

Application by Transport for London (TfL)

The Examining Authority's first written questions and requests for information Issued on 18 October 2016

The following table sets out the Examining Authority's (ExA) first written questions and requests for information.

Column 2 of the table indicates **to whom questions are directed**. In no way does this preclude an answer being provided to a question by a person to whom it is not directed, should the question be relevant to their interests.

Each question has a **unique reference number** which combines a section number and a question number.

When you are answering a question, please start your answer by quoting the unique reference number.

If you are answering a limited number of questions, responses in a letter format will suffice. If you are answering several questions, it will assist the ExA if you use a table based on that used below. An editable version of this table, in Microsoft Word, is available on request from the case team by emailing: silvertowntunnel@pins.gsi.gov.uk

Question to:		Question:
GA	General	
GA1	Applicant	The Applicant is requested to review the Mitigation Route Map document [APP-108] and provide an updated edition into the Examination which provides details of all mitigation and explains where it is secured within the draft Development Consent Order (dDCO).
GA2	Applicant and all IPs	The Applicant in their Planning Policy Compliance Statement (APP-094) states that the scheme should be considered in accordance with the NPSNN. Please give your view as to whether this dDCO should be determined under the provisions of section (s)104 or s105 of the Planning Act 2008 (PA2008), having regard to the fact that the National Networks NPS (NPSNN) should either be regarded as designated for the purposes of s104 or alternatively should be considered as 'important and relevant' for the purposes of s105.' Any response should consider the scope and definitions within the NPSNN. In commenting on this issue regard should also be had to the nature of the Strategic Environmental Assessment (SEA) that was undertaken on the NPSNN and whether there have been any matters that have arisen since the publication of the NPSNN that may cause any of s104(4)-(8) to be applicable.
DC	Wording of the DCO	
DC1	Applicant	<p>General - Schedule 14 – documents to be certified: Schedule 14 of the dDCO lists the plans and documents to be certified by the Secretary of State (SoS) under Article 64.</p> <p>Can the Applicant amend Schedule 14 to include all relevant documents, plans and drawings, including revision or document reference numbers and dates and supply an updated Schedule to the ExA at each relevant deadline. Please ensure that a final version is available before the close of the Examination.</p>

Question to:		Question:
		<p>In particular, do the General Arrangement Plans (Document 2.2)[APP-005] Design and Access Statement (Document 7.3)[APP-095] and the Construction Method Statement (Appendix 4A to the ES)[APP-046] need to be certified and referenced elsewhere in the dDCO to ensure that the development is undertaken in accordance with the parameters assessed in the ES? Otherwise many of the details that would govern the planning permission and the Deemed Marine Licence (DML) that would be conferred by the Order would not be specified. The Flood Risk Assessment (FRA) also needs to be inserted in Schedule 14 for consistency with Schedule 2 Requirement 11.</p> <p>There are also other documents that would appear to require certification including further parts of the ES, further appendices to the Code of Construction Practice (CoCP), the Construction Environmental Management Plan (CEMP), a De-commissioning Environmental Management Plan (DEMP), a piling plan and a flood warning and evacuation plan.</p> <p>Please consider the desirability of including the certification of such documents in Schedule 14.</p>
DC2	Applicant	<p>General - DCO format and tracking of changes: Can the Applicant ensure that subsequent versions of the dDCO submitted after the application version will be:</p> <ul style="list-style-type: none"> (a) supplied showing any changes from the previous version by way of tracked changes, with comments briefly outlining the reason for the change; (b) accompanied by an amended Explanatory Memorandum; and (c) the final dDCO should be supported by a report validating that version of the dDCO through the Publishing section of the legislation.gov.uk website.

Question to:		Question:
DC3	Applicant	General - plans – identification: Can the Applicant ensure that any plans referred to in Article 2 and elsewhere in the dDCO are identified by Drawing and Revision Numbers in subsequent versions of the dDCO? Where revisions are prepared and numbers change, these should be reflected in the latest version of the dDCO. Please explain why certain plans eg the Engineering Section Drawings and Plans are annotated 'do not scale' alongside a linear scale and have statements as to the correct scale @ A1 and A3?
DC4	Applicant	General - references to Part 1 of the 1961 Act : A number of articles make provision for " <i>compensation to be determined, in case of dispute, under Part 1 of the 1961 Act</i> ". It is acknowledged that a provision in this form is in the various Marine Policy Statements (MPSs) and is commonplace in DCOs and other Orders. However, Part 1 of the 1961 Act only relates to compensation for compulsory acquisition. In order for there to be certainty that it would apply in other situations (e.g. the temporary use of land under Article 29), should a modification be included as with the other compensation provisions in Schedule 6 ? If not, why not?
DC5	Applicant	General - 'guillotine' provisions: Various provisions confer deemed consent if a consultee does not respond within a specified period (a 'guillotine'). (a) Please provide evidence that the guillotine has been discussed with each relevant consultee so that they are aware of it and have had the opportunity of commenting on their ability to comply; (b) Should each such provision contain an express requirement that the application for consent should contain a statement drawing the consultee's attention to the guillotine?
DC6	Applicant	Preamble: Can the Preamble to the next version of the dDCO reflect that the examination is being carried out by a Panel?

Question to:		Question:
DC7	Applicant	Article 2(1) "In this Order" : Should the dDML in Schedule 12 be excepted, as it has its own separate definitions? Is there a need for additional definitions such as "de-commissioning" bearing in mind that some works are intended only to be temporary?
DC8	Applicant	Article 2(1) "the authorised development" means the development described in Schedule 1 (authorised development) and any other development authorised by this Order : The dDCO should be clear as to the extent and scope of the development it authorises. What other development is intended to be authorised by the dDCO which is not described in Schedule 1?
DC9	Applicant	Article 2(1) "the Blackwall Tunnel" means the "existing road tunnel under the River Thames between Blackwall and the Greenwich Peninsula and forming part of the A102 road, which is a GLA road, as shown coloured solid green on the tunnels operational boundaries plans:" Should this read "...GLA road <u>as shown by solid green lines</u> on"
DC10	Applicant	Article 2(1) "the Blackwall Tunnel approaches" means the northern and southern approaches to the Blackwall Tunnel, each <u>shown as coloured dashed green</u> on the tunnels operational boundaries plans: Should this read "...each <u>shown by dashed green lines</u> on"
DC11	Applicant and Local Planning Authorities (LPAs)	Article 2(1) "the Blackwall Tunnel area" means the Blackwall Tunnel and the Blackwall Tunnel approaches : Unlike the Silvertown Tunnel, the Blackwall Tunnel and its approaches are only defined by lines rather than areas on the Tunnels etc Plan (Doc 2.1)[APP-004] (a) Can the Applicant and LPAs confirm that the lines show the centre lines of the respective carriageways?

Question to:		Question:
		<p>(b) Article 38 applies Articles 41 to 46, 48 and 49 to the Blackwall Tunnel area; Article 48 is a power to make byelaws and Article 49 to impose fixed penalties. Therefore the area over which the powers are exercisable should be clear.</p> <p>(i) To what lateral extent from the lines shown on the Tunnels etc Plan are these provisions intended to apply?</p> <p>(ii) Should the Tunnels etc Plan define the lateral extent of the Tunnel area and approaches? If not, why not?</p>
DC12	Applicant	<p>Article 2(1) "the classification of roads (classification) plans" means the plans of that description set out in Schedule 14 certified by the Secretary of State as the <u>classification of roads plans</u> for the purposes of this Order: "...by the Secretary of State as the <u>classification of roads (classification) plans</u> for..."?</p>
DC13	Applicant	<p>Article 2(1) "the classification of roads (designation) plans" means the plans of that description set out in Schedule 14 certified by the Secretary of State as the <u>classification of roads plans</u> for the purposes of this Order: "...by the Secretary of State as the <u>classification of roads (designation) plans</u> for..."?</p>
DC14	Applicant	<p>Article 2(1) "commence" means beginning to carry out any material operation (as defined in section 56(4) of the 1990 Act) forming part of the authorised development <u>other than operations consisting of archaeological investigations, environmental surveys and monitoring, investigations for the purpose of assessing ground conditions, remedial work in respect of any contamination or other adverse ground conditions, diversion and laying of services, receipt</u></p>

Question to:	Question:
	<p><u>and erection of construction plant and equipment, erection of any temporary means of enclosure, the temporary display of site notices or advertisements, and "commencement" is to be construed accordingly.</u></p> <p>This definition is relevant eg to certain requirements such as the period of consent (draft Requirement 2) and requirements for submission of schemes pre-commencement.</p> <p>Are the exceptions from the normal definition of "commence" justified and appropriate?</p> <p>In particular, archaeological investigations should be governed by the Written Scheme of Investigation (WSI) referred to in draft Requirement 5(2)(a) which must be approved before the commencement of development; and remedial work in respect of contamination or other adverse ground conditions should be governed by the Code of Construction Practice (CoCP) including contributory plans such as the Construction Environmental Management Plan (CEMP) and Site Waste Management Plan (SWMP) that are referred to in draft Requirement 5(2) (d) and (o) which also require approval before the commencement of development and may also require other permits.</p> <p>The Applicant is requested to review the wording.</p>

Question to:		Question:
DC15	Applicant	<p>Article 2(1) "construct" includes execution, placing, <u>altering</u>, replacing, relaying and <u>removal</u> and "construction" is to be construed accordingly.</p> <p>(a) What is the justification for this extended definition? It is noted that the underlined words are also used in the extended definition of 'maintain').</p> <p>(b) Please confirm that the activities in the definition all been covered by the Environmental Statement (ES)?</p>
DC16	Applicant	<p>Article 2(1) "The Construction Method Statement" is not defined here or within Schedule 2.</p> <p>The Construction Method Statement (CMS) (Appendix 4A to the ES)[APP-046], defines the location and dimensions of certain elements of the scheme and temporary works such as the construction compounds and temporary jetty which are necessary to ensure that the scheme is undertaken in accordance with the ES.</p> <p>The Applicant is therefore requested to provide a definition.</p>
DC17	Applicant	<p>Article 2(1) "maintain" and any of its derivatives include inspect, repair, <u>adjust</u>, <u>alter</u>, <u>remove or reconstruct</u> and any derivative of "maintain" is to be construed accordingly.</p> <p>(a) What is the justification for this extended definition (the underlined words seem to extend the normal meaning of 'maintain')?</p> <p>(b) Have the activities in the definition all been covered by the ES?</p>

Question to:		Question:
DC18	Applicant	<p>Article 2(1) “the monitoring strategy” means the document of that description set out in Schedule 14 certified by the Secretary of State as the monitoring strategy for the purposes of this Order <u>and which in particular contains commitments in respect of—</u></p> <p><u>(a) traffic monitoring;</u> <u>(b) air quality monitoring;</u> <u>(c) noise monitoring; and</u> <u>(d) socio-economic monitoring.</u></p> <p>Stipulating the contents of a monitoring strategy would normally be achieved in a Requirement. In this dDCO, the content of the monitoring strategy is effectively fixed by this definition. Requirement 7 merely requires the strategy to be implemented. On that basis, are the underlined words necessary?</p> <p>Should they more appropriately be within Requirement 7?</p>
DC19	Applicant	<p>Article 2(1) “the Order limits” means the Order limits shown on the works plans.</p> <p>Should this read “...Order limits shown <u>edged red</u> on the works plans”?</p>
DC20	Applicant	<p>Article 2(1) “the relevant local planning authority” is only cited as being either the Royal Borough of Greenwich or the London Borough of Newham.</p> <p>Should the London Borough of Tower Hamlets be added to the list of relevant Local Planning Authorities’ (LPAs) given that the northern portal and approaches to the Blackwall Tunnels are within that authority’s area?</p>

Question to:		Question:
DC21	Applicant	<p>Article 2(1) "the river area" means so much of the bed, waters, foreshore, banks and walls of the River Thames as is comprised in the lands in the London Borough of Newham and the Royal Borough of Greenwich shown on the land plans.</p> <p>Can the Applicant clarify how these lands are shown on the land plans?</p>
DC22	Applicant	<p>Article 2(1) "the Silvertown Tunnel" means the twin bore road tunnel to be constructed as Work No. 1, and as shown coloured solid blue on the tunnels operational boundaries plans.</p> <p>Should this read "<i>...as shown by solid blue lines on ...</i>"?</p>
DC23	Applicant	<p>Article 2(1) "the Silvertown Tunnel approaches" means the northern and southern approaches to the Silvertown Tunnel, each shown as coloured dashed blue on the tunnels operational boundaries plans.</p> <p>Should this read "<i>...shown by dashed blue lines on ...</i>"?</p>
DC24	Applicant	<p>Article 2(1) "the Silvertown Tunnel area" means the Silvertown Tunnel and the Silvertown Tunnel approaches.</p> <p>The Tunnel and its approaches are only defined by lines rather than areas on the Tunnels etc Plan (Doc 2.1)[APP-004].</p> <p>(a) Do the lines show the centre lines of the respective carriageways?</p> <p>(b) Article 48 is a power to make byelaws and Article 49 to impose fixed penalties, so that the area over which the powers are exercisable should be clear.</p>

Question to:		Question:
		<ul style="list-style-type: none"> (i) To what lateral extent from the lines shown on the Tunnels etc Plan are these provisions intended to apply? (ii) Should the Tunnels etc Plan define the lateral extent of the Tunnel area and approaches? If not, why not?
DC25	Applicant	<p>Article 2(1) “the special category land plan” means the plans of that description set out in Schedule 14 certified by the Secretary of State as the special category land <u>plans</u> for the purposes of this Order.</p> <p>Should this read “...as the special category land <u>plan</u> for ...”?</p>
DC26	Applicant	<p>Article 2(1) “the traffic impacts mitigation strategy” means the document of that description set out in Schedule 14 certified by the Secretary of State as the traffic impacts mitigation strategy for the purposes of this Order <u>and which sets out the process for mitigating any significant adverse localised traffic or traffic-related impacts attributable to the operation of the authorised development, should these be identified during the monitoring activities secured by the monitoring strategy.</u></p> <p>Stipulating the contents of a monitoring strategy would normally be achieved in a Requirement. In this dDCO, the content of the monitoring strategy is effectively fixed by this definition. Requirement 7 merely requires the strategy to be implemented. On that basis, are the underlined words necessary? Should they more appropriately be within Requirement 7?</p>
DC27	Applicant	<p>Article 2(1) “the traffic regulation measures (speed limits and restricted roads) plans” means the plans of that description set out in Schedule 14 certified by the Secretary of State as the <u>traffic regulation measures plans</u> for the purposes of this Order.</p>

Question to:		Question:
		Should this read "... <u>traffic regulation measures (speed limits and restricted roads) plans on</u> "?
DC28	Applicant	<p>Article 2(1) "the traffic regulation measures (clearways and prohibitions) plans" means the plans of that description set out in Schedule 14 certified by the Secretary of State as the <u>traffic regulation measures plans</u> for the purposes of this Order.</p> <p>Should this read "...<u>traffic regulation measures (clearways and prohibitions) plans on</u>"?</p>
DC29	Applicant	<p>Article 2(1) "the <u>tunnels operational boundaries plans</u>" means the plans of that description set out in Schedule 14 certified by the Secretary of State as the <u>tunnels operational boundaries plans</u> for the purposes of this Order.</p> <p>Should this read "<u>the tunnels location & operational boundaries plans</u>" means the plans of that description set out in Schedule 14 certified by the Secretary of State as the <u>tunnels location & operational boundaries plans</u> for the purposes of this Order" to reflect the actual title of application document 2.1 [APP-004]?</p>
DC30	Applicant	<p>Article 2(2) References in this Order to TfL include any wholly-owned subsidiary (as defined in section 1159 of the Companies Act 2006) of TfL.</p> <p>Please confirm the purpose of this paragraph and indicate to which subsidiaries it is expected to apply?</p>

Question to:		Question:
DC31	Applicant	<p>Article 3(1) The following provisions do not apply in relation to the construction of any work or the carrying out of any operation required for the purpose of, or in connection with, the construction of the authorised development—</p> <p>The Explanatory Memorandum (EM) at paragraph 6.2 contains a table providing an explanation of the effect of these dis-applications. However, a number of them merely state that the dis-application "<i>ensures consistency with the terms of the order</i>", which is not very illuminating. Can the Applicant please provide a more detailed explanatory table?</p> <p>The EM suggests that these provisions all relate to Environment Agency (EA) consents. What progress has been made in agreeing this provision with the EA?</p>
DC32	Applicant	<p>Article 3(2) Despite the provisions of section 208 of the PA 2008 for the purposes of regulation 6 of the Community Infrastructure Levy Regulations 2010(p) any building comprised in the authorised development is deemed to be—</p> <p>(a) a building into which people do not normally go; <u>or</u></p> <p>(b) a building into which people go only intermittently for the purpose of inspecting or maintaining fixed plant or machinery.</p> <p>Why are alternatives (a) and (b) both necessary?</p> <p>If the building is deemed to be one into which people do not normally go, would that not suffice?</p>

