

ANNEX 2:



Silvertown Tunnel

Written Representation of the London Borough of  
Newham

15<sup>th</sup> November 2016

## 1. Introduction

### Purpose of Document

- 1.1 This written statement to the Examining Authority is on behalf of the London Borough of Newham (“the Council”) to set out the key issues and therefore concerns in respect of the proposed Silvertown Tunnel (“the Scheme”). The submission is intended as a supplement to the Council's Local Impact Report, which sets out a more factual description of the impacts of the Scheme on the London Borough of Newham *as presented in the DCO application documents*.

### Summary of the London Borough of Newham Position

- 1.2 This document seeks to set out the Council's current position on the Scheme to the Examining Authority. However, it is also relevant to provide some historical context to how the Council has reached its current position.
- 1.3 The Council has previously actively supported the principle of additional river crossing highway and public transport capacity in East London, and was a key partner (with TfL) in the promotion of the Thames Gateway Bridge (now known as the Gallions Crossing) until the project was cancelled without satisfactory reason by the previous London Mayor when he came to office in 2008. The Council remains convinced that a bridge or tunnel carrying both road traffic and public transport at the eastern end of the Royal Docks at Gallions Reach (known as the Gallions Crossing) would unlock significant residential and economic growth in the sub region on both sides of the river and remains committed to securing its delivery as soon as possible.
- 1.4 To further strengthen the case for the Gallions crossing, the Council (with RB Greenwich) commissioned an Economic Study in 2012 to evaluate the impacts of a bridge at Gallions, which showed a significant contribution to growth could be made by the new crossing. The study concluded that there are ten designated Opportunity and Intensification Areas within the immediate zone of influence of the Gallions Reach crossing which are responsible for delivering over 200,000 jobs and 112,000 dwelling over the London Plan period and that facilitating this growth through a fixed link at Gallions Reach would be essential to delivering the London Plan's growth objectives.

Following conclusion of the study, TfL requested a copy for their own purposes when there was still commitment to a package of crossings. The Council also undertook its own telephone survey into the support for the Gallions Crossing and found it to be very well supported, including amongst residents of Bexley. TfL also requested this survey as it was considered more representative than their own surveys. The Council would be happy to share this work on the Gallions Crossing with the Examining Authority if requested.

- 1.5 The Council also acknowledges that there is currently significant disruption to the highway network in East London on both sides of the river in the event of an incident at Blackwall that could be alleviated by additional river crossing highway capacity in the area. However, the Council also believes that technological solutions now exist that would allow TfL to manage such incidents at Blackwall considerably better than at present and reduce their occurrence. The incidents at Blackwell tunnel alone are insufficient justification for the Scheme in its current form.
- 1.6 Overall, the Council remains unconvinced that the best location to provide the much-needed additional cross-river highway capacity in the East and Southeast Sub-Region is at Silvertown, where the regeneration impacts would be far more marginal and the imbalance between adverse impacts and benefits in the London Borough of Newham is of greater concern.
- 1.7 Therefore, the London Borough of Newham's preference for a new highway river crossing in East London remains the Gallions Crossing. It should be noted that previous TfL consultation exercises have shown the Gallions Crossing option to be well-supported, with levels of support as high as for the Silvertown Tunnel.
- 1.8 It is important to see the issue of cross-river connectivity in the context of development and growth in the East and Southeast Sub Regions and a package of solutions is needed to deliver the much needed all mode cross-river connectivity and unlock the development potential of the Sub Region. While this package was initially proposed by TfL, they appear to have now withdrawn from committing to a wider package of cross-river connectivity improvements and have instead 'selected' Silvertown to progress on its own.

Without Silvertown being part of a package of new river crossings, The Scheme on its own is both piecemeal and insufficient to deliver substantial new growth.

- 1.9 The Council's position on the Scheme has evolved significantly over time, as concerns have grown over the details of the Scheme and both the methodology deployed by TfL, and the consequential outputs of the assessment process. Initially, the Council's position was one of support in principle, subject appropriate mitigations and to the Scheme being just one of a package of river crossings to be delivered soon after, including the Gallions Crossing.
- 1.10 However, as more detail on the Scheme has emerged, and as TfL's commitment to other crossings being delivered as part of a package has diminished, the Council has become increasingly concerned over the potential impacts on Borough residents and businesses and its distinct lack of overall obvious benefit to the Borough. An ongoing failure on the part of TfL to commit to the 'East of Silvertown' package of crossings also raises concerns over any traffic impact in the Royal Docks as a result of the Silvertown Tunnel Scheme being successfully mitigated. This culminated in the Council being unable to support the Silvertown Tunnel Scheme in the final round of consultation prior to the DCO submission.
- 1.11 The Council's current position continues to be one of opposition to TfL's Silvertown Tunnel DCO proposals in their current form and as currently presented in the DCO application documents, and the subsequent sections of this written statement to the Examining Authority sets out the Council's reasons for the adoption of this position.

