter.

7. **Material changes in circumstances** Before addressing the key issues before the Inquiry as we see them, it may assist if we sketch out what we believe are some of the important material changes in circumstances since the first Inquiry.

7.1 **Transport-oriented factors**

7.1.1 The evidence as to the growth in demand for Thameslink services already shown and the anticipated further growth forecast over the projected timescale (evidence of Jim Steer in main proof NR/2/A1);

- 7.1.2 The emergence to projected implementation of the Crossrail project;
- 7.1.3 The imminent completion of the CTRL and the re-orientation of Eurostar services and the closing of Waterloo as a Eurostar terminus;
- 7.1.4 The consequent freeing of some train paths at the Herne Hill junction;
- 7.1.5 The transport implications of the major Elephant & Castle Development project (Exhibits 589A/1A and 589A/1/B to proof of Professor Nick Tyler 589A/1);
- 7.1.6 The successful bid for the 2012 Olympic Games and its implications for accelerated development in East London and the Thames Gateway;
- 7.1.7 The coming into force of the Rail Vehicles Accessibility Regulations 1998 and the Rail Vehicles Accessibility Amendment Regulations 2000 and the implications of Part III of the Disability Discrimination Act;
- 7.1.8 The change in the security agenda:
- 7.1.9 The London Plan and the Mayor's Transport Strategy (CD/151)
- 7.2 **The Borough Market.** The most significant material change which this Inquiry should take on board is the transformation in the last five years

of the Borough Market from a small, declining, largely wholesale market into a flourishing, mainly retail, food emporium with over 100 traders – described by Dr Filmer-Sankey as “one of London’s most distinctive and vibrant areas” (NR/9/A1 at 8.1.12) – which has become a paradigm for urban regeneration and a showcase for the food revolution in Britain.

The renaissance of the retail food market (told in *The Borough Market Book: from Roots to Renaissance - 589A/7*) has been, according to BBC Food journalist Sheila Dillon, “one of the most significant events in the revival of Britain’s food culture since World War II”. (589A/4)

Andrew Sharp (589A/2), emblematic of the new traders in the Borough Market, has grown his meat business in the six years since 1999 from one man making a monthly appearance on a Saturday stall, to the brand name Farmerssharp and a permanent cage on Stoney Street trading Tuesday through to Saturday and supporting 15 staff both at Borough and in Cumbria. The phenomenal growth, which has been replicated throughout the market, he attributes to the showcasing opportunities he has found at Borough Market where a unique combination of factors has given him access to a customer base – individual, restaurant, food schools and country-wide pub chains – which he could not have dreamed of elsewhere. As a result he is consulted by, amongst others, DEFRA on livestock strategy, Prince Charles on mutton and Italian farmers on how to revive their sheep markets.

Mr Sharp’s evidence about the regenerative stimulus of Borough Market

both rural and urban (see also PPS 6), nationally and internationally, was underlined by Sheila Dillon. Other than providing this very important showcase, the market, she says, has been “re-educating two generations into the taste of real food and the skills necessary to turn the ingredients into meals”, something that, with the recent focus on school meals and the health of our children, is high on the Government’s agenda.

Having detailed the major influence that the Market has been, and the spectacular success he has had due to his presence there, Andrew Sharp expanded on his grave concerns for the future of the Market in general and, in particular, the effect of the construction works – specifically dirt and disruption – on business. In direct contradiction to the findings of the first Inquiry in which the Inspector (at 10.6.46 of his report – CD199A) expressed confidence that only a business with a “fragile base” would have problems, Mr Sharp explained to the present Inquiry that a business such as his – whatever the “base” – is inherently fragile. A construction project local to his previous business in Barrow-in-Furness had limited the access to his shop resulting in a three-quarter falling off, and the business had subsequently gone under. Unlike a high street brand, relocation of a specialist producer is problematic. He cited his recent internal move only round the corner from a stall in Three Crowns Square to his present location in Stoney Street: “takings dropped by a third”, he stated when cross-examined. “Customers are creatures of habit, like sheep”. His present business,

as strong and robust as it now is, is “like ether. You can hold it in your hand, and then it’s gone.” When challenged by Counsel for Network Rail that (1) there had been recent construction projects such as the Floral Hall which traders had had to work round and (2) that photographs put in evidence (see Horrocks rebuttal proof NR/21/A1) showed the market inherently dirty, Mr Sharp countered that the demolition had been of one post-war low level building, not many high and very old buildings; that the Floral Hall construction had taken place only when traders were not working; and that many traders now worked a five if not six day week. As far as the photographs were concerned, Mr Sharp was of the opinion that they were “selectively taken”; they were predominantly taken of an area which is about to be developed, and were certainly not of any of the new cages.

