

From: [REDACTED]
To: silvertowntunnel
Cc: [REDACTED]
Subject: Response to Rule 8 and Rule 17 letters
Date: 15 November 2016 22:05:22
Attachments: [HackneyandTowerHamletsFriendsoftheEarthWrittenRepresentation_FINAL_15.11.16.pdf](#)
[HackneyandTowerHamletsFriendsoftheEarthWrittenRepresentation_FINAL_summary_15.11.16.pdf](#)

Dear Planning Inspectorate

In response to your Rule 8 letter dated 18 October 2016, and your subsequent Rule 17 letter dated 09 November 2016, please see attached Written Representation as an Interested Party along with a summary as requested due to the length of the submission exceeding 1,500 words.

Along with the submission of this Written Representation, we would also like to submit a request to make an oral representation at the Issue Specific Hearing on 'air quality, noise and other environmental issues' scheduled for Wed 18 January 2017. As noted in your Rule 8 letter, our oral representation will be based on our Written Representation.

We would also like to take this opportunity to note our concern over the question 3.1 put to Public Health England (PHE), No to Silvertown, Caroline Russell AM and Friends of the Earth (FoE) in the Rule 17 letter dated 09 November 2016. Whilst we have addressed this question in our attached Written Representation, it is our opinion that the period of time from 09 November 2016 to the deadline for response of 15 November 2016 is not sufficient to fully take account of all implications of the Judgement.

Yours faithfully

David Barns, on behalf of Hackney & Tower Hamlets Friends of the Earth

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Hackney and Tower Hamlets Friends of the Earth Written Representation

Silvertown Tunnel Planning Inquiry

15 November 2016

Our organisation

Friends of the Earth Hackney and Tower Hamlets is a group of volunteers, committed to campaigning on local environmental issues. We have been working with residents and community groups in both boroughs for over 30 years to campaign for a greener, safer, healthier environment for Hackney and Tower Hamlets.

Principal concern

We are submitting this written representation to object to the proposed Silvertown Tunnel Scheme ('the Scheme'), as we believe it will negatively affect the health and wellbeing of residents in Tower Hamlets by further reducing air quality.

Poor air quality in Tower Hamlets

London is already the most polluted city in the UK [1]; the Greater London Authority estimates that nearly 9,500 people die early each year in the city due to long-term exposure to air pollution [2]. Tower Hamlets has the third highest figure for early deaths attributable to air pollution in London [3] (8.1%, 85 attributable deaths per annum for PM2.5 alone), and through-traffic is the cause of 60% of air pollution emissions in the borough [4]. 52 representative receptors were chosen as proxies to summarise how the Scheme may potentially impact on pollutant concentrations across the study area. Every single receptor in Tower Hamlets, itself an Air Quality Management Area, already exceeds the mean AQS Objective for NO₂, bar one receptor, where the annual mean NO₂ is just 0.3 (µg/m) below the limit for exceedence. 10 of these receptors are in Air Quality Focus Area 63. Tower Hamlets is the third most deprived local authority in the UK [5], and people living in deprived areas are already more affected by poor air quality [6]. Particulates aggravate respiratory and cardiovascular conditions, whereas NO₂ causes inflammation of the airways, and can affect lung function and respiratory symptoms with long-term exposure, as well as increasing asthma symptoms. Dr Ian Mudway's research has shown some of the shocking impacts on children of air pollution, including stunted lung development of those children in polluted areas of Tower Hamlets [7]. Anecdotal evidence from local campaigning in Tower Hamlets gives human force to these impacts: a local resident who had been living in Whitechapel for only six months told us that he now has to carry his asthma inhaler when running, which he had not needed to do before he moved to the borough.

Reasons for objection to the scheme

It has been shown that additional road capacity is very likely to increase levels of traffic, which in turn leads to worse congestion overall, and to worse pollution [8]. We believe that the Scheme will increase levels of traffic in Tower Hamlets, and that this in turn will increase levels of NO₂, PM10 and PM2.5 in the air. We believe that the modelling of the impacts of the Scheme on air quality is inaccurate, and that proposed management of induced demand is flawed.

In response to questions AQ9 and AQ15 from the ExA to Interested Parties, with our reasoning set out below, we are therefore not satisfied that the proposed development will not lead to a significant air quality impact, nor that the proposed mitigation will manage the impacts on air quality.

Emissions data

Our understanding is that TfL used DEFRA Euro 6 emissions data and modelling to undertake their air quality impacts assessment for the Scheme. The High Court ruling in the case of Client Earth vs

Secretary of State for the Environment, Food and Rural Affairs found that this same emissions data has been shown to be up to five times lower than real world emissions [9]. In addition, DEFRA themselves recognise that they adopted an overly optimistic forecast as the foundation for their modelling. The Government's Air Quality Plan notes that this discrepancy is 'unacceptable' [10], and DEFRA have begun a programme of retesting vehicles to establish the accuracy of the data. Mr Justice Garnham noted it was 'remarkable' that DEFRA had observed in its own plan that it was built around a forecast based on figures which 'emerging data' is undermining. It is because of the flawed data and overly optimistic forecast that results from it that we find TfL's model of air quality impacts for the Scheme inadmissibly flawed.