Question to:		Question:
DC33	Applicant	<p>Article 4 This Article simply states that TFL is granted development consent for the authorised development subject to the requirements in Schedule 2.</p> <p>Does there need to be cross reference to Article 57 or a merger with that Article to make clear that the benefit of the dDCO solely vests with TfL as undertaker (subject to Article 58)?</p>
DC34	Applicant	<p>Article 4(2) Any enactment applying to land within <u>or adjacent to</u> the Order limits has effect subject to the provisions of this Order.</p> <p>This is unclear. Over what distance from the Order limits will this paragraph take effect?</p>
DC35	Applicant	<p>Article 5(1) [Horizontal Limits to Deviation] In constructing or maintaining the authorised development, TfL may deviate—</p> <p>(a) laterally from the lines, situations or positioning of the authorised development shown on the works plans to the extent of the <u>limits of deviation shown on those plans</u>; and.....</p> <p>The limits of deviation on the works plans are co-extensive with the Order limits. This paragraph accordingly enables the authorised development to be carried out anywhere within the order limits.</p> <p>(a) What is the justification for this?</p> <p>(b) Has this degree of deviation been assessed in the ES?</p> <p>(c) Surely limits of deviation need to be specified for individual works and illustrated on Works Plans or referenced in relation to the General Arrangement Plans?</p>

Question to:		Question:
DC36	Applicant	<p>Article 5(1) (b) [Vertical Limits to deviation]</p> <p>Does the limit of vertical deviation upwards specified in the table referred to in Article 5 (1)(b)(i) potentially affect the bed of the river Thames and dredging within that waterway?</p> <p>Conversely, can the Applicant justify the absence of a downward limit to deviation when variants could have a bearing on the migration of potential contaminants and therefore affect the Water Framework Directive (WFD) compliance assessment?</p>
DC37	Applicant	<p>Article 5(2) Without limitation on the scope of paragraph (1), in constructing or maintaining the authorised development TfL may within the limits mentioned in paragraph (1)–</p> <p>(a) deviate from the points of commencement and termination of those parts of the authorised development shown on the works plans; and</p> <p>(b) deviate from the design of any tunnel or tunnel structure and vary the number of tunnels and tunnel structures shown on the engineering section drawings and plans.</p> <p>Again this appears to allow significant deviation of the tunnel commencement and termination and significant variation of the scheme, in particular would it be the same scheme if there were a different number of tunnels and tunnel structures?</p> <p>(a) What is the justification for this?</p> <p>(b) Has this degree of variation been assessed in the ES?</p>

Question to:		Question:
DC38	Applicant	<p>Article 9(7) Any person who suffers loss by the suspension or extinguishment of <u>any private right of way</u> under this article is entitled to compensation to be determined, in case of dispute, under Part 1 of the 1961 Act.</p> <p>This Article relates to stopping-up of streets and private means of access. Compensation is only to be provided for suspension or extinguishment of private rights of way.</p> <p>Are all the private means of access to be stopped up also private rights of way?</p>
DC39	Applicant	<p>Article 10(4) TfL must not temporarily stop up, alter or divert any street for which it is not the street authority without the consent of the street authority, which may attach reasonable conditions to any consent but its consent must not be unreasonably withheld <u>or delayed.</u></p> <p>Are the underlined words necessary, as Article 10(6) provides for deemed consent in the event of delay?</p>
DC40	Applicant	<p>Article 11 [Access to works] This is a very wide power</p> <p>Does there need to be an approval process by Local Planning Authorities (LPAs) and where appropriate Local Highway Authorities?</p>
DC41	Applicant	<p>Article 13 [Use of private roads for construction]</p> <p>Please provide a table or map showing the private roads to which this Article would apply?</p>

Question to:		Question:
DC42	Applicant	<p>Article 13(2) TfL must compensate the person liable for the repair of a road to which paragraph (1) applies for any loss or damage which that person may suffer by reason of the exercise of the power conferred by paragraph (1).</p> <p>Should this provision extend to any person liable for repair, as it may be that there is joint liability, eg by frontagers?</p> <p>Is it intended that this paragraph only provides for compensation for repair of damage to the road?</p>
DC43	Applicant	<p>Article 15(1) [Protective Provisions] Article 15(1) only provides for protective works within the Order limits.</p> <p>Does this not need to be extended to those potentially affected by the Order construction or operation?</p>
DC44	Applicant	<p>Article 15(4) For the purpose of carrying out protective works to a building under this article TfL may (subject to paragraphs (5) and (6))—</p> <p>(a) enter the building (and any land within its curtilage); and</p> <p>(b) where the works cannot be carried out reasonably conveniently without entering land which is adjacent to the building but outside its curtilage, enter the adjacent land (whether or not such adjacent land is inside or outside the Order limits) but not any building erected on it,</p> <p><u>and in either case TfL may take exclusive possession of the building and land if this is reasonably required for the purpose of carrying out the protective works.</u></p> <p>This paragraph extends Article15 by enabling exclusive possession at the</p>

Question to:		Question:
		<p>discretion of TfL.</p> <p>How is this justified, and in what circumstances is it envisaged that it would be necessary?</p>
DC45	Applicant	<p>Article 15(9) Without affecting Article 37 (no double recovery), nothing in this article relieves TfL from any liability to pay compensation under section 152 of the 2008 Act (compensation in case where no right to claim in nuisance).</p> <p>Article 15 refers to compensation under s10(2) of the Compulsory Purchase Act 1965 rather than s152 PA2008. Why is this change appropriate, as s152(5) expressly applies s10(2) to injurious affection under s152 in any event?</p> <p>S125 PA2008 states that s10 is omitted unless the Order provides otherwise; why should it not do so in this case?</p>
DC46	Applicant	<p>Article 17(1) and Article 17(2)</p> <p>These Articles convey very wide powers. Please explain their justification in relation to potential adverse impacts on users of the river.</p> <p>Article 17(4) Except in the case of an emergency, TfL must use its <u>reasonable endeavours to notify the owner of any mooring and the owner or master of any vessel or structure likely to be regularly affected by the proposal to exercise the powers conferred by this Order before the exercise of those powers.</u></p> <p>How does this paragraph relate to paragraph 5, under which an owner cannot claim compensation unless 42 (28+14) days has elapsed between giving notice of intention to incur costs of eg re-siting a mooring in</p>

Question to:		Question:
		<p>response to a TfL proposal restrict or close navigation?</p> <p>This Article should require TfL to notify the owner at least 49 days in advance?</p>
DC47	Applicant	<p>Article 24(2)(c) In this article “authorised activity” means— (a) the erection, construction or maintenance of any part of the authorised development; (b) the exercise of any power authorised by this Order; or (c) the use of any land (including the temporary use of land).</p> <p>This sub-paragraph is potentially wide. Should it be limited to eg uses for the authorised development?</p>
DC48	Applicant	<p>Article 29(1)(d) in relation to that land in column (3) of Schedule 7, or any other mitigation TfL may, in connection with the carrying out of the authorised development but subject to article 21(1) (time limit for exercise of powers to possess land temporarily or to acquire land compulsorily)— ... (d) construct any <u>permanent works specified works.</u></p> <p>Column (3) does not appear to refer to any permanent works?</p>
DC49	Applicant	<p>Article 29(2) TfL’s temporary possession of the river area under paragraph (1)(a)(i) is limited to what is necessary for TfL safely to carry out the authorised development under Schedule 1 (authorised development) or article 17 (work in the River Thames). <u>At times and places where TfL is carrying out the authorised development, the public right of navigation in the river area is suspended and is unenforceable against the Port of London Authority (PLA).</u></p>

Question to:		Question:
		<p>Would the underlined sentence be more appropriately located in Article 17 (work in the River Thames)?</p> <p>This query also applies to Article 30(2)?</p>
DC50	Applicant	<p>Article 29(4) Not less than 14 days before entering on and taking temporary possession of land under this article TfL must serve notice of the intended entry on the owners and occupiers of the land.</p> <p>Should the notice be required to identify the purpose for which possession is to be taken? Otherwise, how does the owner/occupier identify when the period for possession under paragraph (5) has expired?</p>
DC51	Applicant	<p>Article 29(9) Nothing in this article affects any liability to pay compensation under section 152 (compensation in case where no right to claim in nuisance) of the 2008 Act or under any other enactment in respect of loss or damage arising from the execution of any works, other than loss or damage for which compensation is payable under paragraph (7).</p> <p>Article 28 refers to compensation under s10(2) of the Compulsory Purchase Act 1965 rather than s152 PA2008.</p> <p>Why is this change appropriate, as s152(5) expressly applies s10(2) to injurious affection under s152 in any event? S125 PA2008 states that s10 is omitted unless the Order provides otherwise; why should it not do so in this case?</p> <p>This query also applies to Article 30(10)?</p>

Question to:		Question:
DC52	Applicant	<p>Article 30(6) TfL may only remain in possession of land under this article for so long as may be reasonably necessary to carry out the maintenance of the part of the authorised development for which possession of the land was taken.</p> <p>Should the notice under paragraph (5) be required to identify the purpose for which possession is to be taken?</p> <p>Otherwise, how does the owner/occupier identify when the period for possession has expired?</p>
DC53	Applicant	<p>Article 30(13) In this article “the maintenance period”, in relation to any part of the authorised development, means the period of 5 years beginning with the date on which that part of the authorised development is first opened for public use.</p> <p>Are all parts of the authorised development to be “opened for public use”?</p> <p>If not, the paragraph provides no limited maintenance period during which this power can be exercised?</p>
DC54	Applicant	<p>Article 32(8) In this article— “relocation works” means work executed, or apparatus provided, under paragraph (2); and “statutory utility” means a statutory undertaker for the purposes of the 1980 Act or a public communications provider as defined in section 151(1) of the Communications Act 2003(a).</p> <p>Although this Article follows Model Provision 32, what is the justification in this application for the limited definition of “statutory undertaker”?</p> <p>The definition in the Highways Act 1980 does not include eg gas, water and</p>

Question to:		Question:
		electricity.
DC55	Applicant	<p>Article 36(3) The 1961 Act has effect, subject to paragraphs (1) and (2), as if this Order were a local enactment for the purposes of that Act.</p> <p>Please clarify the purpose of inclusion of this paragraph?</p>
DC56	Applicant	<p>Article 37 Compensation is not <u>be</u> payable in respect of the same matter both under this Order and under any other enactment, any contract or any rule of law, or under two or more different provisions of this Order.</p> <p>“be” is superfluous? Please review.</p>
DC57	Applicant	<p>Article 38</p> <p>Certain Articles are expressed to apply to the Blackwall tunnel once construction of the Silvertown tunnel commences. The EM merely says that this is because “the surrounding network will begin to change at this time as a consequence of the construction works”. This contrasts with the application of those provisions to Silvertown tunnel, which do not take place until opening.</p> <p>Please provide further explanation?</p>
DC58	Applicant	<p>Article 40 The provisions of the Thames Tunnel (Blackwall) Act 1887(a) and the London County Council (Tunnel and Improvements) Act 1938(b), and any other local enactment relating to the Blackwall Tunnel area, have effect subject to the provisions of this Order.</p> <p>It is noted that the provisions relating to operating the tunnels in the dDCO</p>

Question to:		Question:
		<p>will take precedence over the pre-existing local legislation.</p> <p>Please identify where, if at all, the operational arrangements proposed in the dDCO differ from those in the existing legislation?</p>
DC59	Applicant	<p>Article 41 TfL may operate and use the tunnels.</p> <p>Please confirm what power in the PA2008 is considered to enable the operation and use of something other than the authorised development?</p>
DC60	Applicant	<p>Article 44 [Removal of motor vehicles]</p> <p>The EM indicates that the appeal provisions in this Article are based on the Road User Charging (Enforcement and Adjudication)(London) Regulations 2001.</p> <p>Do the provisions of paragraphs (1) – (12) (relating to arrangements for removal) and (19) – (22) also follow any pattern in existing legislation, or are otherwise precedented?</p>
DC61	Applicant	<p>Article 44(17) Schedule 8 has effect in relation to appeals against the imposition of penalty charges.</p> <p>Given the content of Schedule 8, should this read "<i>...in relation appeals against the imposition of penalty charges, and the service of penalty charge notices.</i>"?</p>
DC62	Applicant	<p>Article 44(18) An adjudicator appointed pursuant to regulations made under paragraph 28(c) of Schedule 23 to the 1999 Act <u>is appointed adjudicator</u> for the purposes of hearing appeals under Schedule 8.</p> <p>Is this paragraph intended to ensure that the adjudicator for Schedule 8</p>

Question to:		Question:
		<p>appeals is qualified as an adjudicator under the regulations? Should it read "...the 1999 Act is <u>to be appointed adjudicator</u>...."?</p> <p>Or should it read eg: "An adjudicator is to hear appeals under Schedule 8 and must be an adjudicator appointed by the Lord Chancellor under paragraph 3 of the Road User Charging (Enforcement and Adjudication (London) Regulations 2001". (It is noted that Schedule 8 of the dDCO defines an adjudicator as having been appointed under Article 44(18))</p>
DC63	Applicant	<p>Article 45(2) Where the owner of the load has disclaimed all rights to the load or <u>TfL has been unable to ascertain contact details for the owner</u>, TfL <u>may dispose or sell</u> the load as TfL thinks fit.</p> <p>Should TfL be required to make reasonable/diligent enquiries to ascertain the owner?</p> <p>"....may dispose <u>of</u> or sell...."</p> <p>There appears to be a missing word ("of"). Please review.</p>
DC64	Applicant	<p>Article 45(4) TfL may recover <u>any expenses incurred in the removal and storage of a load from the owner of the load</u>.</p> <p>Should the power of recovery be limited to expenses reasonably incurred?</p>
DC65	Applicant	<p>Article 46(2) TfL is to be treated as having in the tunnels areas the same enforcement powers as are conferred on the Health and Safety Executive by <u>regulations made from time to time under the Health and Safety at Work etc. Act 1974(a)</u> prohibiting people from carrying dangerous goods, or causing or permitting dangerous goods to be carried, on roads.</p> <p>Please identify the relevant regulations?</p>

Question to:		Question:
DC66	Applicant	<p>Article 47 Regardless of anything contained in any enactment, no person is to enter upon, break up or interfere with the Silvertown Tunnel area, or any part of it, for the purpose of placing or doing anything in or in relation to any sewer, drain, main, pipe, wire or other apparatus or executing any work except with the written consent of TfL and in accordance with such terms and conditions as TfL may determine, including as to payment.</p> <p>The EM indicates that this Article is preceded by eg Article 48 of the River Mersey (Mersey Gateway Bridge) Order 2011. Article 48 appears to relate to the power to lop overhanging trees – can this be clarified?</p> <p>The precedent in the River Tyne (Tunnels) Order 2005, (also quoted in the EM) includes a provision indicating that consent is not to be unreasonably withheld, with any dispute being subject to arbitration.</p> <p>Why is this, not also appropriate in this case?</p>
DC67	Applicant	<p>Article 48 [Byelaws relating to the Silvertown and Blackwall tunnels]</p> <p>Please confirm the precise powers within the PA2008 on which it relies to enable the dDCO to make provisions that apply elsewhere than within the Order limits of the authorised development?</p> <p>In the interests of certainty and comprehension of Article 48, should the Article include a definition of 'authorised person' by reference to the definition in Schedule 8?</p>

Question to:		Question:
DC68	Applicant	<p>Article 48(3) The byelaws in Schedule 9 apply to— (a) the Blackwall Tunnel area from the date of the commencement of construction of the Silvertown Tunnel; and (b) the Silvertown Tunnel area from the date it is first open to the public, until such time as they are amended or revoked by further byelaws made under paragraph (1).</p> <p>Please confirm why the new byelaws for the Blackwall tunnel need to come into effect on the commencement of construction of the Silvertown tunnel?</p>
DC69	Applicant	<p>Article 49 [Fixed Penalty Notices] Is this Article based on any precedent?</p> <p>Please provide a comparison of the provisions of this Article with the mechanisms applicable to the London congestion charge?</p> <p>Should there be a definition of 'authorised person' so as to identify who is capable of serving a fixed penalty notice?</p> <p>What is the rationale for the levels of fixed penalty proposed, which are related to the maximum penalty that could be imposed by a magistrates court?</p>
DC70	Applicant	<p>Article 50(4) The road described in Part 2 of Schedule 10 shall cease to be a Greater London Authority (GLA) road on such day as TfL may determine, as if from that day it was the subject of an order directing the same under section 14B of the 1980 Act.</p> <p>Has the local highway authority been asked to comment on this proposal?</p>
DC71	Applicant	<p>Article 52 [Charging Policy] & Article 53 [Power to Charge for use of Tunnels]</p>

