

Silvertown Tunnel Development Consent Order

London Borough of Lewisham

Responses to Examining Authority's first written questions

PINS Reference		
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1. INTRODUCTION

- 1.1 Transport for London (“TfL”) submitted their application for the Silvertown Development Consent Order (“DCO”) in April 2016. The London Borough of Lewisham (“LB Lewisham”) is considered a ‘neighbouring borough’ for the purposes of the Silvertown Tunnel DCO as it borders the Royal Borough of Greenwich.
- 1.2 The Examining Authority issued their first written questions and requests for information on 18 October 2016.
- 1.3 As requested by the Examining Authority, LB Lewisham’s response to some of the key questions concerning the borough is set out in section 2 of this document. Many of the questions are directed at the applicant, and LB Lewisham reserves the right to comment on TfL and others’ written responses to these questions at Deadline 2.
- 1.4 LB Lewisham objects to the Silvertown Tunnel proposal. The details of their objections are set out in their Written Representation (“WR”) (document reference LBL 02). LB Lewisham has also prepared a Local Impact Report (“LIR”) (document reference LBH 01). Both these documents should be read alongside this document.

2. LONDON BOROUGH OF LEWISHAM'S RESPONSES

Question to:		Question:	London Borough of Lewisham Response:
DC	Wording of the DCO		
DC71	Applicant	<p>Article 52 [Charging Policy] & Article 53 [Power to Charge for use of Tunnels]</p> <p>These provisions authorise the levying of user charging and subject to compliance with charging policy to determine different charges including nil charges. The ES and forecasting of likely significant effects relies on charging to control traffic flows, but it is not clear that there is anything in the dDCO that requires charges to be levied. Requirement 7 refers to the Monitoring and the traffic impacts mitigation strategy (Documents 7.6 [APP-098] and 7.7 [APP-099]) but these do not appear to require user charging.</p> <p>Document 7.5 [APP-097] is referred to in Schedule 14 as a Document to be certified with the title of "Charging Policy". However, Document 7.5 [APP-097] is entitled "Charging Statement" and there is a separate Document 7.11 [APP-107] entitled "Charging Policy". Document 7.5 [APP-097] does describe the importance of charging and gives the current expectation for the user</p>	<p>LB Lewisham objects to the Charging Policy as currently drafted in the draft DCO and certified documents. The table at paragraph 4.51 and Appendix A of LB Lewisham's Written Representation (document reference LBL 02) sets out the detail of LB Lewisham's concerns.</p>

		<p>charges to be levied. Document 7.11 [APP-107] specifies objectives and mechanisms for varying charges but does not actually set out policy or actual charging expectations.</p> <p>Please explain the relationship between Documents 7.5 [APP-097] and 7.11[APP-107] (and to 7.6 [APP-098] and 7.7 [APP-099])?</p> <p>Could 7.5 and 7.11 be combined into a single document to avoid confusion over certification in Schedule 14 and ensure that the Assessed case charging schedule is the starting point for any revisions?</p> <p>Please explain how it would be ensured that the content of the charging statement in Document 7.5 or any variation thereto as might be promoted under the terms of Articles 52 and 53 would be secured in the dDCO so as to give effect to the intended mitigation?</p>	
DC72	Applicant	<p>Article 52(2) TfL may revise the charging policy but only after it has—</p> <p>(a) consulted in relation to the proposed changes to the policy—</p> <p>(i) organisations it considers representative of regular users of the Blackwall Tunnel and the Silvertown Tunnel; and</p> <p>(ii) the Councils of the London Boroughs of Newham and Tower Hamlets and the Royal Borough of</p>	<p>LB Lewisham, request that the condition to the effect that TfL also needs to consider recommendations made by STIG under Article 65 (5) before revising the charging policy (as referred to by the Examining Authority's question) should be included. This would provide consistency between Articles 52 and 65. It also would provide consistency with Charging Policy (Document Reference 7.11) which refers to the TfL Board having regard to STIG's recommendations</p>

		<p>Greenwich; (b) considered the responses to the consultation carried out under sub-paragraph (a); and (c) submitted the proposed revised charging policy to the Mayor of London for approval.</p> <p>Should this paragraph also include a condition to the effect that TfL also needs to consider recommendations made by Silvertown Tunnel Implementation Group (STIG) under Article 65(5) before revising the charging policy?</p>	(paragraph 3.1.4).
DC76	Applicant	<p>Article 56 [Application by TfL of charges levied]</p> <p>It is noted that one of the (equal) alternative options for application of the charges is TfL's general fund; should precedence be given to applying charges to expenses relating to the tunnels, with a view to minimising the charges?</p>	<p>LB Lewisham suggests that two new options should be inserted into Article 56. Firstly an option to the effect that the charge levied should be spent developing and implementing the package of river crossings which Silvertown Tunnel was originally envisaged to be part of.</p> <p>Secondly, an option that the charge should be spent on improvements to public transport, cycling and walking within the host and neighbouring boroughs.</p> <p>These options should replace existing option (e) (making payments to TfL's general fund).</p> <p>This will assist in ensuring that a package of crossings actually comes forward and that money is spent on the areas affected by</p>

