

SILVERTOWN TUNNEL

Volume 8

Development Consent Order Application

Response to ExA's First Written Questions:

8.17 Principal Issue: Heritage and Townscape (Visual
Impact)

The Infrastructure Planning (Examination Procedure)

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Silvertown Tunnel

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Heritage and Townscape (Visual Impact)

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Development Consent Order Application Response to ExA's First Written Questions: Heritage and Townscape (Visual Impact)

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Silvertown Tunnel

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HT HERITAGE AND TOWNSCAPE (VISUAL IMPACTS)

HT.1 Question

dDCO Requirement 5 states that a Written Scheme of Investigation (WSI) is required as part of the CoCP, prior to commencement. As currently drafted, this would be produced in consultation with Historic England.

Historic England has requested to approve/discharge the WSI, not just to be a consultee.

Please can the relevant LPAs, Historic England and the Applicant provide their views on the appropriate approval body for the WSI and how this is to be secured in the dDCO, bearing in mind that the current definition of “commencement” would authorise archaeological investigations in advance of approval of the CoCP?

Response

- HT.1.1 Further to ongoing discussions with Historic England, the Code of Construction Practice (Chapter 6) and dDCO have been updated at Deadline 1 to provide for a WSI to be prepared for each work site to be approved by the relevant local planning authority (in consultation with Historic England and GLAAS) prior to commencing construction.
- HT.1.2 The Archaeological WSI will detail a programme of archaeological evaluation as part of the advance works. The Contractor will consult with Historic England / GLAAS on the scope and methodologies for the programme of archaeological mitigation works during the drafting of the WSI and ongoing consultations will be held during the archaeological works.
- HT.1.3 The CoCP has been updated to include further detail about what the WSI will include and to make clear that its provisions will apply to all works undertaken by the Contractor including pre-commencement works.

HT.2 Question

Historic England has raised concerns in its RR [RR-383] in respect of the impacts of the proposed development and the ES assessment including impacts upon unknown archaeology.

How does the Applicant propose to address these concerns and update the relevant ES sections or other documents accordingly?

Response

- HT.2.1 As set out in paragraph 8.5.1 of the ES (updated for deadline 1), it is acknowledged that given the nature of the Scheme, there is the potential of yet undiscovered remains to be encountered during construction; however due to the nature of the archaeology and the information currently held this is still an unknown. Therefore, the significance of effect on these remains is predicted to be 'Moderate Adverse' before mitigation as set out paragraph 8.6.5 of the ES (updated for deadline 1).
- HT.2.2 Following discussions with Historic England, the wording of the CoCP (Chapter 6) has been amended in the updated version submitted at Deadline 1 to address the concerns raised by Historic England's RR on this issue and to provide for the incorporation of measures in respect of unknown archaeology within the proposed WSI for each worksite. If unknown archaeological remains of national importance are identified during any works associated with the Scheme, appropriate procedures are in place for the identification and treatment of such assets. Consequently, paragraph 8.6.5 of the ES has been updated to reflect this.

HT.3 Question

(a) Would the WSI cover any archaeological work needed offshore in relation to the proposed jetty and dredging? If so, please can the Applicant, Historic England and the MMO explain their various roles in agreeing the drafting and contents of these aspects of the WSI?

(b) Should the offshore aspects of a WSI be addressed in a separate document, as the ExA understands that the onshore WSI would be secured through a requirement whereas the offshore WSI would be secured through a condition in the deemed marine licence?