Question to:	Question:
	<p>These provisions authorise the levying of user charging and subject to compliance with charging policy to determine different charges including nil charges. The ES and forecasting of likely significant effects relies on charging to control traffic flows, but it is not clear that there is anything in the dDCO that requires charges to be levied. Requirement 7 refers to the Monitoring and the traffic impacts mitigation strategy (Documents 7.6 [APP-098] and 7.7 [APP-099]) but these do not appear to require user charging.</p> <p>Document 7.5 [APP-097] is referred to in Schedule 14 as a Document to be certified with the title of "Charging Policy". However, Document 7.5 [APP-097] is entitled "Charging Statement" and there is a separate Document 7.11 [APP-107] entitled "Charging Policy". Document 7.5 [APP-097] does describe the importance of charging and gives the current expectation for the user charges to be levied. Document 7.11 [APP-107] specifies objectives and mechanisms for varying charges but does not actually set out policy or actual charging expectations.</p> <p>Please explain the relationship between Documents 7.5 [APP-097] and 7.11[APP-107] (and to 7.6 [APP-098] and 7.7 [APP-099])?</p> <p>Could 7.5 and 7.11 be combined into a single document to avoid confusion over certification in Schedule 14 and ensure that the Assessed case charging schedule is the starting point for any revisions?</p> <p>Please explain how it would be ensured that the content of the charging statement in Document 7.5 or any variation thereto as might be promoted under the terms of Articles 52 and 53 would be secured in the dDCO so as to give effect to the intended mitigation?</p>

Question to:		Question:
DC72	Applicant	<p>Article 52(2) TfL may revise the charging policy but only after it has—</p> <p>(a) consulted in relation to the proposed changes to the policy—</p> <p>(i) organisations it considers representative of regular users of the Blackwall Tunnel and the Silvertown Tunnel; and</p> <p>(ii) the Councils of the London Boroughs of Newham and Tower Hamlets and the Royal Borough of Greenwich;</p> <p>(b) considered the responses to the consultation carried out under sub-paragraph (a); and</p> <p>(c) submitted the proposed revised charging policy to the Mayor of London for approval.</p> <p>Should this paragraph also include a condition to the effect that TfL also needs to consider recommendations made by Silvertown Tunnel Implementation Group (STIG) under Article 65(5) before revising the charging policy?</p>
DC73	Applicant	<p>Article 52(3) Any revised charging policy proposed by TfL will only have effect if it is <u>approved by the Mayor of London</u>, who may approve it with or without modifications.</p> <p>However, the definition of the charging policy in Article 2(1) refers to "<i>...any revision of that document <u>approved by the Secretary of State under article 52...</u></i>"?</p>
DC74	Applicant	<p>Article 53(2) The charge payable to TfL for use of the tunnels by any motor vehicle is at such a level for that class of vehicle as TfL may from time to time determine.</p> <p>Should this paragraph make express reference to the charging policy, e.g. "<i>...time to time determine, having regard to the charging policy</i>"?</p>

Question to:		Question:
DC75	Applicant	<p>Article 55 [Penalty charges etc]</p> <p>Please identify the regulations that are to be applied by this Article?</p>
DC76	Applicant	<p>Article 56 [Application by TfL of charges levied]</p> <p>It is noted that one of the (equal) alternative options for application of the charges is TfL's general fund; should precedence be given to applying charges to expenses relating to the tunnels, with a view to minimising the charges?</p>
DC77	Applicant	<p>Article 57(2) Paragraph (1) does not apply to the works for which the consent is granted by this Order for the express protection, benefit or accommodation of owners and occupiers of land, statutory undertakers and other persons affected by the authorised development.</p> <p>Please identify which of the works are not to have effect solely for the benefit of TfL?</p>
DC78	Applicant	<p>Article 58(1)and, with the consent of the Mayor of London, TfL <u>may provide for the transferee, the grantee or another person to exercise or be responsible for any relevant functions of TfL, including any of its functions under this Order, either exclusively or concurrently with TfL or any other person.</u></p> <p>Should the conjunction between (b) and (c) be "or", not "and"?</p> <p>Please identify the precise power in PA2008 that enables the transfer of functions other than in respect of those under the dDCO?</p>

Question to:		Question:
DC79	Applicant	<p>Article 58(2)</p> <p>Are these broad provisions for the content of agreements under paragraph (1) precedented?</p>
DC80	Applicant	<p>Article 58(5)(b) references to the authorised development include references to any land held in connection with the authorised development.</p> <p>Article 58(1) enables TfL to transfer or grant powers to construct, maintain, use and operate the authorised development, which this definition extends to include land held 'in connection' with it. What is intended here, as this seems vague?</p>
DC81	Applicant	<p>Article 60 [Traffic regulation measures]</p> <p>The EM is silent as to the power that enables a dDCO to introduce these measures. Can the Applicant identify the precise power in PA2008 on which it relies in relation to this Article, and provide a justification for it in the context of that power?</p>
DC82	Applicant	<p>Article 60(5)(b) TfL must not exercise the powers...unless TfL has - (b) advertised TfL's intention in such manner as the traffic authority may specify in writing <u>within 28 days of its receipt of notice of TfL's intention in the case of sub-paragraph (a)(i), or within 7 days of its receipt of notice of TfL's intention in the case of sub- paragraph (a)(ii).</u></p> <p>Should this Article state that the notice of intention should draw attention to the limited period within which the traffic authority may influence the publicity for the proposed prohibition, restriction etc under this Article?</p>

Question to:		Question:
DC83	Applicant	<p>Article 62 [Defence to proceedings in respect of statutory nuisance] Does this Article refer to s65 of the Control of Pollution Act 1974, which was repealed by the Deregulation Act 2015?</p> <p>More generally, please provide a justification for this provision in terms of being both necessary and proportionate having regard to the particular nature of the dDCO scheme.</p>
DC84	Applicant	<p>Article 64(1) As soon as practicable after the making of this Order, copies of each of the documents set out in Schedule 14 <u>must be certified</u> by the Secretary of State as true copies of those documents.</p> <p>This paragraph should read: "<i>...each of the documents set out in Schedule 14 <u>must be submitted for certification</u> by the Secretary of State</i>"?</p>
DC85	Applicant	<p>Article 65(5) STIG may consider the following matters relating to implementation of the authorised development— (c) the level of <u>charges</u> from time to time required to be paid for use of the tunnels under article 53 and any exemptions and discounts.</p> <p>Should STIG also be able to consider the level of penalties?</p>
DC86	Applicant	<p>Article 65(6) The first meeting of STIG must be held not less than three years before the date on which the Silvertown Tunnel is expected to be open for public use. <u>Once the monitoring strategy and the traffic impacts mitigation strategy have been implemented in accordance with their provisions, STIG will meet as determined by TfL, but not more frequently than once a year.</u></p> <p>The Charging Policy (Doc 7.11)[APP-107] at section 3.2 indicates that</p>

Question to:		Question:
		<p>proposed changes to the Charging Policy will be put to STIG, who may make recommendations.</p> <p>Is the limitation on the frequency of STIG meetings likely to cause any difficulties in this context?</p>
DC87	Applicant	<p>Article 65(7)(c) In order for a meeting of STIG to be quorate there must be present—</p> <p>(a) a representative from at least two of the Councils of the Royal Borough of Greenwich and the London Boroughs of Newham and Tower Hamlets;</p> <p>(b) a representative from TfL; and</p> <p>(c) <u>two other representatives from the bodies listed in paragraph (2)(a) to (n) above.</u></p> <p>As drafted, (c) could be met by two additional representatives from TfL or the Councils referred to in Article 65(7)(a).</p> <p>Should (c) read "<i>two representatives from the other bodies listed....</i>"?</p>
DC88	Applicant	<p>Article 65(12) Part VA of the Local Government Act 1972 (Access to meetings and documents of certain authorities, committees and sub-committees) and the Public Bodies (Admission to Meetings) Act 1960 do not apply to STIG or to its meetings or proceedings.</p> <p>If these provisions are not to apply, should there be some other mechanism whereby the public would be able to find out what had been discussed and what recommendations STIG had made to TfL, in the interests of transparency?</p>

Question to:		Question:
DC89	Applicant	<p>Schedule 1- There is no distinction in Schedule 1 between integral works and associated development.</p> <p>Should the Works No 20 for the proposed temporary jetty and amongst the ancillary and related development (v) construction compounds be noted as associated development?</p>
DC90	Applicant	<p>Schedule 1 - The works listed after Work 20 as being for the purposes of or in connection with the construction of any of the works or other development are very widely drawn, particularly (y).</p> <p>Does there need to be a caveat governing all these works indicating that they must fall within the parameters assessed in the ES and subject to the mitigation referred thereto and secured elsewhere in the draft Order?</p> <p>The typographic error in the date cited in (h) should be corrected.</p>
DC91	Applicant	<p>Schedule 2 Requirements – Requirement 3 The General Arrangement drawings (Document 2.2) are not tied into this condition and yet these illustrate the works that would constitute development, neither is the Design and Access Statement (Document 7.3) which illustrates the Design Principles.</p> <p>It would seem that "...", the Design and Access Statement and the General Arrangement Drawings" should be added at the end of Requirement 3(1)?</p>

Question to:		Question:
DC92	Applicant	<p>Requirement 4(1) requires approval of above ground buildings and structures from the relevant LPA. However this is limited by Requirement 4(3). Requirement 4(3) only applies Requirement 4(1) to works Nos 11(b) and 11(c), 12(a) and 17(a). However, there are also head houses, portal fascia and wing walls, anti-recirculation walls, and other new viaducts, and replacement building and retaining walls that fall outside the specified works.</p> <p>Do Works Nos 1(d), 1(f), 2(b), 2(c), 13 and 15(d) additionally need to be inserted into Requirement 4(3), probably together with a 'catch all' relating to similar buildings or structures that form parts of other works?</p>
DC93	Applicant	<p>Requirement 5(1) and (2) - The "Construction Method Statement" is not tied into this requirement whereas it defines significant aspects of the works assessed in the ES including temporary works compounds and the temporary jetty that need to be governed by the provisions of the dDCO including the dDML.</p> <p>It would seem that "...and the Construction Method Statement" should be added at the end of Requirement 5(1)?</p> <p>In the preamble to Requirement 5(2), should the approval not specify the relevant LPA in every case, following consultation with the EA, Historic England, The Greater Archaeological Service and other statutory bodies as appropriate?</p> <p>Should a revised FRA be included as one of the subsidiary plans in Requirement 5(2) given the Relevant Representation (RR) of the EA [RR-299]? If not, should a process for approving a revised FRA be inserted in Requirement 11?</p>

Question to:		Question:
		<p>Similarly, does the Settlement Assessment and Mitigation Process need to be included as one of the subsidiary plans in Requirement 5(2) or alternatively/additionally explicitly referred to in Requirement 7 given the representations of Historic England?</p> <p>In addition does there need to be a statement at the end of Requirement 5(2) that all the subsidiary plans need to be drawn up within the parameters assessed in the ES?</p>
DC94	Applicant	<p>Requirement 5(2) No part of the authorised development may be commenced until the following plans and strategies, required by the code of construction practice, <u>have been prepared for that part of the authorised development and (where applicable) approved by the relevant planning authority or the Environment Agency (as the case may be)</u>—</p> <p>Some plans and schemes, are merely required to be <u>prepared</u> before commencement, but not to be approved. No justification for the distinction is provided in the EM. Can the Applicant prepare a table providing such justification in respect of those documents in Requirement 5(2)(a)-(o) that are not proposed to be independently approved?</p> <p>It is also noted that there is no equivalent provision for either preparation or approval in respect of the Site Waste Management Plan (SWMP). Why?</p>
DC95	Applicant	<p>Requirement 5(3) The relevant highway authority for the purposes of sub-paragraph (2)(g)(2)(e) is each highway authority for the highways affected by the Construction Traffic Management Plan.</p> <p>What is meant by “...for the purposes of sub-paragraph (2)(g)(2)(e)...”?</p>

Question to:		Question:
DC96	Applicant	<p>Requirement 5(4) The authorised development must be carried out <u>in accordance with the plans and strategies approved under sub-paragraph (2)</u>.</p> <p>The implication of this sub-paragraph is that the development does not need to comply with plans and strategies that are merely required to be prepared?</p>
DC97	Applicant	<p>Requirement 5(5) TfL must make the plans and <u>strategies approved under sub-paragraph (2)</u> available in an electronic form suitable for inspection by members of the public <u>until the authorised development has been opened for public use</u>.</p> <p>The implication of this sub-paragraph is that plans and strategies that are merely required to be prepared need not be made available?</p> <p>Are none of the plans and strategies of continuing relevance after opening?</p>
DC98	Applicant	<p>Requirement 6 The landscaping scheme is not tied into securing the mitigation taken into account in the ES nor is it explained how the maintenance of the landscaping would be secured on land for which only temporary possession is sought.</p> <p>Should Requirement 6(1) include a statement that “The scheme must provide for the minimum areas of planting shown on drawing 9.5 in Document 6.2 of the ES” and indicate how retention and maintenance would be secured to for lifetime of the scheme including on land for which only temporary possession is sought?</p> <p>Requirement 6(3) contains references to parts of the authorised development.</p>

Question to:		Question:
		Where are the parts or phases defined in the dDCO?
DC99	Applicant	<p>Requirement 8(1) No part of the <u>authorised development which comprises any part of a surface water drainage system</u> must commence until written details of that surface water drainage system have been submitted to and approved by the relevant planning authority.</p> <p>The only works referring to drainage systems are those described as ancillary or related development in Schedule 1 'other works and development' items (n), (p) or (r). Therefore please clarify what is meant here and identify the works to which the approval of surface water drainage is a condition precedent?</p>
DC100	Applicant	<p>Requirement 9 [External Lighting Details]</p> <p>Please explain the relationship between the matters requiring approval under Requirement 9 and Requirement 5(2)(l)?</p>
DC101	Applicant	<p>Requirement 11 [Flood Risk assessment]</p> <p>Although there is a definition in Requirement 1, the FRA is not actually referred to in Schedule 14 neither is it referred to as needing further approval in Requirement 5. Please explain how "the flood risk assessment" would be tied into the dDCO, with amendment as necessary.</p>
DC102	Applicant	<p>Requirement 12(1) There is no requirement to retain noise mitigation measures after implementation and certain terms such as "noise barriers" and low noise surfacing" do not seem to have been defined.</p> <p>Please indicate where such definitions are contained in documents that would be certified?</p>

Question to:		Question:
		Surely "c) The approved noise mitigation measures shall thereafter be retained." needs adding to Requirement 12(1)?
DC103	Applicant	<p>Schedule 2 Part 2 [Procedure for discharge of requirements]</p> <p>Given the scale and scope of approvals and consents required e.g. under the CoCP, should this Part include a provision for the submission of advance drafts of applications unless otherwise agreed with the LPA (as in paragraph 1 of Schedule 17 of the Thames Tideway Tunnel DCO)?</p>
DC104	Applicant	<p>Requirement 13 (a) any body responsible for giving any consent, agreement or approval required by a requirement included in Part 1 of this Schedule, or for giving any consent, agreement or approval further to any document referred to in any such requirement; or (b) the local authority in the exercise of its functions set out in sections 60 and 61 of the Control of Pollution Act 1974 (COPA Act)(a).</p> <p>Please identify the power relied on to replace the statutory appeal mechanisms in s60 and s61 of COPA 1974, and justify why that is appropriate in this case (it is noted that a similar provision is included in the Thames Tideway Tunnel DCO, but no specific justification appears to have been put forward in that case)?</p> <p>The EM indicates that this is to 'streamline the appeal process'; can the Applicant provide a comparative timeline to indicate why this is the case?</p> <p>Why are those sections relevant in any event, as the procedure in Part 2 is designed to relate to applications made for consent etc under Requirements, and s60 and s61 do not involve such applications?</p>

Question to:		Question:
DC105	Applicant	<p>Requirement 16(2)(f) The appeal process is as follows— (f) the appointed person must make a decision and notify it to the appeal parties, with reasons, <u>within 2 months</u> of the end of the 10 day period for counter-submissions under paragraph (e).</p> <p>It seems unlikely that the SoS or the person appointed would wish to be bound by a specific timescale, for compliance with which there would be no sanction in any event. Should the decision be required to be made 'as soon as reasonably practicable' (as with the Thames Tideway Tunnel DCO)?</p>
DC106	Applicant	<p>Requirements Generally</p> <p>A number of matters do not seem to be governed by Requirements or other provisions in the dDCO.</p> <p>Please consider the desirability of adding Requirements or other provisions (such as in the dDNML) that would address:</p> <ul style="list-style-type: none"> (a) The Water Framework Directive Assessment; (b) A Piling Management Plan to include piling locations, types of piling proposed at each location, duration of piling (both in terms of number of days/weeks and hours of piling) and soft start procedures for marine piling; (c) Decommissioning of the temporary jetty and other temporary works needed during construction including the preparation, submission and agreement of a decommissioning environmental management plan (DEMP) which would provide for the restoration of the construction compounds and removal of the jetty; (d) Construction hours of working, including details of plant and equipment that would be operated 24/7; and

