

Dear Jonathan and Barry

## **Objection to the new 100 Avenue Road “Proposed CMP” - 2017/6638/CMP**

1. This new “Proposed CMP” should not be considered for recommendation by Camden until such time as TfL and LUL have done all their safety checks and traffic audits. To agree in principle is not enough. Otherwise another reason may be found to again add yet more construction lorries into the open space in the future. It is a scandalous waste of resources, both to the community and the council to have to keep re-approving and re-consulting on major changes such as these, when all safety and feasibility checks could and should be done prior to approval [see “The location and function of the tower crane” para 15].

### **Material increase in lorries = material increase in pollution**

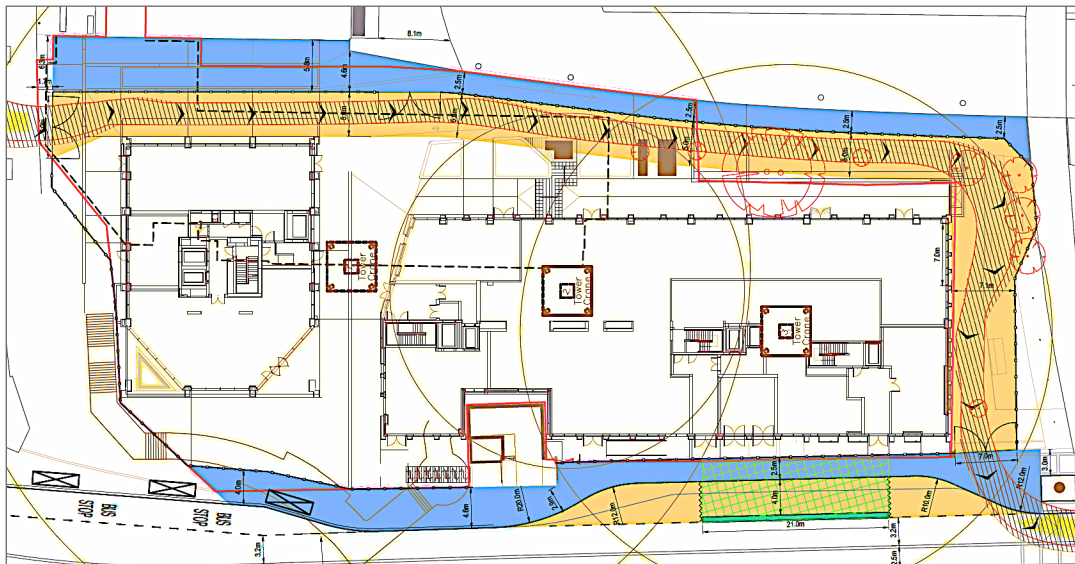
2. Increasing the lorry numbers from the originally proposed 7 per day to 25 per day, through the open space side of the site during construction is a material increase that will inevitably increase pollution levels to the open space, and so risk increased harm to all those who use it, especially along the path and playground near the hoardings. This plan includes 11 massive 54ft articulated vehicles the longest allowed on the road - almost twice the size of the 33ft tipper trucks currently allowed in the open space. This represents an unacceptable 415pc increase into our open space, our only green lung in the area - where children play and many enjoy respite from the busy polluted metropolis.
4. A new access has been proposed to route traffic into the site between the two buildings after crossing over Avenue Road from the gyratory, requiring 2 x 25 lorry journeys, i.e. **50 lorries** around the A41/ gyratory per day for Route 2.
5. A new route has been proposed (and is currently being used - so in breach of the current CMP?) that would also cross over from the gyratory in order to access the pit lane, instead of from the north [pro forma 21.c p.32], requiring 2 x 28 lorry journeys, i.e. **56 lorries** around the A41/ gyratory per day for Route 1.
6. This total of **106 lorry journeys per day around the A41/ gyratory**, including the 50 x 54ft artics, along this country’s major north - south arterial route does not include the extra journeys that will need to circuit the gyratory in the event of backup. This represents at least a 100pc increase on the current plan for the A41. Despite this, TfL has made no assessment on the impact of the increased traffic to both the A41 and surrounding local roads. Neither has HS2 traffic been accounted for.
7. A recent study by Imperial College shows that the NO<sub>2</sub> annual average (µg/m<sup>3</sup>) for Swiss Cottage Open space already exceeds the EU permitted limit by 63pc, so unless the ULEZ compliant lorries have NO NO<sub>2</sub> emissions, they will push NO<sub>2</sub> levels even further above the EU limit. *“Exposure to NO<sub>2</sub> has been associated with...respiratory symptoms, reduced lung function in children, asthma and reduced weight birth...” [ST]. “Air pollution is the world’s largest environmental health risk, killing about seven million people every year.” [Clean Air London].*
8. Despite these dire facts, and the huge opposition expressed at the Parkland consultation, it is indefensible that Camden’s cabinet member for improving the environment recently granted EL licence to send their construction lorries through the Parkland section of the open space outside their boundary - and to fell 13 trees, including 3 cherry trees, for this purpose – trees are needed to help offset pollution.