#### Document Structure

- 1.12 This written statement submitted by the London Borough of Newham sets out the key issues and concerns that the Authority has regarding the Silvertown Tunnel Scheme in subsequent sections of this document as follows:
  2. Socio-Economic Impacts of the Scheme and Equity Issues Regarding Charging

3. Impacts During Scheme Construction
4. Scheme Demand Modelling and Assessment/Mitigation of Impacts
5. Environmental Impacts of the Scheme
6. Public Transport Impacts of the Scheme
7. Scheme Impacts on Pedestrians and Cyclists
8. Other Potential Scheme Impacts Relevant to the Borough

## **2. Socio Economic Impacts of The Scheme and Equity Issues Regarding Charging**

- 2.1 Integral to the development of the proposals for the Thames Gateway Bridge was a geographical-based discount scheme to offset the adverse economic impacts of charges on local trips. It was considered that in East and Southeast London, where there was already an economic disadvantage compared to other parts of London, it was not acceptable to further disadvantage local residents and businesses by the imposition of a charge to cross the new bridge. While a charge could be used to deter longer, more strategic trips from using the crossing, the suppression of local trips through charges was seen to be contrary to the local connectivity objectives of the Scheme.
- 2.2 While the relationship between charges and the suppression of strategic and commuter trips is a principle that is broadly accepted by the Council, the position regarding the imposition of charges on local trips remains unchanged from that adopted during the planning stages for the Thames Gateway Bridge. Much-needed local connectivity across the river which The Scheme purports to provide must not be suppressed by charges and a geographical discount scheme must be implemented to protect Newham residents and businesses from economic disadvantage.
- 2.3 Any new river crossing must prioritise local connectivity above longer length strategic and commuting trips, and without local discounts, essential local cross-river trips could be suppressed and replaced by wealthy commuters from further afield with a greater willingness and ability to pay than local residents.
- 2.4 There is also a wider principle at stake, as not only does the Scheme propose a user-charge at the new crossing, it also proposes the introduction of a charge on the currently free Blackwall crossing. The proposed user-charge raises serious equity issues as to the imposition of additional costs on East London residents and businesses when compared with their already more affluent equivalents in West London. This is wholly contrary to the 'Convergence Agenda' that seeks to uplift the environment and opportunities for East London residents to those enjoyed in West and Central London. It is

also an inappropriate way to deliver much needed transport infrastructure in a Sub-Region that is to provide for over 40% of London's entire growth.

- 2.5 Not only does the Scheme set an uncomfortable precedent in the London transport context, in that much-needed new transport infrastructure in an area must be funded by its users, it is particularly inappropriate that such a precedent should be applied to an area which already suffers an economic disadvantage and contains some of the most deprived wards in the entire country. It is even more inappropriate therefore, as part of these proposals, to also introduce a charge on the only existing high capacity highway river crossing currently available for local residents and businesses.
- 2.6 The necessity to introduce charges to fund the Scheme is not accepted by the Council. Far more expensive transport interventions in London do not require a user funded premium to repay their capital costs, such as Tube upgrades, Thameslink or Crossrail. Similarly, cyclists are not expected to pay for the Cycle Superhighways or Mini-Holland programmes and the Council understands that there are no plans to charge pedestrians and cyclists to cross the proposed new Garden Bridge or the Rotherhithe to Isle of Dogs river crossings either. Clearly, other funding models for the Scheme could be readily pursued if the benefits can justify the expenditure to the Mayor of London.
- 2.7 Charging also has the real potential to generate adverse impacts as a result of vehicles diverting to other un-tolled crossings in the area, where capacity is severely restricted. The most critical of these to the Borough is the Woolwich Ferry, which currently exhibits very limited capacity and there could be adverse impacts on adjacent resident communities. The classes of vehicle that will be diverted to the Woolwich Ferry are likely to be those with the most adverse impacts, as larger vehicles will be subject to a more expensive charge and are more likely to divert.
- 2.8 The principle of the Council's position is consequently a very straightforward one. Stated simply, why should user charges be introduced to cross the Thames by road in East London when no such charge exists elsewhere in London? And why should an area which is already economically

disadvantaged due, in part, to decades of under-investment in transport have to pay for its own much-needed improvements when they are finally offered, despite that area having to accommodate the majority of London's future growth? To this Council, these proposals to introduce charges at both the new Tunnel and at Blackwall seem inherently unjustified, unreasonable and unfair. There will therefore need to be considerable movement from TfL's stated position on charges before the Council will consider the Scheme to be acceptable in terms of equity and hence equality.