Question to:		Question:
		(e) Air quality monitoring and mitigation.
DC107	Applicant	<p>Schedule 5 [Modification of compensation and compulsory purchase enactments for creation of new rights]</p> <p>The EM [APP-014] does not provide any explanation of the purpose or content of this Schedule. Can the Applicant provide a 'tracked change' version of each of the enactments proposed to be modified by this Schedule to demonstrate the effect of the modifications?</p>
DC108	Applicant	<p>Schedule 8 para 3(3) - (2) A relevant person may make representations in writing to the operator on one or more of the grounds mentioned in sub-paragraph (3).</p> <p>(3) The grounds are—</p> <p>.....</p> <p>(b) in a case where the motor vehicle was removed and penalty charges were outstanding with respect to the motor vehicle, that—</p> <p>(i); or</p> <p>(ii) the number of penalty charges incurred after that person had become the person liable was fewer than <u>such number as may be specified for the purposes of article 44(13).</u></p> <p>Article 44(13) only applies charges (in respect of removal, storage and disposal of vehicles) imposed by a charging scheme made under the 1999 Act. Please clarify what is intended here?</p>
DC109	Applicant	<p>Schedule 3 Part 3 [Recovery of penalty charges]</p> <p>Schedule 8 is only referenced in the Articles under Article 44 (removal of vehicles). The subject of this part of the Schedule appears to be a separate issue, although penalty charges are addressed in the Articles by a54 and a55, which at first sight appear to impose a different regime.</p>

Question to:		Question:
		Please clarify the relationship between those Articles and the provisions of Part 3 of Schedule 8?
DC110	Applicant	<p>Schedule 9 [Byelaws]</p> <p>Do the proposed byelaws reflect any existing byelaws?</p>
DC111	Applicant	<p>Schedule 12 [Deemed Marine Licence] The Deemed Marine Licence, Paragraph 3 is devoid of detail unlike similar DMLs contained in other made DCO such as the York Potash Harbour Facilities Order. A similar point is raised by the MMO concerning the need to include specific detail in Condition 10.</p> <p>Should clause 3 of the dDML be expanded to refer to the Works listed within Work No 20 in schedule 1, to specify a maximum dredged volume and the dredging methods assessed in the ES and the dimensions for the proposed temporary jetty as contained in the Construction Management Statement and a plan of the area to be covered by the DML appended or referenced as sought by the MMO?</p> <p>In addition, please clarify whether the alternative or additional use of the "Not Always Afloat but Safely Aground" Jetty would involve any licensable activities. Please also consider the need for greater specificity in Condition 10.</p> <p>Paragraph/Condition 4 refers to the transfer of Benefit. MMO have asked for this to instead be in the body of the dDCO.</p> <p>Should the content of condition 4 be instead located with Article 58 as requested by the MMO?</p> <p>The MMO has suggested additional conditions governing</p>

Question to:		Question:
		<p>maintenance and duration of the licence.</p> <p>Should the additional conditions sought by the MMO be inserted in lieu of the current condition 4?</p> <p>Condition 9 does not read easily and does not appear to cover all the dredging techniques referred to in the ES.</p> <p>Please consider inserting “using soft-start-techniques” after “activities” in line 2 of condition 9 and adding at the end “Otherwise piling techniques should be limited to those assessed in the ES unless agreed otherwise by the MMO and not giving rise to any greater likely significant environmental effects.”</p> <p>The MMO has raised issues concerning the time periods specified in Condition 12 and the validity of including Condition 14 and the need for a condition requiring approval of method statements for authorised works.</p> <p>Please address the concerns over conditions 12 and 14 and the need for approval of method statements.</p>
PN	Principle and nature of the development including alternatives	
PN1	Applicant	<p>The case for the scheme as set out in Document 7.1[APP-093] refers to the evolution of the scheme within the overall strategy for new River Crossings in London which is summarised in Connecting the Capital, 2015 [AS-008].</p> <p>Document 7.1 [APP-093] states that proposals for river crossings at Gallions Reach and Belvedere could be in place “soon after the Silvertown Tunnel”.</p>

Question to:	Question:
	<p>Can the Applicant please explain why therefore the Mayors Transport Strategy (MTS) Policy 39 [AS-007] and the supporting text to the London Plan (paragraph 6.10)[AS-006] refers to a longer-term fixed link at Gallions Reach?</p> <p>The ExA would, in answering this question, like to draw the Applicant's to TfL's attention to its own documents "Gallions Reach and Belvedere Consutation Leaflet"; Gallions Reach and Belvedere River Crossings Option Assessment Report (Long List); and Option Assessment Report (Public Transport Interim List).</p> <p>These documents indicate that consultations have been continuing, with proposals being refined for multi-modal crossings at both Gallions Reach and Belevere.</p> <p>Although such proposals are stated to not provide complete solutions to the congestion and resilience issues in relation to the Blackwall tunnel, please provide a justification for the priority being afforded to the Silvertown Tunnel as opposed to spreading the benefits of further river crossings more widely as an earlier priority?</p> <p>To enable all Interested Parties to have clear access to the documents referenced above, the documents named in this question should be submitted to this Examination.</p>

Question to:		Question:
PN2	Applicant	<p>In the Update Report submitted following the Mayoral Review [AS-021], it is stated that the Mayor's new approach will include a new DLR crossing at Gallions Reach and that the additional crossings referred to could all be delivered within the next decade.</p> <p>Please explain whether the proposed new DLR crossing represents a change from the position set out in the documents referred to in the previous question or simply that option DLR1 (and/or DLR3) have been afforded priority for development out of the various public transport options evaluated?</p> <p>Would the DLR crossing be part of a multi-modal crossing at Gallions Reach, as envisaged in those documents that would include a highway crossing? Is a highway or multi-modal crossing still envisaged at Belvedere albeit further into the future?</p> <p>Does the reference to the additional crossings being deliverable in the next decade only refer to the DLR crossing and the Rotherhithe to Canary Wharf pedestrian & cycle bridge proposal or does it also include a possible North Greenwich to Isle of Dogs ferry and a London Overground extension to Abbey Wood that are referred to as to be assessed further?</p>

Question to:		Question:
PN3	Applicant	<p>The case for the scheme (Document 7.1)[APP-093] indicates why a third bore for the Blackwall Tunnel is not considered feasible as a consequence of tie-in difficulties and need for tidal flow arrangements. However, it also indicates that a protracted closure of the Blackwall Tunnel may be necessary for structural maintenance reasons given the age of the infrastructure in the relatively near future.</p> <p>If such a scenario is envisaged, presumably in the first instance for the much older and more restrictive northbound tunnel, no consideration appears to have been given as to whether such works might enable the current alignment, height and width restrictions to be overcome through a re-construction of that tunnel? Nor does it explain whether, if such work is possible, why the Silvertown Tunnel would still be required.</p> <p>If such an assessment has been made, please provide the documentation.</p> <p>If an assessment has not been undertaken, please indicate the feasibility of such a solution, in particular, how such works would assist the present problem of incidents caused by over-height vehicles?</p>
PN4	Applicant	<p>Given the problems caused by over-height vehicles in the existing Blackwall Tunnel, please justify the lack of a proposal for a complete prohibition on Heavy Goods Vehicles (HGVs) and Public service Vehicles (PSVs) from using the existing Blackwall Tunnel once the Silvertown Tunnel is operational?</p>
PN5	Applicant	<p>In Document 7.1 [APP-093] it is stated that unless action is taken to provide the Silvertown Tunnel now, the opportunity to do so in future would be lost as redevelopment proceeds of the Greenwich peninsula and the north bank riverside.</p> <p>Please provide a justification for this statement, given the existence of the</p>

Question to:		Question:
		Safeguarding direction and possibility of refining that direction to accommodate the Silvertown Tunnel and minimum constructional requirements as now proposed?
PN6	Applicant	In the Update Report submitted following the Mayoral Review [AS-021], there is reference to commitment to provide new bus services through the Silvertown Tunnel and also to the possibility of these including a cycle carrying bus service. Would the new services be secured through a Development Consent Obligation?
PN7	Applicant	Again in the Update Report submitted following the Mayoral Review [AS-021], there is reference to urban realm improvements to help cyclists and pedestrians in the vicinity of the scheme. It is stated that these would be delivered outside the dDCO because they are "not necessary as part of the scheme". Please clarify their relevance to the dDCO application as they appear to be advanced by way of mitigation. Does that not imply that they should be subject to a Development Consent Obligation?
TE	Terrestrial Ecology	
TE1	Applicant, Natural England (NE)	(a) The Biodiversity Action Plan and Mitigation Strategy (BAPMS) [APP-065] states that compliance with this document would be secured by the design principles for the landscaping proposals, which in turn are secured by the dDCO Requirement 6. Should this document be secured directly by a Requirement in the dDCO as ecological matters are not always directly related to landscape matters? (b) Has a draft landscaping scheme been prepared and submitted to the Examination? If not, why not? (c) How does the BAPMS differ from the Ecology Management Plan which is to be "prepared in consultation with Natural England" pursuant to

Question to:		Question:
		Requirement 5(2)(h), as currently worded in the dDCO?
TE2	Applicant	<p>The wording in the BAPMS, such as in 5.3.1 is often non-committal – for example;</p> <p>“If there are opportunities for pond creation, areas of standing water should be sculpted to provide zones of differing depths of water.”</p> <p>This type of wording in a mitigation strategy gives little comfort that such mitigation would be delivered. The next paragraph also gives no commitment to deliver the pond management that is suggested and 5.4.11 gives no commitment to setting up bird boxes.</p> <p>Please can the Applicant review this document thoroughly and ensure that there is certainty that the mitigation would be delivered? The ExA would also like to see such mitigation included in the mitigation road map, indicating where this is to be secured through the dDCO.</p>
TE3	Applicant	APP-065 at paragraph 6.1.4 and table 6.3 references broadleaved plantation woodland and other habitat that is to be created outside the Order limits. How will this planting be secured through the dDCO?
TE4	Applicant and LPAs	<p>(a) The arboricultural survey (ES Appendix 9.D)[APP-061] recommends in paragraph 5.1.1 that an arboricultural impact assessment is prepared when the proposed layout is finalised, with the assessment including a schedule of trees to be retained and removed. How is this to be secured in the dDCO? Are the LPAs content with this approach?</p> <p>(b) The ExA requests that the Applicant provide further information, so that the impact on trees can be better understood and taken into account by the ExA in making their recommendation. The ExA understands that final details are not yet available, but requests that this information is</p>

Question to:		Question:
		<p>based on current knowledge and on a “worst case scenario”.</p> <p>(c) ES tables 9-10 and 9-11 identify the number of individual trees that would be lost from both sides of the river Thames. Are the trees that would be lost identified on a map in the ES? If not, please could the Applicant provide a plan that shows this information?</p>
TE5	Applicant	Where in the ES is there a location plan and description of the areas of plantation broadleaved woodland that would be lost? If the ES does not currently contain such information, the Applicant is request to provide such information.
TE6	Natural England (NE), London Borough of Newham, Royal Borough of Greenwich and other IPs with an interest in nature conservation	Do you agree with the Applicant’s statement in paragraph 9.4.4 of the ES, that none of the nearby Sites of Special Scientific Interest (SSSIs), National Nature Reserves (NNRs) and non-statutory Sites of Interest for Nature Conservation (SINCs) would be directly affected by the proposed development?
TE7	Environment Agency (EA), NE, London Borough of Newham, Royal Borough of Greenwich and other IPs with an interest in nature conservation	Japanese Knotweed was found within the Order limits, as were other non-native species including Virginia Creeper and Butterfly-bush. Are Interested Parties (IPs) satisfied with the specific mitigation for these species as described in the Code of Construction Practice (CoCP) (Document reference 6.10) [APP-092]?
TE8	NE, London Borough of Newham, Royal Borough of Greenwich and other IPs with an interest in nature conservation	<p>The ES [APP-031] states in section 9.4 that birds and bats were found within the Order limits.</p> <p>Are IPs satisfied with the specific mitigation for these animals as described in the CoCP (Document 6.10)[APP-092]?</p>
TE9	NE, London Borough of Newham, Royal Borough of Greenwich and other IPs with an interest in nature conservation	<p>The ES describes two Red Data Book invertebrate species that were found within the Order limits.</p> <p>Are IPs satisfied with the specific mitigation for this species as described in the CoCP (Document 6.10) [APP-092]?</p>

Question to:		Question:
TE10	Applicant	<p>How would the updated Phase 1 habitat surveys and targeted species surveys proposed in the ES [APP-031] at paragraph 9.5.7 be secured in the dDCO?</p> <p>In the event that construction does not commence within 2 years of the latest round of ecological surveys, how does the Applicant intend to update such information to ensure it reflects the current situation?</p>
TE11	NE, London Borough of Newham and other IPs with an interest in nature conservation	<p>The East India Dock Basin SINC is only 50m away from a construction traffic track-out route.</p> <p>Are IPs satisfied with the dust suppression measures that are proposed in the CoCP [APP-092] to protect this SINC from fugitive dust? If not, why not?</p>
TE12	NE, London Borough of Newham, Royal Borough of Greenwich and other IPs with an interest in nature conservation	<p>Are IPs satisfied with the measures set out at section 7.2 of the CoCP [APP-092] proposed by the Applicant for checking whether there are any black redstarts breeding within the Order limits before construction commences?</p> <p>Are IPs content with the proposed mitigation for this species, (and all other species of breeding birds)? If not, why not?</p>
TE13	Applicant and NE	<p>Has the Applicant discussed the need for protected species licences with NE? If so, can the Applicant provide an agreed list of any that are required.</p> <p>Can NE confirm, in relation to each licence required, whether there is any known impediment to the issue of such licences?</p>
CL	Construction (on land)	
CL1	Applicant	<p>Please provide site location, layout and elevations plans, drawn to a recognised scale, with a north point (where applicable) identifying the various structures, buildings, laboratories and storage areas that would be</p>

Question to:		Question:
		located in the two construction compounds.
CL2	Applicant	<p>The ES [APP-031] in paragraph 4.5.15 states that the indicative locations of the tunnel services buildings are shown on the General Arrangement Plans. No details of size, height or construction details appear to be shown on those plans. Furthermore, the dDCO, in Schedule 1, Authorised Development at Works No 12 and Works No 17 include "the construction of the tunnel services buildings", referring to sheet 1 and sheet 3 of the works plans, respectively. However Sheet 1 and Sheet 3 provide only the outline of the work boundary and do not provide details of the works that would be proposed within works 12 or works 17.</p> <p>Please can the Applicant provide location, layout and elevation plans drawn to a recognised scale, with a north point (where applicable) of these tunnel services buildings.</p>
CL3	Applicant	<p>(a) ES Figures 4.3 and 4.5 [APP-031] identify an "ancillary services building". Please can the Applicant provide location, layout and elevation plans drawn to a recognised scale, with a north point (where applicable) indicating envisaged uses of this building.</p> <p>(b) Where is this building secured in the dDCO?</p>
CL4	Applicant	Please confirm whether the ventilation stacks have been removed from the works listed in Schedule 1 of the dDCO and the associated plans and drawings?
CL5	Applicant	What mitigation is the Applicant proposing in the event of needing to dewater peat deposits (if any are found), in order to minimise the risks of structural defects to nearby properties? How would this be secured in the dDCO?
CL6	EA	The CoCP [APP- 092] at paragraph 9.3.1 states that the contractor will consider suitable control methods to manage ground water ingress and

Question to:		Question:
		<p>dewatering and liaise with the Environment Agency (EA) to determine the need for detailed assessments of dewatering impacts.</p> <p>(a) Is the EA satisfied with this approach?</p> <p>(b) Can the EA inform the ExA whether, in their view, this approach could lead to unforeseen groundwater dewatering impacts on nearby properties?</p>
CL7	Applicant	<p>The Construction Method Statement (CMS) (Document 6.3 Appendix 4.A) [APP-046] paragraph 6.1.11 refers to a "site clearance plan".</p> <p>(a) Has this plan been prepared and submitted to the Examination? If not, when is it going to be prepared?</p> <p>(b) How is it to be approved?</p> <p>(c) How is it secured in the dDCO?</p>
CL8	Applicant	<p>Where in the dDCO, in Schedule 1 (authorised development) are the following aspects of the proposed construction phase authorised?</p> <p>(a) Waste management treatment plant;</p> <p>(b) Bentonite separation plant;</p> <p>(c) Lime dosing plant;</p> <p>(d) Batching plant for concrete;</p> <p>(e) Cranes; and</p> <p>(f) Pre-cast tunnel lining manufacturing plant?</p>
TT	Traffic and Transport	
<p>Transportation and Traffic Modelling and Forecasting: Requests and Questions</p> <p>It is noted that in preparing the case for the scheme the Applicant and its advisors have employed a suite of transport planning and traffic models and data sets. Reference Cases have been defined for 2021, 2031 and 2041, without the Scheme</p>		

Question to:**Question:**

(‘do minimum’ and Assessed Cases (for 2021, 2031 and 2041) with the Scheme (‘do something’). These future projections are intended to be consistent with the forecast years of TfL's suite of London-wide and sub-regional transport models. It is noted the new tunnel would be expected to open in 2022/23, but for the purpose of assessment 2021 is assumed to represent the opening year of the Scheme. 2021 also is claimed to represent a worst case scenario for traffic-related environmental impacts and it is claimed there is more certainty in the planning and travel behaviour assumptions underpinning the 2021 forecasts compared to projections for 2031 and 2041.