Response

- HT.3.1 (a) The WSI would cover archaeological monitoring and mitigation of any in-channel dredging works required, as outlined in Chapter 6 of the revised CoCP submitted at Deadline 1. Chapter 6 of the revised CoCP provides that the Applicant must liaise with Historic England as to any scour protection that may be required within the WSI.
- HT.3.2 The revised dDML within Schedule 12 to the dDCO would ensure that any scour protection measures are also included in a method statement for approval by the MMO, due to them being licensable activities. The MMO will not need to approve the WSI, as they will have methodology approval for any scour protection activities through the dDML. However, the scour protection measures in the WSI will have to reflect what is approved by the MMO. As such, the Applicant will liaise with both Historic England and the MMO in the development of any scour protection measures, if they are proven necessary.
- HT.3.3 In addition, the protective provisions for the benefit of the PLA and the EA in Parts 4 and 5 of Schedule 13 to the dDCO [APP-013] require that such works would require approval from those bodies. This is because scour protection would be a 'specified work' (as a result of being works within the Thames) and therefore be subject to the prior approval mechanisms in those protective provisions.
- HT.3.4 (b) A separate offshore WSI is not required.

HT.4 Question

(a) Has the Applicant discussed an onshore draft WSI with Historic England?

(b) What detail does Historic England require to be included in the WSI?

(c) Can the Applicant submit a draft WSI to the Examination?

Response

- HT.4.1 (a) The contents of an onshore draft WSI have been discussed in a meeting with Historic England dated 29th September 2016. The CoCP (Chapter 6) has been revised to address Historic England's comments in the updated version submitted at Deadline 1.
- HT.4.2 (b) Historic England requested detailed measures to protect any known and unknown archaeological assets to be included in the WSI (as discussed in a meeting dated 29th September 2016) and included in paragraphs Chapter 6 of the updated version of the CoCP submitted at Deadline 1.
- HT.4.3 (c) As agreed in a meeting with Historic England (dated 29th September 2016), a draft WSI will not be submitted to the Examination as the design is at a preliminary stage and may change. The WSI will be prepared by the Contractor at the detailed design stage when there will be sufficient detail and certainty about the design and construction methods to inform the WSI. It was agreed at this meeting with Historic England that the CoCP will be revised in accordance with the response provided in question (b) to provide additional detail to the content of the WSI.

HT.5 Question

Historic England's RR sets out a number of changes that they wish to see made to the CoCP.

Please can the Applicant and Historic England discuss these changes and produce an updated CoCP. Where disagreements are sustained, these should be set out in the SoCG.

Response

- HT.5.1 A meeting with Historic England on the 29th September 2016 discussed the matters raised in the RR. Chapter 6 of the CoCP has been updated to incorporate the changes requested and the revised version is submitted at Deadline 1.

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Response to ExA's First Written Questions:

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HT.6 Question not for the Applicant

HT.7 Question

Please confirm the assessment that has been undertaken to date on the significance of the Gatehouse (including its setting) in order to meet the policy requirements in the NPS and NPPF?

Response

- HT.7.1 The Cultural Heritage and Archaeology assessment was undertaken in accordance with the guidelines contained within the Design Manual for Roads and Bridges, Volume 11, Section 3, Part 2 (DMRB). Whilst this guidance predates both the NN NPS and the NPPF, it remains the benchmark guidance for the assessment of impacts to the historic environment in relation to road schemes. The intention to use this guidance was stated in the Scoping Report (Silvertown Tunnel Environmental Impact Assessment - Scoping Report June 2014), and its use was subsequently acknowledged in the scoping opinion issued by the Secretary of State for Transport (APP-026).
- HT.7.2 The response below sets out how the assessment undertaken meets the policy requirements in the NPS and NPPF.
- HT.7.3 The Panel's question HT7 refers to 'the significance of the Gatehouse'. Significance can have a variety of meanings with regard to the historic environment assessment. For clarity, these are set out in Table 1 below.

