



Silvertown Tunnel Development Consent Order

London Borough of Southwark

Written Representation

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| Authors | LB Southwark, Project Centre, GVA, Phlorum | |
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SUMMARY

- i. Transport for London (“TfL”) submitted the application for the Silvertown Tunnel Development Consent Order (“DCO”) in April 2016. The DCO will enable the construction and operation of the Silvertown Tunnel Scheme. The Scheme proposes a twin bore road tunnel between the A102 Blackwall Tunnel Approach on Greenwich Peninsula (Royal Borough of Greenwich) and the Tidal Basin roundabout junction on the A1020 Lower Lea Crossing/Silvertown Way (London Borough of Newham). The London Borough of Southwark (“LB Southwark”) is a neighbouring borough for the purposes of the scheme.

- ii. Whilst LB Southwark has a substantial river frontage and recognises the importance of providing adequate river crossings, LB Southwark objects to the Silvertown Tunnel DCO due to its detrimental impact on Southwark, particularly on the Canada Water and Rotherhithe peninsula and the Tower Bridge areas. LB Southwark has engaged with TfL on proposals for river crossings in east London since 2012. Through both discussions with TfL and written responses to TfL’s consultations on river crossings including specifically on the Silvertown Tunnel proposal, LB Southwark has continually expressed the hope that TfL’s proposals would address traffic and air quality issues in the affected Southwark areas. LB Southwark’s Canada Water, Rotherhithe and Tower Bridge areas already experience significant traffic and air quality problems, especially on the approaches to two of Southwark’s river crossings at Rotherhithe Tunnel and Tower Bridge. These issues have not been adequately addressed by TfL and the Silvertown Tunnel proposal is likely to worsen traffic problems and air quality in these areas. Thus LB Southwark objects to the Silvertown Tunnel DCO.

- iii. LB Southwark objects to the scheme in respect of;
 - Consultation
 - Detrimental impacts on traffic congestion, especially on the areas of Southwark approaching Rotherhithe Tunnel and Tower Bridge

- Detrimental impacts on air quality and the local community
 - That the scheme does not contribute to sustainable transport and local connectivity
 - That the scheme is inconsistent with planning policy.
- iv. LB Southwark is concerned that the Development Consent Order as currently drafted will have a negative impact on Southwark. LB Southwark's Written Representation identifies clauses and articles in the draft Development Consent Order which should be revised and also requests appropriate revisions. The Written Representation should be read alongside LB Southwark's Local Impact Report (document reference LBS 01).

1. INTRODUCTION

- 1.1 GVA and Project Centre are acting on behalf of the London Borough of Southwark (“LB Southwark”) to prepare and coordinate their submissions on the proposed Silvertown Tunnel Development Consent Order (“DCO”). Phlorum is providing technical input on air quality matters.
- 1.2 This Written Representation is submitted by GVA on behalf of LB Southwark. Alongside this Written Representation, GVA has also submitted a Local Impact Report (Document Reference: LBS 01).
- 1.3 Transport for London (“TfL”) submitted the application for the Silvertown Tunnel DCO in April 2016. The DCO will enable the construction and operation of the Silvertown Tunnel Scheme. The Scheme proposes a twin bore road tunnel between the A102 Blackwall Tunnel Approach on Greenwich Peninsula (Royal Borough of Greenwich) and the Tidal Basin roundabout junction on the A1020 Lower Lea Crossing/Silvertown Way (London Borough of Newham).
- 1.4 LB Southwark is considered a ‘neighbouring borough’ for the purposes of the Scheme. Whilst LB Southwark has a substantial river frontage and recognises the importance of providing adequate river crossings, the Council objects to the Silvertown Tunnel DCO due to its detrimental impact on Southwark, particularly on the Canada Water and Rotherhithe peninsula and the Tower Bridge areas.
- 1.5 LB Southwark has engaged with TfL on proposals for river crossings in east London since 2012. Through both discussions with TfL and written responses to TfL’s consultations on river crossings including specifically on the Silvertown Tunnel proposal, LB Southwark has continually expressed the hope that TfL’s proposals would address traffic and air quality issues in the affected Southwark areas. LB Southwark’s Canada Water, Rotherhithe and Tower Bridge areas already experience

significant traffic and air quality problems, especially on the approaches to two of Southwark's river crossings at Rotherhithe Tunnel and Tower Bridge. These issues have not been adequately addressed by TfL and the Silvertown Tunnel proposal is likely to worsen traffic problems and air quality in these areas. Thus LB Southwark objects to the Silvertown Tunnel DCO. TfL and LB Southwark have prepared a joint Statement of Common Ground summarising matters agreed and not agreed which will also be submitted at Deadline 1.

1.6 This Written Representation expands upon LB Southwark's previous responses and representations, setting out detail in respect of;

- Consultation
- Impacts on traffic congestion
- Impacts on air quality and the local community
- Sustainable transport and connectivity
- Consistency with planning policy
- Provisions within the draft Silvertown Tunnel Development Consent Order.

1.7 This Written Representation should be read alongside the following documents, which are all submitted at Deadline 1;

- LB Southwark's Local Impact Report ("LIR") (Document Reference: LBS 01)
- LB Southwark's response to the Examining Authority's First Written Questions (Document Reference: LBS 03).
- LB Southwark's response to the Examining Authority's Rule 17 notification of request for further information in relation to Mr Justice Garnham's High Court Judgment of 2 November 2016, in relation to the Department of the Environment Food and Rural Affairs (DEFRA) 2015 Air Quality Plan (Document Reference: LBS 04).

2. CONSULTATION

2.1 LB Southwark has been involved in discussions with TfL on river crossings since 2012. Section 2.1 of TfL and LB Southwark's Statement of Common Ground sets out a schedule of the key meetings and correspondence that have taken place. LB Southwark has submitted a written response at every stage of consultation leading up to the submission of the Silvertown Tunnel DCO and submitted their formal Relevant Representation on the draft DCO in August 2016.

2.2 LB Southwark's Relevant Representation summarises Southwark's concerns and for ease of reference is set out below;

"At present the council has significant concerns on the impact of Silvertown tunnel on Southwark's two free river crossings Tower Bridge and Rotherhithe Tunnel and the impact on of increased congestion and air pollution in these areas."

2.3 From the start of the process, LB Southwark raised their key concerns, principally that the transport modelling underpinning the Silvertown Tunnel needs to take account of the role of Rotherhithe Tunnel and Tower Bridge in the movement of vehicular traffic in east London, that the model only focuses on vehicular traffic, and that the model does not adequately address the anticipated growth at Canada Water and the Rotherhithe peninsula.

2.4 From these early stages of consultation and development of the Scheme onwards, LB Southwark has consistently asked TfL for more detail about the projections of traffic impacts resulting from the proposed tunnel. The Council has raised substantial concerns that there would be a negative impact on Southwark's roads and subsequently on air quality. These issues have still not been adequately addressed by TfL and the requested information has not been provided.

2.5 LB Southwark subsequently has concerns about the consultation that TfL has carried out and questions whether the consultation has been effective when information requested has not been provided and repeated comments from LB Southwark have not been addressed. LB Southwark questions the effectiveness of the consultation when the model and its assumptions and outputs underpin the entire scheme, and these have not been shared with the neighbouring boroughs.