In addressing the issues raised by the ExA and the requests and questions set out here, the Applicant is asked to be mindful of the following considerations;

- consistency, reliability and compatibility of various data sources input to the modelling process and generation of projections;
- the behavioural sensitivity of the suite of multi modal, public transport and traffic models employed in assessing the scheme (including allowing for the effects of potential user charging); whether they are sensitive to potential changes in trip timing, modal choice, redistribution of trips and induced demand consistent with transport network changes and whether the forecasting tools are adequate in incorporating the potential impacts on travel behaviour and flows of vehicles and goods attributable to proposed user charging scheme options;
- the reliability and robustness of the projections generated by the model system for both person trips and vehicle (including freight movements for the scheme);
- the robustness and reliability of the outputs from the transport and traffic models and the implications of their projections for the economic appraisal of the scheme including wider economic benefits; and
- the compatibility of the outputs from the transport and traffic models with the input requirements of and the reliability of outputs from related environmental assessment tools.

The models employed by TfL and its advisors include or draw upon:

Question to:**Question:**

- TfL's London Transportation Studies (LTS) model;
- the London Regional Demand Model (LoRDM) including a Demand Model;
- the River Crossings Highway Assignment Model (RXHAM);
- the East London Highway Assignment Model (ELHAM);
- the Railplan model;

as well as various TRANSYT and LINSIG models for individual junctions and a VISSIM micro-simulation model.

TT1	The Applicant	<p>The Applicant states that the modelling assumptions, including model structure reflect the effects that are most likely to occur when the scheme is implemented. It is asserted that the modelling approach is in accordance with industry wide guidance and good practice [Section 1.5, sub-section 1.5.8 of APP-086].</p> <p>With this in mind, please supply full details of each of these models including structure, parameter specification and estimation process, and validation and other checks, together with descriptions of model inputs and outputs with particular reference to the suite of linked models employed in preparing the case.</p>
TT2	The Applicant	<p>The Applicant is requested to provide a detailed description of how the transport and traffic model output interface with the air quality models and other environmental tools. This should include addressing issues relating to compatibility of the outputs from the transport and traffic models and the inputs to the Air Quality models as well as uncertainties surrounding the outputs from the air quality assessment.</p>

Question to:		Question:
TT3	The Applicant	Data was obtained by the Applicant from a range of sources, including traffic counts, centrally held databases, road side interviews and bespoke assessments. Please provide a detailed comprehensive description of the data sets employed in each model within the wider suite of tools together with referencing of the data sources.
TT4	The Applicant	<p>The Applicant states in [Section 1.5, sub-section 1.5.8 of APP-086] that it has sought and taken on board independent advice on model development from DfT and external experts. Furthermore, it, commissioned an external audit of its models undertaken in 2014 and in 2015 and supported the host boroughs in undertaking a further audit of the modelling suite.</p> <p>Please provide the ExA with copies of these audits and any reviews undertaken by external/DfT experts, and details of how the audits have been taken into account within the model system together with an assessment of their performance.</p>
TT5	The Applicant	The application documentation acknowledges concern over the potential for the scheme to be adversely affected by so called 'induced demand' or 'induced traffic' as a result of the introduction of the Silvertown Tunnel scheme into the highway network [Appendix B in APP-087]. This could include additional local traffic (or public transport trips) linked to diversion from other routes, changing their origin or destination (trip locations), or mode switching. However, many of these effects do not represent true 'induced' traffic. Please comment on the extent to which true 'induced' traffic has been factored into the transportation and traffic modelling and forecasting.

Question to:		Question:
TT6	The Applicant	<p>The Applicant states that changes in route choice are already addressed by the model specification, geographical coverage and data inputs [Appendix B, Section B4.2 of APP-087], it is stated that the Silvertown wider study area is sufficiently large to cover all possible trip locations where users could plausibly use the Silvertown or Blackwall Tunnels [Appendix B, Section B4.2 of APP-087].</p> <p>Please provide detailed evidence in support of this argument.</p>
TT7	The Applicant	<p>The Applicant also argues that trip redistribution is reflected in the Silvertown traffic forecasts and informed by recognised guidance in the form of WebTAG elasticities for demand model responses [Appendix B, Section B4.2 of APP-087]. Furthermore, it is stated that any such effect would not be significant due to the estimated impact of charging and provision of an enhanced bus network.</p> <p>Please provide detailed evidence in support of this claim.</p>
TT8	The Applicant	<p>The Applicant is asked to provide a detailed description and evidence in support of its argument that modal shift is unlikely to emerge as result of the scheme [Appendix B, Section B4.2 of APP-087]. Similarly, it is stated that the overall number of trips regardless of their mode of transport, location, and route taken as a result of the Silvertown scheme will not change and is assumed to be fixed for a given level of population and employment [Appendix B, Section B4.2 of APP-087].</p> <p>Please provide detailed evidence in support of this claim.</p>
TT9	The Applicant	<p>The Applicant also refers to potential time of day effects with the implementation of the scheme although it argues these are unlikely to be substantial [Appendix B, section B4.2 of APP-087].</p> <p>Please provide evidence in support of this argument.</p>

Question to:		Question:
AQ	Air Quality	
AQ1	Applicant, Greater London Authority (GLA), London Borough of Newham, Royal Borough of Greenwich, London Borough of Tower Hamlets and other IPs with an interest in air quality	<p>Paragraph 6.1.1 of the ES [APP-031] explains that the air quality assessment uses 2021 as the year for the basis of modelling air quality levels for both the proposed scheme and the situation without the scheme.</p> <p>Is the use of 2021 as the base year sufficiently robust to provide air quality modelling data for the whole of the operational phase, given the stated life of the scheme being 120 years and, if the Order is made, Silvertown tunnel is not proposed to be operational until 2023?</p>
AQ2	Applicant, GLA, London Borough of Newham, Royal Borough of Greenwich, London Borough of Tower Hamlets and other IPs with an interest in air quality	<p>The ES, in table 6.1 (page 6-11) [APP-031] explains that the Applicant has not carried out an assessment of the proposed development in terms of whether it is "air quality neutral". This term is derived from the Mayor's Air Quality Policy.</p> <p>(a) Please can the Applicant provide a copy of the following ES references [APP-031], Mayor's Air Quality Strategy, Greater London Authority (Ref 6.13) and GLA Air Quality Neutral Planning Support, Air Quality Consultants Ltd, 2013 (Ref 6.14) to the Examination as PDFs?</p> <p>(b) Please can the Applicant explain why it has not provided an assessment of the scheme in terms of whether it is "air quality neutral"?</p> <p>(c) Please can GLA and the Local Authorities confirm that the assessment of air quality impacts undertaken by the Applicant is sufficiently robust in the absence of this information?</p> <p>Please can the GLA and the Local Authorities confirm whether these documents remain extant and whether there are any other London based air quality policy documents (apart from the London Plan and their own Unitary Plans) that are relevant to the Examination?</p>

Question to:		Question:
AQ3	Applicant	Please provide the WebTAG guidance referred to in paragraph 6.3.12 of the ES [APP-031] in relation the age of baseline data, as a PDF file together with details of the relevant paragraph numbers?
AQ4	Local Planning Authorities	<p>Paragraph 6.3.40 of the ES [APP-031] states that "<i>In order to undertake the [air quality] modelling, detailed traffic data was obtained for the Base Year, Reference Case and Assessed Case</i>".</p> <p>Do the relevant highway/planning authorities agree to the approach taken by the Applicant in the ES in basing the air quality modelling work on these traffic data sets?</p>
AQ5	Applicant	<p>The results of the air quality modelling for the operational phase are presented on Drawing 6.10 – Local Air Quality NO₂ Results [APP-036]. However, the Reference Case and Assessed Case modelled concentrations for NO₂, PM₁₀ and PM_{2.5} at each of the receptors are stated to be "<i>available in excel format on request</i>". The results of the representative receptors are shown in Tables 6-17–6-20.</p> <p>Please submit the results for all modelled receptors to the Examination?</p>
AQ6	Applicant	<p>Table 6.27 of the ES [APP-031] states that TfL would use buses which conform with the Euro VI emission class (or equivalent) on all new bus routes that use the proposed development.</p> <p>(a) Please provide the reference document that defines Euro VI emission class (or equivalent), as a PDF, explaining where in the document these are defined; and</p> <p>(b) How would this commitment be secured in the dDCO?</p> <p>(c) What proportion of the daily vehicle numbers expected to be using the proposed development would be buses that would be equipped with</p>

Question to:		Question:
		engines that are Euro VI (or equivalent) emissions class?
AQ7	Applicant	Has the Applicant considered the issue of the “emissions scandal” in the ES, whereby some makes of cars are a lot less efficient in controlling emissions than thought? If so, where in the ES is this considered? If not, why not?
AQ8	London Borough of Newham, Royal Borough of Greenwich, London Borough of Tower Hamlets	(a) Are the LPAs satisfied with the locations chosen for the identification of sensitive receptors? If not, why not? (b) Are the LPAs satisfied with the methodology used for the assessment of air quality? If not, why not? (c) Are the LPAs satisfied with the Applicant’s conclusions in relation to the predicted potential impacts in relation to air quality at or near sensitive receptors? If not, why not? (d) Are the LPAs satisfied with the Applicant’s conclusions in relation to the predicted potential impacts in relation to air quality impacts in relation to sensitive receptors? If not, why not?
AQ9	London Borough of Newham, Royal Borough of Greenwich, London Borough of Tower Hamlets, No to Silvertown, Public Health England (PHE) and other IPs interested in air quality matters	Are the LPAs, No to Silvertown, PHE and other IPs (who have responded on air quality matters) satisfied with the mitigation proposed by the Applicant in relation to locations and sensitive receptors where there would be a significant impact in terms of predicted air quality changes arising from the development? If not, why not?
AQ10	Applicant	ES paragraph 6.3.41 [APP-031] explains that 2021 was used to represent the opening year of the scheme, stating that 2021 would give a conservative estimate of air quality impacts as background concentrations and emissions for newer (Euro VI) vehicles are both expected to improve

Question to:		Question:
		<p>air quality as a greater number of low emission vehicles are introduced into the fleet.</p> <p>(a) What evidence is there to support this assumption?</p> <p>(b) National Policy Statement for National Networks (NPS-NN), Paragraph 5.7 requires applicants to forecast air quality at the time of opening, so why, in the case of the proposed development, if the scheme would open to the public in 2023, was 2021 chosen as the year to model air emissions?</p> <p>(c) The ExA understands that at present, there is a 4.0m height restriction for northbound traffic using the Blackwall tunnel. However if the dDCO is made for the Silvertown Tunnel, it would be available for HGVs and buses over 4m height in both directions. This would mean that HGVs and buses over 4m in height would be attracted to the area in Greenwich where the southern tunnel entrance would be located, when heading northbound, whereas at present they have to use other routes for crossing the river, such as the Dartford river crossing? Do the air quality predictions take this matter into account?</p> <p>(d) Where in the ES is this explained?</p>
AQ11	Applicant	<p>ES paragraph 6.3.47 states that Highways England (HE) has prepared a series of advice notes on assessing impacts and risk of non-compliance with limit values.</p> <p>Please can the Applicant provide a copy of the relevant advice notes for air quality issues as a PDF?</p>
AQ12	HE	<p>Is HE satisfied that the proposed development would comply with these advice notes?</p>

Question to:		Question:
AQ13	Applicant	<p>Air Quality Management Areas (AQMAs) and Air Quality Focus Areas (AQFAs) – ES Table 6-27 [APP-031] confirms that “AQMAs have been considered in this assessment as well as Air Quality Focus Areas...The impacts of the Scheme have been assessed as not likely to require amendment of an existing AQMA or designation of a new AQMA.”</p> <p>However, the ES chapter does not specifically report on the potential impacts of the proposed development on the AQMAs detailed in ES Tables 6-13 and 6-14. ES Table 6-15 does identify whether or not any of the representative receptors are located within either an AQMA or AQFA. However, not all AQMAs and AQFAs identified within tables 6-13 and 6-14 are represented by the representative receptors.</p> <p>Please set out a clearer assessment of the potential impacts on these designations giving clear conclusions and justifications for these.</p>
AQ14	Applicant, London Borough of Newham, Royal Borough of Greenwich, London Borough of Tower Hamlets	Would the proposed development create any hindrances to the LPAs achieving their targets in relation to demonstrating best efforts in achieving Air Quality Standards objectives?
AQ15	Applicant, London Borough of Newham, Royal Borough of Greenwich, London Borough of Tower Hamlets and other IPs who have an interest in air quality matters	<p>(a) The ExA requests the Applicant, LPAs and other IPs (who have included representations about air quality in their RRs) to confirm that they are satisfied that the proposed development would not lead to a significant air quality impact? If not, why not?</p> <p>(b) Are the LPAs who would host the proposed development, as well as the LAs in the near vicinity of the scheme, satisfied that the proposed development would not lead to a deterioration in air quality in a zone/agglomeration (as defined in NN-NPS paragraph 5.13)? If not, why not?</p>

Question to:		Question:
		<p>(c) Do the LPAs consider that the proposed development would affect their ability, in air quality non-compliant areas, to achieve compliance within the most recent timescales reported to the European Commission?</p> <p>(d) Do the LPAs consider that the mitigation measures proposed would ensure that the net impact of the proposed development would not delay the point at which a zone would meet compliance timescales? Do the LPAs consider that the proposed development conforms to their local air quality action plans?</p>
AQ16	Applicant	If not already provided to the Examination in response to AQ11, please provide a copy of Interim Advice Notes (IAN) 174/13 and IAN 175/13 as PDF files?
AQ17	Applicant	<p>(a) Please provide a map which shows the location of the proposed Ultra Low Emission Zone (ULEZ), discussed in the ES paragraph 6.3.114 [APP-031]?</p> <p>The ES explains that the ULEZ will be operational by 2020 but was not factored into the assessment as it is not incorporated within the Defra Emission Factor Toolkit. The ExA is aware that the Defra toolkit was updated in July 2016 and that the Applicant intends to update their assessment to reflect this. If in the revised assessment this information is not submitted by the Applicant, please supply the Defra Emissions Factor toolkit.</p>
AQ18	Applicant	<p>The Air Quality Study Area is shown on Figure 6.1 [APP-032]. It is unclear what buffer zone Drawing 6.1 is representing (i.e. 200m or 350m)?</p> <p>Please explain the extent of the buffer that Drawing 6.1 is representing?</p>
AQ19	Applicant	Mitigation to control air emissions from vehicles is reliant upon the user charging policy to manage demand for both the existing Blackwall tunnel and the proposed development, as well as the provision of new buses that

Question to:		Question:
		<p>would be equipped with engines that are Euro VI (or equivalent) emissions class.</p> <p>How will the mitigation measures that manage demand through user charging be secured in the dDCO?</p> <p>Please explain what specific mitigation is proposed in relation to receptors where a deterioration in air quality would arise from the proposed development, and therefore the receptors would be subject to significant impacts in relation to air quality. For example at the Hoola Development (receptor 51).</p> <p>Where is this specific mitigation secured in the dDCO?</p>
AQ20	Applicant	<p>In relation to the Applicant's statement in Table 6-3 of the ES that any variations to charges would be subject to an assessment; what would be the resultant action should further assessment show effects on air quality which are different to those that have been assessed in the ES and what would be the triggers/thresholds be that would be in place? How would such assessments and actions be secured through the dDCO?</p>
AQ21	Applicant	<p>Construction phase mitigation measures for air quality are outlined in Appendix A3 of ES Appendix 6.A [APP-049] and stated to be included in the CoCP [APP-092]. Paragraph 6.5.2 of the ES [APP-031] states that these measures will be included in an Air Quality Management Plan which will be implemented by the contractor and must be approved by the LPA.</p> <p>The list of mitigation measures in Appendix A3 is longer than those included within the CoCP; it is assumed that this is because the Applicant intends to produce a more detailed air quality management plan at a later date. Nevertheless, there is no assurance that the measures in Appendix</p>