### **3. Impacts During Scheme Construction**

- 3.1 The method of construction, the direction of the tunnelling drive and the road network at the northern portal combine to make the Council very concerned about the potential impacts of The Scheme during construction.
- 3.2 While the Council welcomes emerging commitments from TfL to the percentage of materials to be transported by river, a number of uncertainties remain which leave the Council unconvinced of the value or the ultimate deliverability of these commitments.
- 3.3 The fundamental concern is as follows. At this stage, no Receptor Site for any of the material excavated during construction of the Scheme has been identified, so any discussion of lorry routes and the exporting of materials by river in the DCO documentation is little more than conjecture at this stage. If a Receptor Site cannot be found adjacent to the river, it is not fully understood what impact this might have on any commitment for the transportation of excavated material or the overall targets. Until such time as a suitable site is identified, there remains a clear possibility that a large number of unacceptable lorry movements may be generated, depending on the choice of Receptor Site. These could be inside or outside Newham, and are clearly of concern. Even if the lorry movements occur outside the Borough boundary, they are certainly not irrelevant, and would be a direct consequence of The Scheme to be considered by others. The Council therefore considers that TfL's uncertainty on this matter is not acceptable, as it allows for no real assessment of the likely construction impacts of the Scheme (in terms of lorry movements and routes) or of the applicability of the commitments made.

- 3.4 In addition, it is not clear what degree of 'Contractor Optimisation' will be permitted regarding these commitments, which has been a significant problem on another DCO Scheme where Requirements to this Council are currently now being discharged. The commitment to the amount of excavated material transported by barge is conditional upon the state of the material, as non-viscous material presents stability issues for river vessels. The Council believes that sufficient knowledge exists about the nature of the material excavated by implementation of the Crossrail project to enable firmer commitments in this area, based on the known nature of the material excavated.
- 3.5 Commitments on lorry safety and the specification of high visibility cabs are commendable, as the current model of 4 axle tipper truck is disproportionately represented in cycle fatalities across London. However, it is submitted that there is currently no contractor is capable of meeting such a commitment. Further, without legal compulsion (which does not seem imminent), it is unlikely that any contractor would have a sufficiently large fleet by the start of the construction of the Scheme to meet such a commitment. Accordingly, the Council raises concern as to what degree of contractor optimisation will be permitted, resulting in a weakening of this commitment at start of construction?
- 3.6 Additionally further concern is raised regarding the potential for construction impacts associated with the Scheme. TfL is happy to mention that a number of existing waste transfer stations will be removed as a result of the implementation of the northern portal worksite, which will remove a number of existing HGV movements from the area. However, these waste transfer stations will not disappear, they will relocate, and while the vehicle movements associated with them may no longer be in the local area, they will be generated somewhere, around where the sites are relocated. Again, while this may not be of immediate concern to the Council as these lorry movements may be outside the borough, it is certainly not irrelevant and is a direct consequence of the Scheme.

- 3.7 Further, of significance, the Port of London Authority has informed the Council that the existing operations by Keltbray and Euromix on the northern worksite location, which will require to be relocated to allow for the construction of the Scheme, currently transport around 450,000 tonnes of material by river using Thameside Wharf. TfL accepts no responsibility for the relocation of these operations to other wharf-side locations along the river, so it is entirely possible that these operations will relocate to sites with no wharf access, resulting in 450,000 tonnes of material being transported by road.
- 3.8 Therefore, the impact of the northern worksite on lorry movements across a wider area of London may be very significant and could result in a pronounced increase in HGV's overall by the businesses currently using the site, which will require relocation. When the construction vehicles associated with the Scheme are added, the net cumulative increase in lorry movements overall may be significant and hence wholly unacceptable.
- 3.9 TfL should therefore be required to include proposals for the relocation of the existing Keltbray and Euromix operations to suitable alternative wharf-side locations to ensure that this material continues to be transported by river and does not instead result in a significant increase in lorry movements in the wider area.
- 3.10 Finally, there may be potential positive employment impacts from the construction of The Scheme which the Council is keen to maximise, and discussions continue with TfL on this matter. While a 25% employment rate of local people across all construction jobs has been promised to be secured for the Host Boroughs, this Council considers this to be insufficient, and seeks 25% of workforce jobs to be for Newham residents. This is to include both skilled and unskilled positions.

#### **4. Scheme Demand Modelling and Assessment/Mitigation of Impacts**

- 4.1 Modelling is an inexact science, and whilst TfL can cite examples of where modelling outcomes have been close to reality, it is just as easy to cite a series of examples where such modelling has been proven to be very inaccurate. For example, a previous time that cross-river demand was

modelled by TfL (for the DLR Woolwich Arsenal Extension), the modelling estimated approximately *half* the demand that actually materialised, and in the first week of operation, a substantial change to operational timetables was required to cope with the 'unexpected' demand. This might suggest that there is an inherent difficulty in predicting cross-river trips in general, due to the existing degree of trip suppression.