3. MATTERS OF SUPPORT

- 3.1 LB Southwark has a substantial river frontage and recognises the importance of providing sufficient river crossings.
- 3.2 LB Southwark agree with TfL that the Canada Water and wider Rotherhithe peninsula area has significant growth potential. LB Southwark also agrees that there are existing traffic and congestion issues in the Canada Water and Rotherhithe peninsula area, with high levels of traffic flows and congestion in the peak hours. A key factor to the high levels of traffic flow and congestion is the proximity of the Rotherhithe Tunnel, which is accessed from the A200. LB Southwark agrees that a number of transport improvements will be required in the local area to support the growth envisaged in this area, which is identified in the London Plan and Canada Water Area Action Plan as an Opportunity Area.
- 3.3 LB Southwark support the principle of the Silvertown Tunnel Implementation Group (STIG) in terms of it being a mechanism through which the impacts of the scheme would be monitored but is not currently satisfied with how it will operate and its structure.

4. MATTERS OF OBJECTION

4.1 This section of the Written Representation sets out LB Southwark's principle concerns in respect of the proposed development which mostly relates to the likely detrimental impacts on traffic on the areas of Southwark approaching the Rotherhithe Tunnel and Tower Bridge. LB Southwark has highlighted these concerns consistently throughout the development of this scheme and the concerns relate to:

- Impacts on traffic congestion
- Impacts on air quality and the local community
- Sustainable transport and connectivity
- Consistency with planning policy
- The draft Development Consent Order.

Traffic congestion

Existing traffic congestion in Southwark

4.2 TfL propose to introduce a user charge at both the Silvertown Tunnel and the Blackwall Tunnel through provisions in the Silvertown Tunnel DCO. LB Southwark's crossings at Rotherhithe Tunnel and Tower Bridge will then be the only section of free passage river crossings between Silvertown Tunnel and the congestion charge zone. LB Southwark is concerned that traffic will subsequently be diverted away from the tolled tunnels to these remaining charge free crossings which will worsen the existing congestion and air quality issues in these areas.

4.3 Paragraphs 6.1 to 6.8 of LB Southwark's LIR (document reference LBS 01) set out that much of Southwark already experiences significant issues with traffic congestion. In particular the LIR identifies that the Rotherhithe Tunnel, A200 Lower Road corridor, Jamaica Road and the Jamaica Road / Lower Road roundabout experience significant delay of more than 1.5 minutes per kilometre in the AM and PM peak hours. The problems are acknowledged by both LB Southwark and TfL, as set out in their joint Statement of Common Ground which states as an agreed matter that

“Canada Water and the wider Rotherhithe peninsula is a busy area, with high levels of traffic flow and congestion in the peak hours. A key factor to the high levels of traffic flow and congestion is the proximity of the Rotherhithe Tunnel, which is accessed from the A200”.

- 4.4 TfL and LB Southwark both also agree, and as set out in their Statement of Common Ground, that a number of transport improvements will be required in the local area to support the delivery of growth at Canada Water and Rotherhithe. This is also reiterated in the Canada Water Area Action Plan, which is supported by the Mayor.
- 4.5 Despite this acknowledgement of there already being significant congestion issues and that further transport improvements are required, the proposed Silvertown Tunnel will increase traffic flows in this part of Southwark, and as evidenced in the LIR this will have a negative impact.
- 4.6 LB Southwark also has concerns that at present Category A vehicles use the existing crossings within Southwark. There is the opportunity at Silvertown Tunnel to encourage Category A vehicles to use the Silvertown Tunnel and thereby reduce the impact of these types of dangerous vehicles on Southwark’s roads and central London. LB Southwark would therefore like to support the following section the City of London’s Relevant Representation and request that the Silvertown Tunnel be constructed and operated with Category A designation.

“The COL seeks that the new tunnel will be constructed and operated with Category A designation under the Carriage of Dangerous Goods by Road Regulations to provide a route for the carriage of dangerous goods avoiding the Central London road bridges, particularly Tower Bridge, thereby very substantially reducing the need for dangerous goods to be routed through Central London both north and south of the River Thames and reducing the risk of spillages into the river.”

- 4.7 If the Silvertown Tunnel fails to allow for Category A designation, LB Southwark is concerned that these dangerous vehicles will be redirected to uses crossings within Southwark (Tower Bridge, London Bridge) and their access points presenting dangers to road safety and increasing traffic congestions and negative air quality impacts. This potential adds to both kilometres travelled and journey times for these vehicles.

The transport model and growth at Canada Water and Rotherhithe

- 4.8 Canada Water is designated in the Mayor's London Plan as an Opportunity Area, with significant levels of growth expected. LB Southwark has an adopted Area Action Plan for Canada Water, which sets out that at least 4,500 new homes and 2,000 new jobs are expected to be delivered in the action area core around the Canada Water basin. Further information on the policies supporting growth at Canada Water is set out in paragraphs 5.20, 5.31 and 5.41 to 5.46 of LB Southwark's LIR. TfL also acknowledge that significant growth is expected, as confirmed in the joint Statement of Common Ground.
- 4.9 As highlighted in the borough's LIR, LB Southwark has consistently raised issue with the modelling approach used by TfL and that it "...neglects any serious consideration of the impacts on Rotherhithe. Both the consultation documents and supporting material too quickly rule out such impacts and the focus is then almost entirely on impacts in east London" (paragraph 6.19 of LB Southwark LIR, document reference LBS 01).
- 4.10 LB Southwark have requested access to the traffic model and independent review undertaken by Steer Davis Gleave (SDG) but to date neither of these has been provided to the borough as identified in the consultation section of this document (section 2). LB Southwark is aware that London Borough of Greenwich (a host borough) is not satisfied with the modelling based on their Relevant Representation and a more recent (email from Kim Smith to TfL 20/10/16). In addition LB Southwark is aware that the neighbouring LB Lewisham are also concerned with the

accuracy and suitability of the model to consider the approved and planned development in this area, including significant developments along the A200 corridor and in the Rotherhithe / Canada Water area as highlighted previously.

- 4.11 As identified in the LB Southwark LIR, the borough does not consider that the Transport Assessment (document reference 6.5) adequately predicts traffic impact on Rotherhithe Tunnel and Tower Bridge.

User charging

- 4.12 The draft Silvertown Tunnel DCO and TfL's Silvertown Tunnel Charing Policy document (document reference 7.11) explains in paragraph 2.1.3 that "The primary function of the user charges is to enable the management of traffic demand for the river crossings". As explained in paragraph 2.1.5 of the same TfL document, "A secondary reason for the user charge is to provide a means for helping to pay for the design and construction and operation of the Scheme...". From this it is clear that TfL intend the user charge to be central to managing demand for the tunnel and to manage congestion on its approach roads.

- 4.13 LB Southwark agrees with the principle of user charging to enable the management of traffic demand. However, as explained above, the model does not take into adequately take into account the impact of the user charges on the remaining toll free crossings in Southwark.

- 4.14 A suggestion mitigation measure is to extend the congestion charge zone to cover Tower Bridge and to require this through the draft DCO. This could potentially reduce the impact on Tower Bridge and its approach roads as there would not be an incentive for drivers to divert through Southwark to Tower Bridge as the crossing would then effectively be charged.

Silvertown Tunnel Implementation Group (STIG)

- 4.15 Article 65 of the draft DCO provides for the Silvertown Tunnel Implementation Group (STIG) and sets out its structure. LB Southwark is included as one of the bodies involved in STIG. Article 65 (5) of the draft DCO stipulates what STIG may consider and these includes implementation of the monitoring strategy, the traffic impacts mitigation strategy, the level of charges and to review TfL's proposal for cross-river bus services through the Silvertown Tunnel for a specified time period.
- 4.16 LB Southwark is supportive of the principle of STIG, as set out within their Statement of Common Ground. However, the detail of how STIG operates is a concern to LB Southwark. The detail of these concerns is later within this Written Representation.