Table 1 Definition of Significance

Policy/ Legislation	Definition
'NPPF' 2012 Annex 2	<p>The term 'significance' in Annex 2 of the NPPF defines the significance of a heritage asset as "<i>the value of a heritage asset to this and future generations because of its heritage interest. That interest may be archaeological, architectural, artistic or historic. Significance derives not only from a heritage asset's physical presence, but also from its setting</i>".</p> <p>The accompanying Planning Practice Guidance document 'Conserving and enhancing the historic environment' describes how the policies set out in the NPPF are to be</p>

	applied.
NN NPS 2014	Section 5.122 of the NN NPS states, <i>The sum of the heritage interests that a heritage asset holds is referred to as its significance. Significance derives not only from a heritage asset's physical presence, but also from its setting.</i>
EIA Directive	The term 'significance' is also used in Environmental Impact Assessment (EIA). The EIA Directive requires that the significance of effect of a development on a receptor (heritage asset), taking into consideration the importance of a receptor and the degree of benefit or damage, is defined in the Environmental Statement (ES).
DMRB Volume 11, Section 3, Part 2 – Cultural Heritage	<p>In order to avoid confusion, DMRB uses the term 'value' in place of 'significance' as used in both the NN NPS and the NPPF.</p> <p>DMRB contains criteria that can be used to ascribe a 'value' to a particular heritage asset. Grade II listed buildings are defined in DMRB as being of medium value. All listed buildings are nationally important and have a degree of high 'significance' in terms of both the NN NPS and the NPPF. The valuation of Grade II listed buildings as medium within the DMRB is not contrary to this. Although all listed buildings enjoy a national level designation, the category embraces assets which in practice range from those of the highest significance and quality in Grade I and Grade II* to those that are important but more numerous in Grade II. In order to properly assess the relative effects to this class of heritage asset, it is necessary to separate the grades into distinct value groups. Nevertheless, professional judgement can be used when considering the value of all assets on a case-by-case basis. Therefore, in particular circumstances the value of individual Grade II listed buildings could be elevated from medium to high when professional judgement is used.</p>

HT.7.4 Section 8.8 of the ES (APP-031) contains the following relevant statements, amongst others, regarding compliance of the assessment with the NN NPS:

Table 2 NN NPS Compliance

NN NPS Policy Requirements	Scheme Response
<p>Paragraph 5.124 of the NN NPS requires that non-designated heritage assets of archaeological interest that are demonstrably of equivalent significance to scheduled monuments should be considered subject to the policies for designated heritage assets.</p>	<p>This assessment has not identified any such non-designated assets.</p> <p>Whilst no such non-designated assets were identified during the assessment, it is recognised that they may be present within the application site in the form of currently unknown archaeological remains. If currently unknown archaeological remains of demonstrable equivalence to scheduled monuments are identified during any works associated with the Scheme, then they will be subject to the policies for designated heritage assets as required by NN NPS.</p>
<p>Paragraph 5.129 of the NN NPS requires that in considering the impact of a proposed development on any heritage asset, the Secretary of State should take into account the significance of the heritage asset. This assessment enables an informed judgement to be reached as to the likely impact, if any, on the significance of the heritage asset as all the identified heritage assets of interest are given a relative value by reference to objective criteria.</p>	<p>DMRB provides criteria regarding the 'value' (that is to say 'heritage significance') of assets and it is these criteria that have been used for the assessment, as stated in the scoping report and acknowledged in the scoping opinion.</p>

NN NPS Policy Requirements	Scheme Response
<p>Paragraph 5.131 of the NN NPS states that substantial harm to or loss of Grade II listed buildings and Grade II registered parks and gardens should be exceptional and that substantial harm to, or loss of, scheduled monuments, Grade I and II* listed buildings and Grade I and II* registered parks and gardens should be wholly exceptional.</p>	<p>As set out in Chapter 8 Cultural Heritage and Archaeology (APP-031), the assessment demonstrates that none of these classes of heritage asset will experience substantial harm or loss as a result of the Scheme.</p>
<p>Paragraph 5.132 states that any harmful impact on the significance of a designated heritage asset should be weighed against the public benefit of development, recognising that the greater the harm to the significance of the heritage asset, the greater the justification that will be needed for any loss.</p>	<p>As set out in Paragraph 8.6.9 of Chapter 8 Cultural Heritage and Archaeology, the assessment demonstrates the proposed mitigation will reduce the predicted significance of effect on any identified heritage assets (e.g. Grade II listed Blackwall Tunnel entrance building) to Neutral, there will be no harmful impact on the significance of any designated assets.</p>

HT.7.5 Table 3 below contains the requirements of the NPPF and the Scheme response, demonstrating compliance of the assessment with the relevant policies of this document.

