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Our Ref: Simon Kelly
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Dear Sirs,

Request for Screening Direction under Reg 5 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017

Proposed Temporary Pedestrian and Cycle Bridge at Hammersmith Bridge (the Development)

I am writing on behalf of a number of concerned local residents of both the London Boroughs of Hammersmith and Fulham and the London Borough of Richmond.

For the reasons I will briefly summarise below, my clients consider that the Development (for which Transport for London (TfL) will shortly be seeking planning permission) comprises EIA Development for the purposes of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (the Regulations) and should be screened as such.

Please therefore treat this letter as a formal request made under Regulation 5(6)(b) of the Regulations for the Secretary of State to issue a screening direction in respect of the above Development.

Background

Hammersmith Bridge is owned by the London Borough of Hammersmith and Fulham and is a major road link between Hammersmith and Richmond on (respectively) the north and south sides of the River Thames. In the attached EIA Screening Report dated February 2020 prepared by Pell Frischmann for TfL (the Screening Report), the role of the bridge is described as follows:

“The Hammersmith Bridge is an important link between both sides of the River Thames, and between the LBHF and the LBRuT. The Temporary Bridge connects the A306 north and south of the river. The A306 Castelnau leads into the A205 Upper Richmond Road on the south bank¹, while the A306 Hammersmith Bridge Road

¹ The Upper Richmond Road is the south circular.

leads into the Hammersmith Gyratory on the north bank. Hammersmith Gyratory is a complex junction that connects the strategic network route A4 (Great West Road), and also other London Distributor Roads, as A406, King Street, Beadon Road, Shepherd's Bush Road, and Fulham Palace Road: some of the busiest roads of London".²

Prior to its closure, Hammersmith Bridge carried 22,000 vehicles and 24,000 bus passengers per day³.

On 10 April 2019, following the discovery of hairline micro-fractures in the cast-iron pedestals that hold the suspension structure in place, Hammersmith Bridge was closed to motorized traffic only. The temporary closure was formalized on 22 June 2019 by way of the *Hammersmith and Fulham (Hammersmith Bridge) (Temporary Prohibition of Traffic) Order 2019* (the Temporary Order) to allow for repairs to the bridge to be carried out. According to TfL, the repair works (the Works) are expected to take 3 years⁴ assuming planning permission is granted this year and funding secured. Please note that the period of the Works extends well beyond 22 December 2020, which is the expiry date of the Temporary Order.

During the period of its closure for repairs, motorized traffic is being diverted to Chiswick Bridge, approximately three miles to the West and to Putney Bridge, 2.5 miles to the East. This re-routing takes the traffic through Air Quality Management Areas (AQMAs) in Richmond⁵ and Hounslow⁶ (where the Chiswick Bridge lands on the north bank). During this period, TfL is also planning full or partial closures of Wandsworth, Kew, Vauxhall and London Bridges⁷.

TfL itself has recorded that the traffic which is currently diverted from the closed Hammersmith Bridge causes "significant congestion in the local area and on other Thames bridges, as well as disruption to those using public transport"⁸. Notably, the Screening Report is wholly silent on these issues, and there is equally no assessment of the likely cumulative impacts of the diverted traffic from Hammersmith Bridge together with any diverted traffic from the other planned bridge closures.

The Temporary Bridge

For the period of the Works, TfL are proposing to erect a temporary bridge for pedestrians and cyclists only to the east of Hammersmith Bridge (Screening Report, section 1.2). This will require planning permission.

² at paragraph 3.2.3

³ Hammersmith Bridge – FAQs (April 2020) published by TfL in response to frequently asked questions (attached).

⁴ "The current programme indicates the detailed design for the repairs to the main Bridge would take around 12 months and the physical works would take around two years". Ltr from TfL dated 3 April responding to pre-action correspondence dated 13 March 2020

⁵ https://uk-air.defra.gov.uk/aqma/local-authorities?la_id=352

⁶ https://uk-air.defra.gov.uk/aqma/details?aqma_ref=97

⁷ The Screening Report notes in the penultimate paragraph on page 1 that "Wandsworth Bridge will have 10 months of maintenance works starting in February 2020 and other bridges (Kew, Vauxhall, London) are facing partial closures for a number of months in the near future."

⁸ Hammersmith Bridge – FAQs (April 2020) published by TfL in response to frequently asked questions. Notably, there is no mention of these impacts in the Screening Report.

TfL's decision to promote a temporary bridge capable of accommodating cyclists and pedestrians only has two unacknowledged impacts:

1. Because there is no capacity for motorised traffic on the temporary bridge, TfL has effectively pre-empted any future decision by the London Borough of Hammersmith and Fulham as to what traffic to allow under a new temporary order (NB: the current Temporary Order expires on 22 December 2020 and will need to be replaced); and
2. TfL's decision has the effect of perpetuating the current adverse environmental impacts from the diverted motor vehicles for the full period of the Works.