			<p>Silvertown Tunnel, rather than money simply going into TfL's general fund to be spent anywhere in London.</p> <p>Sections table at paragraph 4.51 Appendix A of LB Lewisham's Written Representation (document reference LBH 02) provides more detail and should be read alongside this response.</p>
DC85	Applicant	<p>Article 65(5) STIG may consider the following matters relating to implementation of the authorised development—</p> <p>.....</p> <p>(c) the level of <u>charges</u> from time to time required to be paid for use of the tunnels under article 53 and any exemptions and discounts.</p> <p>Should STIG also be able to consider the level of penalties?</p>	<p>Notwithstanding LB Lewisham's more substantive concerns on the role of STIG (set out in Lewisham's Written Representation), in response to this question, LB Lewisham suggests that STIG should also be able to consider the level of penalties under part (c) of Article 65(5). This will ensure that STIG has a proper and consistent role in advising on user charges.</p>
DC86	Applicant	<p>Article 65(6) The first meeting of STIG must be held not less than three years before the date on which the Silvertown Tunnel is expected to be open for public use. <u>Once the monitoring strategy and the traffic impacts mitigation strategy have been implemented in accordance with their provisions, STIG will meet as determined by TfL, but not more frequently than once a year.</u></p>	<p>Notwithstanding LB Lewisham's more substantive concerns on the role of STIG (set out in the table at paragraph 4.51 and Appendix A of LB Lewisham's Written Representation – document reference LBL 02), in response to this question, LB Lewisham believes that STIG should meet as required and that the draft DCO is too prescriptive in its proposed limitations on frequency of meetings.</p>

		<p>The Charging Policy (Doc 7.11)[APP-107] at section 3.2 indicates that proposed changes to the Charging Policy will be put to STIG, who may make recommendations.</p> <p>Is the limitation on the frequency of STIG meetings likely to cause any difficulties in this context?</p>	<p>LB Lewisham also suggest that TfL should not have sole authority to call meetings.</p>
DC88	Applicant	<p>Article 65(12) Part VA of the Local Government Act 1972 (Access to meetings and documents of certain authorities, committees and sub-committees) and the Public Bodies (Admission to Meetings) Act 1960 do not apply to STIG or to its meetings or proceedings.</p> <p>If these provisions are not to apply, should there be some other mechanism whereby the public would be able to find out what had been discussed and what recommendations STIG had made to TfL, in the interests of transparency?</p>	<p>In the interests of transparency and as TfL is a public body, information should be made publically available. This should include minutes and recommendations of STIG meetings, the TfL Board meetings/decision, and the Mayor's decision.</p>
AQ	Air Quality		
AQ1	<p>Applicant, Greater London Authority (GLA), London Borough of Newham, Royal Borough of Greenwich, London Borough of Tower</p>	<p>Paragraph 6.1.1 of the ES [APP-031] explains that the air quality assessment uses 2021 as the year for the basis of modelling air quality levels for both the proposed scheme and the situation without the scheme.</p> <p>Is the use of 2021 as the base year sufficiently robust to provide air quality</p>	<p>LB Lewisham understands that air quality is predicted to improve in the future as cleaner vehicles dominate the London fleet. However, LB Lewisham would welcome TfL's reasoned response to the Examining Authority's question.</p>

	Hamlets and other IPs with an interest in air quality	modelling data for the whole of the operational phase, given the stated life of the scheme being 120 years and, if the Order is made, Silvertown tunnel is not proposed to be operational until 2023?	
AQ2	Applicant, GLA, London Borough of Newham, Royal Borough of Greenwich, London Borough of Tower Hamlets and other IPs with an interest in air quality	<p>The ES, in table 6.1 (page 6-11) [APP-031] explains that the Applicant has not carried out an assessment of the proposed development in terms of whether it is “air quality neutral”. This term is derived from the Mayor’s Air Quality Policy.</p> <p>(a) Please can the Applicant provide a copy of the following ES references [APP-031], Mayor’s Air Quality Strategy, Greater London Authority (Ref 6.13) and GLA Air Quality Neutral Planning Support, Air Quality Consultants Ltd, 2013 (Ref 6.14) to the Examination as PDFs?</p> <p>(b) Please can the Applicant explain why it has not provided an assessment of the scheme in terms of whether it is “air quality neutral”?</p> <p>(c) Please can GLA and the Local Authorities confirm that the assessment of air quality impacts undertaken by the Applicant is sufficiently robust in the absence of this information?</p> <p>Please can the GLA and the Local Authorities confirm whether these documents remain</p>	<p>LB Lewisham is concerned that the concept of air quality neutrality within the proposed development has not been properly considered by TfL.</p> <p>TfL state in the ES that they will integrate mitigation into the design process to achieve something akin to air quality neutrality. This is not at all clear, particularly as limited mitigation measures are currently suggested. LB Lewisham therefore awaits with interest TfL’s answer to the Examining Authority’s question.</p>