Detrimental impacts on air quality and the local community

- 4.17 The highway network in Southwark is known to be under pressure, particularly with recently approved major developments on the A200 corridor in Lewisham and in LB Southwark. The A200 is the main route on the south side to the free crossing at Rotherhithe. LB Southwark therefore disagrees with TfL's assessment of impacts on traffic and considers the scheme will have a more significant impact on Southwark's roads than recognised by TfL. TfL's findings show that the majority of Southwark's roads do not currently experience significant congestion – LB Southwark strongly disagree with these findings based on its local knowledge and data from TfL's own monitoring which is considered in the LIR.
- 4.18 LB Southwark have highlighted elsewhere in this representation that the model is considered inaccurate and the borough is of the opinion that the proposals will increase traffic levels and resulting congestion in the borough.
- 4.19 LB Southwark is concerned that the underlying traffic data used in the air quality assessment of the Silvertown tunnel is insufficiently robust. As set out in LB Southwark's LIR, the screening method used by TfL to scope

out detailed assessment of air quality impacts in Southwark is not realistic nor is it reasonable. This is a fundamental omission from the assessment and as such LB Southwark strongly objects to TfL's claims that their assessment is adequate.

- 4.20 Southwark is one of the London boroughs with the most residents experiencing the worst air quality in the capital; with deprived areas and schools being particularly affected. There is also significant pressure on its air quality from other developments in the area. The additional impact of the Silvertown tunnel will increase traffic, congestion and polluting missions along Lower Road and around the accesses to Tower Bridge and the Rotherhithe tunnel. These are air quality hotspots of particular concern to LB Southwark.
- 4.21 As no detailed assessment of air quality impacts on such sensitive areas has been undertaken, LB Southwark cannot accept the conclusions of TfL's assessment of the Silvertown tunnel scheme.
- 4.22 LB Southwark is also concerned that as a major infrastructure project the Silvertown tunnel will result in a net increase in road traffic emissions that will contradict the Mayor's air quality plans for London and the government's recently overturned plans to meet EU limit values.
- 4.23 The current air quality mitigation measures suggested by TfL are also insufficient. LB Southwark suggests that measures that would benefit the borough could include, amongst others, an extension of the Ultra Low Emission Zone to the east of Rotherhithe.
- 4.24 As LB Southwark's air quality concerns are not currently addressed, the council cannot support the Silvertown tunnel scheme.

Sustainable transport and connectivity

- 4.25 LB Southwark is a borough that places a strong emphasis on sustainable transport including cycling, walking and public transport. Planning policies within both national and regional documents encourage sustainable transport. Similarly LB Southwark's local planning policies including those within the Core Strategy, saved Southwark Plan and Canada Water Area Action all promote sustainable transport and encourage more journeys to be made including by foot and cycle.
- 4.26 The Silvertown Tunnel as currently proposed is a missed opportunity to improve and encourage more people to use sustainable modes of travel. The Local Impact Report sets out the impact that the scheme will have on Southwark by not promoting sustainable transport.

Lack of benefit to cyclists and pedestrians

- 4.27 LB Southwark considers that the proposed development does not promote sustainable transport and neglects opportunities to improve connectivity for walking and cycling as it is solely a tunnel for motorised vehicles. Given that prioritisation of walking and cycling is a priority for LB Southwark and TfL, it is LB Southwark's view that this is a major shortcoming of the proposed development. LB Southwark acknowledge that the cost of delivering a cycle or pedestrian route through the tunnel is likely to be prohibitive, however LB Southwark is of the view that cost effective alternatives exist.
- 4.28 In terms of potential options that TfL should be considering as part of the scheme, LB Southwark considers that a cycle transit service through the Rotherhithe Tunnel is achievable. Such measures would go some significant way to improving sustainable transport links in East London. Importantly, such a service already exists at the Dartford Tunnel which highlights that it is deliverable.

- 4.29 Furthermore, it is LB Southwark's view that TfL should commit to providing improved high quality cycling connections and TfL could build on the existing and proposed Cycle Superhighways in the region as part of the Silvertown Tunnel development.
- 4.30 LB Southwark supports the proposed pedestrian and cycle bridge between Rotherhithe and Canary Wharf but there is currently no commitment to this within the DCO or elsewhere.
- 4.31 LB Southwark remains unconvinced that the proposed development will contribute to the promotion of walking and cycling.

Uncertain benefit to local public transport users

- 4.32 LB Southwark welcomes the tunnel's ability to carry cross river buses, but has significant concerns that TfL has not proposed any routes within Southwark nor made any commitment within its application for the subsequent bus provision. LB Southwark requests that TfL provides a more detailed and defined strategy for cross river buses so that the neighbouring Boroughs can consider whether this is supported.

Consistency with planning policy

- 4.33 LB Southwark's objections should be considered with reference to the key planning policies that should be considered by the Examining Authority and Secretary of State when examining and making the decision on the draft DCO. Section 5 of LB Southwark's LIR (document reference LBS 01) provides an appraisal of the relevant planning policies for Southwark.
- 4.34 Southwark is concerned that the proposed Silvertown Tunnel is contrary to much of the planning policy framework and that it does not deliver many of the aspirations and objectives that Southwark, as a neighbouring borough is seeking to achieve.

4.35 In summary LB Southwark believes that the Scheme is contrary to policies in respect of;

- Impact on traffic congestion and air quality.
- Promotion of sustainable transport.

4.36 The following key policies are not met in relation to air quality or promotion of sustainable transport.

National Networks National Policy Statement (NNPS)

- Paragraph 3.2 recognises that development should be designed to minimise social and environmental impacts. LB Southwark's Local Impact Report demonstrates that there are significant social and environmental impacts such as a negative impact on air quality (and subsequently health) and thus LB Southwark believes the scheme does not conform with this section of the NNPS.
- Paragraph 4.6 states that applications should be supported by a local transport model to provide sufficiently accurate details of the project. LB Southwark has serious concerns over the accuracy of TfL's transport model.
- Paragraphs 4.79-4.82 recognise the potential to affect health and well-being. The Local Impact Report demonstrates that the scheme will affect air quality and health. LB Southwark's view is that adequate mitigation has not been proposed and so the scheme is contrary to this section of the NNPS.

London Plan

- Policy 6.12 refers to a number of criteria which should be used in assessing proposals for increasing road capacity. LB Southwark's Local Impact Report suggests that there are many potential negative impacts of the scheme and that potentially there is a not a net-benefit across the identified criteria. This implies the scheme is contrary to this policy.
- Policy 7.14 focuses on improving air quality and tackling air pollution, especially within Air Quality Management Areas. The scheme does not meet the requirements of this policy, especially as the affected road network within Southwark is all within an Air Quality Management Area.

Southwark Core Strategy

- Policies 1 and 2 require sustainable development and encourage the use of sustainable transport. The Scheme does not meet these policy requirements.
- Policy 13 sets out the standards to ensure development reduces pollution and damage to the environment. This includes air pollution. Southwark is concerned that there will be a detrimental impact on air quality, this is contrary to this policy.

Saved Southwark Plan Policies

- Policy 3.1 requires that development does not cause material adverse effects on the environment. Adverse effects are being created by the Scheme in terms of impact on air quality.
- Policy 3.6 refer to air quality that the schemes within AWMA's should not worsen air quality. The Scheme is contrary to this policy.
- Policy 5.3 seeks to improve cycling and pedestrian provision. This is not being delivered through the DCO.

Canada Water Area Action Plan

- The Area Action Plan identifies transport infrastructure as one of the biggest challenges and opportunities in the area and sets out that there is already a lot of congestion.
- Policy 6 refers to providing routes that are safe, direct and convenient for pedestrians and cyclists. There is likely to be increased traffic flows in the Rotherhithe peninsula which may make routes for pedestrians and cyclists more dangerous.
- Policy 8 sets out some of the improvements that LB Southwark is making to the road network with TfL and LB Lewisham to accommodate growth at Canada Water. It refers to seeking to make the network more efficient and safer. The Scheme is likely to have a converse impact to that being sought through the AAP.