While Network Rail put into evidence a Planning and Environmental Management Strategy (PEMS) (CD/265) which, it was asserted, would deal with all construction issues, it was noted that this was a draft only, that it contains no indication of the detailed measures that would need to be put in place and that discussions had been had only with third parties, i.e. Southwark Council and the Borough Market Trustees. Moreover, the PEMS measures would only be drawn up and agreed **after** permission for the scheme has been given. The draft mechanisms for dealing with inevitable “spikes” or “peaks” in the already bad levels of air quality did nothing to reassure Mr Sharp who had not been party to the discussion nor seen a schedule. Should there be contamination

of his meat “it would be me that gets sued” or “me that gets closed down by Southwark Council’s environmental health department.”

Hygiene concerns were echoed by Dr Slim Dinsdale, an independent microbiologist and food hygiene specialist, who had no consultation with Mr Sharp (589A/3). He was impressed with the potential containment proposed under PEMS, but not sanguine about NR’s confident declarations of controllability. Like Andrew Sharp (who cited Sellafield near his home as an example of the tightest imaginable controls, which yet failed), Dr Dinsdale was concerned “that measures will fail periodically.....” and was at the end of his cross-examination still firmly of that opinion. When assured by Counsel for Network Rail that the Borough Market Trustees had withdrawn objection and that Southwark Council were confident in PEMS, Dr Dinsdale offered the information that he had spoken both with the Market’s food-and-hygiene consultant and with Southwark Council’s environmental health officer responsible for food, neither of whom said they were aware of the Thameslink 2000 scheme and expressed their concern.

In summary, we submit that it is impossible to conclude whether the PEMS measures are going to be effective not least because the regime is still in draft form. All we see is assurance, at 4.19 for example, that “approved details shall be implemented before development begins on the site.....” We see no mention within PEMS of specific audit measures relevant to a food market. As third parties to the ongoing negotiating process, local residents

and traders can influence it only indirectly, but it is we on the front line who need to know exactly what the regime is going to be **before** planning permission can be granted. What we conclude, though, based both on common sense and on the examples and expert opinion referred to above is that, however watertight the regime purports finally to be, it cannot prevent catastrophic occurrences and a single such occurrence would compromise the food market irreversibly and sound the death knell of the Borough Market as a food Mecca.

We come finally to the role of the Borough Market Trustees in this Inquiry. Much has been made of the fact that the Trustees are no longer objectors to the scheme although, not surprisingly, nothing has been said about the Trustees standing to gain potentially valuable real estate if the scheme is approved. As Andrew Sharp pointed out, the Trustees are landlords; they are not tenants and they are not customers. They have a different agenda. Should the food market fail, there is no doubt, the land and its location being so valuable, that something would continue. "Borough Market could become another Covent Garden"(Sharp). It would no longer, however, be a premier food market, a leader in quality produce, a linchpin between city and country and an internationally recognised centre of food education and food excellence.

