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To Interested Parties, Statutory Parties
and Other Persons invited to the
Preliminary Meeting

Your Ref:

Our Ref: TR010021

Date: 18 October 2016

Dear Sir/Madam

**Planning Act 2008 (as amended) – Section 89 and the Infrastructure
Planning (Examination Procedure) Rules 2010 – Rule 8 (as amended) and
Rule 13**

**Application by Transport for London (TfL) for an Order Granting Development
Consent for the proposed Silvertown Tunnel**

Examination timetable and procedure and notification of hearings

We write to tell you about the Procedural Decisions following the Preliminary Meeting held on 11 October 2016. This letter also provides you with the updated Examination timetable, a link to the first written questions that we are asking in the Examination and other matters.

All documentation associated with this project, including a note of the Preliminary Meeting and the audio recording taken at that meeting, can be found using this link:

<https://infrastructure.planninginspectorate.gov.uk/projects/London/Silvertown-Tunnel/>

Procedural Decisions

We have made our Procedural Decisions about the way in which the proposal is to be examined. The updated examination timetable is attached as **Annex A** and includes the deadlines by which certain information should be submitted. This Examination timetable replaces the draft examination timetable that was included with the Rule 6 letter dated 13 September 2016. Procedural Decisions and changes to the draft examination timetable made after the Preliminary Meeting are explained in **Annex B**. We have sought to accommodate requests to modify the Examination timetable that were made before and at the Preliminary Meeting.

If we consider it necessary to vary the timetable (set out in **Annex A**), we will notify Interested Parties and 'other persons' invited to the Preliminary Meeting (reference numbers beginning with SILV-OP) and publish the changes on the National

Infrastructure Planning website. We will also do this if the date, time and place of any hearing is changed, except in the event of an adjournment.

All Procedural Decisions will be published and a notification issued to all Interested Parties. Should you be unsure of your status, please do not hesitate to contact the case team using the details at the top of this letter.

Deadlines for receipt of submissions

It is important to note that if you do not submit the information by the dates specified in the Examination timetable, we may disregard them.

Any submissions that exceed 1500 words should also be accompanied by a summary. This summary should not exceed 10% of the original text. The summary should set out the key facts of the Written Representation and must be representative of the submission made.

All deadlines are 11:59pm on the date stated. We request that Interested Parties send, where practicable, electronic copies of their submissions as email attachments, to silvertowntunnel@pins.gsi.gov.uk on or before the applicable deadline. Electronic attachments should be clearly labelled with subject title and not exceed 12MB for each email. Should electronic submissions include documents of 300 pages or more, or be larger than A4, Interested Parties are advised to send to the Planning Inspectorate four additional full paper copies of their submission by post. Providing links to websites where your submissions can be viewed is not acceptable. All documents, once accepted into the Examination by the Examining Authority (ExA), must be able to be viewed in full on our website. Timely submissions in advance of the deadlines set in the timetable are encouraged. If Interested Parties prefer to issue submissions in hard copy by post, please ensure they arrive by the deadline.

If no written requests are received for Open Floor Hearings or Compulsory Acquisition Hearings by the deadline specified in **Annex A**, we are not required to hold any such hearings. We may nevertheless choose to do so.

The time, date and place of any confirmed hearing that is not fully detailed in **Annex C** of this letter will be notified via postcard to all registered Interested Parties, providing at least 21 days' notice.

Below we have explained some of the submissions requested in the timetable in greater detail for your information, however please refer to **Annex A** for all submission deadlines for this proposal.

Examining Authority's First Written Questions

We have decided to ask a number of written questions. These questions are now published on the National Infrastructure Planning website and can be accessed through the following link:

<http://infrastructure.planninginspectorate.gov.uk/document/TR010021-000523>

The deadline for responses to these questions is listed in the Examination timetable in **Annex A**.

Statements of Common Ground (SoCG) and Local Impact Reports (LIRs)

In our Rule 6 letter dated 13 September 2016, we requested SoCGs. We now reiterate our invitation for the submission of completed SoCGs (and any draft SoCGs) by the deadline listed in the Examination timetable at **Annex A**.