Draft Development Consent Order

4.37 In light of the concerns set out in this representation, LB Southwark objects to the wording of a number of provisions within the draft Development Consent Order (dDCO). The schedule at Appendix A identifies the clauses and articles in the dDCO that LB Southwark request are revised, and makes appropriate recommendations for amendment. A summary table is provided below.

| Draft DCO Provision | Comments and Required Amendments |
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| General | <p>LB Southwark notes that the borough is not 'named on the face' of the dDCO except for Article 65 in relation to the STIG. LB Southwark is concerned that this will limit its influence going forward in relation to the proposed development.</p> <p>LB Southwark therefore requests that the dDCO provides an explicit role for the borough in relation to the approval of documents or plans by the relevant planning authority. LB Southwark requests that this provision is made either by requiring the borough's formal approval or by identifying LB Southwark as a consultee to the host borough for any documents or plans that require approval by the host borough.</p> |
| General | <p>LB Southwark notes that it's only named influence on or notification of implementation of the Scheme comes from the STIG which is only guaranteed to meet once a year and timing is at TfL's discretion.</p> <p>There is no provision on the face of the dDCO for LB Southwark to specifically be notified of impacts of the proposed development – for example, in relation to works which might result in closure. Additionally, there is no provision for sharing of environmental information with LB Southwark aside from the role of the STIG in connection with the Traffic Impacts Mitigation Strategy and the Monitoring Strategy.</p> <p>LB Southwark therefore requests it is named as a consultee in relation to non-emergency tunnel closures, and requests a set of Protective Provisions in relation to LB Southwark's areas of concern is included within the DCO. These would provide for the following:</p> <ul style="list-style-type: none"> i. prior-notification and consultation as well as information sharing; ii. notification of non-emergency tunnel closures, ability to influence charging if diversion to Rotherhithe tunnel and Tower Bridge/London Bridge is taking place; and iii. sharing of information on air pollution and |

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| | <p>requirements for mitigation not already provided to the STIG.</p> |
| <p>Article 43: Closing the tunnels</p> | <p>LB Southwark is concerned that Article 43 takes no account of impacts on Tower Bridge, London Bridge or the Rotherhithe Tunnel of closing the tunnels, all of which are accessed on the south through the LB Southwark.</p> <p>LB Southwark requests that special notification should be given to LB Southwark of closures in advance and should clearly be set out in the dDCO on in a Protective Provision.</p> <p>LB Southwark request a Protective Provision for the protection of road networks and bridges/tunnels in Southwark.</p> |
| <p>Article 52: Charging policy</p> | <p>LB Southwark is not a named consultee within this Article, notwithstanding the fact that the Charging Policy confirms that it will be notified as part of the STIG.</p> <p>LB Southwark considers that provision should be made for the STIG to be chaired independently. It objects to the Mayor, as Chair of TfL, having a role in approving documents submitted by TfL.</p> <p>LB Southwark also notes that revisions to the Charging Policy could also change the role of the STIG set out in it.</p> <p>LB Southwark therefore requests that it is named as a consultee in the dDCO. It is also requested that the STIG should be responsible for approving a revised Charging Policy, and that any changes to the STIG's role via a change to the Charging Policy must be approved by the STIG unanimously.</p> <p>LB Southwark is concerned that the Project Objectives in the Charging Policy has no link to impacts on air quality, although Project Objective 5 seeks to minimise any adverse impacts of any proposals on communities, health, safety and the environment.</p> <p>LB Southwark considers that a clear link to air quality and charging should be considered either on the DCO or in Protective Provisions.</p> |
| <p>Article 53 : Power to charge for use</p> | <p>LB Southwark considers that TfL's discretion under Article 53(2), while made in line with the Charging Policy, still does not ensure detrimental impacts on traffic are taken into</p> |

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| of the tunnels | <p>consideration when setting charges.</p> <p>LB Southwark notes that paragraph 2.1.3 of the Charging Policy states that: <i>“The primary function of the user charges is to enable the management of traffic demand for the river crossing. By managing this traffic demand, the other effects of the Scheme can be effectively managed and the Project Objectives met.”</i></p> <p>LB Southwark also notes that the actual charge is entirely at the discretion of TfL with no requirement, on the face of the dDCO, to consult with the Borough. Without that requirement, LB Southwark considers that TfL cannot be tested to confirm that they have acted in line with the Charging Policy. It is acknowledged by LB Southwark that the Charging Policy includes a requirement to consult but this is only for the opening year, which provides TfL with the power to vary charges as they consider appropriate thereafter without any consultation. .</p> <p>LB Southwark therefore requests that it is consulted on charge levels given the impact of traffic diversion if too high or too low.</p> <p>Consideration should be given to the Project Objectives being incorporated into the dDCO as the test against which pricing is set. As the DCO is currently drafted, TfL could set a charge resulting in funds accumulating in its general account or set a fund that would not meet the goal of traffic management.</p> <p>LB Southwark is concerned that Article 52(2), (3) and (4) give a wide discretion to TfL. LB Southwark requests that provision be made to consult and agree with the STIG on TfL's proposed charges given the effect of traffic diversion when the Blackwall Tunnel begins charging. This would simply bring out provisions for the STIG in the Charging Schedule which LB Southwark would argue should be in the dDCO in any event.</p> <p>Article 53(4) subverts the charges that may be recommended by the STIG and should be redrafted so as not to give absolute discretion to TfL, perhaps by way of a STIG sub-committee to review/approve operation of 53(4).</p> |
| Article 56: Application by | LB Southwark notes that TfL's own Charging Statement states that: |

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| <p>TfL of charges levied</p> | <p><i>S.1.1 This Charging Statement sets out why a user charge is a critical part of TfL’s proposals for the Silvertown Tunnel scheme (‘the Scheme’) and how TfL will use the power to set and vary the user charges as a way of managing the traffic and environmental effects of the Scheme in the long term.</i></p> <p>It is LB Southwark’s view that application of charges levied should be restricted to managing the traffic and environmental effects of the Scheme, 56(e) must be removed or replaced with provision for a Scheme specific fund.</p> <p>LB Southwark also requests that Article 56 makes provision for payments to be made to dedicated funds for a package of river crossings and sustainable transport measures, including exploring and pursuing other River Crossings to the east of Blackwall Tunnel and making the tunnel useable by cyclists. The DCO should also include a specific obligation for TFL to provide mitigation if the scheme results in increased traffic on the A102, A2 or the Rotherhithe Tunnel.</p> |
| <p>Article 65: The Silvertown Tunnel Implementation Group</p> | <p>Article 65(5) lists the areas to be considered by the STIG and gives it the power to make recommendations. The article does not however place any obligation on TfL to consider recommendations or act on them.</p> <p>Article 65(6) vests power to call meetings in TfL with a wide discretion as to when. This provides TfL with the ability to undertake meetings at times when LB Southwark staff may be unavailable, e.g. during school or public holiday. Connected to this is that a quorate does not require attendance of LB Southwark, or any of the neighbouring boroughs. LB Southwark has concerns that the simple majority unfairly prejudices the Borough as it allows TfL and the ‘host’ boroughs, along with any other person or body considered appropriate and invited by TfL to pass any recommendation / decision. LB Southwark also objects to its exclusion from the STIG review group.</p> <p>It is LB Southwark’s considered view that the proposed structure of STIG as provided in the dDCO means that TfL is not bound to accept STIG’s position / recommendations. It is LB Southwark’s view that this undermines the purpose of STIG. In addition, the potential for mayoral intervention in</p> |