7.3 **Heritage evaluation.** The heritage value of the Borough Market area has not changed since the first Inquiry; the characterisation of it in, for instance, English Heritage’s description quoted above in paragraph 2 of these Submissions, remains as valid today as it was then. However, we pray in aid a fresh appraisal of the heritage value of the area and of the impact of the Thameslink 2000 on it, in the 2004 Landscape, Townscape and Built Heritage Specialist Report (Volume 1) - CD/255A – which fed into the 2004 Environmental Statement and was completely ignored by Network Rail’s witnesses; the gravamen of the appraisal is referred to in the proof of Sir David Bell (589A/5). In Section 3.3.4 it describes the Borough High Street/Borough Market area as having “a strong character as a result of its distinctive street and block pattern derived from medieval ‘burgage’ plots, survival of historic built features and the presence of Borough Market. The condition of the townscape is generally good..... The area is valued because of its small scale, great diversity and historic artefacts and the value is recognised nationally through its designation as a Conservation Area.” The report goes on to stress the sensitivity of the area: “This area has high sensitivity to change because the area is consistent in its character, it has great time depth (it is one of the oldest streets in London), it has high aesthetic and historic value, and is generally in good condition throughout. It is sensitive to large scale change that could affect its small scale diversity.” After spelling out the sources of impact in the area during construction of the viaduct and the permanent effects on the landscape, townscape and built heritage during operations (at Section 5.3), the Report then (at

Section 5.3.3) categorises the effects of the proposed works on the key buildings affected – the Smirke terrace 16 – 26 Borough High Street and Green Dragon Court, the Globe public house and 6 Stoney Street (the Wheatsheaf public house), all listed buildings, as “very substantial adverse” and on the listed 5 Stoney Street and 1 – 13 Park Street as “substantial adverse”.

It is difficult to envisage a larger scale impact on the area than the imposition of a massive viaduct obliterating buildings which are key to its small scale diversity. Yet Network Rail is at pains to underplay that impact. Its heritage expert, Dr Filmer-Sankey in his main proof (NR/9/A1) alludes to “some adverse effects on the built heritage” which, he claims “are remarkably limited” (9.1), although elsewhere (8.4.22) he acknowledges that “whatever happens to 16 – 26 Borough High Street..... the setting of this part of the Conservation Area will be radically changed” by the new bridge. He fails completely to mention the Wheatsheaf public house which is destined to have the viaduct over it, losing its top floor. For him the sunless beer garden under the viaduct where there is now a derelict building (7 Stoney Street) and its wrought-iron gates with their “indicative long waving grass” design would “add to the amenity of the area” (8.4.53); indeed far from considering the impact of the viaduct as a new and brutally intrusive feature introduced into an area of high sensitivity, for him “the long-term future of Borough Market will be strengthened by the new buildings and associated landscaping.....” (see his rebuttal proof NR/9/C). Yet despite all this,

as Dr Filmer-Sankey agreed on cross- examination, he did not dissent from the views of the Victorian Society (during the 8 years that he was its Chief Executive) when they were expressed in its representations to Government over Thameslink 2000 in its letter of 12 January 1998:

“Given the key role of the Market in the character of the Conservation Area, we feel it is relevant to ask if the Market is going to be able to survive the disruption of the work for the Railtrack proposals. If not, then the area would not only suffer the considerable damage inflicted by the current proposals but would also lose the key commercial enterprise which has conditioned the character of the area”, adding “We....feel that the proposals for the Borough Market area will be very destructive to both the fabric and character of the area.” How even more apt are these remarks since the renaissance of the Market post the first Inquiry. The Network Rail proposals today are effectively the same as those on which the Victorian Society was commenting in 1998.

The heritage value of the Borough High Street Conservation Area has not changed materially since the first Inquiry. What has changed, however, apart from the very changed nature of the Market outlined above, is the change in public attitudes to the value of heritage and its preservation. This is referred to in the letter of Adam Wilkinson of SAVE Britain’s Heritage dated 6 September 2005 (589A/6), with whose exegesis Dr Filmer-Sankey concurred when cross-examined, adding that there had been a growing appreciation of built heritage in recent

years to which “some weight but not a great deal” should be given.

We do not claim that the change in heritage evaluation is yet reflected in a change in policy - PPG15 remains the relevant guidance – but we do submit that the Secretaries of State should take account of emerging new attitudes to the importance, in socio-economic as well as environmental terms, of preserving the best of our inheritance since, once lost, it can never be recovered. The latest (February 2005) edition of PPS 1 – Delivering Sustainable Development (CD/149) – sets out the Government’s objectives for the planning system and these include (page 9, paragraph 5) “protecting and enhancing the natural and historic environment...” Moreover, Objective 6 of The London Plan (not included in the extract which comprises CD/150) “To make London a more attractive, well-designed and green city” has, as a key policy direction, “to protect and enhance the quality of the townscape, through historic conservation.....”