9. Another recent study by 'CEO Airlabs' [and in other newspaper articles] shows there can be up to a 30pc increase in pollution on the kerbside of a busy main road compared to the building side. Which is why restricting all lorries to the A41 is the less harmful option [see paras 19-20]. The effect of tyres breaking is also a cause of increased particulates.
10. Condition 24 for Air Quality was discharged in April 2016 and only requires monitoring for PM10 (particulates) and not for NO2. The SPG says "NO2 will be determined on a case by case basis by the local planning authority" [p.52]. This is surely a case which needs to be determined afresh by Camden as a matter of urgency
11. The claim that there will be less pollution with this proposal because there will be no longer be a need for 3 point turns on site is erroneous because neither did CMP version 7 propose 3 point turns during construction.
12. The claim that there has always been a maximum of **53** Lorries allowed into the site is incorrect because all versions of the CMP clearly state that the majority of vehicles are **to** the pit lane, which has no direct access **into** the site. Version 7, as heard by the Committee last November, proposed a maximum of 53 articulated lorries for the pit lane whilst only 7 were for the open space side of the site.
13. Many objections followed the July Committee meeting after a typo was corrected from 53 lorries per week to per day. We then questioned the difference in wording from "to" the site in one document and "into" the site in another. The fear was that this might have meant 53 articulated lorries would go "into" the open space side of site, we were assured that this would not be the case. So is it only coincidence that now 25 are being proposed? At this rate, because of the cavalier interpretation of what a CMP being a "living document" means, what certainty can we have that there wont be 53 lorries into the open space in the near future? One has to also ask, how was the major access route to constructing such a large development as this really ever going to be managed over a small pit lane gantry with no direct access to the site?

### **Living Document**

14. The purpose of a CMP is to "help minimise construction impacts" to the community, and my understanding is that the purpose of a CMP being a 'living document' is to deal with legitimate 'practical issues as and when they arise', and not to assist developers obfuscate and hide 'material changes', in this case significant Increases in vehicle numbers.
  - o S.106 Legal Agreement sets out that: "The project manager shall work with the Council to review the Construction Management Plan **if problems arise** in relation to the construction of the Development (and) further agreement...may be required for things such as *road closures or hoarding licences*." [p....]
  - o Camden's planning lawyer confirms that a "CMP is a 'living' document that will need to respond to **legitimate issues as they arise** during the course of development...*subject to agreed parameters* (including the vehicle movement caps that were agreed by members,)" [email: 11/1/19 and 15/1/19].

- The Approved CMP Discharge Notice clearly states that: “The CMP remains a living document and will need to respond to any **issues that may emerge** during the course of construction, such as *cumulative impacts of other development sites*” (e.g the CMP would need to respond to the imminent major, multimillion fire safety works to the four 21-storey Chalcots tower blocks which also would require access through Winchester Rd).
15. All the reasons for changing the CMP to what is now being proposed were well known before last year’s Committee meetings, **these are not new issues that have just arisen**:
- The location and function of the tower crane to lift building materials over LUL’s assets were well documented in Appendix A when the CMP was submitted 2 years ago: “The predominate movement will be via Site Access 3 that provides a Pit Lane and overhead gantry to allow for the transfer of materials on and off site via the site cranes” [Technical Note, 5.12.17, p.1/16]. Yet this was only considered unsafe a few months ago by LUL and is the reason given for this drastic change of plan.



