

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:	Environment Agency Response
GA	General		
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.	No comment
TE	Terrestrial Ecology		
TE6	Natural England (NE), London Borough of Newham, Royal Borough of	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	We have no comments on terrestrial ecology or these habitat designations

	Question to:	Question:	
	Greenwich and other IPs with an interest in nature conservation	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]?	<p>Japanese Knotweed is classified as a 'controlled waste' under the Environmental Protection Act 1990 and must be disposed of properly. The CoCP recognises this, but could elaborate on the appropriate means of disposal. Guidance on the disposal of invasive non-native plant species (INNS) is available at the following link:</p> <p>https://www.gov.uk/guidance/prevent-the-spread-of-harmful-invasive-and-non-native-plants</p> <p>The CoCP should also set forward biosecurity measures (such as check, clean, dry) to minimise the spread of INNS and pathogens via clothing, equipment and vehicles during construction.</p>
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>	No comment

Question to:		Question:	
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>	No comment
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>	No comment
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>	No comment
CL	Construction (on land)		Environment Agency Response

Question to:		Question:	
CL6	EA	<p>The CoCP [APP- 092] at paragraph 9.3.1 states that the contractor will consider suitable control methods to manage ground water ingress and 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>	<p>a) We agree with this approach in principle, subject to the DCO requirement for the groundwater monitoring and verification plan</p> <p>b) The groundwater monitoring programme should indicate where local aquifers may be impacted. It should also help anticipate impacts on local abstractors. If by 'dewatering impacts on nearby properties' the ExA is referring to settlement or subsidence risks to properties, the EA is not the competent authority for making a comment on this.</p>
GS	Geology, soils and contaminated land		Environment Agency Response
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</p>	<p>a) We anticipate the final draft of the updated EMS will be accepted soon. This is the first major change since 2004, and we do not expect any further changes in the foreseeable future. Regardless of the time line, the overall principles are unlikely to change between drafts.</p> <p>b) No comment</p> <p>c) We recommend this is secured in the DCO requirements</p>

Question to:		Question:	
		<p>taken when alert or trigger levels are reached?</p> <p>(c) How would this be secured in the dDCO?</p>	
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>	<p>The comment in 12.5.47 is a standard phrase provided by consultants covering the contingency for additional discoveries of contamination beyond those that should be found under planned investigations as set out in sections 12.5.6 to 12.5.8. It is recognised throughout the remediation industry that no matter how thoroughly a site investigation is carried out there always remains a possibility of additional contamination being discovered during construction.</p> <p>With a large project such as this the expectation is that relevant construction personnel would be given adequate training to recognise signs of contamination. In the event of contamination being discovered it is expected that suitably qualified personnel would be readily available to provide advice as necessary. This would be set out in the site construction procedures.</p> <p>Specific comment on the adequacy of measures in the event of discovery of asbestos should be discussed with the Environmental Health teams at</p>

Question to:		Question:	
			the Royal Borough of Greenwich/London Borough of Newham
ME	Marine Ecology	Environment Agency Response	
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>	We are content with the approach that has been taken.
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>(a) No comment</p> <p>(b) No comment</p> <p>(c) Please refer to section 4.2 of our written representations</p>

Question to:		Question:	
		(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?	
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>	Please refer to section 4.2 of our written representations
HRA	Habitats Regulation Assessment		Environment Agency Response
HRA3	The Environment Agency (EA), NE and the Applicant	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	<p>(a) No comments</p> <p>(b) Please refer to our written representations section 2.0. We would expect the potential water quality impacts on these designated sites to be low.</p>

Question to:		Question:	
		<p>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>	(c) No comments
DN	Dredging and Navigation		Environment Agency Response
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 dDCO/dDML.</p>	(a) Please refer to section 4.1 of our written representations

	Question to:	Question:	
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>	<p>(a) No comment</p> <p>(b) For information, TfL has submitted a draft Technical Note Assessment of Jetty Pile Scour in the Nearshore to the EA. We anticipate they will submit this to the ExA in due course. We are in the process of reviewing this, but this report may indicate whether there is a need for scour protection. Our principal interest in this piece of work is to understand the potential impacts of scour on the tidal flood defences, and consequently the stability of the wall.</p> <p>If scour protection in the intertidal or subtidal zones is necessary, it should be designed to cause the minimum impacts on marine ecology. It must therefore be recessed below normal bed level so some intertidal substrate can establish over the top if scour does not occur as predicted.</p> <p>If temporary scour protection is required, it should be as easily removable as possible and fully removed after the temporary works are complete. It should require as little disturbance of the foreshore as possible and therefore need not be recessed.</p>

Question to:		Question:	
SW	Surface Water, Flood Risk Assessment and Water Framework Directive Assessment	Environment Agency Response	
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>	<p>We have no objection in principle to this disapplication, subject to appropriately worded protective provisions. We are currently considering our position on the draft protective provisions.</p> <p>The monitoring plan as described should be sufficient to warn of interference effects in the local aquifers, before they develop to cause significant impacts on the environment or abstractors.</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>	Please refer to section 1.1 of our written representations.
SW9	Applicant and EA	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	Please refer to sections 1.3, 1.4 and 1.5 of our written representations

Question to:		Question:	
		<p>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>	
SW10	EA	Who would be responsible for the monitoring and maintenance of these defences post construction?	Please refer to section 1.6 of our written representations
SW11	EA	Is the EA satisfied that the Exception Test and Sequential Test have been suitably addressed in the Applicant's FRA [APP-077]?	We have no concerns with how the sequential and exception tests have been addressed in the FRA.
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.	Please refer to written representations section 2.0
MR	Material Resources		Environment Agency Response

Question to:		Question:	
MR8	Applicant and EA	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?	Please refer to written representations section 5.0