

**Application by Transport for
London for an Order Granting
Development Consent for the
Silvertown Tunnel**

(Planning Inspectorate Reference: TR010021)

**London Borough of Tower
Hamlets**

(Reference no: SILV-396)

**Written Representations
November 2016**

GENERAL INTRODUCTION

This Written Representation is submitted on behalf of the London Borough of Tower Hamlets (LBTH) (“the Council”) in relation to the application by Transport for London (TfL) for a Development Consent Order (DCO) for the Silvertown Tunnel (Planning Inspectorate reference TR010021).

The Representations include proposals primarily to mitigate the operational impacts of the DCO proposal. The proposals take into account the detailed analysis of the DCO proposals as set out in the Local Impact Report (LIR) as well as the on-going discussions and negotiations with TfL. In addition proposals are put forward to amend the Articles of the DCO and the Planning Requirements set out in Schedule 2 of the draft DCO.

1. CONTEXT AND NEED FOR THE MITIGATION PROPOSALS

LBTH recognises that action is required to deal with traffic congestion at the Blackwall Tunnel and to minimise the resulting adverse environmental and economic impacts. The congestion and resulting delays impact both on people living and working in the borough as well as local and national businesses. Local roads suffer adverse environmental impacts of noise and air pollution from traffic seeking to avoid the congestion. The Council therefore recognises the potential of the additional capacity provided by the proposed Silvertown Tunnel accompanied by user charging to ameliorate these issues.

LBTH wishes to reiterate its position set out in the Formal Consultation response that a package of river crossings in east London is required to remedy the issues experienced at Blackwall and support growth in the sub region.

As demonstrated in the Local Impact Report, the borough has a highly diverse population and employment base, creating a diverse and multi-dimensional area. At Canary Wharf, the Borough hosts the world headquarters of many global financial businesses, employing some of the highest paid workers in London. In direct contrast, the Borough is ranked the third most relatively deprived area in London, following Hackney and Newham in terms of the Index of Multiple Deprivation (IMD); has the second highest unemployment rate in London, lower income than the London average and also suffers from some of the highest rates of long term illness and premature death. Car ownership is low and borough residents are highly reliant on public transport.

Within this context the Council's aims in respect to the proposed Silvertown Tunnel are to minimise adverse environmental, traffic and economic impacts on borough residents whilst seeking to maintain and maximise economic activity for both low and high income employees working in the borough. The Council is particularly concerned to ensure that bus users who are predominantly low income residents benefit fully from the scheme.

It should be noted that before considering the local highway, environmental and socio economic impacts of the scheme, it is necessary to draw attention to the Council's concerns over the Assessed Case modelling, from which the inputs to the transport and environmental assessment have been derived. These concerns (described in detail in the Local Impact Report) are shared by the host boroughs on both sides of the river, and limit confidence on the impacts predicted and presented in the DCO documentation.

The use of the RXHAM model as a strategic modelling tool has been agreed together with the study area that this model covers. However, this modelling tool does not allow the detailed assessment of local impacts. Therefore the local impacts

discussed in these Written Representations (and in the Local Impact Report) are not agreed and are caveated accordingly.

2. MITIGATION REQUIREMENTS

2.1 Monitoring Strategy

The Council welcomes the principles and purpose of the Monitoring Strategy as set out in DCO Document 7.6; agrees that matters being monitored are appropriate; agrees with the geographic scope and recognises the role that the Silvertown Tunnel Implementation Group could play in that monitoring. However, the Council considers that the Monitoring Strategy as currently proposed does not provide the necessary certainty that the outcomes of the monitoring process would result in positive action by TfL to mitigate any adverse impacts such as unexpected re-routing of traffic through borough roads.

This uncertainty is demonstrated by Figure 3-2 in section 3 of the Monitoring Strategy. The diagram shows that TfL will carry out the monitoring as described elsewhere in the document, and report the findings to the STIG who will consider whether there has been a “worsening compared to the baseline”, but there are no agreed criteria for determining whether such a “worsening” has occurred. This could lead to argument and disagreement between the boroughs represented on STIG and TfL as to whether or not mitigation is required. Furthermore, since it will only have an advisory role, there is no certainty that TfL would accept any recommendations made by STIG

As a means of avoiding such a situation, the Council considers that the Monitoring Strategy should also include defined “triggers” for all four of the matters proposed to be monitored. If any of the triggers are met or exceeded this would automatically generate the need to consider suitable mitigation.

In addition, should agreement not be reached by STIG regarding the necessity and/or the effectiveness of suggested mitigation measures, that there is recourse to an independent arbiter to settle such disputes.

