

# SILVERTOWN TUNNEL

## 8.3 Statement of Common Ground Report (Deadline 1)

**TR010021**

Revision 0

Planning Act 2008

Infrastructure Planning (Applications: Prescribed Forms and  
Procedure) Regulations 2009

November 2016

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Silvertown Tunnel

Statement of Common Ground Report

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# TR010021

## Statement of Common Ground Report (Deadline 1)

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Planning Act 2008

The Infrastructure Planning (Applications: Prescribed Forms and Procedure)  
Regulations 2009

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*Author: Transport for London*

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**Table 1 – SoCG reference numbers**

<b>Name of stakeholder</b>	<b>SoCG reference number</b>
<b>Local Authorities &amp; Boroughs</b>	
City of London Corporation	SoCG007
Essex County Council	SoCG008
London Borough of Barking & Dagenham	SoCG003
London Borough of Bexley	SoCG010
London Borough of Hackney	SoCG011
London Borough of Lewisham	SoCG012
London Borough of Newham	SoCG044
London Borough of Redbridge Council	SoCG014
London Borough of Southwark	SoCG015
London Borough of Tower Hamlets	SoCG044
London Borough of Waltham Forest	SoCG017
Royal Borough of Greenwich	SoCG044
<b>Authorities, statutory bodies &amp; other parties</b>	
Environment Agency	SoCG005
Historic England	SoCG019
Natural England	SoCG001
Port of London Authority	SoCG021
The Health and Safety Executive	SoCG023
BL CW Holdings Limited	SoCG024
<b>Land interests</b>	
Brenntag	SoCG028

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GLA (land)	SoCG029
GLA / Quintain	SoCG030
Knight Dragon	SoCG031
Lidoka	SoCG032
National Grid (utility)	SoCG034
Thames Water	SoCG040

## 1. Introduction

- 1.1.1 This report has been submitted at Examination Deadline 1 (15 November 2016) pursuant to the application submitted by Transport for London ("the Applicant") under section 37 of the Planning Act 2008 (the Act) for an order granting development consent for the Silvertown Tunnel Scheme ("the Scheme").
- 1.1.2 The application was accepted on 31 May 2016 by the Planning Inspectorate on behalf of the Secretary of State. The examination commenced on 12 October 2016.
- 1.1.3 This report and the Statement of Common Ground reports (SoCGs), have been submitted in response to the Examining Authority's (ExA) 'Rule 6' letter dated 13th September 2016, which requested that the Applicant prepare a number of SoCGs with various stakeholders. This request was reiterated and built upon in the ExA's 'Rule 8' letter dated 18<sup>th</sup> October 2016. In addition, the ExA's First Written Questions (FWQs) refer to a number of matters that the ExA would like to be covered in Statements of Common Ground or where the Applicant has chosen to update the SoCG with the stakeholder in reference to FWQs. Where common ground has not been reached for Deadline 1 TfL will continue to work with stakeholders to seek agreement for future deadlines. As such, the SoCGs submitted at this Deadline should, where matters remain under discussion, not be treated as final, as engagement with stakeholders will continue during the examination process to seek to resolve these matters. Updated SoCGs will be submitted into the examination to document where those discussions result in agreement being reached between the parties.
- 1.1.4 Guidance about the purpose and possible content of SoCGs is given in paragraphs 57-62 of the Department for Communities and Local Government's "Planning Act 2008: examination of applications for development consent" (March 2015 version). Paragraph 58 confirms the basic function of an SoCG:

*"A statement of common ground is a written statement prepared jointly by the applicant and another party or parties, setting out any matters on which they agree. As well as identifying matters which are not in real dispute, it may also be useful if a statement identifies those areas where agreement has not been reached. The statement should include references to show where those matters are dealt with in the written representations or other documentary evidence."*

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- 1.1.5 The Applicant has been mindful of this guidance in preparing and developing SoCGs with stakeholders.