- 4.2 More specifically, while some progress has been made between the Host Boroughs and TfL on the subject of demand modelling for the Scheme, there remain serious concerns over the Assessed Case model. The Base and Reference Cases are 'conventional' highway assignment models, and are considered fit for purpose. However, the Assessed Case model attempts to estimate the effect of a charge on trip making behaviour, which immediately introduces a challenge for the suite of models used.
- 4.3 The problem with such an approach to evaluating the effect of charges, is that the cost elasticity of demand cannot be accurately, conventionally validated, as the response to charges by drivers is wholly dependent upon a wide range of factors, only a few of which are inputs to demand and highway assignment models.
- 4.4 In a best practice approach, so-called Stated Preference survey techniques can be used to calibrate the elasticity of demand, allowing the behavioural response to different charging levels across a range of user groups to be more accurately predicted and demand evaluated more robustly as a result. However, no such detailed survey work of this type has been undertaken and as a result, TfL is forced to admit that the demand associated with the assessed charge could be incorrectly predicted by the model. In their own words in a document issued to the Host Boroughs, "...TfL acknowledges that there remains an inherent challenge in forecasting this kind of response and it remains possible that elasticities (willingness to pay) has (*sic*) the potential to be higher or lower than assumed in the assessed case. This is a key argument for the proposed flexible charging power, to ensure that the scheme can respond effectively to circumstances which can never be conclusively modelled...".

- 4.5 Clearly, an admission by TfL that the effects of charging can never be conclusively modelled and that the demand generated by the tunnel could be higher or lower than as presented in the transport and environmental assessments is of great concern to this Authority. The prospect of the Scheme generating more traffic and consequently more adverse highway and environmental impacts in Newham is a very serious one for this Council. It is considered unacceptable for TfL to not seek to develop a more robust estimate of the impacts of the Assessed Case. Further it is certainly not sound transport planning practice to place reliance upon a monitoring and mitigation programme post Scheme opening in order to deal with Scheme impacts with the reasoning that such impacts could not be reliably predicted beforehand.
- 4.6 Essentially then, what TfL has provided, is one single estimate of impacts roughly centred across a range of possible impacts, both worse and better, which alone cannot be relied upon as the likely impact of the Scheme. And without the impacts and their likelihood fully identified in the submission documents and appropriate mitigations identified, any decision made on the Scheme risks legal challenge.
- 4.7 The Council seeks to bring to the attention of the Examining Authority, further issues regarding the approach to the modelling, which appears to be at odds with what TfL demands of others in their role as the highway Network Performance Authority for London. TfL modelling procedures for borough schemes require strategic model outputs to be input into a local model, where adjustments are made to address any operational impacts in the modelled network. These changes are then required to be made to the coding in the strategic model, and a further model iteration undertaken. This is because the changes to the local model may result in some significant re-assignment in the strategic model.
- 4.8 However, this final iteration in TfL's modelling practices is missing from TfL's assessment on the Scheme, and no local model mitigations have either been suggested or re-coded into the strategic model. It is not clear why TfL has not undertaken this work in accordance with their own guidance, and may just have been due to a lack of time to meet their political deadline.

- 4.9 Additionally, there is a consistent lack of local highway modelling in TfL's DCO submission overall, which has presented challenges in the formulation of the Council's Local Impact Report. Only the outputs of the strategic model are used to indicate the likely highway impacts in the Scheme Transport Assessment, which present impacts in such generalised terms as to be near meaningless to the non-professional (such as changes in volume/capacity ratios, and increased queuing expressed in terms of PCU hours) and certainly not detailed enough for an Authority to make judgements on the likely local highway impacts.
- 4.10 Consequently, the Council considers TfL's DCO submission to be flawed and fundamentally incomplete without the presentation of detailed local junction modelling and without local highway impacts (and potential mitigation strategies) being clearly identified. Again, it is not clear why TfL has not undertaken this work, and it is difficult to envisage how a meaningful judgement can be given on a highway scheme without its local highway impact being clearly identified and presented to the Examining Authority.
- 4.11 TfL places great faith in the monitoring and mitigation strategy being able to address any adverse impacts of the Scheme, and perhaps may be the reason why limited effort has been made in identifying local impacts at the application stage. However, the Council has serious concerns over both the ability to mitigate against possible impacts that could arise from the Scheme, and the ability of the decision making body (STIG) which will implement (or not implement) these mitigations.
- 4.12 Firstly, there are clear examples where TfL does not have the necessary powers to address potential impacts. If there were an unacceptable amount of traffic displacing to un-tolled crossings east and west of Silvertown for example, a possible mitigation might be the introduction of a charge on the adjacent crossings. TfL has no powers to do this, and in the case of the Woolwich Ferry, it would require the repeal of existing legislation and the promotion of new primary legislation. So immediately, some of the mitigation options that might be available are not deliverable.