8. **Our transport submissions** We now summarise our transport and related submissions to the Inquiry:
 - 8.1 Firstly, that the evidence put to the Inquiry by Network Rail has not altered the validity of the conclusions in the proof of Professor Tyler (589A/1). These are, as argued above in paragraph 6 of these Submissions, that Network Rail has not responded adequately to the Statement of Matters. The proposed scheme fails to respond to the considerable changes that

have occurred since the first Inquiry. Proceeding with the scheme would create an embarrassment for those making such decisions because it would provide a scheme which would not meet the needs at the time it is completed and would demonstrate an inability to see the strategic long-term future for London and the South East and fail to provide an adequate and appropriate transport system for that future. A short-term increase in capacity could be provided at relatively low cost, permitting additional time for full and proper consideration to be made of the whole issue of south-north London transport arrangements in the light of what will be considerable change in the next ten to twenty years. It is essential to consider the need for, and supply of, rail capacity for the overall problem as a single issue and to move ahead from the avid support for a scheme which has become outdated by the passage of time and changes in events; therefore one should consider the issues of London Bridge, Elephant & Castle, eastern London and Crossrail together as a single multilayered system and for proposals to be developed and costed in the light of delivering the longer term much-needed capacity as soon as possible. The proposed scheme fails to do this; indeed it will barely meet the demand on the day it is implemented, let alone for decades into the future. London should not be stampeded into suffering from the results of a poor decision when the opportunity exists, if passed over by our present rail designers, for proper consideration to be given to the problem in the light of changes

since the first Inquiry. The benefit:cost ratio of 1.7:1 is not particularly impressive for such a scheme – indeed it would be regarded as medium value for money according to DFT guidance on fundability, as referred to by Jim Steer (Exhibit 18 in Appendix to NR/2/B). It is here very relevant to observe that there is actually no Government commitment to the funding of this project, as confirmed by Network Rail’s Director of Network, Janet Goodland, when cross-examined on behalf of CARA and BRF, adding that funding was an issue for the Department for Transport and would be considered with other projects such as Crossrail. Hence even if the Thameslink 2000 scheme receives TWA approval, this inadequate and wastefully expensive scheme may never be built.

8.2 The concept of a south-north, complementing an east-west, cross-London rail system is not in dispute. The proposed scheme, however, simply fails to provide such a link at a level of capacity which is sufficient for current demand, let alone the demand that is envisaged for the future (cf Cambridge Econometrics, who suggest that even with slightly lower employment than that envisaged in the London Plan, the travel implications are much higher). We rely on the evidence of Jim Steer who, in his main proof (NR/2/A1 at 3.1.2) spells out the current capacity deficiencies.

8.3 The planning of our major transport systems suffers from a piecemeal and remarkably short-term approach. It is significant that, very recently, John Major, in an interview with Andrew Marr on “Sunday AM”, broadcast on 23 October 2005, singled out our transport system as requiring long-term solutions. Thameslink 2000 is predicated on a shelf-life of not much more than a decade, looking ahead to 2016 (a horizon admittedly shared with the Mayor’s Transport Strategy – CD/151), but with transport projects like the Waterloo International Terminal, outdated within 10 years, as an example, we maintain that our major rail networks require much more far-sighted strategies. We introduced into our evidence the experience of the Parisian rail planners who, some 40 years ago, devised the Réseau Express Régional (the RER) system (which saved, and is continuing to save as it expands, historic areas from destruction); we commend to the Inspector, and to the Secretaries of State, the approbation of Network Rail’s tunnelling expert, Alan Finch, who (in his rebuttal proof NR/25/A1 at 3.10) said, of the Paris example, “Undoubtedly the RER system in Paris is an impressive system and the authorities involved deserve commendation for the strategic vision they displayed in its inception.” Of course we appreciate, as Mr Finch adds, that it is easy to make such comparisons, but the point we urge is the importance of strategic vision; We also invoke the evidence of Network Rail’s Director, Operations & Customer Services, Robin Gisby, who in his rebuttal proof (NR/3/B at 5.16) described the RER, “a largely self contained network”, as representing “an optimum solution” for providing rail