## 2. Engaging with stakeholders

- 2.1.1 As set out in the Consultation Report [APP-018] submitted with the application, the Applicant has undertaken substantial iterative consultation and engagement on the Scheme over a number of years. There have been six separate consultations which have included proposals for the Scheme.
- 2.1.2 The Applicant has maintained a regular dialogue with a number of stakeholder groups and organisations outside of these consultations. For example the Applicant has met extensively with a number of London Boroughs to discuss the Scheme, including fortnightly meetings with the Boroughs of Greenwich, Newham and Tower Hamlets since spring 2015. The Applicant has worked with statutory consultees, including the Environment Agency, Marine Management Organisation, Port of London Authority and Natural England in developing its proposals and the assessments of them.
- 2.1.3 The Applicant has met regularly with key land interests to understand and discuss the nature of their operations and the potential impact of the Silvertown Tunnel on them. See Section 3 for established land interest SoCGs.
- 2.1.4 During the course of 2015 TfL expanded its 'stakeholder engagement' activities outside of the consultation exercises, and met with a large number of businesses, Residents' Associations and other groups to discuss the Scheme. The Applicant took additional steps to raise awareness of its proposals for the Scheme, such as holding a number of 'Business Breakfast' events, running a campaign on Social Media and producing a short film.
- 2.1.5 During the summer 2016 the Applicant approached a number of additional non-Borough stakeholders it had previously engaged/consulted with to highlight the opportunity to develop a Statement of Common Ground.

### 3. Current status of SoCGs

- 3.1.1 The table below shows the SoCGs which are being developed and the current status of each. The latest versions (as of Deadline 1, Tuesday 15<sup>th</sup> November) of all SoCGs where both parties have agreed to share the current drafting have been submitted to the ExA.
- 3.1.2 For many of the SoCGs discussions are still ongoing between the Applicant and the stakeholder, and so these SoCGs are not signed but do report the current agreed position on specific matters. These discussions will continue during the examination period and the SoCGs will continue to be updated throughout this process, with issues moving between the categories agreed/under discussion/not agreed. The Applicant will endeavour to submit an update to the ExA, if required, at each deadline.
- 3.1.3 The definitions for each classification are as follows:
- SoCG submitted signed – the stakeholder has signed the SoCG report to agree that matters discussed are represented correctly. There may be later discussions and amendments depending on issues that may arise as the examination progresses.
  - SoCG submitted unsigned – the SoCG has been reviewed by the parties and content broadly agreed. However the SoCG remains unsigned and therefore, is submitted as an update on progress to the ExA at Deadline 1. Both parties have agreed for this version to be provided to the ExA on a without prejudice basis.
  - No SoCG – A SoCG has not been submitted between TfL and this stakeholder at this time, please see Section 3.3 for more details.

**Table 2 – Current status of SoCGs**

<b>Stakeholder</b>	<b>Status at Deadline 1</b>
<b>Local Authorities &amp; Boroughs</b>	
City of London Corporation	SoCG submitted unsigned
Essex County Council	SoCG submitted unsigned <sup>1</sup>
London Borough of Barking & Dagenham	SoCG submitted signed
London Borough of Bexley	SoCG submitted signed
London Borough of Hackney	SoCG submitted signed
London Borough of Lewisham	SoCG submitted unsigned
London Borough of Newham <sup>2</sup>	SoCG submitted unsigned
London Borough of Redbridge	SoCG submitted signed
London Borough of Southwark	SoCG submitted unsigned
London Borough of Tower Hamlets <sup>3</sup>	SoCG submitted unsigned
London Borough of Waltham Forest	SoCG submitted signed
Royal Borough of Greenwich <sup>4</sup>	SoCG submitted unsigned
<b>Authorities, statutory bodies &amp; other parties</b>	
Environment Agency	SoCG submitted unsigned
Highways England Company Limited	No SoCG
Historic England	SoCG submitted signed
London City Airport	No SoCG
London Wildlife Trust	No SoCG

<sup>1</sup> The Applicant and Essex County Council (ECC) have submitted an SoCG on the joint understanding that it has not yet been signed by ECC's relevant Member, and is subject to change (although its contents have been agreed at an officer level). It is also jointly understood that further discussions will take place between ECC and the Applicant on issues of detail.