- 4.13 Secondly, there may be examples where mitigation may be identified but is considered by one of the Host Boroughs to be unacceptable. For example, traffic displacement through the Royal Docks from the A406 and A1020 to the Silvertown Tunnel via North Woolwich Road and Silvertown Way is identified following Scheme opening. One mitigation option might be to adjust signal timings at the Gallions roundabout to discourage access to Royal Albert Way. However, this change will also adversely affect general access into the Royal Docks Enterprise Zone, including access for traffic not bound for the tunnel, contrary to wider objectives of supporting regeneration of the Enterprise Zone. Consequently the identified mitigation may be deemed inappropriate and not progressed. How then will the Scheme impact be effectively mitigated? This is only one example of a potentially great many examples where, for one reason or another, Local Authorities may not support the implementation of a 'mitigation' measure due to its other wider effects on other road users.
- 4.14 Finally, and related to the examples already given, the Council raises concerns over the composition and decision making rights of STIG, and perhaps of more concern, the ability for TfL (and any body subsequent to TfL) to vary the scope, powers and membership of STIG once established. To put these concerns simply, the Council would not want to have to 'vote' on a mitigation scheme to address identified impacts in Newham and run the risk of other voting members overruling the Council's wishes. It is imperative that the Authority retains the ability to make relevant planning and economic decisions on addressing impacts in our Borough, without the risk of schemes being either imposed or vetoed by other STIG members.
- 4.15 Fundamentally, the Council's traffic concerns relate to the Scheme's highway impacts that are dictated by the highway network north of the river to which the Scheme connects. In contrast to the southern approach to the Scheme, which is a merge on/off a major high capacity road with virtually no route choice, the highway network north of the river into which the Scheme connects is more complex and presents a significant number of route choice alternatives, depending on trip origins and destinations. Despite the modelling showing limited impacts on the Newham highway network, with the majority shown traffic funnelling across the Lower Lea Crossing, route choice

alternatives for eastbound traffic exist through the Royal Docks and Canning Town.

4.16 TfL's modelling illustrates some impacts in these areas, but the Council considers that such impacts could readily be greater than predicted, and cause some operational issues at junctions located at Canning Town and the Royal Docks. Traffic displacement through the Royal Docks is of particular concern - relatively lightly trafficked high quality roads link the tunnel portal to the A13 and A406 via the Royal Docks and additional traffic in the Royal Docks could have numerous adverse impacts. Firstly, The Royal Docks is a designated Enterprise Zone and seeks to deliver substantial growth in residential and employment land uses to 2030. Enterprise Zone status enables the retention of development receipts and a widespread £300m+ package of transport and other investment to be funded from this income has been identified by the Borough and GLA, with TfL a major recipient of such funding. Any erosion of highway capacity as a result of tunnel traffic could have a significant impact on regeneration potential of the Royal Docks, could deliver lower densities and provide reduced income over time to the Borough and GLA. This would threaten the proposed infrastructure investment and as a consequence the full build out of the Enterprise Zone. This is clearly a very significant issue for the Borough, and the lack of robust local traffic modelling does little to reassure the Council that adverse impacts in the Royal Docks will not materialise.

4.17 Secondly, there are emerging new residential communities in the Royal Docks who must be protected from the adverse effects of tunnel traffic. New residential units are proposed or consented at Tidal Basin Road (Hoola 360 units, Pumphouse 161 units), Silvertown Way (Caxton House 336 units, Brunel Street 975 units, Limmo 600 units) and North Woolwich Road (Royal Wharf 3385 units, Pontoon Dock 236 units, Silvertown Quays circa 850 units) with many more proposals likely to come forward by the time the Scheme would be operational.

4.18 Accordingly, the Council has very serious concerns over both TfL's current traffic modelling and the potential highway impacts of the Scheme on the

Newham highway network (and the ability for these impacts to be effectively mitigated). However, there are yet more widespread implications of the traffic modelling shortcomings, as the outputs from the highway modelling form the inputs to the environmental assessment. Therefore it is submitted that TfL must be able to provide conclusive modelling for the Scheme to be justified to the Secretary of State.

## **5. Environmental Impacts of the Scheme**

- 5.1 TfL rely on the output results of the RXHAM traffic model, based on a single set of inputs that they propose as being the 'most likely' scenario for traffic flows in and around the tunnel in Silvertown. Newham have voiced their misgivings about following a single set of results and basing an entire case on this, yet TfL have neglected to assess variations in these traffic flows to provide assurance to Newham that all potential adverse noise and air quality impacts are fully considered within this DCO application.
- 5.2 Sensitivity tests based around different modelled traffic scenarios around the Lower Lea Crossing and Roundabout, Silvertown Way and North Woolwich Road should be carried out. With hundreds of new homes in the outline planning stage of development and hundreds more planned in these areas it is essential to understand the full impact of this project on receptors in these areas. LBN sought further detail from TfL as to how all outline planning developments have been assessed and are currently in dialogue to get a better understanding of the modelling in these areas.
- 5.3 The air quality assessment of the Scheme has been undertaken in accordance with Design Manual for Roads & Bridges (DMRB) guidance and associated interim advisory notes. This guidance is for the Highways Agency, and set out the methodology to be used in assessing air quality impacts from proposed road schemes. This is not the only guidance available to the Examining Authority and TfL, and sole reliance on these policy documents fails to consider other guidance including the Institute of Air Quality Management's documents, Land Use Planning and Development Control and Significance in Air Quality published November 2009 and all national and international air quality standards. With regard to Air Quality Neutral' policies,

the current guidance deals with major developments impact and these are defined in the London Plan as: residential developments of  $\geq 10$  dwellings (or, where the number is not given,  $\geq 0.5$  ha); and for all other uses, a floor space  $\geq 1000$  m<sup>2</sup> or a site area  $\geq 1$  ha. The Mayors Air Quality Strategy aims to make new developments 'air quality neutral or better' - by making better use of the planning system to ensure no new development has a negative impact on air quality in London. TfL has taken this to mean that major infrastructure projects are not classed as major development and therefore do not require an air quality neutral assessment. Whilst this appears a possible interpretation of the guidance it appears perverse - given the Mayors commitment to reducing pollution and to working with the Boroughs to achieve this.

