



House of Lords

From Lord Berkeley
+44 7710 431542, berkeleya@parliament.uk

19 January 2014

The Lord de Mauley
Minister of State
DEFRA

Dear Report,

Thames Tideway

Thank you for meeting Prof Binnie and myself on Thursday to discuss alternatives to the Thames Tideway Tunnel. I attach an electronic copy of Prof Binnie's PowerPoint and also of his 'Measures' Report which he has updated with the points raised at our meeting.

As we said, the Quality Adjusted Life Year analysis done by independent consultants NERA showed that the most that should be spent on health benefits is £1.5m (to be updated since 2006). The Environment Agency schedule of fish kill for the last 10 years shows only 3 on the Tideway compared with about 45 in the model, casting doubt on the Standards Table and the modelling system. Of more importance due to Tideway CSO spill, only 1 fish has been recorded as being killed. Thus fish in the Tideway are already sustainable.

For litter the government criterion of unsatisfactory is "history of justified public complaint" but the EA says these are relatively low. Thus the environment conditions, the aim of the Directive, appear to be met.

It was the European Commission itself that proposed the 20 spills a year: "*exceeding the limit of 20 overflows a year would be a cause for concern.*" It would seem important to me for the government to clarify with the Commission that, considering the low environmental impact once the Lee tunnel is operational, the 20 spills a year is an appropriate limit.

The first year's experience at the new works at Mogden, where around 20 CSO spills were recorded, would indicate that Government also accept that 20 is a reasonable number.

We have seen a letter from the Commission that states "*any proposal made by the United Kingdom to remedy the excessive spills occurring in London will also need to look at the potential environmental impact of the solution proposed.*" To me this implies that it is open to the UK government to propose a combination of measures that would meet the spill criterion.

The Commission's infraction proceedings relate to the failure to collect and treat the waste water. This is because it is, at times of heavy rain, heavily diluted with storm water, thereby significantly increasing the volume of water to be treated and causing the CSO spills. These measures proposed by Prof Binnie have the effect of preventing or reducing the volume of storm water flowing into the sewers which, without this added dilution, are in general capable of collecting and treating the current and future expected volumes of waste water. The storm water would either be collected in separate pipes and led directly into the river, or by

using methods such as SuDS to retain the storm water upstream of the sewers and discharging it more gradually into them when there is capacity.

Our conclusion is that a combination of measures which have been shown to work elsewhere are highly likely to meet the requirements of the ECJ judgement and other legislation summarised in these documents; the only questions are 'how much of each measure is necessary and at what cost?'

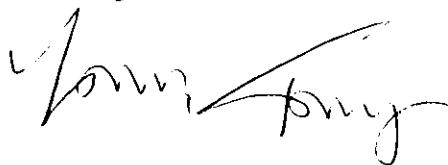
The extent of these other measures does need further study, since Prof Binnie and others have demonstrated that the EA Report published in October 2013 not only used out of date data, but only considered SuDS as an alternative. Although SuDS has its part to play, Prof Binnie has demonstrated that other measures are, in some locations, more likely to produce better and quicker results.

Clearly there is much less risk in such a combination of proven measures which can be introduced progressively and will achieve results as they are brought into service, compared with the Thames Tunnel, whose construction risks and costs are significantly higher and which will not achieve any result until it is fully complete and operational.

That is why it is essential for an independent study to be undertaken, using the most up-to-date data, and considering the full range of combination of options where they are most cost-effective. The government's RBPG state "*The WFD requirement is to make judgements about the most cost effective combination of measures.*" This study should be chaired by an independent person, in order to ensure a measure of confidence in the technical process underlying the solution(s). This has not so far been done. It must of course be completed before a decision is made to proceed with the Tunnel scheme.

From the evidence we have at present, the Thames Tideway Tunnel appears to be significantly more expensive and with a higher risk than a combination of alternatives, and seeks to provide unnecessary gold plating beyond a solution acceptable to the European Commission.

I trust that you will now agree that such an independent study is necessary, and I look forward to discussing the detail further with you.



Tony Berkeley