A further final comment on the Monitoring Strategy as drafted is that the Monitoring Plans described in Appendix A4 that deals with Socio-Economic impacts is insufficiently detailed especially when compared to the Monitoring Plans proposed for Traffic, Air Quality and Noise impacts set out in Appendices A1 – A3. More consideration should be given to the type of indicators that would better represent socio-economic impacts.

2.2 Traffic Impacts Mitigation Strategy

As with the monitoring strategy, the Council welcomes the principles and purpose of the Traffic impacts Mitigation Strategy (TIMS) as set out in DCO Document 7.7; agrees that the indicative types of mitigation proposed are appropriate and finally

recognises the role that the Silvertown Tunnel Implementation Group could play in determining the most appropriate mitigation on the basis that its recommendations would carry sufficient weight.

However, no local mitigation measures are currently included in the DCO. This approach is put forward on the basis that the assessed case model outputs do not demonstrate the need for local mitigation measures as the charging mechanism balances the demand and therefore results in no significant impacts. The Council finds this conclusion unsound on the basis that the strategic model is limited in its ability to assess local impacts (and its outputs are not agreed by the Council). Furthermore, no local modelling has been carried out at a level which would determine the need or lack of need for mitigation.

The TfL note prepared for the Borough "*Borough Focused information note: traffic and transport impacts in Tower Hamlets*" October 2016 does, however, recognise impacts at local junctions for example the junction of Tower Bridge/East Smithfield/Mansell Street and the merge/diverge at Aspen Way/West India Dock Road/Limehouse link. TfL considers that more local junction modelling needs to be carried out to determine the full extent and appropriate mitigation for these junctions (paragraph 6.2.7) and therefore no mitigation has been proposed as part of the DCO. The Council would have wished the local modelling to be carried out as part of the assessment process to inform us on more potential impacts on local junction performance and re-routing of traffic on residential borough roads.

The council considers that there is a lack of certainty that any mitigation considered necessary could be implemented within a reasonable timescale after problems have been identified and/or developed. As para 2.3.3 clearly states the "final sign off on funding will be the responsibility of TfL". However, the council is well aware that TfL's budget is being reduced and the concern is that insufficient funding or priority will be given to undertake mitigation works within the necessary timescales. In any case, it should not be in the gift of the applicant to decide whether to fund mitigation measures that are established as necessary to make the scheme acceptable.

In order to provide the necessary certainty and budget, the council considers that TfL should set up a dedicated budget that could be drawn down in the event that mitigation is urgently needed on the road network. In the same manner as currently proposed, decisions on spending against such a budget will still follow the same process as outlined in Figure 2.2 but there would be confidence that if agreed as being necessary there would be much less delay in implementing the necessary works. Such funding could be secured by a Unilateral s106 Agreement or be included within the Traffic Impacts Mitigation Strategy.

2.3 Public Transport and Cycling Provision

In its Relevant Representations the council criticised the lack of any commitment by TfL to additional bus services utilising the Silvertown Tunnel, especially since the Assessed Case model had made the assumption that 30 buses per hour would run through the new tunnel. The Local Impact Report demonstrates the importance of bus transport for the borough's residents particularly those on low incomes.

The council is therefore pleased to note that, as set out in the Update Report submitted by TfL to the Planning Inspectorate on 5th October 2016, the London Mayor has given a commitment to support new bus services through the Silvertown Tunnel. This commitment would be included in the draft Business Plan which is due for publication in late 2016. Reference is also made to a "bus concession to local residents for a limited period", although it is unclear what this means in practice and how it would be implemented.

It is noted that TfL is still considering how these commitments would be secured and no doubt further information will be submitted to the Examining Authority. However, the council's preference is that these commitments should be included in a bus strategy that would become an additional Schedule 14 document and secured by Requirement 7. The document would set out the strategy for the provision of additional bus services equivalent to the assumption made in the Assessed Case Model. Although it is noted that Transport Assessment (Document Ref 6.5 – section 7.9) makes references to future possible bus routes, it is accepted that decisions on the actual routes, frequency, bus stops etc should be made nearer the date of opening of the Silvertown Tunnel.

The operation of bus (and HGV) only lanes in each direction of the Silvertown tunnel should also be secured with the DCO. The borough would not want to see additional general traffic capacity added to the scheme at the expense of bus priority.

However the bus strategy should also include a commitment that a proportion of the new bus routes should serve Tower Hamlets. The borough notes the applicant's EqlA relies on enhanced bus travel being made available to existing Blackwall Tunnel users who would be unable to afford the user charge imposed on the crossings.