Local Authorities defined in s56A of PA 2008 are invited to submit LIRs by the deadline specified in **Annex A**.

Written Representations

We also invite all Interested Parties to submit Written Representations and comments on Relevant Representations already submitted by the deadline specified in **Annex A**.

There is no prescribed form for Written Representations. Written Representations can deal with any relevant matter. They are not restricted to the matters set out in our Initial Assessment of Principal Issues which was discussed at the Preliminary Meeting, nor restricted to the questions we have asked. Please note that under Rule 10(4) of the Infrastructure Planning (Examination Procedure) Rules (2010) (EPR) any person, other than the Applicant, who submits a Written Representation must identify in their Written Representation those parts of the proposal with which they agree and those parts with which they do not agree, and must state the reasons for such disagreement.

Furthermore, in accordance with DCLG 'Planning Act 2008 (PA 2008): Guidance for the Examination of applications for development consent for nationally significant infrastructure projects (April 2013)'¹, participants should provide with their written statements, 'the data, methodology and assumptions used to support their submissions'.

Notification of Hearings and Accompanied Site Inspection

The Examining Authority (ExA) has taken the opportunity to notify all Interested Parties of the hearings and Accompanied Site Inspection timetabled for December. This notification can be found at Annex C.

Notification of a wish to attend a hearing

We now request notifications from –

- a) any Affected Person who wishes to make oral representations at a **Compulsory Acquisition Hearing**.
- b) any Interested Party who wishes to make oral representations at an **Issue Specific Hearing**.
- c) any Interested Party who wishes to attend the **Accompanied Site Inspection** to inspect the locality of the scheme.

¹ <https://www.gov.uk/government/publications/planning-act-2008-examination-of-applications-for-development-consent>

- d) any Affected Person who wishes to attend the **Compulsory Acquisition Accompanied Site Inspection(s)**.

These notifications must be received by the deadline specified in **Annex A**. If an Interested Party wishes to make an oral representation at an Issue Specific Hearing they should indicate which topics they wish to address at the hearing. Similarly, any Affected Person wishing to make an oral representation at a Compulsory Acquisition Hearing should identify clearly the plots of land about which they wish to speak or would wish to be inspected at the Compulsory Acquisition Accompanied Site Inspection(s).

Procedure at hearings and notification of wish to speak at hearings

The procedure to be followed at hearings is set out in Rule 14 of the EPR². Any oral representations must be based on either the Relevant or Written Representations made by the person by whom or on whose behalf the oral representations are made. We shall be responsible for the oral questioning of a person giving evidence but your attention is drawn to Rule 14(5) of the EPR and the circumstances that apply to cross-questioning between parties.

Our Examination will be principally undertaken through a written process, and we will decide whether a hearing on a particular issue or topic is necessary. This decision is not connected to how relevant or important we consider an issue or topic to be.

Site Inspections

We have undertaken (and will continue to undertake) Unaccompanied Site Inspections at times convenient to us to view features or locations referred to in representations where these can be seen from public places.

We will consider, as set out in the Examination timetable, any requests to inspect particular sites. Nominations of such locations which are sought to be inspected must be received by the deadline. You must indicate the reason for the nomination and whether the ExA could proceed with the inspection unaccompanied (and if not, why not). Please be aware that we cannot carry out unaccompanied inspections on private land or where special measures with regards to safety must be followed. Should Affected Persons wish the ExA to undertake a visit to their land, this should be requested as part of the Compulsory Acquisition Accompanied Site Inspection.

Please note that the Accompanied Site Inspections, should they be required, are not an opportunity to make any oral representations on the proposal. However, we may invite participants to indicate specific features or sites of interest.

Award of costs

You should be aware of the possibility of the award of costs against parties who behave unreasonably.

To assist understanding of what 'unreasonable behaviour' means in the context of an examination under the PA 2008 you may find it helpful to read the Government guidance: 'Awards of costs: examinations of applications for development consent

² <http://www.legislation.gov.uk/uksi/2010/103/contents/made>

orders (July 2013)³. It is in everyone's interest that information is brought forward as early as possible in the examination process so you are encouraged to do so.

Future notifications

If you are an Interested Party or Affected Person (reference numbers beginning with SILV or SILVS57) you will continue to receive correspondence from the Planning Inspectorate about the Examination throughout the process.

