



Application by Transport for London for an Order Granting Development Consent for the Silvertown Tunnel Project

Agenda for the Issue Specific Hearing on Air Quality, Noise and Other Environmental Issues

This document sets out the agenda for the issue specific hearing on Air Quality, Noise and Other Environmental Issues that was notified by the Examining Authority (the Panel) on 19 December 2016.

- Date:** Wednesday 18 January 2017
Time: 10:00am, room opens from 09:30am
Venue: ExCel London, One Western Gateway, Royal Victoria Dock, London E16 1XL.
Access and Parking: By Underground and DLR via Jubilee Line to Customs House or Prince Regent. Paid parking available at venue and fully disabled accessible.

Purpose of the Issue Specific Hearing

- I. To understand the assessment methods employed to estimate effects upon air quality;
- II. To understand the noise assessment process and which aspects of the proposed development were included in the noise calculations; and
- III. To establish the mechanisms for ensuring that the environmental mitigation that would be necessary for the proposed development is secured through the dDCO.

Participation, conduct and management of hearing

All Interested Parties are invited to attend the hearing. Each Interested Party is entitled to make oral representations at the hearing. However, this is subject to the Panel's power to control the hearing.

Guidance under the Planning Act 2008 (PA 2008) and the Infrastructure Planning (Examination Procedure) Rules 2010 provide that at hearings it is the Panel that will probe, test and assess the evidence through direct questioning of persons making oral representations. Questioning at the hearing will therefore be led by a member of the Panel, supported by other Panel members. For most matters the Panel will conduct the hearing in a round table format.

Cross-questioning of the person giving evidence by another person will only be permitted if the Panel decides it is necessary to ensure representations are adequately tested or that a person has had a fair chance to put their case.

The hearing will run until all Interested Parties have made their representations and responded to the Panel's exploration of the matters in accordance with the agenda set.

Please note that the following agenda is indicative and may be amended by the Panel at the start of the hearing session. Furthermore, the Panel may wish to raise other matters arising from submissions, and pursue lines of inquiry in the course of the discussion which are not on the agenda.

The Panel would welcome the participation of the Applicant, the Marine Management Organisation (MMO), Natural England (NE), The Environment Agency (EA), Port of London Authority (PLA), Royal Borough of Greenwich (RBG), London Borough of Newham (LBN), London Borough of Tower Hamlets (LBTH), London Borough of Southwark, London Borough of Hackney and London Borough of Lewisham, the Health and Safety Executive (HSE), Public Health England (PHE), No to Silvertown, Friends of the Earth and the Westcombe Society.

Agenda

- 1. Welcome, introductions and arrangements for this Issue Specific Hearing**
- 2. Terrestrial ecology**
 - 2.1 Please can the Applicant clarify the answers given to TE3 and DC98 regarding habitat creation outside the Order limits. How would any such planting/habitat creation be managed during its aftercare period and retained in the long term?
 - 2.2 LBN consider that the arboricultural impact assessment and method statement (identifying the trees to be removed/retained) should be included within the landscaping scheme details to be approved in Requirement (R) 6(2). The Applicant's response to TE4 also refers to a Tree Protection Plan. Please can the Applicant confirm that these details can be included/secured in R6(2)?
 - 2.3 Royal Borough of Greenwich (RBG) require the grass seed mix used for amenity areas to be a suitable wild flower seed mix to assist biodiversity interests. Please can the Applicant confirm that details of grass seed and wildflower seed mixes can be approved through R6(2)?
 - 2.4 The Environment Agency's (EA's) response to TE7 requires the Code of Construction Practice (CoCP) to set forward biosecurity measures (such as check, clean, dry) to minimise the spread of Invasive Non-Native Species (INNS) and pathogens via clothing, equipment and vehicles during construction. Please can the Applicant confirm that this matter will be included in the next edition of the CoCP to be submitted to the Examination?
 - 2.5 With reference to NE's answers to the Panel's First Written Questions (FWQs) TE8 and TE9, [REP1-063], please could the Applicant confirm whether the next edition of the CoCP will include NE's requests, as follows:-
 - (a) the bird breeding season to be amended to February to August (inclusive); and
 - (b) NE's proposed additional wording to be added to paragraph 7.1.7 to ensure that specific measures would be taken to ensure suitable open mosaic habitat is provided for the invertebrate assemblage prior to and during construction?

- 2.6 With reference to LBTH's response to FWQ TE11 [REP1-006], please could LBTH provide an update regarding the Lee Valley Park Authority's views on whether the dust suppression measures proposed in the CoCP to protect the East India Dock Basin SINC from fugitive dust are adequate?
- 2.7 Please can the Applicant now prepare the draft Ecology Management Plan, for submission to the Examination for DL3, so that the version approved under R5 (3) of the dDCO can be "substantially in accordance with" the last version submitted to the Examination, which would become a certified document?