Question to:		Question:
		<p>A3 of ES Chapter 6.A [APP-049] will be included.</p> <p>Please provide an updated CoCP to include these measures (specifically referring to Appendix A3 of the ES) and for the air quality management plan to include those measures as a minimum in the relevant Requirement in the dDCO?</p>
AQ22	Applicant	<p>(a) Where in the ES is the consideration of dust emissions arising from the construction activities of:</p> <ul style="list-style-type: none"> (i) breaking up existing roads and hard surfaces; (ii) piling; and (iii) operation of the concrete batching plant and other operational facilities that would be situated in the construction compounds described? <p>(b) Where in the ES are the mitigation measures for dust suppression in relation to these operations described and how are they secured in the dDCO?</p>
AQ23	Applicant	<p>In relation to non-road mobile machinery emissions, paragraph 6.6.9 of the ES [APP-031] states that "<i>the impacts at sensitive receptors will not be significant providing the standards sets out in the GLA SPG construction dust guidance are adhered to</i>".</p> <p>No justification to the statement has been provided within the ES. Can the Applicant please justify this statement and explain what assessment methodology was used to come to this conclusion?</p> <p>How would this be secured in the dDCO?</p>
GS	Geology, soils and contaminated land	
GS1	Applicant	The ExA notes that a number of reports are referenced in Chapter 12 of the

Question to:		Question:
		<p>ES [APP-031] including the 'Silvertown Tunnel Ground Investigation Report'. (Ref 12-25 of ES Chapter 12), Ref 12-23 (Desk Study), Report on a Ground Investigation for Silvertown Tunnel (Ref. 12-24), Preliminary Dewatering Risk Assessment (Ref 12-26) and UXO Survey Reports (Ref 12-37, Ref 12-38 and Ref 12-39, see ES paragraph 12.4.9). Although these reports have been summarised in the ES they are not provided to the Examination.</p> <p>Please submit copies of these reports into the Examination.</p>
GS2	Applicant	<p>Baseline conditions at the Greenwich peninsula are described in terms of the Greenwich Peninsula Remediation Strategy Framework Report. Ground conditions across the Greenwich site are described at ES paragraph 12.4.58, including that there is a 'barrier' layer of material separated from contaminated ground by a marker (usually an orange coloured plastic mesh sheet) with contaminants underneath including tars (PAH), mineral oil and petroleum hydrocarbons, benzene, cyanide, phenols, ammonia, sulphate and sulphide, and heavy metals, with further potential for asbestos.</p> <p>Please explain whether this has any bearing on Compulsory Acquisition (CA) issues? For example, if the works affect the release of contamination within the "barriered material" to offsite areas that are not under CA or within the order limits, who has the obligation to remediate or otherwise deal with the issue?</p>
GS3	Applicant	<p>The ES, at paragraph 12.4.56 [APP-031] states that an environmental permit will be required for the Greenwich Peninsula Environmental Method Statement (EMS)/Integrated Management System (IMS) however this is not listed in paragraph 12.5.17, which lists all environmental permits.</p> <p>Please review the list of required permits and ensure that all required permits are listed, and provide an updated list, if necessary, as well as</p>

Question to:		Question:
		updating the consents and agreements position statement [APP-106].
GS4	Applicant	<p>A number of Work Method Statements (WMS) are required for the Greenwich Peninsula EMS.</p> <p>(a) Can the Applicant please explain how and when the WMSs would be produced and how they would to be secured in the dDCO?</p> <p>(b) Please can the Applicant provide a copy of the Greenwich Peninsula EMS document to the Examination as a PDF?</p>
GS5	Environment Agency (EA)	<p>(a) Please can the EA provide an update on the status of the Greenwich EMS and explain whether it is to be further reviewed/updated during the Examination?</p> <p>(b) Please can the Applicant provide a response to the EA's RR [RR-299] in relation to the need to update the groundwater monitoring programme to ensure that it includes actions to be taken when alert or trigger levels are reached?</p> <p>(c) How would this be secured in the dDCO?</p>
GS6	Applicant	<p>(a) Please can the Applicant explain the discrepancy between the ES assessment, where a limit of deviation (LoD) of 3 metres above and below the scheme parameters are assessed (as specified in ES paragraph 12.3.18), and the dDCO at Article 5(1)(b)(ii) where the downwards LoD appears to be unlimited?</p> <p>(b) Should works be required outside the 3 metre downwards deviation, the Applicant is requested to explain how this has been assessed in the ES on a topic-by-topic basis.</p>

Question to:		Question:
		(c) In particular, please could the Applicant clarify the effect that a downward deviation greater than that specified in ES paragraph 12.3.18 would have on the conceptual model developed and described in table 12-6 of the ES [APP-031]?
GS7	Applicant	<p>Please confirm that the ES [APP-031] has assessed all construction scenarios in relation to effects on ground water barriers?</p> <p>If there is a likelihood of other construction methods which may cause different effects, how can the approach taken justify the worst case scenario?</p>
GS8	Applicant	<p>The ES makes a number of references to further detailed design assessments that are to be carried out and that these may require alterations to the construction techniques employed and the mitigation. Examples of this are at paragraphs 12.5.2 and 12.5.13 [APP-031].</p> <p>(a) How would these further assessments be secured through the dDCO?</p> <p>(b) How would these further assessments be consulted upon?</p> <p>(c) How would the results of these assessments be approved?</p> <p>(d) What is the process, should an impact be uncovered that is outside that which has been assessed in the ES?</p>
GS9	Applicant	<p>Paragraph 12.7.5 of the ES [APP-031] sets out a number of scenarios which will require further consideration in designing groundwater barriers.</p> <p>(a) Why is it not possible for the Applicant to undertake this assessment now, so that the results may be considered through the Examination process?</p>

Question to:		Question:
		<p>(b) How would such an assessment and the outcomes be agreed with the relevant authorities?</p> <p>(c) How would the results and outcomes be secured in the dDCO?</p>
GS10	Applicant	<p>ES Paragraph 12.5.14 [APP-031] explains that a Groundwater Environmental Monitoring Strategy has been produced and is listed as reference 12-49.</p> <p>(a) Please submit a copy of that document to the Examination?</p> <p>(b) Please explain the relationship between the Groundwater Environmental Monitoring Strategy and the Groundwater Monitoring and Verification Plan listed in Requirement 5(2) of the dDCO, which would be "approved by the Environment Agency", as part of that draft Requirement, as currently worded?</p>
GS11	Applicant	<p>Mitigation during excavation is set out in the Construction Method Statement (CMS) [APP-046]. However, this document is not secured within the dDCO.</p> <p>Please clarify how these mitigation details would be approved and secured in the dDCO, such as specifying it as a listed document in Requirement 5(2) and as a certified document in Schedule 14?</p>
GS12	Applicant	<p>The National Planning Policy Framework (NPPF) Paragraph 120 states that "Where a site is affected by contamination or stability issues, responsibility for securing a safe development rests with the developer and/or landowner."</p> <p>Please can the Applicant explain where in the ES it provides details which satisfy this NPPF requirement that the proposed development would result</p>

Question to:		Question:
		in a safe development in respect of contamination and land stability?
GS13	EA	<p>The ES at paragraph 12.5.47 [APP-031] states that in view of unknown hydrocarbons and asbestos fibres below the Greenwich construction site, a watching brief would be maintained to cover the eventuality of unknown contamination.</p> <p>Does the EA consider that a "watching brief" is the correct monitoring method for this?</p>
NV	Noise and Vibration	
NV1	Applicant	<p>Please comment on the extent to which ongoing construction activities have been accounted for in the assessment of baseline conditions. For example, have any corrections been made on the basis that such activities are not permanent features on the soundscape and the extent to which, if uncorrected, these may result in overestimation of baseline noise conditions (against which the impacts of the proposed development have been assessed)?</p>
NV2	Applicant	<p>The ES at paragraph 4.5.56 [APP-031] states that low noise road surfacing will be applied to all roads located within the Order Limits.</p> <p>Please can the Applicant explain where the technical specification for the low noise road surfacing is described in the ES (or if it is not, please provide the technical specification to the Examination) and explain how its location and technical specification are secured in the dDCO?</p>
NV3	Applicant	<p>(a) Similarly, the ES discusses noise barriers around the tunnel portals as part of the mitigation to reduce noise impacts. Please provide plans drawn to a recognised scale (with a north arrow) showing where these noise barriers would be located, as well as a diagram showing their construction methods and elevations?</p>

Question to:		Question:
		<p>(b) Have these noise barriers been taken into account in the assessment of noise impacts? If so, where in the ES is this explained? In particular please clarify the technical specification of these barriers and their ability to meet the proposed levels of noise mitigation that the assessment has relied upon in concluding as to the residual effects.</p> <p>(c) Please explain how these barriers are secured in the dDCO?</p>
NV4	London Borough of Newham, Royal Borough of Greenwich and London Borough of Tower Hamlets	Are the LPAs that would host the proposed development satisfied that the noise impacts arising from both the construction phase and operational phase have been assessed in accordance with the correct standards?
NV5	London Borough of Newham, Royal Borough of Greenwich and London Borough of Tower Hamlets	<p>The ES [APP-031], in table 14-4 describes the pre-application discussions that took place between the Applicant and the host boroughs in relation to noise and vibration assessment.</p> <p>Are the LPAs satisfied with the locations chosen by the Applicant for assessment as noise sensitive receptors?</p>
NV6	Applicant	<p>(a) Please explain how complaints about noise (or other environmental issues) would be dealt with during both construction and operation?</p> <p>(b) Where in the dDCO is a complaints procedure secured?</p> <p>(c) How would the Applicant report upon complaints received and how they were dealt with?</p>
NV7	Applicant	(a) Please explain how the dDCO would limit the construction of the tunnel boring activities at Works number 1(b) to the use of a single tunnel boring machine (TBM)? Paragraph 5.1.9 of the CMS [APP-046] states that, "it is considered that a single TBM is able to meet the overall construction programme" but Appendix C of the document appears to show the north and south bound tunnels being driven separately (with

Question to:		Question:
		<p>a period for turning the TBM in between), yet the dDCO would not appear to limit the applicant to use of a single TBM.</p> <p>(b) If it is proposed to use two TBMs at the same time, please confirm that this has been accounted for in the ES noise and vibration assessments, and provide details explaining where in the ES this is taken into account?</p>
NV8	Applicant	<p>Please identify which items of mobile and static plant assessed as working 24/7 in the noise assessments, and which items of mobile and static plant are assessed as working day times/week days only?</p> <p>How would the Applicant ensure that the hours of working for the items of plant/equipment that were assessed as being operated during normal working hours are only used within the hours/days of the week that were assessed?</p>
NV9	Applicant	<p>(a) How long would the 24 hour tunnelling work take? Where is this described in the ES?</p> <p>(b) Under tables 1-1 and 1-2 of Appendix 14.A (Construction Noise) [APP-071], what activities are included in the description "tunnelling works" (for example does this include "cut and cover" and barge loading activities?</p> <p>(c) Have barge loading and associated tunnel construction works been included in the assessment of night-time working?</p>
NV10	London Borough of Newham, Royal Borough of Greenwich and London Borough of Tower Hamlets	<p>(a) Do the LPAs consider that the proposed hours of work for all non 24/7 construction activities should be controlled through a requirement within the dDCO? If so, please indicate.</p> <p>(b) The CoCP [APP-092] in section 2.3 states that non tunnel construction</p>

Question to:		Question:
		works would be 08:00 to 18:00 Monday to Friday and 08:00 to 14:00 on Saturdays, with up to an hour either side of these times for start-up and close-down of activities. Additionally some activities may take place outside these core hours, in which case they would be subject to agreement with the local Environmental Health Officers. Are the LPAs satisfied with these timings for all non 24 hour activities?
NV11	Applicant	<p>Have the noise impacts arising from the construction of the jetty been included within the ES noise assessments?</p> <p>Please identify where in the ES these activities are identified in the noise assessments?</p>
NV12	Applicant	<p>(a) Paragraph 1.3.7-1.3.10 of ES Appendix 14.A [APP-071] lists some of the key construction noise modelling assumptions, including assuming a 2m hoarding around the construction sites, as indicated on the "construction general arrangements". Please provide a copy of the construction general arrangement drawings which show the location of these hoardings, or if they are within the ES, please provide details where they are located?</p> <p>(b) How is the 2m high hoarding around the construction sites secured in the dDCO?</p>
NV13	Applicant	<p>(a) Please explain where the various noise generating construction activities were assumed to take place in the noise modelling assessments?</p> <p>(b) Was a "worst case scenario" of all activities taking place on the Order limit boundary used for the noise assessments?</p>
NV14	Applicant	(a) Please explain why the assumption in Paragraph 14.4.10 of the ES [APP-031] was made, that all roads within the network would be resurfaced with a low noise or thin surfacing system by 2036?

Question to:		Question:
		<p>(b) What level of confidence does the Applicant have that such improvements will be realised?</p> <p>(c) What would be the impact upon the assumptions in ES Table 14.27 if this improvement did not occur (either wholly or partially)?</p>
NV15	Applicant	<p>ES Paragraph 4.5.57 [APP-031] explains that high friction surfacing would be considered in certain places (such as approaches to certain junctions). This appears to contradict the ES statements regarding low noise road surfacing which would be applied to all roads located within the Order limits.</p> <p>(a) Please explain whether the high friction road surfacing has been taken into account in the noise assessments, especially where it may be located close to sensitive receptors?</p> <p>(b) Please provide a scale plan to the Examination showing where the high friction road surfacing would be proposed?</p>
NV16	London Borough of Newham, Royal Borough of Greenwich and London Borough of Tower Hamlets	<p>The ES tables 14-15 and 14-18 [APP-031] relate to tunnelling noise and vibration. Table 14-15 is based on "professional judgement" and table 14-18 is based on "professional judgement and input from HS2 Information Paper E23".</p> <p>Please can the LAs provide their views on the acceptability (or otherwise) of using "professional judgement" in these tables in ES Chapter 14?</p>
NV17	London Borough of Newham, Royal Borough of Greenwich and London Borough of Tower Hamlets	<p>A number of limitations and assumptions are presented in paragraph 14.3.102 - 14.3.105 of the ES (and in table 14-22) [APP-031].</p> <p>Please can LAs comment on the acceptability of an assumed 80% "on-time" being described as "conservative" in relation to construction plant noise?</p>

Question to:		Question:
NV18	Applicant	Please explain whether the 80% "on-time" reflects 80% of the defined construction hours (for example, are they the 24/7 workings that are proposed) and how have the continuous operations associated with the TBM operation been factored in to these calculations?
NV19	London Borough of Newham, Royal Borough of Greenwich and London Borough of Tower Hamlets and other IPs with an interest in lorry routing	(a) Are the LPAs satisfied with the Applicant's proposed arrangements for HGV routing during construction, should the dDCO be made, whereby the CTMP is a requirement of the CoCP (through Requirement 5)? (b) Is there the possibility that significant deviations from the agreed/assessed lorry routes would lead to noise and air emissions which are outside those assessed in the ES?
NV20	Applicant	Please explain if the ES considers the non-tunnelling construction noise impacts (during day time hours) upon noise sensitive receptors with the TBM operating noise, as a combined impact? If so, where is this assessment; if not, please provide a combined assessment for this situation at relevant noise sensitive receptors to TBM and non-tunnelling impacts?
NV21	Applicant	Please explain whether the ES considers the total construction noise impacts (during day time hours) upon receptors situated along the assessed road links, so that it includes the cumulative impacts of traffic noise and construction noise, for example at receptors SR-11 and SR1, SR2 and SR3 (shown on Figure 14.1)? If so, where is this assessment in the ES; if not, please provide a combined assessment for this situation?
NV22	Applicant	Please explain where in the ES the combined vibration effects upon sensitive receptors arising from the TBM, rotary bore piling and percussive hammer piling all working simultaneously are assessed?