If you are a statutory consultee, or a local authority without direct responsibility in the proposed development area, and have not made a Relevant Representation (reference number beginning with SILV-SP), then you should inform the Case Manager if you wish to become a registered party by **15 November 2016**.

Statutory Consultees who have not made a relevant representation and do not notify the Case Manager of their wish to become an Interested Party by this date will not receive any further correspondence.

If we require further information or written comments (a Rule 17 of the EPR request) and a deadline is set that is in the Examination timetable (Annex B), this will be sent to only those persons we consider it is applicable to. However, it will be published on the National Infrastructure Planning Website to enable all Interested Parties to respond should they wish. Should the ExA deem it necessary, a further deadline will be added to the timetable to enable all Interested Parties to comment on any responses.

Management of Information

The Planning Inspectorate has a commitment to information transparency. Therefore, all information submitted for this project (if accepted) and a record of advice which the Planning Inspectorate has given can be found on the Planning Inspectorate website together with the name of the person or organisation who asked for the advice. The privacy of any other personal information has been protected in accordance with our Information Charter.

Yours faithfully

Peter Robottom

Peter Robottom, Lead Member of the Panel of Examining Inspectors

Annexes:

- A. Timetable for Examination of the application
- B. Procedural Decisions made after the Preliminary Meeting
- C. Notification of Hearings and Accompanied Site Inspection
- D. Availability of representations and Examination documents

³ <https://www.gov.uk/government/publications/awards-of-costs-examinations-of-applications-for-development-consent-orders>

Timetable for Examination of the application

Annex A

| Item | Matters | Due Dates |
|------|---|--------------------------------------|
| 1 | Preliminary Meeting | Tuesday 11 October 2016 |
| 2 | Issue Specific Hearing (ISH) on the draft Development Consent Order (dDCO) | Wednesday 12 October 2016 |
| 3 | Open Floor Hearing (OFH) (daytime) OFH (evening) | Thursday 13 October 2016 |
| 4 | Rule 8 Issue by ExA of: <ul style="list-style-type: none"> • Examination timetable • First Written Questions (FWQ) • Notification of hearings and Accompanied Site Inspection (ASI) to be held in December | Tuesday 18 October 2016 |
| 5 | Deadline 1 Deadline for receipt by the ExA of: <ul style="list-style-type: none"> • Comments on Relevant Representations • Written representations (WRs) by all Interested Parties • Local Impact Reports (LIRs) from any Local Authorities • Statements of Common Ground (SoCG) requested by the ExA • Responses to ExA's FWQ • Comments on any revised application documents • Notification of wish to make oral representations at ISHs | Tuesday 15 November 2016 |

| | | |
|----|--|-----------------------------------|
| | <ul style="list-style-type: none"> • Notification of wish to make oral representations at subsequent OFHs • Notification of wish to make oral representations at a Compulsory Acquisition Hearing (CAH) • Notification of wish to attend an ASI, suggested locations and justifications • Notification by statutory parties of wish to be considered an Interested Party • Any revised dDCO • Any other information requested by the ExA | |
| 6 | <p>Publication by ExA of:</p> <ul style="list-style-type: none"> • Agendas for ISH and Compulsory Acquisition Hearings (CAH), and • Itinerary for Accompanied Site Inspection | Wednesday 30 November 2016 |
| 7 | ASI | Tuesday 6 December 2016 |
| 8 | ISH on traffic/transport modelling | Wednesday 7 December 2016 |
| 9 | CAH | Thursday 8 December 2016 |
| 10 | <p>Deadline 2</p> <p>Deadline for receipt by the ExA of:</p> <ul style="list-style-type: none"> • Comments on WRs • Comments on LIRs • Comments on responses to ExA's FWQ • Comments on responses to any revised application documents • Revised dDCO if required • Post-hearing submissions including written submissions of oral cases • Any other information requested by the ExA • Comments on any further information previously requested by the ExA • Further updated information from the Applicant | Wednesday 14 December 2016 |