transport in Paris. Significantly. Mr Gisby went on to say that the Thameslink 2000 scheme does not preclude tunnelling should the need arise in the future. All we seek for London is a solution as strategically bold as Paris now enjoys thanks to the foresight of its transport planners, a solution which as we argue in these Submissions is indeed needed now. Alan Finch in his proof discusses the Network Rail feasibility study on tunnelling options and concludes that, whilst challenging and complex and costly, there were precedents for a tunnelling solution with a similar level of works and technical complexity even though, as he described it at 6.3, it would be “push(ing) the bounds significantly beyond what has been done before in the London area”; with tunnelling being now so much more sophisticated, and with precedents like Crossrail and the CTRL extension, we submit the time is ripe now to push the bounds.

- 8.4 Besides being short-term in its concept, the proposed scheme has fundamental flaws. It relies on an operating precision at the Blackfriars junction which is unheard of in the United Kingdom. Not even Switzerland or Japan, bastions of operating precision and reliability, operate at this frequency across a flat junction. Punctuality reliability in the United Kingdom does not suggest that there is any basis for thinking that Swiss or Japanese performance could be surpassed in this case. Even if everything were to run perfectly, the risk to reliability is huge and, depending on signallers not sneezing at inappropriate times in order to maintain the schedules and thus the capacity, is not a sign of good design. The French would avoid this sort of scenario by constructing grade-separated junctions, which is not an option here. This leaves only the

construction of wholly new infrastructure to enable the south-north link to be viable. A tunnel would seem to be the logical way to achieve this.

8.5 Another problem concerns the thorny issue of train design for the Thameslink 2000 project. So far Network Rail has not produced the train design beyond stating its aspirations for the (what we submit is an inadequate) number of doors and attempting to obfuscate the issue of standing versus seating capacity. Nor has it thought through the issue of how to deal with a wheelchair user who has the temerity to want to travel to work during the peak hour and thus needs unfettered access to and from the doors of the train. Additionally, Network Rail has failed to answer the question concerning the reduction in seating capacity in order to achieve the overall capacity figures it relies on, and the consequential effects on longer-distance passengers. We are still left in the dark as to the true boarding/alighting capacity of the trains, which is critical for this type of operation. And a further issue raised in our evidence was the suggestion that increased wheelchair access would be likely to release suppressed demand, one of a number of “constraining factors” which Robin Gisby agreed could affect the reliability of Network Rail modelling predictions.

8.6 The scheme, we maintain, is unlikely to work on day one of its operation and certainly will not do so after the growth effects consequential on the post-Olympic Games boom and the other regeneration projects which will affect cross-London transport in the next two decades. By the time, therefore, that the scheme commences operation, it will be necessary to embark on a new

proposal to construct additional capacity. We submit that it would be cheaper in the long-term and less threatening to the local heritage and environment for the Secretaries of State to plan for the construction of that new capacity now.

8.7 We reiterate the glaring deficiency in the design of a system which relies on the precise operation of one flat junction to enable all the trains to cross each other's paths in order to obtain the theoretical capacity. This is located just a few hundred metres from a station at which there is no guarantee that reliably consistent dwell times could be achieved and thus trains will not arrive at the junction concerned with sufficient precision to be able to provide that theoretical capacity. This places unnecessary and highly risky weight on the operation of that link. If that link fails for whatever reason, the whole system will collapse, rendering the whole south-north transport system useless. By constructing a new infrastructure, the residual infrastructure would act as a fall-back so that such disruption would be minimised. The very changed security scenario since 11 September 2001 makes such considerations even more imperative.

8.8 The proposed Thameslink 2000 scheme is something designed to address problems perceived in the 1980s and has been overtaken by the changes to the world since then, not least since the first Inquiry. It is simply neither sufficiently robust nor appropriate to construct such a scheme which delivers

such paltry benefits at a price to the cultural heritage which should not be acceptable in the twenty first century.

