

TfL have had what one might call first mover advantage in presenting their view of a coherent case for an NLE. Let us see if I can provide an equally coherent view of community objections.

To start with, just what is the transport need that TfL now think they are called upon to meet? As objectors keep politely asking, what is now the assumed trip generation of high status, low occupancy flats, coupled with inward commuting tempered by local job preference? How does it differ from that assumed in 2009, when options were being considered. Article 3(d) of Directive 2011/92/EU on EIAs requires a developer to give an outline of the main alternatives studied, and an indication of the main reasons for his choice. Given the cursory treatment of Network Rail options in 2009, (and we stand by that language) the justification for an NLE based on competing conventional benefit cost ratios exceeding one, and the assumption that the private sector would build it for free, what becomes of the validity of the choice of the NLE, now that we discover that the conventional benefits are less than costs, and the bulk of those costs are being met by local and national taxes? If we knew then what we know now, would we ever have chosen an NLE option? Is TfL's justification no more than "It seemed a good idea at the time"? As Ms Rosewell said in evidence in chief, "you wouldn't do this as a transport scheme". But that was precisely how it was justified in the first place, and it was the supposed transport merits that led to the choice of an NLE.

How come TfL revenues, which were forecast as negative in 2009, are now forecast as strongly positive, while at the same time, conventional transport benefits, and passenger numbers have collapsed? Ms Rosewell essayed that a busier NLE produced more profit and less congestion relief. But given the collapse in passenger numbers, we still have to probe just what assumptions are driving these reversals.

Now that the conventional transport justification for an NLE has fallen away, it has become a transport problem, rather than a transport solution. So instead it is sustained by amazingly large "wider economic impacts"(WEIs). From being the icing on the cake, as with HS2 and Crossrail I, for the NLE there is now very little cake and almost all icing. For Crossrail I, about £16bn of cost gets you £7.2 bn of WEIs, but for NLE, £1bn of cost gets you £4.7 bn of WEIs. Is this plausible? Is there a Land Use Transport Interaction (LUTI) model to generate such results, as DfT requires under WebTag Guidance, and how has it been calibrated? Why are they treated as a central estimate, rather than a sensitivity, as WebTag requires? Has anyone verified this work, since Ramboll confess that they have not? How do WEIs apply to key elements of the jobs mix like the elite shopping at Battersea Power Station that will have to compete with Westfield, Knightsbridge and Oxford Street? Is this not more like adjacent cities, who must each bolster their prestige with international airports, to overall economic disbenefit? Do any of these WEIs accrue to the Lambeth area of the VNEB OA? (Though we have to note that Wandsworth and other sponsors now prefer to drop the reference to Battersea, however magic it may be in job creating terms (in the local MP's parlance), and refer to NEV, Nine Elms Vauxhall, with its greener implication.)

Turning to the novel funding arrangements, only at this late stage does a cash flow statement shyly appear. Miss Goodchild has explored the sensitivities on the costs side, while Mr Stark later in the Inquiry will examine the uncertainties on the revenues side, eg to a commercial property slow down. The GLA advise us that Lambeth sites are set to generate about 11% of EZ income or about £185m. What are the benefits to Lambeth of releasing its 30% share of this sum, apart from our lost jobs at Vauxhall being restored to us in Wandsworth instead? And, incidentally, where is the London Borough of Lambeth, which declares itself a supporter of the scheme? Why has it bottled out of appearing at this Inquiry in support, thus avoiding questioning about its participation and appraisal, and general nous in hitching itself to Wandsworth's wagon?

Case law of the ECJ provides that the purpose of the EIA directive is not to be frustrated by splitting of projects, or "salami slicing", as the Commission refers to it. Given the foreseeable upgrading to Kennington

Station, even leaving aside the more than aspiration to extend the NLE further, beyond Battersea Power Station, we argue that TfL has not met its obligations under the Directive.

The BIS State Aid Guide instances under the heading “Surprising Examples of State Aid” “infrastructure projects benefiting specific users”. Given the Prime Minister’s frank admission that the NLE is designed to attract specific Malaysian investors to fund the BPS development, we argue that the NLE falls within this definition. What is the opinion of the European Commission? Has anyone thought to ask?

TfL’s estimates of extra traffic on the Northern Line arising from the NLE have reduced markedly over the years, but, for a highly congested line, every little doesn’t help. Users are sceptical that an NLE will induce so little increase (3%) in Bank Branch passengers. We intend to illustrate existing and future congestion levels to the Inquiry tomorrow. In this context the Inspector has no doubt noted TfL’s recent initiative to encourage passengers not to use the Northern Line, south of Kennington northbound because of congestion – get on your bike or walk! We shall also wish to probe whether the current traffic forecasts are consistent with the collapse in public transport benefits shown in the Benefit Cost studies. And we shall seek to ascertain the reliability of the model, when past forecasts are judged against current outcomes, particularly for forecasts of passengers transferring between lines. Answers so far seem to have skated round this issue.

Noise and vibration are major concerns of objectors. At first sight, the results of TfL “best endeavours”, as regards ongoing operating noise etc, as reported, were encouraging. But little by little problems emerge eg at the step plate junction, where additional mitigation is needed – one size does not fit all. What is the guarantee that TfL’s best endeavours translate to equivalent results in the hands of a contractor, and will operating noise thereafter be regularly monitored, not just be checked after complaint? During construction, what do TfL propose to do to mitigate the noise of the construction railway hauling spoil out along the tunnels for years during construction? Now that TfL have done their ground testing, the TfL Board were told as recently as 4 November, that construction around the shafts would be cheaper than expected, and not require 24 hour dewatering. All the more opportunity to put these savings to fund extra mitigation, particularly as we are now faced with 24 hour weekend running on the Northern Line under the Mayor’s recent proposals.

Subsidence is another major concern of objectors. TfL have canvassed a worthwhile offer to affected residents, and we look to have this made binding as part of the TWAO process.

You were scheduled to hear from landowners about specific issues they had. However, TfL appear to have crossed enough palms with enough silver to cause these landowners to have withdrawn, at the same time raising questions about the implications of compensation amounts on cost structure.

Community interests focus on three locations. As regards the Kennington Green and Kennington Park shafts, some groups argue for complete relocation. Others raise individual points about amenity, safety and congestion, and the short and long term accommodation of displaced uses. More universal concern focuses on Kennington Station. Kennington Station fails to meet modern standards for an underground station, as regards safety and DDA compliance. We all argue that it is not fit for purpose, unmodernised, to act as the major interchange station the NLE would make it. Extra cross passages are not enough, in our view, and TfL’s station changes are already planned to be executed contemporaneously with NLE works. We argue that an NLE cannot sensibly and safely be authorised to operate before these planned TfL works, an additional exit from underground, step free access to the platforms and the congestion relieving NLU2 service upgrade have come into operation.

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