<sup>2</sup>

<sup>3</sup>

<sup>4</sup> Host Boroughs (London Borough of Newham and Royal Borough of Greenwich) including London Borough of Tower Hamlets have developed a combined SoCG with the Applicant

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Natural England	SoCG submitted unsigned
Port of London Authority	SoCG submitted signed
Public Health England	No SoCG
The Health and Safety Executive	SoCG submitted signed
The Marine Management Organisation	No SoCG
BL CW Holdings Limited	SoCG submitted signed
Campaign for Better Transport	No SoCG
Friends of the Earth	No SoCG
<b>Land interests</b>	
AEG (AnSCO)/ Waterfront Partnership Limited	No SoCG
ASD Limited (Kloeckner Metals)	No SoCG
Brenntag	SoCG submitted unsigned
GLA (land)	SoCG submitted signed
GLA / Quintain	SoCG submitted signed
Knight Dragon	SoCG submitted signed
Lidoka	SoCG submitted unsigned
Morden College	No SoCG
National Grid (utility)	SoCG submitted unsigned
O'Keefe	No SoCG
Priority TM	No SoCG
Thames Water (utility)	SoCG submitted unsigned

### 3.2 SoCGs not submitted

3.2.1 Several SoCGs are not submitted in this report for various reasons which are described below:

- **Highways England.** Highways England (HE) submitted a response to the 2014 and 2015 consultations on the Scheme, explaining that it had no comments to make on the Scheme at either time. Following the ExA's request in the Rule 6 Letter that the Applicant develop an SoCG with HE, HE were provided with a draft SoCG on 13/10/2016 describing their position on the Scheme, as understood by TfL. TfL is awaiting comments from HE on this draft.
- **London City Airport** - The Applicant has discussed the Scheme with London City Airport (LCA) and will continue to do so. The Applicant and LCA wish to develop a SoCG and will endeavour to submit this to the ExA by Deadline 2.
- **London Wildlife Trust** London Wildlife Trust was approached by the Applicant on the 10<sup>th</sup> October 2016 by email. An outline of the Scheme was provided along with a link to all relevant documentation for their review. The Applicant enquired whether London Wildlife Trust would enter into a SoCG and requested a response from London Wildlife Trust by the 14<sup>th</sup> October 2016. Mathew Firth, a director of conservation of London Wildlife Trust, replied on the 13<sup>th</sup> of October and indicated that he would respond to the applicant within the suggested timescales. Regrettably, despite the Applicant following up the request, no comments have been received from London Wildlife Trust to date.
- **The Marine Management Organisation.** The Marine Management Organisation (MMO) was approached by the Applicant on the 8<sup>th</sup> September 2016 to enter into an SoCG. Topics which have been discussed with the MMO relate to Chapter 10 of the Environmental Statement (Marine Ecology) (including the relevant appendices) and the Deemed Marine Licence. Matters under discussion include the assessment methodology, baseline information and environmental design measures and mitigation, assessment findings and conclusions. The Applicant believes the MMO are awaiting comments from internal consultees such as CEFAS to inform their commitment and agreement of items within the SoCG. The applicant will continue to work with the MMO to discuss and agree items under discussion and intends to submit an SoCG at the next deadline.