The Screening Report has been submitted to the London Borough of Richmond by TfL seeking a 'clean' screening opinion. Notably, the Screening Report wholly fails to consider or report:

- the environmental impacts of the diversion of 22,000 vehicles and 1,800 bus crossings per day; and
- the cumulative impacts of those diversions together with the diversions which will result from the other planned bridge closures during the period of the Works.

As of 16 April there is no evidence on Richmond's website that a screening opinion has been issued by Richmond Council. Equally, there is no indication on the website of the London Borough of Hammersmith and Fulham that TfL have applied to them for a parallel screening opinion. For the reasons I will explain, the Development is indeed EIA development.

Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (the Regulations)

Regulations 3 and 26 of the Regulations prohibit granting planning permission for EIA development unless an environmental impact assessment has been carried out, a reasoned conclusion on the likely significant environmental impacts of the development has been reached, and that conclusion has been incorporated into the planning decision.

A development which falls within the scope of Schedule 2 and which (as here) is likely to have significant environmental impacts, is defined as EIA Development for the purposes of Regulation 3.

Schedule 2 includes at Paragraph 10 a range of infrastructure projects, including roads with an area exceeding 1 hectare. Where a proposed development constitutes a change to such an existing infrastructure project, and the change "may have significant adverse effects on the environment", it falls within the definition of EIA Development (Regulations, Schedule 2, Paragraph 13(b)).

The A306/Castlenau Road which will be partially diverted across the Temporary Bridge is a road falling within the scope of a Paragraph 10 of Schedule 2 to the Regulations. TfL's proposal diverts the A306 where it crosses the Thames across a temporary bridge designed to accommodate only cyclists and pedestrians. It therefore constitutes a change to existing EIA Development.

Moreover, the effect of proposal is that for the duration of the Works, motorised traffic will be diverted to other bridges. TfL already recognises that impact as "significant congestion in the local area and on other Thames bridges, as well as disruption to those using public

transport". By promoting a bridge that has no capacity to carry motorised traffic, TfL will be perpetuating that adverse environmental impact for the complete period of the Works.

It follows that not only does TfL's proposal constitute a change to existing EIA Development, but that the change itself will have significant environmental impacts. As a result, TfL's proposal falls within the scope of Paragraph 13(b) of Schedule 2 to the Regulations and comprises EIA Development.

Request for a Screening Direction under Regulation 5(6)(b)

Regulation 5(6)(b) of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (the Regulations) authorises any person to ask the Secretary of State to issue a screening direction in respect of a development. Where such a request is made, Regulation 7(5) imposes a duty on the Secretary of State to make such a direction.

For the reasons set out above, my clients consider that TfL's proposed temporary cycle and pedestrian bridge comprises EIA Development, being a change to the arrangement of the A306 where it crosses the Thames at Hammersmith, with related likely significant direct (and cumulative) environmental impacts.

Notably, the environmental impacts summarised above are wholly ignored in TfL's Screening Report. It is also no excuse for TfL to argue (as it has in correspondence) that it is merely perpetuating the current situation as established by the Temporary Order. The Temporary Order expires at the end of this year, and if the only alternative provided is a cycle and pedestrian bridge, it inevitably follows that TfL's decision to promote such a bridge is forcing the continuation of the current diversions for the period of the Works.

In the light of the above, please treat this letter as a request under Regulation 5(6)(b) that the Secretary of State makes a screening direction in respect of the Development.

As required by Regulation 7(1), copies of TfL's Screening Report and accompanying documents submitted to Richmond pursuant to Regulation 6(1) are attached to this letter⁹. We are not aware that any notification has been received by TfL under Regulation 6(5), and no screening opinion appears to have been issued as at the date of this letter.

In reaching its decision, I should be grateful if the Secretary of State would also have regard to the representations made in this letter.

Please acknowledge receipt of this letter, and I look forward to the Secretary of State's early substantive response.

Yours faithfully,



Simon Kelly
Richard Buxton Solicitors

⁹ The submission materials can also be accessed here :
https://www.richmond.gov.uk/services/planning/environmental_impact_assessments

Encl: Hammersmith and Fulham (Hammersmith Bridge) (Temporary Prohibition of Traffic)
Order 2019
TfL Hammersmith Bridge – FAQs (April 2020)
Letter from TfL dated 3 April 2020
TfL EIA Screening Report
TfL Flood Risk Assessment
TfL Archaeology and Cultural Heritage Desktop Study
TfL Arboricultural Survey Report

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