Question to:		Question:
NV23	Applicant	<p>Please clarify how the TBM noise and vibration modelling reflects the worst case in accordance with the upwards limits of deviation specified in Article 5 of the dDCO, in relation to work number 1(b)?</p> <p>Can the Applicant also expand on the conclusion at paragraph 10.1.2 of ES Appendix 14.C that the Lowest Observed Adverse Effect Level (LOAEL) will be reached at 75m from the tunnel regardless of depth, and confirm that this would apply in the case of either the Earth Pressure Balance (EPB) or the slurry machine?</p>
NV24	Applicant	<p>(a) Please indicate (with reference to the engineering and environmental assessment documents) under what circumstances would a slurry machine or EPB be selected?</p> <p>(b) How is the choice of TBM secured in the dDCO and limited to those types of machine that have been assessed?</p>
NV25	Applicant	<p>ES Document 7.6, the Monitoring Strategy [APP-098] provides a description of the noise monitoring strategy (section 5) which includes monitoring outwith the Order limits. Paragraph 5.5.1 states that "<i>The monitoring study will therefore need to be supported by an update to the ES (Document Reference 6.1) noise model for the area including the tunnel portals.</i>"</p> <p>There is no explanation why this supplementary modelling is required or how it would be approved or secured in the dDCO.</p> <p>Please explain why this is necessary, who would approve the results and how this supplementary monitoring would be secured through the dDCO?</p>
NV26	Applicant	<p>The monitoring strategy document does not suggest, in outline terms, or otherwise, what noise levels would trigger any remedial action or what the</p>

Question to:		Question:
		remedial action would be. Please provide clarification on this point?
NV27	Applicant	(a) ES Paragraph 14.6.76 [APP-031] describes the situation regarding noise mitigation at the Hoola development receptors. It states that due to the height of the receptors, noise barriers would not be effective at reducing road traffic noise. Is there any other form of mitigation for these noise sensitive receptors that could be provided to ensure that indoor noise levels are within the thresholds of acceptable levels? (b) Is any other noise mitigation available for noise sensitive properties that would be adversely impacted by the proposed development, should the Order be made? For example, noise insulation to compensate buildings already in development or the retro-fitting of insulation in residential receptors that have already been built?
NV28	Applicant, LPAs, Public Health England and other IPs	NPPF Paragraph 123 requires planning policies and decisions to aim to avoid noise from giving significant adverse impacts on health and quality of life as a result of new development. (a) Please can the Applicant explain how the proposed development would meet this aspect of the NPPF? (b) Are IPs satisfied that if the Order was made, the development would meet this aspect of the NPPF? If not, why not?
HSS	Health, Safety & Security	
HSS1	Applicant	Public Health England (PHE) in its RR states that <i>“from a wider health and wellbeing perspective, it would seem that this project represents a very intense use of resources aimed entirely at one mode of transport. Alternative proposals that support further increases in active travel with wider benefits to population health and wellbeing do not seem to have</i>

Question to:		Question:
		<p><i>been considered and so there may be an opportunity missed."</i></p> <p>Please comment on this statement and consider whether there would be scope to make any provision for pedestrians and cyclists in the proposed development?</p>
HSS2	Applicant	<p>The NPSNN in section 4.6 requires applicants to undertake an objective assessment of the impact on the proposed development on safety including the impact of any mitigation measures.</p> <p>Please explain where this assessment has been undertaken in the application documents?</p>
HSS3	Applicant	<p>NPSNN also requires applicants to put in place arrangements for undertaking the road safety audit process.</p> <p>Please can the Applicant explain where the road safety audit process is detailed in the application documents?</p>
HSS4	Applicant	<p>NPSNN requires applicants to put in place rigorous processes for monitoring and evaluating safety.</p> <p>Please identify where in the ES are these processes documented and how would they be secured through the dDCO?</p>
HSS5	Applicant	<p>Please explain where in the ES there is an assessment of the proposed scheme which demonstrates that all reasonable steps have been taken and will be taken to:</p> <p>(a) Minimise the risk of road casualties arising from the scheme; and</p> <p>(b) Contribute to an overall improvement in the safety of the Strategic Road Network?</p>
HSS6	Applicant and Health and Safety	Please provide an update in relation to discussions/agreements regarding

Question to:		Question:
	Executive	the possible revocation or modification of the Hazardous Substances Consents located at the Southern Greenwich end of the proposed development.
HSS7	Applicant	Paragraph 4.75 of NPSNN states that Government policy is to ensure that, where possible, proportionate protective security measures are designed into new infrastructure projects at an early stage in the project development. Please explain where, in the application documents, issues related to security are considered?
HT	Heritage and Townscape (Visual Impact)	
HT1	Applicant, Historic England, Royal Borough of Greenwich and London Borough of Newham	<p>dDCO Requirement 5 states that a Written Scheme of Investigation (WSI) is required as part of the CoCP, prior to commencement. As currently drafted, this would be produced in consultation with Historic England.</p> <p>Historic England has requested to approve/discharge the WSI, not just to be a consultee.</p> <p>Please can the relevant LPAs, Historic England and the Applicant provide their views on the appropriate approval body for the WSI and how this is to be secured in the dDCO, bearing in mind that the current definition of "commencement" would authorise archaeological investigations in advance of approval of the CoCP?</p>
HT2	Applicant	<p>Historic England has raised concerns in its RR [RR-383] in respect of the impacts of the proposed development and the ES assessment including impacts upon unknown archaeology.</p> <p>How does the Applicant propose to address these concerns and update the relevant ES sections or other documents accordingly?</p>
HT3	Applicant, Historic England and MMO	(a) Would the WSI cover any archaeological work needed offshore in relation to the proposed jetty and dredging? If so, please can the Applicant, Historic England and the MMO explain their various roles in

Question to:		Question:
		<p>agreeing the drafting and contents of these aspects of the WSI?</p> <p>(b) Should the offshore aspects of a WSI be addressed in a separate document, as the ExA understands that the onshore WSI would be secured through a requirement whereas the offshore WSI would be secured through a condition in the deemed marine licence?</p>
HT4	Applicant and Historic England	<p>(a) Has the Applicant discussed an onshore draft WSI with Historic England?</p> <p>(b) What detail does Historic England require to be included in the WSI?</p> <p>(c) Can the Applicant submit a draft WSI to the Examination?</p>
HT5	Applicant and Historic England	<p>Historic England's RR sets out a number of changes that they wish to see made to the CoCP.</p> <p>Please can the Applicant and Historic England discuss these changes and produce an updated CoCP. Where disagreements are sustained, these should be set out in the SoCG.</p>
HT6	Historic England	<p>Historic England's RR [RR-383] states that the current approach undertaken by the Applicant "<i>does not reflect sufficiently the approach to managing and assessing impacts upon heritage assets significance as set out in the NPS and NPPF</i>".</p> <p>What further work or changes to the dDCO would be required to meet these policy requirements?</p>
HT7	Applicant	<p>Please confirm the assessment that has been undertaken to date on the significance of the Gatehouse (including its setting) in order to meet the policy requirements in the NPS and NPPF?</p>
HT8	Historic England	<p>(a) Does Historic England consider that there is a need for a requirement in the dDCO relating to preservation in situ of nationally significant</p>

Question to:		Question:
		archaeological remains? (b) If so, please can Historic England provide draft wording for such a requirement?
HT9	Applicant and Historic England,	Please can the Applicant and Historic England discuss the requirement for the landscaping scheme and ensure that it meets the concerns of Historic England? Where agreement can-not be reached, this should be detailed in the SoCG.
HT10	Applicant and Historic England	Please can the Applicant and Historic England consider the wording of Requirement 12 of the made Triton Knoll Electrical System Order 2015 and inform the ExA whether such wording would be suitable for a Silvertown Tunnel requirement concerning the archaeology WSI?
HT11	London Borough of Newham, Royal Borough of Greenwich and London Borough of Tower Hamlets	Do the LAs agree with the Applicant's assessment of impacts from the proposed development upon townscape as "slight" and therefore not significant?
HT12	Applicant & IPs	Is there any evidence which indicates that if the proposed development was constructed and operational, there would be a risk to the World Heritage Site at Greenwich from traffic congestion?
SE	Socio-economic	
SE1	Applicant	(a) Please clarify whether there is to be a community fund secured through the dDCO and if so, what format would it take and how would it be administered? The application documents indicate that a fund to provide benefits for local residents is no longer being considered, but the update Report following the Mayoral Review at paragraph 2.17 states that the Mayor has asked for the provision of further benefits for local residents to be explored [AS-021]. (b) If the reason that a community fund is not being offered is claimed to

Question to:		Question:
		be for legal reasons, please provide an explicit explanation as to why this judgement has been reached and/or provide a full justification for this stance.
SE2	Applicant	Please provide evidence of an evaluation of charging schedules that would provide for local discounts, but still result in levels of traffic flows required to avoid likely significant environmental effects.
SE3	Applicant and relevant IPs	<p>One of the objectives for the Silvertown Tunnels scheme is to support economic growth (PO3).</p> <p>Can the Applicant please explain how this is compatible with the assessment of a negative cost benefit for commercial traffic which would use the tunnels as a consequence of the user charges envisaged to fund the scheme and control traffic flows to meet environmental objectives.</p> <p>It is accepted that HGVs may produce greater wear and tear on the tunnel structures, but this would not appear to justify a charging schedule that would run counter to an objective for the scheme.</p> <p>Please expand on the justification for the charging schedule that has been provided to date.</p>
SE4	Applicant	Please provide evidence of an evaluation of charging schedules that would produce a positive benefit for commercial users but still result in levels of traffic flows required to avoid likely significant environmental effects.
SE5	Applicant	<p>The maps that show existing and proposed accessibility to employment sources in a base case and following construction of the tunnel show some areas North or South of the Thames with reduced accessibility to jobs as well as areas with increased accessibility.</p> <p>Please explain how this conclusion is reached through the assessment</p>

Question to:		Question:
		process and, assuming that it is not an error in the modelling, explain how the apparent dis-benefits for some localities are compatible with Objective PO3 and how they might be overcome.
LI	Lighting	
LI1	Applicant	<p>ES paragraph 4.5.53 [APP-031] states that all highway lighting, including that within the tunnel would be in accordance with the appropriate design standards and guidance and use energy efficient illumination throughout.</p> <p>What are the appropriate design standards and guidance?</p> <p>Where is this information provided in the ES?</p>
LI2	Applicant	<p>The NPPF at paragraph 125 requires that planning decisions limit the amount of light pollution from artificial light on local amenity.</p> <p>Please explain where in the ES the measures that would be taken to meet this NPPF requirement are described?</p> <p>How are these measures secured in the dDCO?</p>
LI3	Applicant	<p>Paragraph 4.5.52 of the ES [APP-031] states that a preliminary lighting design has been undertaken in accordance with BS 5489-1:2013 and the guidance contained in the Institution of Lighting Professionals (ILP) document Guidance Notes for the Reduction of Obtrusive Light GN01:2011. Indicative lighting drawings for the operational stage are provided in ES Appendix 4B (Doc 6.3.4.2).</p> <p>(a) Please consider whether Requirement 9 of the dDCO (External lighting details) should be redrafted to refer to this preliminary design and to the guidance identified in the ES?</p>

Question to:		Question:
		(b) Please provide a copy of the Guidance document that is referred to here.
LI4	Applicant, Royal Borough of Greenwich and London Borough of Newham	<p>Paragraph 15.3.20 of the ES [APP-031] states that the "<i>design of lighting for Scheme buildings has not been completed at this stage and has therefore not been assessed...detailed lighting design would be carried out in accordance with guidelines for the reduction of obtrusive light (refer to Section 15.5...".</i></p> <p>(a) Please can the Applicant explain why a lighting assessment could not be undertaken on the basis of the information provided within Doc 6.3.4.2 [APP-047]?</p> <p>(b) Please can the LPAs confirm whether they consider this approach acceptable?</p>
LI5	Applicant	<p>Paragraph 10.6.110 of the ES [APP-031] sets out the limitations to the lighting to be used at the new temporary jetty.</p> <p>Please explain how this is secured in the dDCO?</p>
ME	Marine Ecology	
ME1	Natural England (NE), Marine Management Organisation (MMO) and other IPs with an interest in marine ecology	<p>No surveys were undertaken to establish the marine mammal, fish and shellfish baseline; this was limited to desk based research.</p> <p>Please can IPs confirm that they are content with this approach?</p>
ME2	MMO, NE and Applicant	(a) Please can the MMO/NE give the anticipated timescales for designation of the Thames Estuary recommended Marine Conservation Zone (rMCZ) and comment on whether the Silvertown tunnel development could delay any such designation?

Question to:		Question:
		<p>(b) Please can the MMO/NE/Applicant provide a view to the ExA on how the rMCZ should be weighted as part of the planning examination?</p> <p>(c) Please can the MMO/NE explain the process and timescale for the designation of the MCZ and whether it is possible that the designation would not occur?</p>
ME3	Applicant	The ES at paragraph 10.3.8 refers to Drawing 10-1 [APP-037] for the study area, although the study area is not clearly delineated on this drawing. Please can the Applicant provide a revised drawing 10-1 showing the boundary of the study area?
ME4	Applicant	<p>Table 10-4 of the Habitats Regulation Assessment (HRA) [APP-064] is labelled 'receptor importance'.</p> <p>(a) Please explain the meaning of this (if different to that set out in table 10 -3) and confirm whether this is different to significance levels?</p> <p>(b) Please clearly explain the approach taken to defining significance?</p>
ME5	Applicant	<p>The MMO, in their RR [RR-335] note the presence of mudflat habitat (a Biodiversity Action Plan (BAP) priority habitat) in the area of the proposed works below mean high water springs. This does not appear to be covered in the ES.</p> <p>(a) Please provide a response to the MMO's RR.</p> <p>(b) Please provide an assessment of the impact of the project on this BAP priority habitat?</p> <p>(c) Following that assessment, should it be necessary, please set out details of any mitigation and/or compensation required and explain how this work would be secured in the dDCO?</p>

Question to:		Question:
ME6	Applicant	<p>Paragraph 10.6.38 of the ES [APP-031] states the maximum area of habitat to be disturbed by the installation of piles for the new temporary jetty is 22m². This area, whilst limited predominantly to the sub-tidal zone is considered to be temporary, as the piles would be removed or cut off 1m above bed level during the decommissioning of the jetty.</p> <p>(a) Where in the ES is there mitigation proposed for this temporary loss of this sub-tidal habitat?</p> <p>(b) How is the removal of the piles secured in the dDCO?</p>
ME7	The Applicant, EA, NE, the MMO, London Borough of Newham and Royal Borough of Greenwich	<p>The EA, in its RR [RR-299] identifies a discrepancy between the information provided in the CMS [APP-046] in relation to the techniques to be used in piling and those described in paragraph 10.6.69 of the ES [APP-031]. The EA also makes a request for a piling method statement to be secured through the dDCO.</p> <p>(a) Can the Applicant please confirm the techniques to be used for piling, including providing a map showing the location and duration at each piling site;</p> <p>(b) Should this be different to that assessed in the ES, the Applicant is requested to provide a revised assessment; and</p> <p>(c) Do other IPs consider that there should be a piling method statement secured through a Requirement in the dDCO or condition in the dDML which identifies piling methods, locations, duration (number of days and hours per day), seasonal limitations on piling and where/how soft start procedures would be implemented?</p>

Question to:		Question:
ME8	Applicant and the EA	<p>The EA in their RR [RR-299], request that further timing restrictions are applied to the percussive piling.</p> <p>(a) What are the Applicant's views on this?</p> <p>(b) Can these timing restrictions be agreed between the EA and the Applicant and included in a piling method statement which is secured through a Requirement or condition in the dDML?</p>
ME9	Applicant	<p>Table 10-15 of the ES [APP-031] identifies the use of cowling and reflectors and a lighting management plan as required mitigation.</p> <p>This is not set out in the CoCP. The ExA therefore requests that the Applicant review this and any other inconsistencies in relation to mitigation for marine ecology interests and makes amendments to the dDCO or CoCP accordingly.</p>
HRA	Habitats Regulation Assessment	
HRA1	Natural England and the Applicant	<p>Section 7.5 of the HRA Report [APP-064] reports on in-combination effects and notes that nine proposed plans/projects within or adjacent to the scheme have been considered, as detailed in Table 7-2.</p> <p>Has the list of projects to be considered in the in-combination assessment been agreed with Natural England?</p>
HRA2	NE and the Applicant	<p>The justification for the conclusions reached in the in-combination assessment provided in section 7.5 of the HRA Report [APP-064] is on the basis that the Greenwich and Newham local plans have had their own HRA screening assessment which concluded no significant effect and that policies in the Core Strategies are to enhance biodiversity.</p> <p>Has NE agreed with this approach taken by the Applicant?</p>

Question to:		Question:
HRA3	The Environment Agency (EA), NE and the Applicant	<p>The EA has raised concerns regarding the mobilisation of contaminants in its RR [RR-299] in relation to Water Framework Directive (WFD) compliance. The Thames Estuary and Marshes SPA and Ramsar site are downstream of the Silvertown tunnel proposal and has features which could potentially be sensitive to changes in water quality.</p> <p>(a) Can the Applicant provide commentary on whether mobilisation of contaminants could open up pathways for effects to the Thames Estuary and Marshes SPA and Ramsar site; and</p> <p>(b) Please can the EA expand on their concerns in relation to this SPA and Ramsar site?</p> <p>(c) Please can NE provide their views on this matter?</p>
HRA4	NE and Applicant	<p>The HRA lists a number of air quality exceedances at Epping Forest SAC.</p> <p>(a) Can the Applicant please confirm the source of this information; and</p> <p>(b) Do NE have any views on this information?</p>
HRA5	Applicant	<p>The HRA screening matrices provided by the Applicant contain very generic references to whole chapters of the ES. The footnotes are labelled alphabetically, under the heading of "Evidence supporting conclusions". However, the matrices themselves do not cross refer to any specific footnote.</p> <p>Please provide revised HRA matrices to ensure that each unshaded cell within the matrix is assigned a specific footnote, and that the footnotes are updated to provide references to specific paragraphs or sections of the relevant supporting documents (such as the ES or the HRA documents).</p> <p>The Applicant is directed to review the "Report on the implication for</p>

Question to:		Question:
		European sites" of other NSIPs which have been recently determined in order to see an example of how the matrices should be completed. Please provide the revised matrices both in Word format and as a PDFs.
DN	Dredging and Navigation	
DN1	Applicant	(a) What is the maximum depth of dredging that would be required for the construction of the temporary jetty? (b) How would the maximum depth of dredge be secured in the dDCO? (c) What is the duration of the dredging and jetty construction activities?
DN2	Applicant, PLA and other IPs with an interest in river usage	During the proposed dredging and jetty construction, would any other users of the river be impacted? Please provide details and estimated timescales for each activity/river user that would be impacted.
DN3	Applicant	Please provide details of the nearby safeguarded wharves that would be impacted during construction, with details of who owns/operates them; what is imported/exported and what is the extent of impact upon them during the construction phases? Please include details of any impacts on road access to and from the safeguarded wharves and mitigation that is proposed to limit the impacts?
DN4	Applicant	ES paragraph 12.5.40 states that a detailed geophysical and bathymetric survey is proposed to supplement knowledge of ground characteristics and help confirm the presence or absence of significant scour features in the vicinity of the Silvertown tunnel alignment. Why cannot this be undertaken now, so that the results can inform the Examination?