- **Public Health England.** A draft SoCG was sent to Public Health England (PHE) on 21 October 2016. However, PHE responded by letter dated 14 November, stating that it preferred to provide comments in the form of a letter rather than a SoCG. This letter is enclosed at Appendix [A]. The Applicant raised a concern that this is not the best means of agreeing common ground and that such a letter is more in line with a written representation because the letter raises a number of new issues. The Applicant intends to continue discussions with PHE and provide a consolidated response to this letter at deadline 2.
- **Campaign for Better Transport.** The Applicant has engaged with Campaign for Better Transport (CBT) when developing its proposals for the Scheme. Most recently, the Applicant contacted CBT on 3 November 2016 to enquire if it would wish to develop an SoCG. CBT confirmed that it does wish to develop a SoCG. Whilst an agreed version is not currently available, the Applicant and CBT will submit an SoCG at a subsequent deadline.
- **Friends of the Earth.** The Applicant has engaged with Friends of the Earth (London Branch) when developing its proposals for the Scheme. For example TfL met Friends of the Earth on 21 October 2016 the Applicant wrote to Friends of the Earth with regards to developing a SoCG in respect of the issues identified in the 'Rule 6' letter. To date the Applicant has not had a response to this request from Friends of the Earth.
- The following land owner SoCGs are under discussion with stakeholders and will be submitted at a later deadline:
  - **AEG (AnSCO)/ Waterfront Partnership Limited**
  - **ASD Limited (Kloeckner Metals)**
  - **Morden College**
  - **O'Keefe**
  - **Priority TM**

## Appendix A. Letter from Public Health England dated 14 November 2016



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Neil Chester  
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3<sup>rd</sup> Floor, 230 Blackfriars Road,  
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SE1 8P

14 November 2016

Dear Neil Chester

**Nationally Significant Infrastructure Project  
Proposed Silvertown Tunnel  
Statement of Common Ground**

Thank you for providing a draft statement of common ground (SoCG) relating to the above development. Where possible Public Health England (PHE) prefers to provide comments in the form of a letter rather than a SoCG.

PHE notes that we have replied to earlier consultations as listed below and this response should be read in conjunction with that earlier correspondence.

- Request for Scoping Opinion 24<sup>th</sup> July 2014
- Section 42 Consultation 18<sup>th</sup> December 2014
- Health Impact Assessment and Equality Impact Assessment Scoping Reports Consultation 24<sup>th</sup> July 2015
- Section 42 Consultation 27<sup>th</sup> November 2015
- DCO Consultation 30<sup>th</sup> August 2016

We have reviewed the submitted draft Statement of Common Ground and can confirm the following in regards to matters where PHE is in agreement / disagreement. With regards to section 4.2.2 of the SoCG (validation of traffic modelling) PHE are unable to make any additional comments on this further to our previous responses as it falls outside our area of expertise.

**1) Matters with which PHE is in agreement**

4.2.1. General Approach to assessment

PHE has considered the submitted documentation and can confirm that we are broadly satisfied with the approach taken in preparing the Environmental Statement and Health and Equalities Impact Assessment (HEqIA) and the conclusions drawn.

#### 4.2.3 Method for quantitative assessment of air quality and noise effects on health

PHE can confirm that following extensive discussions with TfL we are satisfied with the methodologies undertaken for determining the health impact as a result of modelled air quality changes. However, we have not assessed the noise methodologies (see section 4, limitations of the PHE response).

#### 4.3.1 Baseline and operational monitoring:

PHE can confirm following discussions with TfL we are satisfied with the proposed monitoring locations and strategy both during the construction and operational phases of the scheme.

#### 4.3.2 Using the base year 2012 for modelling

PHE can confirm that following discussions with TfL we are satisfied with the justification provided for using 2012 as the baseline year for modelling purposes.

#### 4.3.3 Cumulative impacts

PHE can confirm that we are satisfied that cumulative impacts have been considered appropriately by the scheme.

#### 4.3.4 Selection of receptors

PHE have been provided with modelling data at all receptors considered by the scheme and agree that TfL have selected appropriate receptors to represent “worst case” impacts. In addition, PHE has analysed data at receptors where Air Quality Standards were not breached (or an Air Quality Standard exceedance created / removed) and this did not change our overall assessment of the air quality impacts.