As well as commenting in the Relevant Representations on the lack of commitment to new bus services, the council expressed concern about the lack of provision for cycling which in LBTH is a significant mode of travel for journey to work. The Council therefore welcomes the commitment made by the London Mayor to improve the facilities for cross river cycling trips. The council notes the acceleration of plans for a new pedestrian and cyclist bridge between Rotherhithe and Canary Wharf and the

possibility of bespoke cycle-bus which will carry cyclists and their bicycles through the Silvertown Tunnel.

It is considered that the possible cycle bus should operate through the Blackwall Tunnel rather than the new tunnel. The Emirates Air Line provides a more convenient link between the Royal Docks area in Newham and the Greenwich Peninsula, especially if a discounted fare can be made available for cyclists. In terms of securing the Mayor's commitments, it is considered that the proposals should be included in a dedicated cycling strategy document and included in the DCO as an additional Requirement.

2.4 User Charging

Whilst the council agrees user charging is required to manage traffic demand and the associated environmental impacts, we are also clear that the affordability of the charge for local people could be a barrier to their use of the tunnel and economic development.

The council is not satisfied that there is currently an acceptable mechanism, framework and triggers for setting the initial charge (as it is indicated that the modelled charge may not be the one which is ultimately applied) and for reviewing and amending charges in future years and there is not clarity how the different, potentially conflicting scheme objectives will be prioritised in charge setting.

The Assessed Case model forecasts that a significant proportion of morning peak hour trips crossing the river by car have an origin in Tower Hamlets, Newham and Greenwich. Since trips in the morning peak are likely to be primarily home to work trips by residents of the 3 boroughs, it is clear that a local residents discount could potentially have a big impact upon demand to use the tunnels and doing so seriously prejudice the policy objectives as set out in the Case for the Scheme (document 7.1)

In respect to the destination of northbound trips through the tunnels in the morning peak, 56% (2050) of the trips have a predicted destination in either Tower Hamlets (1480) or Newham (570). The dominant destination of the trips to the Borough is the Isle of Dogs and Canary Wharf area with 65% of the trips terminating in that area. In the peak hour many of these journeys will be for work commuting purposes, but during the whole day 25% of all journeys are for other work purposes e.g. deliveries or journeys to non regular place of work. It is likely that a significant proportion of such journeys would be on behalf of small businesses.

It is noted that the Mayor of London has asked TfL to investigate the potential for applying discounts to residents who will use the proposed tunnel (TfL Update Report 2016 paragraph 2.17) with the outcome to be reported upon after the 15 November 2016. Given there are approximately 10,000 small businesses (fewer

than 10 staff) in the borough who could be adversely affected by the user charge, the Council requests that any such discount is available to small businesses for both the peak and off peak periods. Eligible businesses would be registered by TfL and provided with an in-vehicle device that would monitor the use of the discounts by the businesses. This data could be used in the monitoring strategy proposed by TfL to ascertain socio economic effects.

2.5 Silvertown Tunnel Implementation Group (STIG)

As stated in section 2.2 above, the council is supportive of the principle of setting up of the STIG and the important role it is proposed to undertake in terms of monitoring and mitigating any adverse impacts arising from the scheme as set out in section 2.4 of the Monitoring Strategy (Document 2.4). However, as currently proposed, the council does not accept the proposed functions, structure and decision making processes of STIG as set out in Article 65 of the DCO for the following reasons:

- The Host¹ Boroughs do not have adequate safeguards for the protection and decision making on matters directly impacting on their own highways since they could be outvoted on any such proposals by the seven non host boroughs. In such circumstances unanimous agreement between the three host boroughs should be able to veto any such vote.
- STIG's role is advisory only and thus its recommendations could be ignored by TfL. The council considers that an independent appeal mechanism should be set up similar to that which operates in respect to the Thames Tideway Tunnel DCO that could rule on any such rejection of the STIG recommendations.
- As discussed in sections 2.1 and 2.2 above, triggers for mitigation or action should be agreed and confirmed in the DCO. Mechanisms for the timely implementation of, and confirmed funding, for any identified measure should be secured through the DCO and certified.
- The functions of STIG should continue for 5 years post implementation of the scheme unless otherwise agreed the members of STIG

The council has a number of detailed comments on the wording of Article 65 of the DCO which are set out in the next section.