- Offsite modular construction methods now proposed to speed up the programme (already 6 months behind schedule), have been known about and indeed used by EL since 2016. This “expediency” cannot be considered justification for the harm this will bring to the community. (The programme already being 6 months behind schedule is due to the difficulties using the market route, lack of access through the area outside EL’s boundary and, I believe, further requirements were needed for foundation planning.)
  - The Chalcot’s fire and safety works, which is now commencing, requiring deliveries through Winchester Road, was documented by EL in April 2018 [Appendix Q]
  - Difficulties using the market were predicted by the community from the beginning.
16. Both the July and November Committee members were presented with and voted for CMP version 7, which proposed ‘only’ 7 vehicles would go through the open space during construction. However, immediately after the November hearing a new plan to allow 21 vehicle movements into the open space was approved as version 9, and a new caveat was added to allow that a new CMP “will be with approval in writing from Camden Council and TfL” for the construction phase [CMP pro forma v9–11, pg.30/31], as is now being proposed.

17. No legitimate or practical reasons were given to justify the material increases in vehicle movement (vm) revisions since last November's Committee meeting:
  - [Version 7](#) = 7vm: Presented and voted for -15.11.18 (November Committee).
  - [Version 9](#) = 21vm: Approved, not voted for - 22.11.18 (200pc increase from V7)
  - [Version 11](#) = 14vm: Approved to clarify v9 - 33.01.19 (100pc increase from V7)
18. It is important to note that EL's presentation of CMP version 11, is in fact CMP version 9. This 'discrepancy' was pointed out several weeks ago but no correction has been made. Perhaps the reason for this is because version 9 (approved but not voted for) gives 21 vehicles, which is not so different from the 25 now proposed.

### **The A41 alternative**

19. Last year the community requested that all construction vehicles should be restricted to where there is adequate access from the other side of the site from the A41 TLRN route - in the same way other developments in London take place. This should be again reconsidered as a less harmful alternative to lorries using open space - the pathway of which could be opened up again up for all pedestrians on the now less polluted side, including those who would otherwise use Avenue Road, where significant impact to commuters and pedestrians will occur anyway - given there is no longer a bus stop, and where two HGV access gates will be in constant use across the pavement, disrupting and polluting the flow of pedestrians for the next 2-3 years.
20. However TfL have still given no evidence as to why it is unsafe to close the Swiss Cottage/ Avenue Road tube entrance - they say they cannot close one of the four tube entrances to one line in Swiss Cottage for safety reasons, yet they closed one of Waterloo's 3 tube entrances to 4 lines during the Shell development along a TLRN route. A clicker count taken last October shows that the Eton Avenue tube entrance is used 7 times more than the Avenue Road tube entrance. This difference will inevitably increase if this new plan goes ahead.

### **Alternative for all site traffic be limited to electric vehicles.**

21. Tesla are launching their first electric construction lorry, the 'Tesla Semi', in 2020, maybe by the time construction starts in June. If not Tesla, other sources should be seriously considered.

### **Inadequate consultation**

22. Only 3 days notice was given for the 1st public meeting.
23. No clarity was given as to where (until prompted) the new proposals were on EL's website, nor as to how they would relate to all 27 appendices still evident for the current CMP - which was on the same page as the Proposed CMP.
24. No direct link was provided to the new Proposed CMP which was posted on a new page when submitted on 1 November. Many could not find the link until Save Swiss Cottage sent it out to everyone.
25. Details of which appendices now relate to the Proposed CMP are still hard to figure because they are now buried in a mostly crossed out long list of existing appendices in the pro forma
26. EL did not including all the points made by the public in their Feedback Tracker.

For all these reason this new "Proposed CMP" must be refused.

Janine Sachs  
Chair of Save Swiss Cottage