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| | <p>user charging as provided by the dDCO also means that user charging is likely to reflect political expediency. LB Southwark has significant concerns that this will result in user charging being unable to fulfil its proposed role of managing demand.</p> <p>LB Southwark therefore requests the following amendments to the DCO:</p> <ol style="list-style-type: none"> i. Article 65 does not contain sufficient detail on the operation of the STIG, details of its operation can only be found after reviewing the Monitoring Strategy, Charging Policy, Traffic Impacts Mitigation Strategy and other documents. Article 65 needs to be redrafted to pull together elements relevant to the STIG which are split amongst the certified documents. ii. Recommendations of the STIG should be provided for and TfL compelled to take them into account – this should be expressly provided for. iii. There should be provision for the Boroughs to request different dates for the STIG meetings. iv. TfL should not have sole authority to call meetings. v. Article 65(2)(n) should give some prior notification / approval requirement or be subject to no objections being raised. vi. Provision should be made for other members of the STIG to sit on the review group. It should also be clarified whether or not the review group makes recommendations to the wider STIG for changes. vii. The STIG should have an independent chair. |
| <p>Requirement 5: Code of construction practice and related plans and strategies</p> | <p>LB Southwark is concerned that, in discharging Requirement 5, the relevant planning authority may not take into account air quality issues resulting from traffic flows in LB Southwark caused by the proposed development.</p> <p>LB Southwark requires that the DCO includes provision for the relevant Planning Authority to approve the document in consultation with LB Southwark.</p> |
| <p>Definition of “the traffic</p> | <p>The Traffic Impacts Mitigation Statement determines the process to determine the need for and mitigation. The STIG</p> |

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| <p>impacts mitigation strategy” and the “the monitoring strategy”</p> <p>Requirement 7 - Monitoring and mitigation strategies</p> | <p>can make recommendations into investigations of any adverse effects but this is not noted on the face of the dDCO. In general the STIG provisions in the dDCO are light, with its functions and more detail being provided in other documents.</p> <p>LB Southwark notes that it will be for the STIG to review that TfL are implementing and acting in accordance with the monitoring strategy and traffic impacts mitigation strategy. This is not however noted in the dDCO but in the Traffic Impacts Mitigation Strategy.</p> <p>LB Southwark requests that the DCO text is revised to set out the role of the STIG in relation to traffic impacts and mitigation. The DCO needs to be clear that LB Southwark can request that TfL investigates adverse effects detected and affecting the Borough.</p> <p>Paragraph 4.3.2 of the Monitoring Strategy states that: <i>“Proposals for changes in the monitoring locations [for air quality monitoring] may be made by any member of the STIG if thought appropriate to allow for future impacts to be fully captured during monitoring. STIG is responsible for considering and making a collective recommendation to TfL”.</i></p> <p>LB Southwark notes however that there is no provision in the dDCO for this. It is LB Southwark’s view that a requirement should be drafted for air pollution monitoring and reporting.</p> |
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5. CONCLUSIONS

5.1 In conclusion, the London Borough of Southwark submits this Written Representation to object to the Silvertown Tunnel DCO application due to:

- Its potential detrimental impacts on:
 - Traffic congestion, especially on the areas of Southwark approaching the Rotherhithe Tunnel and Tower Bridge.
 - Air quality.
 - Health of the local community.
- Its failure to contribute to sustainable transport and connectivity.
- Its inconsistency with planning policy.

5.2 LB Southwark expects to provide further input on likely mitigation measures once their concerns have been satisfactorily addressed regarding the reliability of the traffic and air quality impacts assessments.

APPENDIX A

Bond Dickinson Review of draft Silvertown Tunnel Order (dDCO)

LB Southwark obtained legal advice from Bond Dickinson in conjunction with the London Boroughs of Lewisham and Hackney. The schedule below, prepared by Bond Dickinson identifies the clauses and articles in the dDCO that LB Southwark request are revised, and makes appropriate recommendations for amendment. It provides further detail to the information summarised in the table within section 3 of this Written Representation.

Review of draft *Silver Town Tunnel Order* (dDCO)

London Borough of Hackney (LBH)

London Borough of Lewisham (LBL)

London Borough of Southwark (LBS)

LBH, LBL and LBS are collectively referred to as the Boroughs.

Notes:

1. We have structured our comments on the dDCO by themes noted in your Legal Instructions of October 2016. Our high level comments on the dDCO drafting have been set out in a table format with extract dDCO provisions relevant to the identified areas of concern followed by our comments then recommendations.
2. There are four tables in this document, one noting common concerns for all Boroughs with the others relating to specific concerns for each Borough.

Concerns for the Boroughs

| Influence on the Silvertown Tunnel scheme ('the Scheme') | |
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| dDCO Provision | No provision for comment on sign off of documents which RB Greenwich or LB Newham will have. |
| Bond Dickinson's Comments | <p><u>Comments:</u></p> <p>Nowhere in the dDCO are the Boroughs 'named on its face' save for as part of the Silvertown Tunnel Implementation Group. This limits your influence going forward, post Examination, except as provided for by TfL.</p> <p><u>Recommendations:</u></p> <ol style="list-style-type: none"> 1. Where the relevant planning authority is given a role in sign off of documents or plans you should request that either you must also sign off on those documents or that prior to sign off the host Borough must consult with you on their content and proposed response. |
| Impacts from the Scheme | |
| dDCO Provision | Provision needs to be added. The Borough's only named influence on or notification of implementation of the Scheme comes from the |

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| | Silvertown Tunnel Implementation Group (STIG) which is only guaranteed to meet once a year and timing is at TfL's discretion. |
| Bond Dickinson's Comments | <p><u>Comments:</u></p> <p>There is no provision on the face of the dDCO for you specifically to be notified of impacts of the Scheme – for example works which might result in closure and there is no provision for sharing of environmental information with you on the face of the dDCO – albeit the Traffic Impacts Mitigation Strategy and the Monitoring Strategy do involve the STIG.</p> <p><u>Recommendations:</u></p> <ol style="list-style-type: none"> 1. The Boroughs should request a set of Protective Provisions be included in the dDCO in relation to the areas of concern in this note which would provide for prior-notification and consultation as well as information sharing. 2. Protective Provisions can also provide for non-emergency notification of tunnel closures, influence on charging if diversion to Rotherhithe tunnel and Tower Bridge/London Bridge is taking place. 3. Protective Provisions could also provide for sharing of information on air pollution and requirements for mitigation not already provided to the STIG. 4. Name the Borough's as consultees in relation to closing the tunnels in non-emergency situations. |
| Silvertown Tunnel Implementation Group | |
| dDCO Provision | <p>Article 65.—(1) TfL must establish, chair and fund the reasonable running costs of a consultative body to be known as the Silvertown Tunnel Implementation Group (in this article referred to as “STIG”).</p> <p>(2) STIG will comprise one representative of each of the following bodies—</p> <ol style="list-style-type: none"> (a) TfL (as chair of STIG); (b) the Council of the London Borough of Barking and Dagenham; (c) the Council of the London Borough of Bexley; (d) the Council of the London Borough of Bromley; (e) the City of London Corporation; (f) the Council of the Royal Borough of Greenwich; (g) the Council of the London Borough of Hackney; |

(h) the Council of the London Borough of Lewisham;

(i) the Council of the London Borough of Newham;

(j) the Council of the London Borough of Redbridge;

(k) the Council of the London Borough of Southwark;

(l) the Council of the London Borough of Tower Hamlets;

(m) the Council of the London Borough of Waltham Forest; and

(n) any other person or body TfL considers appropriate.

(3) Each body mentioned in paragraph (2)(b) to (n) above must notify TfL of the identity of its nominated representative.