Question to:		Question:
DN5	Applicant	<p>The MMO, in its RR [RR-335] requires two additional paragraphs in the dDML regarding maintenance of the authorised project and duration.</p> <p>(a) Is the Applicant satisfied with the suggested wording? If so, please provide a new version of the dDCO with that wording included in Schedule 12? If not, please explain why it is not acceptable?</p> <p>(b) The Applicant may wish to consider the wording in the DML in the recently made Order for the York Potash Harbour Facilities, in relation to this question and other questions that relate to DML matters.</p>
DN6	Applicant and MMO	<p>The ES sets out various maximum limits in relation to dredging [APP-031] for the area to be dredged, the footprint of the dredging and the amount of material to be removed within a period of two months.</p> <p>(a) Please can the Applicant explain how the restriction to the sub-tidal area and the maxima of areas and volumes of dredging that are assessed in the ES are limited within the dDCO?</p> <p>(b) Please also explain how these matters will be controlled during operation?</p> <p>(c) Please can the MMO provide a comment on how these limitations should be provided for in the dDCO/DML?</p>
DN7	Applicant and the EA	<p>The EA's RR [RR-299] states that planned dredging works should avoid June – August exclusively.</p> <p>(a) Can the EA please explain the reasoning for this restriction; and</p> <p>(b) Can the Applicant please respond setting out the practicalities of this, the potential implications and how this will be secured in the</p>

Question to:		Question:
		dDCO/dDML.
DN8	Applicant, PLA, MMO, EA, Historic England, Greater London Archaeological Service	<p>Work No.20 of the dDCO includes scour protection for the temporary jetty. The only reference to scour protection within the ES [APP-031] appears to be at paragraph 8.5.6 which states it may be considered if deemed necessary through further consultation with Historic England and the Greater London Archaeological Advisory Service.</p> <p>(a) Please provide further details of whether scour protection will be necessary, including location and volumes?</p> <p>(b) Please can the IPs listed, as well as any other IP with an interest in the river provide their views on the need for scour protection and likely volumes?</p>
DN9	MMO and Applicant	<p>Paragraphs 10.1.3 and 10.3.4 of the ES [APP-031] confirm that the marine related works are temporary (4 years). The dDCO, in the dDML (Schedule 12, paragraph 10) states that the jetty must be removed upon completion of the authorised development. However, there is no specified time limit.</p> <p>(a) Is the MMO content with this approach? Would the MMO wish to see the removal secured as part of the dDCO through a decommissioning requirement or explicit provision in the DML?</p> <p>(b) Can the Applicant please explain why removal after 4 years is not secured in the dDCO?</p>
DN10	Applicant	Detail regarding the NAABSA (Not Always Afloat but Safely Aground) is set out in the CMS. However this is not listed in the dDCO as a document to be certified by the SoS.

Question to:		Question:
		<p>(a) Please explain why this is not listed for certification?</p> <p>(b) If it is not to be certified, how can the details of the NAABSA, the marine jetty and all other details within it, be secured?</p>
DN11	Applicant and MMO and PLA	<p>The re-commissioning of the NAABSA berth facility does not appear to be a work within the authorised development of the dDCO. Paragraph 10.3.5 of the ES [APP-031] states that it "would require minimal works to make it suitable for use".</p> <p>(a) Can the Applicant please explain what works are required to re-commission the NAABSA and whether further planning permissions and/or licences will be required to facilitate this.</p> <p>(b) Do the MMO and/or PLA have a view on the re-commissioning works?</p> <p>(c) Should these works be secured through the dDCO?</p>
DN12	Applicant	<p>(a) Please explain where the dredged material will be taken for treatment/disposal?</p> <p>(b) Please also explain how it will be transported to the treatment/disposal site and how this has been assessed in the ES?</p> <p>(c) How has this been secured through the dDCO?</p>
DN13	Applicant and MMO	<p>The MMO, in its RR [RR-383], requests that an 'eco-bucket' should be used to dredge the area.</p> <p>(a) Please can the Applicant respond to this suggestion and, if relevant, set out how the use of an 'eco-bucket' will be assessed?</p> <p>(b) Will the Applicant please explain how the method of dredging would be secured through the dDCO?</p>

Question to:		Question:
SW	Surface Water, Flood Risk Assessment and Water Framework Directive Assessment	
SW1	Applicant	<p>ES paragraph 4.5.38 [APP-031] explains that in relation to drainage a 30% capacity allowance has been allowed for climate change and sustainable urban drainage systems (SuDS) have been used in the design standards.</p> <p>How are these matters secured in the dDCO?</p>
SW2	Applicant	<p>ES paragraph 4.5.39 [APP-031] describes the proposed underground storage facility for drainage as water storage tanks.</p> <p>(a) How and when would this surface water storage facility be emptied and where would the surface water be taken to/pumped for off-site treatment or disposal?</p> <p>(b) Please provide details of where in the ES these are described and secured in the dDCO?</p>
SW3	Applicant	<p>ES paragraph 4.5.43 [APP-031] explains that the proposed drainage would be connected into the existing drainage system at the boundary of the proposed works.</p> <p>Please confirm whether the existing drainage system at the point of connection has been surveyed and whether its capacity is sufficient to cope with the additional drainage that would be fed into it?</p> <p>Where is this described in the ES?</p>
SW4	Applicant	<p>ES paragraph 4.5.44 [APP-031] describes the proposed diversion of two 1.8m diameter rising mains, which form part of the Royal Victoria Docks drainage system. Please identify where in the dDCO are these works secured?</p>
SW5	Applicant	<p>Please explain how the design of the proposed drainage system has taken into account allowances for climate change over the life of the scheme?</p>

Question to:		Question:
SW6	Applicant	<p>ES paragraph 4.5.45 [APP-031] describes the shut-off facilities that would be operated manually in the event of a major spillage.</p> <p>Please explain where the operational staff would be based, in order to be able to react quickly in the event of such an incident?</p>
SW7	The EA, London Borough of Newham, Royal Borough of Greenwich and London Borough of Tower Hamlets and other IPs	<p>Please can the EA and LPAs and any other IPs interested in surface drainage matters provide their views on the disapplication of section 24 of the Water Resources Act 1991 (regarding the need for an abstraction licence), as currently drafted in Article 3(n) in the dDCO.</p> <p>The Applicant's proposal is that these matters would be enforced through the CoCP (Groundwater Monitoring and Verification Plan).</p>
SW8	Applicant and EA	<p>(a) Please can the EA provide information on the status of the Thames Estuary 2100 (TE2100) Plan?</p> <p>(b) Please can the Applicant provide a copy of this document for the Examination as a PDF?</p>
SW9	Applicant and EA	<p>ES paragraph 16.6.32 [APP-031] describes methods that could be used for raising river walls in the vicinity of the proposed development. Whilst the ES states that the proposed development would not prevent nor limit the available options for future defence raising works, there is no indication given as to whether the Applicant is proposing to do this work, or contribute to the cost of this work.</p> <p>(a) Please can the Applicant explain what its role is in relation to this flood defence raising work?</p> <p>(b) How confident is the EA that the proposed increase in flood defences discussed in ES paragraph 16.6.32-16.6.33 will be constructed?</p>

Question to:		Question:
SW10	EA	Who would be responsible for the monitoring and maintenance of these defences post construction?
SW11	EA	Is the EA satisfied that the Exception Test and Sequential Test have been suitably addressed in the Applicant's FRA [APP-077]?
SW12	Applicant	<p>The EA RR [RR-299] states that the FRA needs to provide a commitment to act on the findings of an intrusive survey of the flood defences.</p> <p>Please indicate when this survey will be undertaken and update the FRA to provide a confirmation that the results from that survey will be implemented?</p>
SW13	Applicant	Please respond to the EA's concern relating to the lack of flood defences at a receptor in the Settlement Assessment Report (doc 6.3.12.2) [APP-070] and in the Settlement Assessment and Mitigation Process and Settlement Deed (Appendices A & B of the Code of Construction Practice, Doc 6.10) [APP-046]?
SW14	Applicant	Paragraph 12.6.48 of the ES [APP-031] intimates that the detailed design may change, should this be the case, please provide detail as to how these changes affect the outcome of the WFD assessment that has been carried out?
SW15	Applicant	<p>The EA in their RR [RR-299] note concerns with the current WFD assessment.</p> <p>Please respond to these concerns and provide information, including, if relevant, a timeline for how the required updated detail in the WFD will be progressed?</p>

Question to:		Question:
SW16	Applicant	<p>(a) Please explain why, considering that the WFD assessment states that Polycyclic Aromatic Hydrocarbon (PAH) compounds and Tributyltin (TBT) are present at levels in sediment above CEFAS Action level 1, there is no further assessment included as part of the WFD?</p> <p>(b) Please provide a full copy of the CEFAS analysis data?</p> <p>(c) Please also clarify the need for further sampling/analysis and how the WFD assessment will be updated?</p>
SW17	EA	The ExA would welcome any further comments that the EA has on the current WFD assessment including a need for any suggested further assessments and mitigation.
MR	Material Resources	
MR1	Applicant	<p>ES paragraph 12.5.17 [APP-031] states that a mobile treatment plant licence may be required for treatment of contaminated soils on site prior to their re-use.</p> <p>(a) Please clarify whether such a mobile treatment plant (and the associated licence or permit from the EA) would be required?</p> <p>(b) If so, what format would the treatment plant take (e.g. treatment of soils in an open storage area or within a contained vessel)?</p> <p>(c) Where on the construction site(s) would this occur? Please provide a plan drawn to a recognised scale showing this facility in the context of the rest of the proposed construction site(s)?</p> <p>(d) How much soil would be stored/treated at any one time?</p>

Question to:		Question:
MR2	Applicant	<p>(a) In view of the possibility of unknown hydrocarbons and asbestos under the Greenwich site, how does the Applicant propose to undertake monitoring and removal of contaminated soils?</p> <p>(b) Where would Construction Demolition and Excavation (CDE) wastes contaminated with hydrocarbons be taken for treatment/disposal?</p> <p>(c) Where would CDE wastes contaminated with asbestos be taken for disposal?</p>
MR3	Applicant	<p>The ES [APP-031] gives a commitment from the Applicant for 80% (by weight) of CDE waste to be taken to schemes which use it "for beneficial use".</p> <p>(a) How is this commitment to be monitored and reported upon during construction?</p> <p>(b) How would this commitment be secured in the dDCO?</p>
MR4	Applicant	<p>(a) How is the commitment of 50% (by weight) of waste arisings to be transported by river to be monitored and reported upon during the construction phase as set out in the CoCP [APP-092]? How does this relate to the 100% of "suitable excavated material" referred to in the Update Report [AS-021]. That Report also refers to the amount of construction materials to be transported by river to be increased to 55%.</p> <p>(b) How would all these intentions be secured in the dDCO?</p>
MR5	Applicant	<p>(a) ES Paragraph 13.5.5 [APP-031] describes the aspiration for 95% (by weight) of the CDE waste to be recycled, re-used or put to beneficial use. How would this be monitored and reported upon during the</p>

Question to:		Question:
		<p>construction phase?</p> <p>(b) How would this be secured in the dDCO?</p>
MR6	Applicant	<p>Please check the assumptions made in ES paragraph 13.4.5, and table 13.9 [APP-031] regarding total waste capacity available over the scheme construction period, and provide a revision as necessary.</p> <p>The ExA considers that landfill and recovery project void space is incorrectly accounted for in the table, as these would be 'one off' volumes which would reduce year on year, whereas treatment facilities including MRFs and composting facilities would have the same capacity year on year while operational.</p>
MR7	Applicant	<p>Please provide details of the nearest available hazardous waste facilities that are permitted to take the hazardous waste streams that would arise from the project, and the permit limits for each of those sites?</p>
MR8	Applicant and EA	<p>Of the landfills and recovery projects identified in ES Table 13-9 [APP-031], please can the Applicant and/or the EA provide updated figures showing their void capacities remaining at the beginning of 2016, or the most recent data that is available from the EA's waste data interrogator, as well as the waste types accepted?</p>
MR9	Applicant	<p>ES Paragraph 13.4.29 [APP-031] explains that only 130,850 tonnes of waste arisings will be classified as 'inert' wastes.</p> <p>Please provide an estimated breakdown of the remaining CDE wastes that would be generated by the development (1,044,150 tonnes), in terms of whether they are non-hazardous or hazardous wastes?</p>

Question to:		Question:
MR10	Applicant	<p>Please provide a draft copy of the waste receptor site assessment to the Examination for the range of waste types that is likely to be produced with details of existing waste sites that are permitted for their treatment/disposal/recovery?</p> <p>The ExA understands that some sites may close and others may open between now and the start of construction, so this would need to be updated later, but it would help the Examination to have existing site details. ES Paragraph 13.5.40 [APP-031] provides details of waste streams that would be likely to be segregated.</p>
MR11	Applicant	<p>Paragraph 10.5.1 and Table 10-15 in the ES [APP-031] refers to a waste disposal strategy, to mitigate impacts on marine ecology. The dDCO refers to a requirement for a site waste management plan.</p> <p>Bullet point five in paragraph 10.5.1 of the ES [APP-031] states that a detailed waste disposal strategy would be informed by a <i>“review of the site specific data (including the contamination data) to inform the detailed waste disposal strategy”</i></p> <p>(a) Can the Applicant carry out the review of contamination data now?</p> <p>(b) Is the waste disposal strategy the same document as the site waste management plan? If so, the terminology and interpretations should match.</p> <p>(c) If it is not the same document, the Applicant is requested to explain the difference.</p> <p>(d) Please provide a draft (or updated) copy of these documents to the Examination?</p>

Question to:		Question:
MR12	Application	<p>The ES paragraph 5.1.14 [APP-031] says that pre-cast tunnel linings will either be manufactured off-site or at Silvertown.</p> <p>Where in the dDCO would these works be authorised?</p> <p>Where in the ES [APP-031] is a pre-cast tunnel lining manufacturing process described in terms of location, size of building, hours of operation and noise impacts?</p>
CA	Compulsory Acquisition (CA)	
CA1	Applicant and relevant APs	The Applicant is requested to provide an update of the current position in relation to all plots indicated on the land plans and in the Book of Reference for CA or temporary possession. This should be set out in a tabular format to ensure that each plot is accounted for. The Applicant should update this as necessary throughout the examination.
CA2	Applicant and relevant SUs	<p>Please indicate whether negotiations have resulted in agreed Protective Provisions and/or withdrawal of all objections by Statutory Undertakers (SUs).</p> <p>If, as a consequence of negotiations, there are amendments proposed to any Part of Schedule 13 Protective Provisions, please provide the agreed amended text as part of the submission of an amended dDCO or a clarification of what issues remain outstanding.</p>
CA3	Applicant	<p>Article 34 Special Category land</p> <p>(a) Please provide a table indicating, for each open space plot, which of the exceptions in s131 and s132 PA2008 apply, and why, so as to enable the SoS to be satisfied that it applies.</p> <p>(b) Please confirm that plot 3-037b (described as a 'grassed area' in the Book of Reference) is not open space.</p>

Silvertown Tunnel FWQ