| | | |
|----|--|---|
| 11 | Issue by ExA of: <ul style="list-style-type: none"> • Notifications of hearings to be held in January | On or before Monday 19 December 2016 |
| 12 | Publication by ExA of: <ul style="list-style-type: none"> • Agendas for ISHs and CAH, and • Itinerary for Compulsory Acquisition ASI | Tuesday 10 January 2017 |
| 13 | ISH on traffic/transport modelling, forecasting and user charging and economic issues | Tuesday 17 January 2017 |
| 14 | ISH on air quality, noise and other environmental issues | Wednesday 18 January 2017 |
| 15 | ISH on the dDCO | Thursday 19 January 2017 |
| 16 | CAH | Friday 20 January 2017 (am) |
| 17 | Compulsory Acquisition ASI | Friday 20 January 2017 (pm) |
| 18 | Deadline 3 Deadline for receipt by the ExA of: <ul style="list-style-type: none"> • Post-hearing submissions including written submissions of oral case • Comments on revised application documents • Any further information requested by the ExA • Comments on any further information previously requested by the ExA and/or submitted by the Applicant • Any revised dDCO | Friday 27 January 2017 |
| 19 | Issue by ExA of: <ul style="list-style-type: none"> • Second Written Questions (SWQ), and • Notification of hearings to be held in March 2017 | On or before Friday 10 February 2017 |

| | | |
|----|---|---|
| 20 | <p>Deadline 4</p> <p>Deadline for receipt by the ExA of:</p> <ul style="list-style-type: none"> • Responses to ExA's SWQ • Any further information requested by the ExA • Comments on any further information previously requested by the ExA • Any updated dDCO | <p>Monday 6 March 2017</p> |
| 21 | <p>Deadline 5</p> <p>Deadline for receipt by the ExA of:</p> <ul style="list-style-type: none"> • Comments on responses to ExA's SWQ • Comments on any further information previously requested by the ExA <p>Issue by ExA of:</p> <ul style="list-style-type: none"> • Report on the Implications for European Sites (RIES) (if required) • ExA's dDCO • Notifications of hearings <p>Publication by ExA of:</p> <ul style="list-style-type: none"> • Agenda for ISH, and • Agenda for OFH/CAH (if required) | <p>Monday 20 March 2017</p> |
| 22 | <p>ISH on dDCO and any other outstanding issues</p> <p>and</p> <p>Time reserved for OFH/CAH (if required)</p> | <p>Tuesday 28 March 2017</p> <p>Wednesday 29 March 2017</p> |
| 23 | <p>Deadline 6</p> <p>Deadline for receipt by the ExA of:</p> <ul style="list-style-type: none"> • Comments on the RIES • Comments on ExA's dDCO • Post-hearing submissions including written submissions of oral cases • Any further information requested by the ExA | <p>Wednesday 5 April 2017</p> |

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|----|--|------------------------------|
| 24 | <p>Deadline 7</p> <ul style="list-style-type: none"> • Final deadline for submission of any comments on information requested by the ExA • Applicant's final dDCO | Monday 10 April 2017 |
| 25 | The ExA is under a duty to complete the examination of the application by the end of the period of 6 months beginning with the day after the close of the Preliminary Meeting. | Tuesday 11 April 2017 |

Publication Dates

All information received will be published on the project website as soon as practicable after the deadline for submissions. Please note on the Silvertown Tunnel project webpage, you can sign up using your email address to receive project updates.

Hearing Agendas

Please note we will aim to publish a detailed draft agenda for each hearing on the project website approximately 5 working days in advance of the hearing date; but the actual agenda on the day of each hearing may be subject to change at the discretion of the ExA.

Procedural Decisions made at and after the Preliminary Meeting

1. Timetable variations

The Applicant requested at the Preliminary meeting that

- a) The hearings that are scheduled for January are postponed by a week and therefore would commence on Tuesday 17 January 2017
- b) That the date for deadline 2 be postponed by a week to 14 December 2016
- c) The Applicant also set out a preference for the order of hearings for January being, dDCO on day one, Traffic Modelling and Forecasting on day two, Air quality and noise on day three and economic issues and compulsory acquisition on day four.
- d) Deadline 7 (10 April 2016) to be added to the timetable to enable the Applicant's final dDCO to be submitted once comments on the ExA's dDCO have been received.