(4) If the chair or any person nominated under paragraph (3) cannot attend a STIG meeting, the nominating body may nominate a person (on an occasional or standing basis, as it determines) to act as the nominating body's substitute representative at the meeting.

(5) STIG may consider the following matters relating to implementation of the authorised development—

(a) implementation of the monitoring strategy in accordance with its provisions;

(b) implementation of the traffic impacts mitigation strategy in accordance with its provisions;

(c) the level of charges from time to time required to be paid for use of the tunnels under article 53 and any exemptions and discounts; and

(d) for a period ending three years after the Silvertown Tunnel has been opened to traffic, reviewing TfL's proposals for cross-river bus services through the Silvertown Tunnel,

and may make recommendations to TfL accordingly.

(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. Meetings of STIG must be held at least once a year on a date to be determined by TfL, until such time as the monitoring strategy and the traffic impacts mitigation strategy have been implemented in accordance with their provisions, except in the first year after the Silvertown Tunnel has been opened for public use when STIG must meet twice in that year with a gap (so far as practicable) of approximately six months between the first and second meeting. 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

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| | <p>frequently than once a year.</p> <p>(7) In order for a meeting of STIG to be quorate there must be present—</p> <p>(a) a representative from at least two of the Councils of the Royal Borough of Greenwich and the London Boroughs of Newham and Tower Hamlets;</p> <p>(b) a representative from TfL; and</p> <p>(c) two other representatives from the bodies listed in paragraph (2)(a) to (n) above.</p> <p>(8) Except as otherwise provided for in this article, STIG may determine its own procedures provided that—</p> <p>(a) all questions or other matters coming before or to be decided by STIG are decided by a simple majority of those present and voting at the meeting;</p> <p>(b) a person appointed as a substitute under paragraph (4) above may cast a vote;</p> <p>(c) in the case of an equality of votes cast the chair will have a second or casting vote; and</p> <p>(d) a vote must be taken if requested by any one representative present.</p> <p>(9) STIG may establish committees, sub-committees and working groups for any purpose it considers appropriate and appoint their membership, which may include persons other than those representatives appointed in accordance with paragraph (3). STIG may delegate any of its functions under paragraph (5) to any such committee, sub-committee or working group.</p> <p>(10) The operation of STIG must be reviewed annually by a committee of STIG consisting of one representative from each of the Councils of the Royal Borough of Greenwich and the London Boroughs of Newham and Tower Hamlets, and representatives of TfL.</p> <p>(11) Failure by any body mentioned in paragraph (2)(a) to (n) above to appoint a representative to STIG, or any defect in any such representative's appointment, will not invalidate STIG's acts or proceedings.</p> <p>(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>Bond Dickinson's Comments</p> | <p><u>Comments:</u></p> <p>Article 65(5) lists areas to be considered by the STIG and that it can make recommendations but creates no obligation on TfL to</p> |

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| | <p>consider recommendations or act on them.</p> <p>Article 65(6) vests power to call meetings in TfL with a wide discretion as to when, one danger of this may be that during half term or public holiday's Borough staff are not available but TfL pushes on with the meeting anyway.</p> <p>Connected to the above is that a quorate does not require attendance of any of the Boroughs. Further, a simple majority means that the Boroughs could be caucused against by TfL. TfL are able to invite any other person or body they consider appropriate and as a quorate is 5, TfL plus its two invitees could pass any recommendation/decision.</p> <p>The Boroughs are also excluded from the STIG review group.</p> <p><u>Recommendations:</u></p> <ul style="list-style-type: none"> • Article 65 does not contain sufficient detail on the operation of the STIG, details of its operation can only be found after reviewing the Monitoring Strategy, Charging Policy, Traffic Impacts Mitigation Strategy and other documents, Article 65 needs to be redrafted to pull together elements relevant to the STIG which are split amongst the certified documents. • Recommendations of the STIG should be provided for and TfL compelled to take them into account – this should be expressly provided for. • There should be provision for the Boroughs to request different dates for the STIG meetings. • TfL should not have sole authority to call meetings or act as Chair of the STIG given its role in oversight/review and fact that the Chair has two votes where there is "an equality of votes cast". This could have serious consequences where for example, acting as Chair, TfL push through an amendment to the charging policy for approval by the Mayor (see comment on Article 52 below). • Article 65(2)(n) should give some prior notification / approval requirement or be subject to no objections being raised. • Provision should be made for other members of the STIG to sit on the review group. It should also be clarified whether or not the review group makes recommendations to the wider STIG for changes. |
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Specific Concerns of the London Borough of Hackney

| User Charging | |
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| dDCO Provision | <p>The charging policy</p> <p>Article 52.—(1) TfL must exercise its functions under this Part in accordance with the charging policy.</p> <p>(2) TfL may revise the charging policy but only after it has—</p> |

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| | <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 Greenwich;</p> <p>(b) considered the responses to the consultation carried out under sub-paragraph (a); and</p> <p>(c) submitted the proposed revised charging policy to the Mayor of London for approval.</p> <p>(3) Any revised charging policy proposed by TfL will only have effect if it is approved by the Mayor of London, who may approve it with or without modifications.</p> <p>(4) If the Mayor of London intends to approve a revised charging policy with material modifications, the Mayor of London must consult the Councils of the London Boroughs of Newham and Tower Hamlets and the Royal Borough of Greenwich on the proposed modifications and take into account responses to the consultation by the councils.</p> |
| <p>Bond Dickinson's Comments</p> | <p><u>Comments:</u></p> <p>LBH are not a named consultee notwithstanding the fact that the Charging Policy confirms that they will be notified as part of the STIG.</p> <p>Revisions to the Charging Policy could also change the role of the STIG set out in it.</p> <p><u>Recommendations:</u></p> <ul style="list-style-type: none"> • LBH should press to be a named consultee in the dDCO. • The STIG should be responsible for approving a revised charging policy. • Changes to the STIG's role via a change to the Charging Policy must be approved by the STIG unanimously. • The Mayor is Chair of TfL and cannot have a role in approving documents submitted by TfL. |
| <p>dDCO Provision</p> | <p>Power to charge for use of the tunnels</p> <p>Article 53.—(1) Subject to and in accordance with the provisions of this Part, from the date when the Silvertown Tunnel is first opened for use by the public, TfL may levy charges in respect of motor vehicles using either of the tunnels.</p> <p>(2) The charge payable to TfL for use of the tunnels by any motor vehicle is at such a level for that class of vehicle as TfL may from time to time determine.</p> |

(3) TfL may determine different charges (including a nil charge)—

- (a) as between the tunnels;
- (b) for different classes of motor vehicles;
- (c) for different times of the day;
- (d) for different days of the week;
- (e) for different directions of travel; and
- (f) for different methods or means of recording, administering, collecting or paying the charge.

(4) Any charge payable to TfL under this article may be waived, suspended, reduced, compounded or discounted by TfL at any time.

(5) TfL must publish the charges determined under paragraph (3) in a statement of charges in such manner as TfL considers appropriate not later than 56 days before the charges are intended to take effect.

(6) The statement of charges published under paragraph (5) must set out, amongst other things—

- (a) the tunnels in respect of which the charges apply;
- (b) the classification of motor vehicles for the purposes of determining the charge payable by any motor vehicle;
- (c) the times at and days on which the charges will be payable;
- (d) the amount of the charges payable;
- (e) exemptions from charges;
- (f) discounts from charges;
- (g) any documents or equipment specified by TfL under article 54(3);
- (h) payment means or methods; and
- (i) a summary of the applicable enforcement provisions.