#### 4.4.3 Contaminated land

PHE can confirm that they are satisfied with the proposed methodology for control and mitigation of potential off-site impacts from excavation of contaminated soil.

#### 4.5.1 Impact on air quality at two schools

PHE can confirm that following discussions with TfL and the provision of further modelled data; the potential air quality impacts at the 2 schools are predicted to be relatively small and below the relevant Air Quality Standards for nitrogen dioxide (NO<sub>2</sub>). Given this, PHE recognise further mitigation is not indicated at these receptors.

#### 4.5.2 Transport of waste by river

PHE are broadly satisfied that air pollution mitigation measures have been adequately considered around the transfer points for excavated waste and subsequent transport during construction of the Scheme.

## **2) Matters still under discussion**

### 4.1.1 Active travel

PHE would like greater assurance that there is commitment to a bike bus or similar scheme in order to support active travel on both sides of the crossing.

### 4.4.1 and 4.4.2 Environmental (Air Quality) Mitigation measures

PHE note that mitigation at specific receptors was also a question directed to PHE by the Planning Inspectorate as below:

“Are the LPAs, No to Silvertown, PHE and other IPs (who have responded on air quality matters) satisfied with the mitigation proposed by the Applicant in relation to locations and sensitive receptors where there would be a significant impact in terms of predicted air quality changes arising from the development? If not, why not?”

Following discussion with TfL it is apparent that TfL have considered a wide range of air quality mitigation measures for the scheme and also more specifically at certain sensitive receptors such as the Hoola building. PHE note that there is the potential for the scheme to implement landscaping / urban greening in the vicinity of the Hoola building. Despite there being limited evidence for urban greening improving air quality at pollution hotspots there are potential additional benefits to residents from a wider health and well-being perspective. There is significant and growing evidence on the health benefits of access to good quality green spaces<sup>1</sup>. The benefits include better self-rated health; lower body mass index, overweight and obesity levels; improved mental health and wellbeing; increased longevity.

In summary, despite an extensive range of mitigation measures being investigated the current modelling indicates that there is still the potential for residents of the Hoola building to be exposed to significantly increased concentrations of both NO<sub>2</sub> and particulate matter (PM<sub>10</sub>). PHE understand TfL are planning to undertake further modelling at the Hoola building to take into account additional factors (e.g. the use of new emission factors for Euro VI buses) and look forward to seeing the outcomes of this in due course. It would be helpful for TfL to confirm their proposals/approach to urban greening in areas surrounding the Hoola building.

#### 4.5.4 Effects on community anxiety / stress

Our findings indicate that while there are additional factors outside the scope of this project that can contribute to individual stress which are hard to measure, community anxiety and stress can arise from both the construction and operational phases of the Silvertown Tunnel project, and that this has the potential to adversely impact both the perceived health of local populations and actual physical and mental wellbeing.

PHE accepts that TfL is following a statutory process to consult the local population. The studies below give some indication of good practice based on research in this area, which PHE recommend be taken into account:

- Perception is a key factor influencing the public acceptance of environmental policy.<sup>ii, iii</sup>
- Appropriate use of information should address psychological stress in environmental decision-making.<sup>iv, v</sup>
- That methods to communicate information on issues such as air pollution should directly address
  - o The public's identification with a place or industry,

- Immediate environmental stressors such as abandonment, waste and odours, and
- Public perceptions of lack of social control and fear of displacement.<sup>vi</sup>
- That strategy to address air pollution take into account the combined effect of psychological stress and air pollution on immune function and susceptibility to respiratory disease onset, particularly on lower income urban communities.<sup>vii</sup>

### Crossing Charge

PHE is very concerned with the introduction of a charge to use the existing river crossing, Blackwall Tunnel, which is currently free of any charge. PHE is primarily concerned that the level of the charge may present a greater burden on those in the lower socio-economic groups, who use Blackwall Tunnel as a means to access employment, healthcare, etc and the introduction of the charge may have a 'community severance' effect.

