

INFRASTRUCTURE PLANNING

THE INFRASTRUCTURE PLANNING(EXAMINATIONS PROCEDURE) RULES 2010

THE SILVERTOWN TUNNEL ORDER

**Summary of Written Representations submitted on behalf of the Port of London
Authority**

(Rule 8 letter 18 October 2016)

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Written Representations (“WRs”) on behalf of the Port of London Authority (“the PLA”) in respect of an application by Transport for London (“TfL”) for an Order (“the DCO”) granting Development Consent for the proposed Silvertown Tunnel

SUMMARY

1. The PLA is the statutory harbour authority for the tidal River Thames (“the River”) between Teddington and the outer Thames Estuary. Its functions include responsibility for conservancy, hydrographic surveying, dredging, managing the public navigation and controlling vessel movements. The PLA’s licence is required for the construction of works in the River, and the carrying out of dredging.
2. The PLA owns all the river bed and foreshore within the Order Limits.
3. The PLA supports the scheme in principle. However it considers that the draft DCO (“dDCO”) contains unjustifiably wide powers which could seriously disrupt the River, does not adequately provide for the PLA’s participation in the implementation of the DCO, provides for excessive land take/use and does not adequately protect the PLA’s interests.
4. The limits of the land which might be acquired are wider than the PLA would expect to be justifiable but, as the dDCO stands, the amount of land actually acquired is not required to be minimised. Taken with the article 5 lateral limits of deviation, this would allow for significant lateral movement of individual works. The PLA considers that land and rights taken should be the minimum necessary for tunnel design, operation and maintenance. TfL should by now be able to be more precise about the extent of land take, including subsoil.
5. The effect of acquisition on private rights is uncertain. There may be many displaced users. Resulting expenses should be indemnified, which they are not as currently proposed. TfL should assume responsibility for any existing works that have to be left in place as the result of the scheme.
6. The proposals for permanent acquisition of rights and imposition of restrictive covenants over the riverbed are unjustifiably wide and could be so restrictive of river use as to sterilise the affected water areas. TfL and the PLA should instead agree the scope of suitable potential developments above the tunnel which the PLA could license.
7. Temporary possession of all land (including the River) within Order limits could potentially last 11 years. Further, the public right of navigation could be suspended. This would cause large scale and unjustifiable disruption to River use.
8. The proposed Work No.20 is unjustifiably wide and undefined.
9. The PLA believes it is essential that the proposed upward limit of deviation is reduced to ensure that over the whole life time of the scheme there is a depth of riverbed of at least 6.3m below Chart Datum so as not to impede navigation. Upwards deviation must be minimised so as to ensure adequate cover for the tunnel without having to place artificial cover on top of the riverbed. Such cover would compromise the PLA’s ability to maintain or improve the depth of navigable channel in this reach of the River.

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10. Potential damage to protective pontoons must be prevented. Without this the Emirates Airways cable car might have to cease operation. The same applies to physical impacts on existing moorings (including the PLA's moorings adjacent to Victoria Docks), and other affected works, which as presently proposed risk serious disruptions.
11. Article 17 of the dDCO would authorise TfL "to temporarily interfere" with the "river area" for construction and maintenance. Maintenance would relate to the whole life of the scheme. The definition of "river area" unjustifiably includes the entire River within Order limits. "Interfere" is undefined. There are no safeguards for many users. The PLA as navigation authority has no involvement, making the power unworkable. Article 17 is unacceptable for these reasons alone, although they could be addressed. However, as TfL has said to the PLA that it is uncertain how it is going to use the proposed powers, article 17 should be omitted.
12. The ancillary works to be authorised by Schedule 1 are very wide and unacceptably lack definition.
13. The protective provisions for the PLA are not adequate. Among other things, the PLA will require detailed and sufficient protections in relation to the dredging activities proposed.
14. Article 3(1) of the dDCO proposes the disapplication of the sole unrepealed section of the Port of London (Consolidation) Act 1920. This section is irrelevant to the subject-matter of the DCO and the proposal is therefore ineffective and ultra vires the Planning Act.
15. The WRs refer to changes the PLA believes should be made in the Schedule 2 requirements.
16. Other detailed dDCO points are in the PLA's responses to the ExA's First Written Questions, which are incorporated into the WRs.
17. The PLA supports the principle of maximising River use during construction and welcomes TfL's commitment to River use. However, the PLA considers that during the detailed design process TfL should further investigate opportunities to utilise the River and this should be planned on the basis of proper need.
18. The PLA has detailed concerns about the CoCP.
19. The WRs detail the PLA's concerns about the location of the temporary jetty (Work No. 20) and its impact on Thames Wharf. TfL also proposes to stop up the direct access to Peruvian Wharf. The PLA considers it essential that the authorised development must not affect the wharf's efficient operation.
20. The WRs detail the PLA's serious concerns about the unjustifiable adverse effects on river users of proposals to disrupt the River, wharves and other facilities.
21. The PLA has no doubt that necessary disruption to River traffic can be accommodated but only with proper planning and management by TfL working with the PLA.

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23 November 2016