We strongly believe that no decision can be made on the Scheme until this retesting is complete and its impacts on vulnerable people in Tower Hamlets and other affected boroughs can be known. Even based on the current air quality data, the Scheme will have a perceptible impact on at least two schools, including the Faraday School in Tower Hamlets, where NO₂ levels are predicted to rise.

In response to the Rule 17 letter dated 09 November 2016, point 3.1, it is therefore our opinion that this planning application must now be reconsidered in light of the High Court ruling noted above. This is not only because the ruling identifies flaws in the air quality monitoring data and as such calls into question the baseline condition, but also because it ruled that the Government must reduce exposure to air pollution and achieve compliance with Regulation 26 of the Air Quality Standards Regulations 2010 by the soonest date possible [9].

Once the process of remodelling of air quality impacts is complete, following retesting of emissions data, we maintain that if there are negative net impacts in Tower Hamlets or in any one of the affected boroughs then there is no way the Scheme should be permitted to proceed.

In his response to the judgement, the Mayor of London Sadiq Khan stated 'We need action now to protect Londoners and people all across the UK from breathing in toxic fumes. The Government has been seriously complacent about this health emergency for the last six years and now is the time for them to stop gambling with our health and show real leadership' [10]. We would like to highlight that this statement is made by the Mayor of London, who also acts as the Chairman of TfL.

Traffic modelling

We are concerned that the TfL's traffic modelling does not accurately reflect the likely induced demand. It seems that TfL has also made no assessment of increased traffic at Blackwall and Silvertown due to increased use by those who currently avoid the Blackwall tunnel because of congestion. TfL has considered those who change their route from the Silvertown to the Rotherhithe tunnel, or vice versa, in their discussion of induced demand. However, they suggest that there is no impact on induced demand because 'the rerouted traffic is not additional or new' (Transport Assessment Appendices, Section B, B.4.2) in relation to the Scheme impacts as a whole. Nonetheless, such rerouting may result in local impacts from induced demand at either tunnel, and given that the area around the Rotherhithe tunnel is not included in the Air Quality Study Area, we suggest that this is a significant failure of the modelling. If there are any failures in the traffic modelling, we foresee that the additional road capacity would send a signal to potential road users that will lead to increased traffic, congestion, and commensurate additional air pollution.

Additionally, the Transport Assessment Appendices make the claim that 'the Scheme is being built in a congested urban environment where capacity is constrained on the surrounding network.' We do not think that this statement forms a basis for saying it 'is expected to result in an overall reduction' (Assessment Appendices, Section B, B.3.1).

User charging

The traffic modelling, impacts, and business case are all predicated on TfL being able to control traffic levels by charging, so addressing these concerns on user charging is of vital importance to the Scheme's viability. We are concerned that the user charging designed to manage the induced demand is not robust:

- To the extent that this is based on flawed air quality data – as noted above – it cannot provide an accurate basis for setting user charges;
- TfL provide no description of the different possible outcomes included in their charging models, and without understanding the breadth of possible outcomes, it is impossible to be confident that the modelling accurately predicts likely outcomes;
- The effectiveness of the charge is partly based on mitigation provided through the Traffic Impacts Mitigation Strategy (TIMS), but such mitigation is not guaranteed since it has to be approved by the Silvertown Tunnel Implementation Group, and if it is, no guarantees are provided of funding to deliver the mitigation actions. Furthermore, it is not clear what impact the 'cost effectiveness' criterion for the suitability of mitigation measures will be, particularly in regards to health impacts on vulnerable residents (TIMS, p.17);
- TfL do not envisage applying the user charge at night (between 10pm – 6am), on the basis that this will encourage journeys that would otherwise be made during the night to be made at night, thus reducing congestion (and thus air pollution). However, can TfL be confident that this will not also contribute to induced demand? Furthermore, the Charging Statement states that 'User charging is a means of ensuring that those using the tunnel address the full external costs of their travel', and that 'It is also important to reiterate the adverse impacts of traffic on the environment and [that] the stated objective of user charging is to help to manage these impacts.' Why should users who are able to make their journeys at night then be exempt from paying for the impacts of their vehicle use?

Given that the environmental viability of the Scheme – in relation to air pollution – is based on the user charge, the statement that TfL 'shall set the charge at a level and subject to conditions so that the Scheme in operation is not *likely* to give rise to significant environment effects which are materially worse than those reported in the ES' (our italics) does not provide confidence that the Scheme is viable (Charging Statement, 5.2.4). We strongly urge that no net increase in any individual borough or across the Scheme as a whole should be created through subsequent changes to the charging regime.