Table 3 NPPF Compliance

NPPF Policy Requirements	Scheme Response
<p>Section 12 of the NPPF 'Conserving the Historic</p>	<p>As set out in section 8.4 of Chapter 8 Cultural Heritage and Archaeology and</p>

NPPF Policy Requirements	Scheme Response
<p>Environment', contains policies relating to the treatment of the historic environment in the planning process. The NPPF states that heritage assets should be recognised as irreplaceable resource and conserve them in a manner appropriate to their significance. Similarly to the NN NPS, the document contains a requirement to the applicant <i>to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance (para.128).</i></p>	<p>Appendix 8.A Heritage Assets Gazetteer (APP-031 and APP-055), all existing heritage assets have been identified and described within the study area.</p> <p>In line with the NPPF, heritage assets have been recognised as irreplaceable resource and those potentially affected by the Scheme have been ascribed a 'value' as per the DMRB definition of significance as explained in Table 2-1 above. The value of these heritage assets has been taken into account in the assessment of impacts as presented in section 8.6 of the Environmental Statement including any potential impacts on the setting of the Blackwall Tunnel entrance and the Maritime Greenwich World Heritage Site.</p>

HT.7.6 Table 4 summarises the assessment of the Blackwall Tunnel Gatehouse and the mitigation measures proposed to ensure that relevant planning policies have been met with regard to the protection of heritage assets.

Table 4 Blackwall Tunnel Gatehouse

NN NPS/NPPF Policy Requirements	Blackwall Tunnel Gatehouse
<p>Paragraph 5.129 of the NN NPS requires that in considering the impact of a proposed development on any heritage asset, the Secretary</p>	<p>As reported in paragraph 8.6.10 of the ES (APP-031), 'The additional above ground visual elements that will be introduced as a result of the Scheme including tunnel service buildings and gantries will not</p>

NN NPS/NPPF Policy Requirements	Blackwall Tunnel Gatehouse
<p>of State should take into account the significance of the heritage asset. This assessment enables an informed judgement to be reached as to the likely impact, if any, on the significance of the heritage asset as all the identified heritage assets of interest are given a relative value by reference to objective criteria.</p>	<p>have a material impact on the contribution that the structure's setting makes to its heritage significance and the magnitude of impact with regard to its setting will, accordingly be No Change'. It should also be noted that the site walk-over survey undertaken in 2015 confirmed that the area immediately adjacent to the building currently does not contribute to the asset's significance. It is considered likely that any landscaping works proposed would enhance the building's setting and would not have a negative impact on its heritage significance.</p>
<p>Paragraph 5.131 of the NN NPS states that substantial harm to or loss of Grade II listed buildings and Grade II registered parks and gardens should be exceptional and that substantial harm to, or loss of, scheduled monuments, Grade I and II* listed buildings and Grade I and II* registered parks and gardens should be wholly exceptional.</p>	<p>As set out in Section 8.6 of Chapter 8 Cultural Heritage and Archaeology (APP-031), the assessment demonstrates that none of these classes of heritage asset will experience substantial harm or loss as a result of the Scheme.</p>
<p>Paragraph 5.132 states that any harmful impact on the significance of a designated heritage asset should be weighed against the public benefit of development, recognising that the greater the harm to the significance of the heritage asset, the greater the</p>	<p>As set out in Paragraph 8.6.9 of Chapter 8 Cultural Heritage and Archaeology (APP-031), the assessment demonstrates the proposed mitigation will reduce the predicted significance of effect on the Grade II listed Blackwall Tunnel entrance building to Neutral, there will be no harmful impact on the significance of this designated asset.</p>