- 5.4 The proposal has not yet considered Mr Justice Garnham's High Court Judgement of 2nd November, 2016, in relation to the DEFRA 2015 Air Quality Plan (AQP), the potential impacts for the Borough relate to both the relative impact of the Tunnel proposals on air quality and also the ability of the Borough to achieve compliant targets in the necessary timescale. An underestimate of NO<sub>2</sub> produced by poor efficiency of Euro VI engines within the current Defra pollution modelling methodology may be reflected in the likely exceedance of the 40µg/m<sup>3</sup> Objective threshold at a further sensitive receptors. Without the benefit of updated modelling for the Tunnel impact it is clear that there is likely to be some worsening of pollution in relation to the Tunnel and therefore this suggests that the ability of the Borough to achieve compliance by whatever timescale will be made more difficult.
- 5.5 Given that the general understanding of the health effects of nitrogen dioxide is evolving, it is considered that there is value in a more precautionary approach to reflect the increasing health concerns on nitrogen dioxide. It is therefore considered that the approach of only having regard to the DMRB in conjunction with concerns over the appropriateness of the traffic modelling, mean that the impact reported could be underestimated.
- 5.6 As stated in the Environmental Statement 6.1 and the Health and Equalities Impact Assessment 6.8, there is strong evidence setting out links between noise levels and health and also strong evidence setting out links between air

quality and health. Based on the current modelling supplied within the documentation, a professional judgement has been applied to determine that the impacts on health from any changes in noise and air quality are not significant for both the construction and operation phases of the Scheme. It is clear though, that much of the modelling and metrics have been presented for the wider Scheme area which, in the Council's opinion, may have led to an 'averaging out' of the impacts across the three boroughs.

- 5.7 The documents acknowledge that the largest impacts for both noise and air quality will be experienced in Newham, within the vicinity of the Hoola Towers and Pump House developments, as a result of changes in traffic flow and composition around the redesigned roundabout and along Tidal Basin Road. Further presentation of the modelling is required at Borough and local ward level to identify the potential noise, air quality and associated health impacts on these specific populations.

#### Environmental Monitoring and Mitigation

- 5.8 The air quality monitoring strategy that underpins the charging structure is not sufficient to monitor the environmental impact of the development. A monitoring protocol must be put in place that is robust and comprehensive. The monitoring protocol will need to include relevant and accurate traffic flows as well as air quality to ensure the air quality monitoring is correctly placed.
- 5.9 The Environmental Statement indicates the Hoola building is subjected to significant increases in nitrogen dioxide levels, but no site specific mitigation is intended. Site specific mitigation must be included and a suggestion is in the form of specialised ventilation systems. More detailed assessment is required to ensure the Pump House development adjacent to the Hoola is not also impacted.
- 5.10 Noise mitigation around the Hoola and Pump House buildings is based on the use of low noise creating road surfacing and mitigation already in place in the development. The new tunnel is expected to be used mainly by HGVs, where engine noise will dominate road surface-tyre interaction noise at low speeds. It is therefore Newham's view that this mitigation will not have the positive

impact assessed within the ES. With the Hoola Building already expected to exceed SOAEL values, the absence of any actual decrease in noise from the road surface will only further increase noise levels, therefore Newham are concerned that the model may be underestimating the impact of this project on the residents of the Hoola Building and the Pumphouse development.

- 5.11 Newham have raised queries relating to incorrect monitors being used to assess individual locations and the results of the repeated noise monitoring data being used to justify the conclusions in the ES with regards to construction noise. More clarity has been sought over the level of monitoring undertaken and the large discrepancies between the data recorded. At this moment these concerns have not been allayed.
- 5.12 Newham is however conscious of the fact that in all but one location construction noise is below target levels, however night-time construction SOAEL levels are exceeded at Western Beach Apartments within Newham. SOAEL levels need to be avoided and Newham do not agree with the conclusions drawn by TfL on this matter.
- 5.13 The Environmental Statement outlines likely impacts from construction and sets out standards to be adopted to provide controls on the contractor, via the overarching Code of Construction Practice. It is considered that further development is required of these controls and subsidiary documents to ensure impacts are minimised and that compliance is obtained. Concerns for air quality include the ability of the contractors to secure sufficient plant and equipment of the most up to date standards and any significant changes in a move from barge to road because of spoil condition would add significantly to road movements. The Council anticipates making further representations on this matter when more is known about how the work is to be undertaken.

## **6. Public Transport Impacts of the Scheme**

- 6.1 The Council has been a campaigning voice for increased cross-river public transport for many years. The Jubilee Line extension, the DLR Woolwich Arsenal extension and Crossrail have (or soon will have) delivered substantial new cross-river public transport capacity to benefit Newham's residents and

businesses. A public transport offer was to be a key component of the Thames Gateway Bridge scheme, and any new crossing at Gallions would be required to deliver a significant public transport offer, possibly a DLR extension.