Requests to vary the timetable were also made by Health and Safety Executive (HSE), notifying the ExA of a difficulty in attending an Environmental ISH on 19 January 2017. The Applicant noted that this would mean that the order of hearings that it had put forward was not possible but confirmed that it was content to use the ExA's ordering of hearings which were discussed at the Preliminary Meeting, including the addition of a half day ASI of Compulsory Acquisition land.

In response to these amendments tabled at the Preliminary Meeting and discussed with all parties present, the ExA has taken the decision that none of the requests were unreasonable and noted that none were disputed by any party. Consequently, there would be benefit in making amendments to reflect these requests, accommodating parties where possible. The revised Examination timetable at Annex A takes account of these requests and consequential related amendments.

2. Acceptance of additional and amended Documents

At the Preliminary Meeting there was discussion over the acceptability of additional and amended documentation submitted by the applicant to form part of the application.

Having considered the comments made at the Preliminary Meeting, and the Wheatcroft principles⁴, the ExA has accepted the following Documents from TfL as not materially changing the nature of the application to be examined:

- Update report October 2016
- Updated Code of Construction Practice
- Updated Environmental Statement – Chapter 6 – Air Quality
- Updated Environmental Statement Appendix 16.A – Flood Risk Assessment
- Updated Environmental Statement Appendix 6B Model Verification V2
- Updated Environmental Statement Drawing 6.10 Local NO₂ Results

⁴ [Advice Note 16: How to request a change which may be material, Paragraph 2.1](#)

- Updated Environmental Statement Drawing 14.6

The ExA noted concerns raised by Interested Parties present at the Preliminary Meeting regarding the lack of clarity over statements in the Update report concerning information that will be provided at a later date and the provision of future updated information on the ability to complete an examination in six months. All Interested Parties are reminded of the need to complete the Examination by the statutory deadline and to bring forward information as soon as possible.

Comments are invited on these documents for deadline 1, **Tuesday 15 November 2016** to enable such comments to inform the hearings scheduled for December 2016.

Decisions will be made in due course in relation to further documentation that the Applicant has given notice of an intention to submit at or shortly before deadline 2, Wednesday 14 December 2016. All Interested Parties will be given an opportunity to comment on these documents at deadline 3.

Statements of Common Ground

At the Preliminary Meeting the SoCGs were discussed, both those already requested by the ExA and further SoCGs suggested by Interested Parties. These matters are listed below:

- a) HSE noted that there was no SoCG on Health and Safety matters;
- b) The Port of London Authority (PLA) requested dredging and navigation to be added to the list of SoCGs;
- c) PLA noted that traffic monitoring was currently a land based SoCG and river users should be considered and therefore recommended a general river users SoCG
- d) AEG wished to be included in a traffic modelling and forecasting SoCG. However, it was noted that Royal Borough of Greenwich (RBG) would also wish to be party to any such SoCG as the RBG is responsible for non-GLA roads.

The ExA noted these comments and the discussions. The ExA do find SoCGs very useful documents and suggest the Applicant consider the comments made at the Preliminary Meeting by Interested Parties and update the ExA at deadline 1 of progress of the SoCGs. The ExA considers that a SoCG with the Marine Management Organisation (MMO) regarding cultural heritage and flood risk is relevant.

Other Matters

Friends of the Earth (FoE) requested that in addition to audio recordings of hearings, written transcripts are also provided. The ExA have considered this request and reviewed requirements as set out in the PA 2008. Whilst the ExA note and understand the request, they are unable to facilitate provision of such transcripts.

FoE also requested an OFH late in the examination or other hearing(s) south of the river. This was discussed at the Preliminary Meeting. Venues south of the river are not available for the December hearings and therefore the Crystal, north of the river will be utilised. However, the Planning Inspectorate will endeavour to find a venue south

of the river for the hearings scheduled for January and/or March and have left open the possibility of a further OFH in the timetable at that time if requested by Interested Parties by the deadline set out in Annex A.