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| | <p>(7) Where any motor vehicle falls within the definition of more than one class of vehicles it is deemed to fall in the class of vehicle bearing the highest charge.</p> <p>(8) References in this Part to classes of motor vehicles are references to the classes defined or described by reference to any characteristics of the motor vehicles or to any other circumstances.</p> |
| <p>Bond Dickinson's Comments</p> | <p><u>Comments:</u></p> <p>The actual charge is entirely at the discretion of TfL with no requirement to consult on the face of the dDCO. Without that requirement TfL cannot be tested to confirm that they have acted in line with the Charging Policy.</p> <p>As drafted TfL could set a charge resulting in funds accumulating in its general account or set a fund that would not meet the goal of traffic management.</p> <p><u>Recommendations</u></p> <ul style="list-style-type: none"> • Article 52(2), (3) and (4) give a wide discretion to TfL. There should be a requirement to consult and agree with the STIG on TfL's proposed charges. This would simply bring out provisions for the STIG in the Charging Schedule which we would argue should be in the dDCO. • Article 53(4) subverts the charges that may be recommended by the STIG and should be redrafted so as not to give absolute discretion to TfL, perhaps by way of a STIG sub-committee to review/approve operation of 53(4) |
| <p>dDCO Provision</p> | <p>Application by TfL of charges levied</p> <p>56. The charges payable under this Part, and any penalty charges imposed in connection with this Part, may be applied by TfL in—</p> <p>(a) paying the costs and expenses incurred in planning, consenting, designing, constructing, managing, operating and maintaining the Silvertown Tunnel and any costs associated with financing any of the same;</p> <p>(b) paying the costs and expenses incurred in managing, operating and maintaining the Blackwall Tunnel and any costs associated with financing any of the same;</p> <p>(c) providing such funds as are, or are likely to be, necessary to discharge TfL's obligations contained in any agreement entered into by TfL under article 58 (transfer of benefit of Order, etc.);</p> <p>(d) making payment into any maintenance or reserve fund kept in respect of the Silvertown Tunnel or the Blackwall Tunnel; and</p> <p>(e) making payments to TfL's general fund.</p> |

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| Bond Dickinson's Comments | <p><u>Comments:</u></p> <p>TfL's own Charging Statement states that (my underline):</p> <p>S.1.1 This Charging Statement sets out why a user charge is a critical part of TfL's proposals for the Silvertown Tunnel scheme ('the Scheme') and how TfL will use the power to set and vary the user charges as <u>a way of managing the traffic and environmental effects of the Scheme in the long term.</u></p> <p><u>Recommendations:</u></p> <ul style="list-style-type: none"> • Application of charges levied should be restricted to managing the traffic and environmental effects of the Scheme, 56(e) must be removed or replaced with provision for a Scheme specific fund. |
| Sustainable Transport | |
| dDCO Provision | [N/A] |
| Bond Dickinson's Comments | <p><u>Comments:</u></p> <p>No provision made to for sustainable transport on the face of the DCO.</p> <p><u>Recommendations:</u></p> <ul style="list-style-type: none"> • Article 56 should make provision for TfL to fund investigations into sustainable transport issues and/or ways to make the tunnel useable by cyclists. |

Specific Concerns of the London Borough of Lewisham

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| Detrimental Impacts on Traffic | |
| dDCO Provision | <p>Power to charge for use of the tunnels</p> <p>Article 53 [see above]</p> |
| Bond Dickinson's Comments | <p><u>Comments:</u></p> <p>TfL's discretion under Article 53(2), while made in line with the charging policy, still does not ensure detrimental impacts on traffic are</p> |

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| | <p>taken into consideration when setting charges.</p> <p>There is no consultation with any of the Boroughs on charging on the face of the dDCO though there is in the Charging Policy but only for the opening year, thereafter TfL can vary charges as they consider appropriate.</p> <p>LBL's concern is not clearly set out in the Project Objectives in the Charging Policy.</p> <p><u>Recommendations:</u></p> <ul style="list-style-type: none"> • There should be a requirement to consult on charges with LBL given the effect of traffic diversion when the Blackwall Tunnel begins charging. • Consideration should be given to the Project Objectives being incorporated into the dDCO as the test against which pricing is set. |
| <p>dDCO Provision</p> | <p>“the traffic impacts mitigation strategy” means the document of that description set out in Schedule 14 certified by the Secretary of State as the traffic impacts mitigation strategy for the purposes of this Order and which sets out the process for mitigating any significant adverse localised traffic or traffic-related impacts attributable to the operation of the authorised development, should these be identified during the monitoring activities secured by the monitoring strategy;</p> <p>“the monitoring strategy” means the document of that description set out in Schedule 14 certified by the Secretary of State as the monitoring strategy for the purposes of this Order and which in particular contains commitments in respect of—</p> <p>(a) traffic monitoring;</p> <p>(b) air quality monitoring;</p> <p>(c) noise monitoring; and</p> <p>(d) socio-economic monitoring;</p> <p>Requirement 7 - Monitoring and mitigation strategies</p> <p>7. In carrying out the authorised development, TfL must implement and act in accordance with—</p> <p>(a) the monitoring strategy; and</p> <p>(b) the traffic impacts mitigation strategy.</p> |

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| Bond Dickinson's Comments | <p><u>Comments:</u></p> <p>It will be for the STIG to review that TfL are implementing and acting in accordance with the monitoring strategy and traffic impacts mitigation strategy. This is not however noted in the dDCO but in the Traffic Impacts Mitigation Strategy.</p> <p><u>Recommendations:</u></p> <ul style="list-style-type: none"> • Update to the dDCO text to set out the role of the STIG in traffic impacts and mitigation. |
| Detrimental Impacts on Air Quality | |
| dDCO Provision | <p>The charging policy</p> <p>Article 52.—(1) [See above for full text of Article 52]</p> |
| Bond Dickinson's Comments | <p><u>Comment:</u></p> <p>The Charging policy in its Project Objectives has no link to impacts on air quality though Project Objective 5 seeks to minimise any adverse impacts of any proposals on communities, health, safety and the environment.</p> <p><u>Recommendation:</u></p> <ul style="list-style-type: none"> • A clear link to air quality and charging should be considered either on the dDCO or in Protective Provisions. |
| dDCO Provision | <p>Code of construction practice and related plans and strategies</p> <p>5.—(1) The authorised development must be carried out in accordance with the code of construction practice.</p> <p>(2) No part of the authorised development may be commenced until the following plans and strategies, required by the code of construction practice, have been prepared for that part of the authorised development and (where applicable) approved by the relevant planning authority or the Environment Agency (as the case may be)—</p> <p>(a) Air Quality Management Plan: to be approved by the relevant planning authority;</p> |
| Bond Dickinson's Comments | <p><u>Comment:</u></p> <p>The relevant LPA may not take into account air quality issues resulting from traffic flows in LBL caused by the Project.</p> |

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| | <p><u>Recommendation:</u></p> <ul style="list-style-type: none"> Require the relevant Planning authority to approve the document in consultation with LBL. |
| Missed Opportunity to Contribute to Sustainable Transport and in Relation to River Crossings | |
| dDCO Provision | <p>Article 56</p> <p>Application by TfL of charges levied</p> <p>56. The charges payable under this Part, and any penalty charges imposed in connection with this Part, may be applied by TfL in—</p> <p>(a) paying the costs and expenses incurred in planning, consenting, designing, constructing, managing, operating and maintaining the Silvertown Tunnel and any costs associated with financing any of the same;</p> <p>(b) paying the costs and expenses incurred in managing, operating and maintaining the Blackwall Tunnel and any costs associated with financing any of the same;</p> <p>(c) providing such funds as are, or are likely to be, necessary to discharge TfL's obligations contained in any agreement entered into by TfL under article 58 (transfer of benefit of Order, etc.);</p> <p>(d) making payment into any maintenance or reserve fund kept in respect of the Silvertown Tunnel or the Blackwall Tunnel; and</p> <p>(e) making payments to TfL's general fund.</p> |
| Bond Dickinson's Comments | <p><u>Comment:</u></p> <p>No provision in the dDCO for sustainable transport or in relation to other river crossings.</p> <p><u>Recommendation:</u></p> <ul style="list-style-type: none"> Instead of payments to TfL's general fund, payments should be made to a dedicated sustainable transport fund or funding to explore and pursue other River Crossings to the east of Blackwall Tunnel. |