### 5.1 Local Air Quality should not be worsened

PHE recognise that the Environmental Statement concludes that there are more receptors that experience a perceptible improvement in air quality compared to deteriorations, despite emissions from the scheme increasing overall. However, TfL have stated that this improvement is not determined as significant under the IAN 523 guidance and hence concludes that the scheme will have "no significant impact" on air quality. Hence, PHE would like to clarify their position as follows: PHE would encourage any new road or traffic development to consider, if practicable and cost effective, opportunities to secure improvements in local air quality.

## **3) Matters in which PHE are in disagreement**

### 4.5.3 Modelling of 20mph speed limit

PHE have discussed this subject with TfL at length. PHE recognise that traffic modelling falls outside their area of expertise but would ideally like to see evidence to confirm that the introduction of a 20mph zone couldn't have potential benefits on local air quality. The introduction of a 20mph zone may also have associated benefits on road safety with regards to accidents. It is well established that the rates of road traffic accidents in the most deprived communities are disproportionately higher than those in more affluent communities. In addition, several studies have concluded that 20 mile per hour (mph) zones are effective in reducing road traffic accidents and improving the perception of safety amongst communities. Whilst the effect of 20 mph zones on health inequalities has not been proven it is possible that targeting such interventions in the most deprived areas will be beneficial.<sup>viii</sup>

## **4) Limitations of the PHE response**

PHE is a statutory consultee for applications which fall under the provisions of the Nationally Significant Infrastructure Planning (NSIP) regime. Our statutory remit in these consultations covers applications which could potentially cause harm to people and are likely to significantly affect public health. However due to limited resources, PHE will not provide comments on the following matters included in the draft SOCG.

a) Aspects of the application relating to noise exposure/mitigation.

Should you have any questions or concerns please do not hesitate to contact us.

Yours sincerely

[nsipconsultations@phe.gov.uk](mailto:nsipconsultations@phe.gov.uk)

*Please mark any correspondence for the attention of National Infrastructure Planning Administration.*

Cc: Amanda Pownall, Transport for London

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<sup>i</sup> Balfour R, Allen J. Local action on health inequalities: improving access to green spaces. London: Institute of Health Equity, 2014

<sup>ii</sup> Kim, M., Yi, O. & Kim, H. 2012. The role of differences in individual and community attributes in perceived air quality. *Science of the Total Environment* 425 20-26.

<sup>iii</sup> Valentic, D., Micovic, V., Kolaric, B., et al. 2010. The role of air quality in perception of health of the local population. *Collegium Antropologicum* 34 Suppl 2 113-7.

<sup>iv</sup> Couch, S. R. & Coles, C. J. 2011. Community stress, psychosocial hazards, and EPA decision-making in communities impacted by chronic technological disasters.

<sup>v</sup> Liu, X., Zhu, H., Hu, Y., et al. 2016. Public's health risk awareness on urban air pollution in Chinese megacities: The cases of Shanghai, Wuhan and Nanchang. *International Journal of Environmental Research and Public Health* 13 (9) (no pagination)(845).

<sup>vi</sup> Kondo, M. C., Gross-Davis, C. A., May, K., et al. 2014. Place-based stressors associated with industry and air pollution. *Health & Place* 28 31-7.

<sup>vii</sup> Clougherty, J. E. & Kubzansky, L. D. 2010. A framework for examining social stress and susceptibility to air pollution in respiratory health. *Ciencia & Saude Coletiva* 15(4) 2059-74.

<sup>viii</sup> Cairns J, Warren J, Garthwaite K, Greig G, Bambra C. Go slow: an umbrella review of the effects of 20 mph zones and limits on health and health inequalities. *Journal of public health*. 2015 Sep 1;37(3):515-20.