- 6.2 Consequently, it is disappointing to this Council that greater opportunity for high capacity public transport provision has not been provided by the Scheme given the growth challenges faced by the sub-region. Instead the Scheme represents a basic road scheme, with provision for buses, and with a dedicated public transport lane in each direction (which will be shared with HGV's). TfL's proposal represents a somewhat underwhelming public transport offer for a 21st Century London.
- 6.3 Notwithstanding the possible missed opportunities for high capacity provision, TfL does at least propose consideration of a network of bus services via the new tunnel at Silvertown that will improve local connectivity by bus. The Council welcomes the strengthening of commitments by TfL to new bus services in recent weeks, following an intervention by the Mayor of London, but awaits further financial commitment to these services in the TfL Business Plan.
- 6.4 The Council considers that the securing of new public transport services in the new tunnel is sufficiently important to justify a DCO Requirement to this effect. The Requirement should also provide for full engagement and agreement with all relevant Local Authorities over the services, routes and frequencies of buses using the new tunnel and a commitment for TfL to provide at least the level of provision suggested in the Assessed Case.
- 6.5 There is, however, one further public transport connection which almost replicates the route of the proposed tunnel exactly - the Emirates Air Line. Despite claims to the contrary, this project makes no contribution to local transport connectivity due to its pricing structure and is almost exclusively used by tourists who wish an aerial view of the Thames. The Scheme presents an excellent opportunity to 'normalise' the Emirates Air Line into the London public transport network and to standardise its fares by making it the viable pedestrian and cycle alternative to the tunnel.

- 6.6 Use of the Emirates Air Line by local residents is notoriously low, and it was famously reported as being used by a single commuter in the morning peak by the Evening Standard in 2014. In order to ensure that the Scheme is used by residents to connect across the river, the Air Line must become part of the TfL zoning system and priced the same as any LUL or DLR journey over the equivalent zones. The Air Line must also be integrated fully into interchange journeys and not priced individually (currently at £3.50 single).
- 6.7 Furthermore it is considered that there is an argument, given the marginal costs involved, for the Air Line to offer free travel for local residents in the morning and evening peaks as a sustainable alternative cross-river connection to the Silvertown tunnel. There is further discussion of this issue in the section on Scheme Impacts on Pedestrians and Cyclists below.

## **7. Scheme Impacts on Pedestrians and Cyclists**

- 7.1 It is submitted that significant impacts are expected on the pedestrian and cycle environment in the Borough during construction of the Scheme. Key routes will be severed, and will require both temporary and permanent diversions in order to construct the Scheme.
- 7.2 The Council has significant concerns over the interfaces between the pedestrian and cycle environment and the worksite accesses, and the CTMP document (to be approved by the Council) will require TfL to address these interfaces and fully ensure safety is maintained. In addition, HGV's will be particularly intimidating and potentially dangerous to cyclists on the surrounding road network, and the CTMP will require the inclusion of measures to protect cyclists. However, the Council's view on High Visibility cab types being fully adopted by any contractor to further enhance cycle safety is stated previously, so further assurances should be secured from contractors (such as lorry cycle protection systems or extended field of vision mirrors).
- 7.3 Additionally the Lower Lea Crossing carries the NCN13 Cycle Route and is also predicted to carry the vast majority of construction traffic generated by the Scheme, so particular attention will need to be paid to ensuring cycle

safety on this highway link. Its elevated nature will exacerbate cyclists' sense of intimidation so a protective barrier solution may be appropriate.

- 7.4 Post-Scheme construction, some proposals have emerged from TfL to provide pedestrian and cycle network in the vicinity of the tunnel portal that are considered as starting to meet the Council's concerns. The Council is continuing to work with TfL on the detail of these proposals and the method to secure and implement them. These proposals are not included as part of any DCO Requirement at this stage, for reasons best known to TfL themselves, but instead are proposed as separate legal agreements.
- 7.5 The Council considers that the mechanism to secure these pedestrian and cycle improvements around the northern portal should be by Requirement and include delivery by TfL prior to tunnel opening.
- 7.6 In terms of cyclists and pedestrians wanting to cross the river, they are prohibited from both the new tunnel at Silvertown and from Blackwall. Initially, the Scheme proposed nothing at all for cyclists and pedestrians, but in recent times a shuttle bus offer has emerged which would offer a turn up and go service for pedestrians and cyclists to cross the river. However, the road network, particularly on the south side, does not offer many drop off or pick up locations that are readily accessible to pedestrians and cyclists, so the Council would need to review further detail on these proposals prior to making any statement as to their acceptability.
- 7.7 The Council's preferred solution for cross-river cycling and walking trips that are prohibited from the tunnel remains for the Emirates Air Line to play a long overdue role in delivering cross-river local connectivity. As previously discussed, this would require integration into the wider TfL PAYG system and re-pricing in line with other TfL modes. Free trips for local residents at peak times should also be considered, in order to encourage more sustainable cross-river travel when demand is at its highest.