		extant and whether there are any other London based air quality policy documents (apart from the London Plan and their own Unitary Plans) that are relevant to the Examination?	
AQ4	Local Planning Authorities	<p>Paragraph 6.3.40 of the ES [APP-031] states that <i>"In order to undertake the [air quality] modelling, detailed traffic data was obtained for the Base Year, Reference Case and Assessed Case"</i>.</p> <p>Do the relevant highway/planning authorities agree to the approach taken by the Applicant in the ES in basing the air quality modelling work on these traffic data sets?</p>	As identified in sections 2 and 4 of the council's Written Representation (document reference LBL 02) and sections 4, 6 and 7 of the LIR (document reference LBL 01), the council consider that the traffic model used to assess the impacts of the scheme is inaccurate and as such all findings relating to the ES cannot be considered accurate.
AQ8	London Borough of Newham, Royal Borough of Greenwich, London Borough of Tower Hamlets	<p>(a) Are the LPAs satisfied with the locations chosen for the identification of sensitive receptors? If not, why not?</p> <p>(b) Are the LPAs satisfied with the methodology used for the assessment of air quality? If not, why not?</p> <p>(c) Are the LPAs satisfied with the Applicant's conclusions in relation to the predicted potential impacts in relation to air quality at or near sensitive receptors? If not, why not?</p> <p>(d) Are the LPAs satisfied with the Applicant's conclusions in relation to the predicted potential impacts in relation to air quality impacts in relation to sensitive receptors?</p>	<p>(a) This issue was also raised by Public Health England (PHE) in their Relevant Representations. LB Lewisham shares PHE's concerns that the assessed receptors do not adequately represent the impact of the scheme on those areas where elevated emissions combine with high and/or sensitive exposure (e.g. dense residential areas and schools close to areas where emissions will increase).</p> <p>(b) LB Lewisham is not satisfied with the assessment methodology, principally due to Lewisham being excluded from detailed assessment. This is discussed in the LIR at sections 6 and 7.</p> <p>(c) LB Lewisham is not satisfied with TfL's</p>

		If not, why not?	conclusions, principally because they do not trust the traffic data inputs. This is discussed in the LIR at sections 6 and 7
AQ9	London Borough of Newham, Royal Borough of Greenwich, London Borough of Tower Hamlets, No to Silvertown, Public Health England (PHE) and other IPs interested in air quality matters	Are the LPAs, No to Silvertown, PHE and other IPs (who have responded on air quality matters) satisfied with the mitigation proposed by the Applicant in relation to locations and sensitive receptors where there would be a significant impact in terms of predicted air quality changes arising from the development? If not, why not?	LB Lewisham is not satisfied with the mitigation proposed. This is discussed in the LIR in sections 6 and 7.
AQ14	Applicant, London Borough of Newham, Royal Borough of Greenwich, London Borough of Tower Hamlets	Would the proposed development create any hindrances to the LPAs achieving their targets in relation to demonstrating best efforts in achieving Air Quality Standards objectives?	LB Lewisham cannot confirm whether or not the development would be a significant hindrance to its Local Air Quality Management objectives. This is because TfL has not assessed air quality impacts on Lewisham.
AQ15	Applicant, London Borough of Newham, Royal Borough of Greenwich, London Borough of Tower Hamlets and other IPs who have an interest in air quality matters	(a) The ExA requests the Applicant, LPAs and other IPs (who have included representations about air quality in their RRs) to confirm that they are satisfied that the proposed development would not lead to a significant air quality impact? If not, why not? (b) Are the LPAs who would host the proposed development, as well as the LAs in the near vicinity of the scheme,	LB Lewisham is not satisfied that the proposed development would not lead to significant air quality impacts. As such LB Lewisham cannot determine what affect it might have on the relevant EU Agglomeration Zone. Issues associated with work towards achievement of the EU air quality limit values are discussed in the LIR in sections 6 and 7.

		<p>satisfied that the proposed development would not lead to a deterioration in air quality in a zone/agglomeration (as defined in NN-NPS paragraph 5.13)? If not, why not?</p> <p>(c) Do the LPAs consider that the proposed development would affect their ability, in air quality non-compliant areas, to achieve compliance within the most recent timescales reported to the European Commission?</p> <p>(d) Do the LPAs consider that the mitigation measures proposed would ensure that the net impact of the proposed development would not delay the point at which a zone would meet compliance timescales? Do the LPAs consider that the proposed development conforms to their local air quality action plans?</p>	
NV	Noise and Vibration		
NV19	<p>London Borough of Newham, Royal Borough of Greenwich and London Borough of Tower Hamlets and other IPs with an interest in lorry routing</p>	<p>(a) Are the LPAs satisfied with the Applicant's proposed arrangements for HGV routing during construction, should the dDCO be made, whereby the CTMP is a requirement of the CoCP (through Requirement 5)?</p> <p>(b) Is there the possibility that significant deviations from the agreed/assessed lorry routes would lead to noise and air emissions which are outside those</p>	<p>LB Lewisham are aware of a number of large construction projects programmed to be delivered at the same time as the proposed development as set out at paragraph 4.10 of the Written Representation (document reference LBL 02). LB Lewisham considers that the cumulative impact of these needs to be fully considered in order to understand the highway and air quality impacts and the current assessment does not do this.</p>

		assessed in the ES?	
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