2.6 Air Quality Monitoring

The entire borough is designated an Air Quality Management Area with the main source of pollution coming from vehicle emissions. The zone immediately around the A12 Blackwall Tunnel approach records some of the highest levels of exceedance in

¹ Although the Council recognises it is designated as Neighbouring Authority rather than a Host Authority for the purposes of this document and given TfL's approach to borough engagement throughout this process 'host borough' refers to LB Tower Hamlets, LB Newham and RB Greenwich.

the borough. This is largely attributed to the heavy daily vehicle flows in this area and the high volume of slower moving traffic. Thus the scheme must demonstrate it is at worst 'air quality neutral' throughout its lifetime.

Air Quality monitoring has been proposed for a minimum of 3 years post scheme opening. The council does not regard this as adequate. A monitoring protocol needs to be put in place that is sufficient to control the impact from the tunnel until levels are such that continuing controls are unnecessary.

Two diffusion tubes have been proposed for monitoring air quality impacts in Tower Hamlets, on the A12. We would require an additional monitor to the South West of the Leamouth Road Roundabout where the deterioration in air quality is shown in the assessed case, to monitor the impacts from the increases in traffic coming over the Lower Lea Crossing.

The above location is adjacent to a block of 194 flats and therefore the potential for exposure to increased pollution for a large number of residents. Mitigation will need to be provided for this impact but none has been proposed.

3. THE DEVELOPMENT CONSENT ORDER

Since no part of the construction site is located in LBTH, comments on the DCO are limited to those that could have an impact upon the Borough

The DCO Articles

Article 2 (1) and Article 39 – Maintain

The definitions of “maintain” as referred to in Article 2 and 39 are excessively broad and could include many matters that would normally be regarded as development in accordance with the Town and Country Planning Acts or would require the consent of other statutory bodies. Furthermore, there is no time limit on the power which could mean that uncontrolled development could take place any time in the future, in any location, without requiring the normal consents for development. The definition of maintain should be restricted to the normal meaning of maintenance.

Article 11 – Access to Works

TfL should be required to consult with the Local Highway Authority if the access abuts or impacts on borough highways.

Article 12 (1) - Agreements with Street Authorities

The preamble to Article 12 (1) should be amended to read “A street authority and TfL **will** enter into agreements....”

Article 17 – Work in the River Thames

The powers under this section are very broad and could have serious impacts upon other river users. So far as the council is concerned there should at least be a requirement to inform and consult the affected local authority

Article 43 - Closing the tunnels

Bearing in mind the potential impacts the term ‘emergency’ should be defined

Article 48 (7) – Bylaws

It is unclear as to why the bylaws for the Blackwall Tunnel should be revoked from the date of commencement of construction and not when the Silvertown Tunnel becomes operational

Articles 52 and 53 – Charging Policy and Charging Statement

In accordance with its role and functions, the STIG should be consulted and fully involved in both changes to the Charging Policy and the setting of charges.

Article 56 (e) – Application by TfL of Charges levied

It would seem most inappropriate to give equal priority to making payments to the TfL's general fund as compared to the essential cost of maintaining and managing the Tunnels.

Article 58 – Transfer of benefit of Order

It is unclear from the wording of this article as to whether the requirements of the Charging Policy, Traffic impacts Mitigation Statement, Role of STIG etc. would be fully protected in the event of the transfer of the benefit of the Order to an unknown third party.

Article 65 – Silvertown Tunnel Implementation Group

In addition to the comments made in section 2.5 above, a number of amendments and queries to the wording of Article 65 are set out below:

- Para 5: Preamble – change 'may' to 'must'
- Include the Charging Policy as coming within the remit of STIG
- Para 5 (d): change 'three years' to 'five years'
- Para 6: It is unclear as to what will determine when the 'monitoring strategy and traffic impacts mitigation strategy have been implemented'
- Para 6: The proposed reduction in frequency of meetings could make it difficult to consider changes to the charges within a reasonable timescale

Schedule 2: Requirements

5: Code of Construction

It is understood that this requirement is being rewritten by TfL, but the Council requests that the council is consulted by TfL prior to applications for the discharge of requirements being submitted to the relevant planning authority, and the council being consulted as a statutory consultees by the relevant planning authority. It is also suggested that paragraph 14 that deals with the discharge of requirements be amended accordingly.

7: Monitoring and Mitigation Strategies

As suggested in section 2.3, the proposed bus and cycling strategy would also be listed in requirement 7.

8: Signage Strategy

For the avoidance of doubt reference should be made to LBTH as a relevant highway authority

12: Operational noise Mitigation Measures

LBTH should be listed as relevant highway authority if appropriate

Schedule 14: Documents to be Certified

The Council notes and welcomes the ExA request in first Written Question DC1 for TfL to make the list of Certified documents more comprehensive and will await the outcome of this request before making further comments