8.9 The alternatives considered in the 2004 Alternatives Report are not viable. These are not the only alternatives, but were chosen specifically to show the proposed scheme in a good light. For example, the oft-quoted destruction of 92 properties near the suggested northern portal of the tunnel mooted by Network Rail is only necessary if that particular design is used. Others would not have such impacts. The rebuttal evidence of Alan Finch referred to above provided the first, relatively objective, commentary on tunnelling but it is no substitute for a thorough investigation of tunnelling possibilities. The important matter we wish to stress is that the alternatives should have been explored properly, not by putting up a self-serving Aunt Sally, and this should now be undertaken. The Secretaries of State should commission an independent consultancy to come up with a workable scheme that will deliver the capacity required without sacrificing our historic environment. This is too sensitive a task to entrust to Network Rail who (with its predecessor, Railtrack) have had two opportunities which have been fluffed; indeed all that both concerns have done is to dredge up and dust off an old British Rail scheme with a complete absence of new or imaginative thinking. It is frankly not surprising that Government has said the proposals are unacceptable. The way ahead now is, we suggest, for a leaf to be taken out of the Crossrail

book; Crossrail was planned, we understand, as a joint venture by the Strategic Rail Authority in conjunction with Transport for London.

8.10 As for Masterplan, the new London Bridge Station design, it is misleading to suggest that it would not go ahead if the current Thameslink 2000 scheme were to be turned down at this stage. Such a project could accommodate other forms of south-north link without difficulty. The suggestion that Masterplan would not happen is just a scare tactic on the part of Network Rail to try to frighten the Secretaries of State into approving what is actually an ineffective scheme. Despite Network Rail's scepticism (see NR/41 at 3.3), it is, we suggest, inconceivable that Masterplan, with its obvious commercial and practical attractions, would not go ahead independently of the scheme, particularly if the London Bridge Tower (Shard of Glass), the "tallest building in Europe" development proceeds and now that, as we understand it, the developer owns New London Bridge House and is expected to re-develop that site as well.

8.11 Network Rail has made much of the difficulties that would be caused by a delay at this stage. We submit that this is another scare tactic. Passing over the fact that, had it addressed the issue in a proper manner, much of the fundamental work on a tunnelling alternative would have been done already, the delay caused by designing a suitable scheme is minor compared with the unnecessary expense and destruction that would be caused by implementing the

present proposed scheme. Indeed, Network Rail is asking the Secretaries of State to support a scheme which costs several billion pounds now on the basis that, because it is insufficient for the purpose, many more billions will be required in addition in the future. A pause to design a scheme at the outset which is sufficient for the purpose, not simply for the next decade but for a much longer time-span, will thus save the nation several billions of wasted pounds.

8.12 Lastly, on the subject of an alternative solution for Thameslink 2000 through central London, we pray in aid the reply given by a representative of the Thameslink 2000 Consortium (the body comprising members of all local authorities supporting Thameslink 2000) who said, when questioned at the Inquiry, that there was nothing in the Consortium's support of the scheme that would preclude consideration of a tunnelling option save for the delays that would be involved.

9. **Procedural matters** At the first Inquiry, in our Closing Submissions, we commented on the overall unfairness of the Inquiry process and inequality of arms. It vexes us that we have had to labour under the same incubus at this Inquiry. As before we have been without funding and have had to rely on the goodwill of experts, witnesses and lawyers giving their services *pro bono*. What is involved in participating in an inquiry such as this – reading and assessing documents, locating and assessing and interviewing witnesses,

persuading experts to give their time and knowledge for no financial reward, filing and storing ever-increasing quantities of documentation, organising and writing testimony, taking and transcribing notes, keeping up with the hugely complex process while keeping colleagues and community apprised all this consumes, as Network Rail knows well, time, energy, resources and wide-ranging expertise, not to mention goodwill. For a mammoth project such as Thameslink 2000, to rely on a small community group stripped of funding or resources to present an effective case for the benefit of due process, the public interest and for governmental consideration is not only farcical but, to say the least, an abnegation of 'Best Practice'. Having achieved much of the above with the goodwill and pro bono support of so many, we are left overwhelmingly disappointed in our ambition to do what is really necessary to enable the Inspector, and therefore Government, to make an informed decision that will affect people now and for generations to come irreversibly. It is not just what we have had to do without but about what is essential to the efficacy of the process. Had the teams of people who have devoted themselves to the Thameslink 2000 scheme under the auspices first of British Rail, then of Railtrack and now of Network Rail, been unnecessary to the process, loud would have been the public condemnation "Waste of money". We, on our side, have never made such a point. Nevertheless we pose the question: Had Network Rail been afforded only those resources on which CARA and BRF have had to rely, what sort of a case would it have been able to mount? In sum, we direct our anger as much at the hopeless inadequacies of the planning process for major transport projects which affect our environment, as at Network Rail for the damage its scheme would inflict on our historic area. The

