

Date: 11 November 2016
Our ref: 199513
Your ref: TR010021



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BY EMAIL ONLY

Dear Sir/Madam,

Planning consultation: Silvertown Tunnel - Silvertown DCO Examination First Written Questions
Location: Greenwich and Newham London Boroughs

Thank you for your consultation on the above dated 18 October 2016 which was received by Natural England on 20 October 2016.

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

First Written Questions

Natural England would have the following comment to make in relation to the specific questions, as numbered below, as issued by the Examining Authority.

- **TE1** – It is considered that the matters arising within TE1 are agreed with Transport for London (TfL) at this point in time.
- **TE6** – Natural England is satisfied that there won't be any impacts upon any of the local Site of Special Scientific Interest (SSSIs), National Nature Reserves (NNRs) or other locally designated sites. We are agreed with TfL on this matter.
- **TE7** – We would agree that provided the Japanese Knotweed is removed in accordance with the Environmental Protection Act 1990 then the specific mitigation is sufficient. We are in agreement with TfL.
- **TE8** – Provided that the amended period for the bird breeding season (February to August inclusive) is incorporated into the Code of Construction Practise (CoCP), which TfL has agreed to do, then Natural England is in agreement on the matter.
- **TE9** – Based on current discussions NE would recommend that in paragraph 7.1.7 of the CoCP that the following wording is included: "Specific measures will be taken to ensure continual suitable open mosaic habitat is provided for the invertebrate assemblage prior to and during construction". This specific matter is still under discussion with TfL.
- **TE11** – In regard to dust suppression Natural England is satisfied that the mitigation put forward within the CoCP is sufficient to minimise impacts upon the nearby East India Dock Basin Site of Importance for Nature Conservation (SINC) arising from dust. This matter is agreed with TfL.
- **TE12** – The survey work prior to works beginning and the mitigation for Black Redstarts as proposed within the CoCP is acceptable to Natural England and the amendment of the breeding

season as suggested is welcomed. We are in agreement with TfL.

- **TE13** – Here there is agreement with regard to there being no requirement for any terrestrial wildlife licenses as part of this project. There is further clarification required for marine licences and this matter is still under discussion with TfL.
- **ME1** – There is agreement here regarding the current lack of survey work however further desk based assessment in liaison with Ian Humphreyes at the Environment Agency (EA) is ongoing to ensure no adverse impact upon identified species from the installation and subsequent decommissioning of the jetty. We are agreed with TfL on this matter.
- **ME2** – The Thames Estuary rMCZ is to go out to consultation early spring 2017 which is when it would become a material consideration. TfL have agreed with NE that the rMCZ will be equally weighted throughout the planning examination. The Government is committed to a 3rd tranche of MCZs which includes this rMCZ. This matter overall is still under discussion with TfL and as such is not fully agreed as yet.
- **ME7** – We would wish to see the Deemed Marine License (DML) in due course to ensure that the correct mitigation is included, this will be done through consultation with the Marine Management Organisation (MMO). As such this matter is still under discussion and not agreed at this time.
- **HRA1** – The list of in combination plans and projects has been agreed with Natural England and is appropriate for the size and scale of this project. Matter is agreed with TfL.
- **HRA2** – The use of the two local authority Local Plan HRA screening assessments as evidence can be accepted but shouldn't be solely relied upon by TfL as the Silvertown Tunnel isn't directly referenced within either in-combination assessment. Natural England is still of the opinion that overall the project screening assessment does still have enough evidence to point to no Likely Significant Effect (LSE) and as such no full assessment is required.
The distances to the nearest Natura 2000 sites are great enough that there is not likely to be a significant impact upon any of the screened sites. The early stage of the Silvertown Tunnel project (or it's non-existence) when the HRA screenings were carried out means that it couldn't reasonably have been considered in combination at the time and is not considered to have an impact on its own. This matter is still under discussion with TfL so isn't fully agreed at this time.
- **HRA3** – Natural England is of the opinion that the Thames Estuary and Marshes Special Protection Area (SPA) and Ramsar site wouldn't be impacted by the mobilisation of contaminants due to the distance downstream from the site. An added paragraph has been requested within the Environmental Statement (ES) regarding the rMCZ and the mobilisation of contaminants and the potential effects upon migrating smelt. This matter is still under discussion with TfL so isn't as yet fully agreed due to lack of information regarding destination of tunnelled materials (other than the confirmation that they won't be deposited at sea).
- **HRA4** – Considering the possible impacts upon Epping Forest Special Area of Conservation (SAC) Natural England is of the opinion that there won't be an impact upon the site from this project due to the distance involved; where the Highways England Design Manual for Roads and Bridges volume 11 screening criteria come into play and screen this out as having an impact. The use of barges to remove tunnelled materials by river will also alleviate air quality impacts of using heavy good vehicles to remove material by road out through London.

This concludes Natural England's comments to the Planning Inspectorate regarding the First Written Questions as issued on the 18th October 2016.

We would be happy to comment further should the need arise but if in the meantime you have any queries please do not hesitate to contact us.

For any queries relating to the specific advice in this letter only please contact Piotr Behnke on 0208

026 3893. For any new consultations, or to provide further information on this consultation please send your correspondences to consultations@naturalengland.org.uk.

We really value your feedback to help us improve the service we offer. We have attached a feedback form to this letter and welcome any comments you might have about our service.

Yours sincerely,

Piotr Behnke
Sustainable Development
Thames Team