<p>NN NPS/NPPF Policy Requirements</p>	<p>Blackwall Tunnel Gatehouse</p>
<p>justification that will be needed for any loss.</p>	<p>However, as discussed with Historic England, opportunities will be explored to de-clutter around the Gatehouse as currently there are many cameras, columns and bits of highway kit which will be redundant as part of the Scheme.</p> <p>The Design Principles (APP-096) set the framework within which, through the DCO, the detailed design of the Scheme will be required to respond. It has been agreed with Historic England that the following design principle will be included in a revised version of this document to be submitted later in the Examination:</p> <p><i>The landscape design should take account of the historic value and setting of the Blackwall Tunnel gatehouse and where possible enhance that setting.</i></p>
<p>As set out in Table 3, the NPPF requires the applicant to describe the significance of any heritage assets affected, including any contribution made by their setting.</p>	<p>As set out in para 8.4.20, the Grade II listed entrance to the Blackwall Tunnel is ascribed a medium heritage value as per the DMRB definition of significance as explained in Table 1 above. The 'value' of this heritage assets has been taken into account in the assessment of impacts as presented in section 8.6 of the Environmental Statement including any potential impacts on its setting.</p> <p>Additional requirement to consider the value and the setting of the heritage asset is included in the Design Principles of the Scheme to ensure that any wider social, cultural, and environmental benefits from the conservation of this heritage asset are maximised.</p>

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HT.8 Question not for the Applicant

HT.9 Question

Please can the Applicant and Historic England discuss the requirement for the landscaping scheme and ensure that it meets the concerns of Historic England?

Response

HT.9.1 The requirement for the landscaping scheme to take account of the setting of the heritage asset and its significance has been discussed with Historic England on the 29th September 2016.

HT.9.2 The Design Principles [APP-096] set the framework within which, through the DCO, the detailed design of the Scheme will be required to respond, including the landscape scheme submitted pursuant to Requirement 6. Further to discussions with Historic England, it has been agreed that the following design principle will be included within a revised Design Principles document to be submitted at a later date to the Examination, to address Historic England's concerns around landscaping:

The landscape design should take account of the historic value and setting of the Blackwall Tunnel gatehouse and where possible enhance that setting.

HT.10 Question

Please can the Applicant and Historic England consider the wording of Requirement 12 of the made Triton Knoll Electrical System Order 2015 and inform the ExA whether such wording would be suitable for a Silvertown Tunnel requirement concerning the archaeology WSI?

Response

- HT.10.1 As a result of the interaction of Requirement 5(2)(b) of the dDCO (APP-013) and paragraph 6.1.1 and 6.1.2 of the revised CoCP submitted at Deadline 1, no part of the authorised development may commence until a WSI has been submitted to and approved by the relevant planning authority in consultation with Historic England. The revised CoCP also sets out what will need to be included within the WSI.
- HT.10.2 As such, these documents together perform the function of Requirement 12 of the Triton Knoll Electrical System Order 2015. It is therefore not proposed to use the wording of that Order.

HT.11 Question not for the Applicant

HT.12 Question

Is there any evidence which indicates that if the proposed development was constructed and operational, there would be a risk to the World Heritage Site at Greenwich from traffic congestion?

Response

- HT.12.1 Evidence within the Transport Assessment [APP-086] indicates that the Greenwich World Heritage Site would not be impacted by traffic congestion. Local roads in and around Greenwich Town Centre are not expected to experience a significant change in traffic levels as a result of the Scheme. Please refer to Transport Assessment figures 7-21, 7-22 and 7-23 for traffic volume changes, and figures 7-26, 7-27 and 7-28 for congestion.
- HT.12.2 The modelled traffic flows on the two key roads within or in close proximity to the Greenwich World Heritage Site are provided in Table 1(PCUs). It can be seen that changes are small, with the biggest increase being an additional 33 PCUs on Shooters Hill westbound in the PM peak (a 3% increase on the Reference Case). Shooters Hill westbound will be experiencing a decrease in traffic levels in the AM peak and a decrease in traffic flows eastbound in the PM peak, as shown in Table 1.