imbalance and unfairness in the process is manifest for all to see. What is less evident until one experiences it at first hand, is how a planning process, which depends on the public reacting to a scheme promoted by a concern which has a vested interest in its implementation, where the initiative always is with the promoter and not with the public, rather than on a scheme designed and proactively pursued by and for the public, can ever deliver and be seen to deliver a true outcome which is in the public interest. That is the nub of the question we have learned from this Inquiry and which, we recognise, is rather for Government than for the Inquiry to address.

10. **Legal submission** At the outset of the Inquiry the Inspector called for any legal submissions to be put in writing. We therefore ask for a ruling on the submission we made in paragraph 40 of our Closing Submissions to the first Inquiry (Annex D to our Statement of Case for this Inquiry) and referred to in paragraph 4.9 of the Statement of Case. In this regard we refer to paragraph 8 of the 9 September 2002 representations (Annex E to our Statement of Case) which commented on the ruling given by the first Inquiry Inspector on our submission, and where are set out in full our interpretation of “benefits to the community” in PPG 15. The only new benefit offered by Network Rail to the local community in the Borough Market/Bankside area (which was not previously on offer) is the double glazing of windows in Falcon Point – which we say quite fails to satisfy the requirement of “substantial benefits” -whilst the disbenefits of the scheme will inevitably be so much greater because of the transformation of Borough Market and the impact of the construction works on many more people in the area than before.

We conclude this submission by drawing attention again to the London Plan which, at 3.106 under the heading “Assessing community impact and ensuring community benefit”. states “Locally identified neighbourhood needs should be used as a basis for negotiating procurement of community benefit from development once an application has been submitted. They should be identified in consultation with community organisations and other local partners.....” CARA and BRF, we submit, qualify as consultees in the Borough Market/Bankside area.

11. **Postscript** We conclude our Submissions with a parable, the unhappy tale of the infamous Blue Line in Los Angeles, as told by Jonathan Richmond in “Transport of Delight” (published by the University of Akron Press in 2005) “Decision makersjustify their choices on rational grounds, unaware that they have been tacitly guided by erroneous symbolic understandings. Technical analysis is believed to provide solid substantiation, even by those at least partly aware of the problems; **the lure of data with the appearance of certainty is a beguiling invitation to self-delusion. When some evidence does emerge which is not supportive of the favoured technology – as did occur in the Long Beach evaluation – it is discounted, disbelieved or ignored.**” (our emphasis). One of the famous things about the Blue Line was its inauguration. The dignitaries travelled on a train, stopping at each station saying, to enthusiastic crowds, how wonderful it would be. They had to catch a bus back to the city centre because it took half the time of the train and they had a schedule to keep to. The line is notorious for being heavily underused. We submit that the Secretaries of State have an opportunity now to do

something positive for the transport needs of London and beyond by seeing the proposed scheme for what it is, namely a rehashed, old-fashioned, backward-looking project, and putting it in the dustbin of history. Instead of permitting something to be built which will not work and which will cause such disastrous damage to the cultural heritage, they can look forward, to demonstrate that the United Kingdom can make progressive and far-sighted decisions about its transport system, that we can respond to the challenges of the near and long-term future while respecting our past and that we **can** create a transport system worthy of future generations. The world has changed since the first Inquiry and, as Network Rail's engineers have failed to respond to – or even admit – these challenges, it is now up to the politicians to show the way forward by refusing permission for this proposal and by advocating that a proper scheme be devised, indeed one that is suitable for the twenty-first century.

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