Annex C

Notification of hearings and accompanied site inspection

| Date | Event | Start time | Venue | Access and parking |
|---------------------------|---|--------------------------------------|---|---|
| Tuesday 6 December 2016 | Accompanied Site Inspection | 9.30am | Meet in the main foyer of North Greenwich Station (top of escalators) 5 Millennium Way, London SE10 OPH | Underground to North Greenwich Station. Paid parking available at North Greenwich Station NCP car park ⁵ . |
| Wednesday 7 December 2016 | Issue Specific Hearing on traffic/transport modelling | 10.00 am [doors open from 9.30am] | The Crystal, One Siemens Brothers Way, Royal Victoria Dock, London, E16 1GB | Underground and DLR to Customs House or Prince Regent. Paid parking available at the Crowne Plaza Hotel and the Excel Convention centre. |
| Thursday 8 December 2016 | Compulsory Acquisition Hearing | 10.00 am [doors open from 9.30am] | The Crystal, One Siemens Brothers Way, Royal Victoria Dock, London, E16 1GB | Crystal Venue fully disabled accessible. |

The hearing venue will be open 30 minutes prior to the start of each hearing to enable a prompt start. Hearings will finish as soon as the ExA deems that all those present have had their say and all matters have been covered.

Every effort will be made to ensure that the issues will be discussed on the days that they are scheduled for. This may mean that the hearings continue after the scheduled ends. The ExA reserves the right to rearrange the agendas for these hearings at short notice, if necessary or, if they take longer than anticipated, certain issues may have to be adjourned to a later date.

Agendas for these initial hearings will be published on our website no later than **Wednesday 30 November 2016** and, depending on the numbers wishing to speak, it may be necessary to limit the time allocated to each speaker.

⁵ North Greenwich NCP Car park: <https://www.ncp.co.uk/find-a-car-park/car-parks/north-greenwich-stn-lul/>

Annex D

Availability of relevant representations and Examination documents

All application documents including relevant representations are available on the National Infrastructure Planning website:

<https://infrastructure.planninginspectorate.gov.uk/projects/London/Silvertown-Tunnel/>

Documents can be viewed electronically at the following locations. Please note that you will need to sign up for a library card for free internet access.

The Greenwich Centre Library

12 Lambard Square
Greenwich
London
SE10 9HB

| | | |
|----------------|-----------|---------------------|
| Opening hours: | Monday | 10:00 am to 6:00 pm |
| | Tuesday | 10:00 am to 6:00 pm |
| | Wednesday | 10:00 am to 8:00 pm |
| | Thursday | 10:00 am to 6:00 pm |
| | Friday | 10:00 am to 6:00 pm |
| | Saturday | 10:00 am to 5:00 pm |
| | Sunday | 12 noon to 4:00 pm |

Facilities will be available for copying documents at a charge of:

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| Black and White A4 | 10p per sheet |
| Colour A4 | 25p per sheet |

Canning Town Library

103 Barking Road
Canning Town
London
E16 4HQ

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| | Tuesday | 10:30 am to 8:00 pm |
| | Wednesday | 10:30 am to 8:00 pm |
| | Thursday | 10:30 am to 8:00 pm |
| | Friday | 10:30 am to 8:00 pm |
| | Saturday | 10:30 am to 8:00 pm |
| | Sunday | Closed |

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Green Street Library

337-341 Green Street
Upton Park
London
E13 9AR

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|----------------|-----------|---------------------|
| Opening hours: | Monday | 10:30 am to 8:00 pm |
| | Tuesday | 10:30 am to 8:00 pm |
| | Wednesday | 10:30 am to 8:00 pm |
| | Thursday | 10:30 am to 8:00 pm |
| | Friday | 10:30 am to 8:00 pm |
| | Saturday | 10:30 am to 8:00 pm |
| | Sunday | Closed |

Facilities will be available for copying documents at a charge of:

Black and White A4 20p per sheet

Advice may be given about applying for an order granting development consent or making representations about an application (or a proposed application). This communication does not however constitute legal advice upon which you can rely and you should obtain your own legal advice and professional advice as required.

A record of the advice which is provided will be recorded on the National Infrastructure Planning website together with the name of the person or organisation who asked for the advice. The privacy of any other personal information will be protected in accordance with our Information Charter which you should view before sending information to the Planning Inspectorate.