If the introduction of user charging proposed to reduce congestion is likely to be effective as claimed by TfL we question why this could not be considered at the existing Blackwall Tunnel?

Considering the Scheme in context

Because TfL has a responsibility to look at the Scheme in the context of the overall transport network, we believe submitting this planning application is premature in the context of the Mayor of London's recently announced review of river crossings [12], and ongoing consultation into, for example, the multi-modal river crossings at Gallions Reach and Belvedere as noted by the ExA in PN1. We fully support the ExA in their position on questioning why the Silvertown Tunnel has been prioritised over those multi-modal crossings.

TfL has put forward a scheme that it claims will 'create opportunities for new jobs in the local area, help local employers to access new markets and reduce the environmental impact of traffic congestion' [13]. We submit that this is a regressive way of looking at transport provision within the capital. Instead of accepting that the most harmful traffic modes will increase, TfL should be actively seeking to achieve an urgent structural shift away from reliance on fossil fuel-based transport options. Firstly, because air quality in the capital is at illegal levels in many areas and the High Court have ruled against the government's air quality plans. Secondly, because of the need to take urgent

action on carbon emissions to tackle climate change. The Paris Agreement now commits the UK to keeping temperatures below 2°C above pre-industrial levels; carbon emissions from the transport sector accounted for just over a quarter of all carbon dioxide emissions in 2014[14].

We believe the proposed infrastructure investment would be far better spent on a package of non-road crossings and complementary measures for the area, which would help improve connectivity without adding to traffic and air pollution. This Planning Inquiry into this Scheme is premature in light of the Mayor's review of river crossings and should be postponed whilst the Scheme is investigated in the context of this wider review.

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- [1] https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/486636/aq-plan-2015-overview-document.pdf
- [2] www.theguardian.com/environment/2015/jul/15/nearly-9500-people-die-each-year-in-london-because-of-air-pollution-study
- [3] www.gov.uk/government/uploads/system/uploads/attachment_data/file/332854/PHE_CRCE_010.pdf
- [4] http://modgov.towerhamlets.gov.uk/documents/s83927/HWBB%20Air%20Quality_FINAL%2004032016.pdf
- [5] www.gov.uk/government/uploads/system/uploads/attachment_data/file/465791/English_Indices_of_Deprivation_2015_-_Statistical_Release.pdf
- [6] <https://www.london.gov.uk/what-we-do/environment/pollution-and-air-quality/air-quality-and-health>
- [7] <http://www.silvertowntunnel.co.uk/2013/11/04/october-16th-public-meeting-2-ian-mudway-air-pollution-bad-human-health/>
- [8] <http://www.bettertransport.org.uk/roads-nowhere/induced-traffic>
- [9] <https://www.judiciary.gov.uk/wp-content/uploads/2016/11/clientearth-v-ssenviro-food-rural-affairs-judgment-021116.pdf>
- [10] https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/486636/aq-plan-2015-overview-document.pdf
- [11] <https://www.facebook.com/MayorofLondon/posts/365939887085508>
- [12] <https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/TR010021/TR010021-000402-Connecting%20the%20Capital%20Our%20plan%20for%20new%20river%20crossings%20for%20London.pdf>
- [13] <https://tfl.gov.uk/travel-information/improvements-and-projects/silvertown-tunnel?cid=silvertown-tunnel>
- [14] www.gov.uk/government/uploads/system/uploads/attachment_data/file/416810/2014_stats_release.pdf

Hackney and Tower Hamlets Friends of the Earth Written Representation: summary

Silvertown Tunnel Planning Inquiry

15 November 2016

Friends of the Earth Hackney and Tower Hamlets objects to the proposed Silvertown Tunnel Scheme ('the Scheme'). We believe it will negatively affect the health and wellbeing of residents in Tower Hamlets by increasing levels of traffic, which will in turn increase levels of NO₂, PM10 and PM2.5 in the air.

Client Earth vs Secretary of State for the Environment, Food and Rural Affairs (02 November 2016) found that DEFRA's air quality data and modeling, which was used by TfL for the Scheme, cannot provide an accurate predictor of future air pollution until DEFRA's programme of retesting vehicles is complete and modeling adopts less optimistic forecasts. If there are shown to be negative net impacts in any one of the affected boroughs following remodelling of air quality impacts then the Scheme cannot be permitted to proceed.

The proposed management of induced demand through user charging is unconvincing: TfL provide no description of the different possible outcomes included in their charging models, without which it is impossible to be confident that the modelling accurately predicts likely outcomes.

Since TfL has a responsibility to look at the Scheme in the context of the overall transport network, this planning application is premature in the context of the Mayor of London's review of river crossings.