Specific Concerns of the London borough of Southwark

Impact on Tower Bridge and Rotherhithe Tunnel

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| <p>dDCO Provision</p> | <p>Application of Part 4</p> <p>38.—(1) Articles 41 to 46, 48 and 49 apply—</p> <p>(a) to the Blackwall Tunnel area on the date of the commencement of construction of the Silvertown Tunnel; and</p> <p>(b) to the Silvertown Tunnel area from the date the Silvertown Tunnel is first open to the public.</p> <p>(2) For the purposes of this article the date of commencement of construction of the Silvertown Tunnel is the date specified in a notice published by TfL in The London Gazette.</p> <p>Closing the tunnels</p> <p>43.—(1) TfL may, whenever in its opinion it is necessary to do so, close the Silvertown Tunnel or the Blackwall Tunnel, whether wholly or partially.</p> <p>(2) Where TfL proposes to close any part of the Silvertown Tunnel or the Blackwall Tunnel, it must except in an emergency—</p> <p>(a) give not less than 7 days' notice in such manner as TfL considers appropriate; and</p> <p>(b) throughout the period of such closure display signs at convenient situations on the roads communicating with the Silvertown Tunnel or the Blackwall Tunnel (as the case may be) giving warning of the closure.</p> |
| <p>Bond Dickinson's Comments</p> | <p>Comments:</p> <p>The drafting of Article 43 takes no account of impacts on Tower Bridge, London Bridge or the Rotherhithe Tunnel of closing the tunnels.</p> <p>Recommendations:</p> <ul style="list-style-type: none"> • Specific notification should be given to LBL and LBS of closures in advance and should be clearly set out in the dDCO. This is the scenario for which Protective Provisions would be envisaged. • In relation to charging, when the Blackwall Tunnel becomes a toll tunnel account should be taken of LBS position in the dDCO as hosting the neighbouring toll free crossings to which traffic could divert – in relation to prior notification but also being updated with traffic information on usage of the Blackwall tunnel post charging. • Protective Provisions for the protection of road networks and bridges/tunnels in Southwark should be requested which would |

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| | include provision for any mitigation required against harmful impacts. |
| Impact of increased congestion | |
| dDCO Provision | <p>The charging policy</p> <p>52.—(1) TfL must exercise its functions under this Part in accordance with the charging policy.</p> <p>(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 Greenwich;</p> <p>(b) considered the responses to the consultation carried out under sub-paragraph (a); and</p> <p>(c) submitted the proposed revised charging policy to the Mayor of London for approval.</p> <p>(3) Any revised charging policy proposed by TfL will only have effect if it is approved by the Mayor of London, who may approve it with or without modifications.</p> <p>(4) If the Mayor of London intends to approve a revised charging policy with material modifications, the Mayor of London must consult the Councils of the London Boroughs of Newham and Tower Hamlets and the Royal Borough of Greenwich on the proposed modifications and take into account responses to the consultation by the councils.</p> |
| Bond Dickinson's Comments | <p><u>Comments:</u></p> <p>2.1.3 of the Charging Policy states that: <i>The primary function of the user charges is to enable the management of traffic demand for the river crossing. By managing this traffic demand, the other effects of the Scheme can be effectively managed and the Project Objectives met.</i></p> <p><u>Recommendation:</u></p> <ul style="list-style-type: none"> • LBS needs to be consulted on charges given the impact of traffic diversion if too high or too low. |
| dDCO Provision | “the traffic impacts mitigation strategy” means the document of that description set out in Schedule 14 certified by the Secretary of State as the traffic impacts mitigation strategy for the purposes of this Order and which sets out the process for mitigating any |

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| | <p>significant adverse localised traffic or traffic-related impacts attributable to the operation of the authorised development, should these be identified during the monitoring activities secured by the monitoring strategy;</p> <p>“the monitoring strategy” means the document of that description set out in Schedule 14 certified by the Secretary of State as the monitoring strategy for the purposes of this Order and which in particular contains commitments in respect of—</p> <p>(a) traffic monitoring;</p> <p>(b) air quality monitoring;</p> <p>“the traffic impacts mitigation strategy” means the document of that description set out in Schedule 14 certified by the Secretary of State as the traffic impacts mitigation strategy for the purposes of this Order and which sets out the process for mitigating any significant adverse localised traffic or traffic-related impacts attributable to the operation of the authorised development, should these be identified during the monitoring activities secured by the monitoring strategy;</p> <p>Requirement 7 - Monitoring and mitigation strategies</p> <p>7. In carrying out the authorised development, TfL must implement and act in accordance with—</p> <p>(a) the monitoring strategy; and</p> <p>(b) the traffic impacts mitigation strategy.</p> |
| <p>Bond Dickinson's Comments</p> | <p><u>Comments:</u></p> <p>The Traffic Impacts Mitigation Statement sets out the process for identifying necessary mitigation. The STIG can make recommendations into investigations of any adverse effects but this is not noted on the face of the dDCO. In general the STIG provisions in the dDCO are light, with its functions and more detail being provided in other documents.</p> <p><u>Recommendations:</u></p> <ul style="list-style-type: none"> • dDCO drafting needs to make clear that LBS can ask TfL to investigate adverse effects detected and affecting Southwark. Any clarified drafting should also apply to LBL. |
| <p>Impact of increased air pollution</p> | |
| <p>dDCO Provision</p> | <p>Requirement 7 - Monitoring and mitigation strategies</p> |

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| | <p>7. In carrying out the authorised development, TfL must implement and act in accordance with—</p> <p>(a) the monitoring strategy; and</p> <p>(b) the traffic impacts mitigation strategy.</p> |
| <p>Bond Dickinson's Comments</p> | <p><u>Comments:</u></p> <p>Paragraph 4.3.2 of the Monitoring Strategy states that: <i>Proposals for changes in the monitoring locations [for air quality monitoring] may be made by any member of the STIG if thought appropriate to allow for future impacts to be fully captured during monitoring. STIG is responsible for considering and making a collective recommendation to TfL.</i></p> <p><u>Recommendations:</u></p> <ul style="list-style-type: none"> • There is however no provision in the dDCO for this, a requirement should be crafted for air pollution monitoring and reporting. |
| <p>dDCO Provision</p> | <p>Code of construction practice and related plans and strategies</p> <p>5.—(1) The authorised development must be carried out in accordance with the code of construction practice.</p> <p>(2) No part of the authorised development may be commenced until the following plans and strategies, required by the code of construction practice, have been prepared for that part of the authorised development and (where applicable) approved by the relevant planning authority or the Environment Agency (as the case may be)—</p> <p>(a) Air Quality Management Plan: to be approved by the relevant planning authority;</p> |
| <p>Bond Dickinson's Comments</p> | <p><u>Comments:</u></p> <p>There may be scope to also include the Boroughs in approvals.</p> <p><u>Recommendations:</u></p> <ul style="list-style-type: none"> • Add that LBS (or LBL/LBH) must also confirm or at least be consulted on the air Quality Management Plan or other plans relevant to Southwark (or Lewisham/Hackney). |