## **8. Other Potential Scheme Impacts Relevant to the Borough**

- 8.1 Further in addition to the issues discussed above in the previous sections, there are a number of other issues raised by the Scheme considered to be worthy of mention to the Examining Authority.
- 8.2 There are a number of river impacts generated by the Scheme that include the potential loss of 450,000 tonnes of river freight to road, and in addition the proposals also have implications for the future maintenance of the river wall and for dredging. The PLA representations to the DCO Hearing will cover these issues, and the Council is happy for the PLA to lead on securing commitments in the form of Requirements from TfL to address these issues.
- 8.3 There are considered to remain property issues associated with the Scheme. There is the 'responsibility for relocation' issue referred to above and earlier, which has the potential for 450,000 tonnes of freight to transfer to road if suitable wharf-side sites cannot be found for the Keltbray and Euromix operations displaced by the tunnel worksite. Once again, the PLA will lead on discussions with TfL over this matter.
- 8.4 The Council also has landholdings in the area, specifically the Waterfront Studios, where current car parking provision was initially affected by the Scheme. This matter has been initially resolved with TfL following discussion and requires legal agreement.
- 8.5 There are also potential impacts on the private landholdings around the site for which there are development aspirations. The individual landowners will make their own representations to the Examining Authority. The Council submits that the Examining Authority must consider these representations.
- 8.6 Otherwise, where there are other identified impacts as a consequence of the Scheme which is the specialism of other parties (e.g. ecology, archaeology etc.) the Council has deferred the submissions to the Examining Authority on these matters to these parties who are better resourced to do so.

## **9. Summary**

### Charging

- 9.1 The Council does not support charges for local residents or businesses and remains unconvinced of the wider principle of user charging river crossings in East London alone. TfL will therefore have to move considerably from their current position in order for the Council to consider the Scheme acceptable in terms of equity and hence equality.

### Package of Crossings

- 9.2 The Council submits that TfL's approach to delivering cross river capacity in East London is deficient and piecemeal, in that it has focussed on a single crossing at Silvertown with a diminishing commitment to the previously promised package of river crossings. If the growth potential of the East and Southeast Sub Region is to be fully realised (and therefore if London Plan targets are to be met) there needs to be a package of river crossings to address cross-river connectivity of which Silvertown would be just one component.

### Construction Impacts

- 9.3 The Council requires more secure commitments on river transport and HGV movements, both associated with construction of the Scheme and with displaced activities. A Receptor Site must be identified and the nature of excavated material established so that commitments can be specific and cannot be varied.
- 9.4 No contractor optimisation should be permitted following the award of contracts to weaken any commitments made. Alternative options where commitments cannot be met in full should be prescribed where possible.

### Modelling and Impacts

- 9.5 Further validation of the cost elasticity of demand is required to provide more robust estimates of the behavioural response to the introduction of charges across user groups and consequently the level of demand.

- 9.6 The Council requires local highway modelling to be undertaken by TfL in order to identify likely local impacts and potential mitigations.

#### Mitigations

- 9.7 The Council is unconvinced that effective or acceptable mitigation will be possible in all cases of impact caused by The Scheme.
- 9.8 The Council retains significant concerns in respect of the composition and Terms of Reference of STIG and how decisions on impact mitigation will be made and the long term reliability of the body.
- 9.9 The Council requires tighter commitments to the funding and timely delivery of mitigations by TfL, linked to local impacts and monitoring triggers.

#### Environmental Impacts

- 9.10 The Council is unconvinced that the project can rely on the current modelling and lack of sensitivity testing. The modelling undertaken is likely to have underestimated the noise and air quality impacts of the development and the Council are not aware of the impact if traffic flows vary from the single assessed case.
- 9.11 The Council does not consider sufficient regard has been had to the developing understanding of health impacts of nitrogen dioxide, more recent guidance and recent case law “DEFRA 2015 Air Quality Plan” and the health impact in Newham.
- 9.12 The Council does not consider sufficient mitigation is in place to mitigate the noise and air quality impacts of the scheme.
- 9.13 The Council considers that insufficient detail is known regarding the construction methodology and impacts. There are insufficient controls and safeguards in the Code of Construction Practice and subsidiary documents to mitigate the impact.

#### Public Transport

- 9.14 The Council seeks the bus public transport provision proposed for The Scheme to be a Requirement, and for it to include an obligation to full engagement over services, routes and frequencies with the relevant Local Authorities.
- 9.15 The Council seeks a revision to the pricing strategy for the Emirates Air Line in order to provide cross-river local connectivity and to encourage more sustainable cross river trips.

#### Pedestrians and Cyclists

- 9.16 The Council retains concerns over the pedestrian and cycle environment during the construction phase of The Scheme and how conflicts and interfaces with site traffic will be managed.
- 9.17 The Council is satisfied with discussions with TfL over the funding and delivery of a post-scheme pedestrian and cycle network through a separate legal agreement subject to a Requirement.