3. Construction on land

- 3.1 Is any percussive piling on land proposed? If so, where would it take place?
- 3.2 What is the reason for additional paragraph (1.4.5) in the revised CoCP [REP2-028], and would this enable the Applicant to amend any of the subsidiary plans following their approval or consultation with the relevant bodies? Do IPs have concerns that this could give rise to the possibility that circumstances may change to such an extent that the changes would no longer reflect the project as described and assessed in the ES?
- 3.3 Are the host boroughs satisfied with the complaints procedure that the Applicant has included in the updated CoCP, which would be secured by draft Development Consent Order (dDCO) R5?
- 3.4 The CoCP [REP2-028], paragraph 2.4.2, notes that a 'black top plant' would be included in the Silvertown work site. Where in the ES is this assessed, in terms of noise and air emissions (including odours)? It is not included in the Applicant's response to ExA FWQ 8.1–envisaged construction plant inventory.
- 3.5 Whilst some aspects of the decommissioning of the temporary jetty would be incorporated in the deemed marine licence (DML) (dDCO, schedule 12), the decommissioning of the land-based temporary works should be covered by a requirement. Please can the Applicant and the host LPAs suggest draft wording?

4. Air quality

- 4.1 Why, in the updated air quality assessment [REP2-040] was it assumed that the addition of 400 Over Height Vehicles (OHVs) travelling northbound would be a "worst case" and how was the number of additional OHVs derived?
- 4.2 Does the updated air quality assessment [REP2-041] consider emissions from the following in its cumulative impacts assessment:-
- cruise liners going to and from Enderby Wharf; and
 - cruise liners that are stationary at Enderby Wharf.
- If not, why not?
- 4.3 Further to paragraph 6.6.11 of updated chapter 6 [AS-022], why does the Applicant consider that the contribution to NO_x and PM levels from river barges "is likely to be not significant"?
- 4.4 Is RBG satisfied that impacts of emissions from barges that would use the Greenwich jetty were "screened out as not significant" [AS-022, paragraph 6.6.12]?

- 4.5 Were emissions from existing river barges, clippers and other forms of river transport and the river barges that are proposed for delivering materials and collecting waste considered in the cumulative impacts section of updated chapter 6? If not, why not?
- 4.6 Carbon dioxide (CO₂) is considered in terms of the updated regional assessment [AS-022, paragraph 2.3.56], but not in terms of air quality impacts upon local receptors. Why not?
- 4.7 Further to PHE's representation, in lieu of a SoCG [REP2-005], please can the Applicant provide an update regarding the potential for mitigation in areas around the Hoola development including urban greening?
- 4.8 PHE also state, [REP2-005, paragraph 5.1] that they would encourage any new road or traffic development to consider opportunities to secure improvements in local air quality. Can the Applicant provide its response?
- 4.9 Could the Applicant respond to PHE's negatively worded statement, in relation to the matter on which they are in disagreement, regarding whether a 20mph speed zone couldn't have potential benefits on local air quality?
- 4.10 Is the Applicant proposing to further update Chapter 6 of the ES [AS-022], in the light of the updated Air Quality and Health Assessment [REP2-041] or undertake any further air quality assessment work, in the light of the recent High Court Judgement regarding the inadequacies of the DEFRA Air Quality Plan? Which of the Air Quality documents are to be certified documents?
- 4.11 The host boroughs have expressed concerns about the inadequate nature of the air quality assessment and proposed monitoring for air quality.
- Please could the Applicant and the host authorities (including LBTH) provide an update regarding whether there is yet agreement in respect of the assessed case?
 - What are the host borough's views on whether a new Requirement in the dDCO for air quality monitoring and mitigation (along the lines of R26 of the made M4 DCO) would help to overcome their concerns, if the Order was made and the proposed mitigation measures do not work as expected? For ease of reference, R26 of the M4 DCO is attached as Appendix 1.
- 4.12 Please could the neighbouring authorities (including, but not limited to LB Lewisham, LB Southwark and LB Hackney) provide updates as to whether there is agreement with the Applicant on whether the proposed development would affect their LAQM work towards improving air quality against the EU limit values, and whether there is a way forward in terms of assessing how much more difficult achieving the limit values would be if the proposed development went ahead?
- 4.13 Do any other IPs have any further updates in relation to air quality assessment and monitoring matters?

5. Geology, soils and contaminated land

- 5.1 The draft SoCG between the Applicant and the Environment Agency [REP1-130] states that the following geology, soils and contaminated land matters were still under discussion:-

- impacts from dewatering and mitigation; and
 - groundwater level monitoring
- Please can the EA provide an update regarding whether these matters have been agreed? If agreement has been reached, what does the Applicant propose to do to address these matters in terms of securing the required monitoring and mitigation in the dDCO?

6. Noise and vibration

- 6.1 Further to the Applicant's details of the proposed barriers at Siebert Road [REP2-040], could the Applicant explain why it is not proposing to extend the barriers from Invicta Road westwards towards the B210 Charlton Road to provide mitigation for Invicta School?
- 6.2 As these proposed barriers would be outside the Order limits, how is the Applicant proposing to secure their construction?
- 6.3 What are RBG's and the Westcombe Society's views on how the barriers at Siebert Road should be secured?
- 6.4 Further to the updated air quality and health assessment [REP2-041], have the additional 400 OHVs travelling northbound been considered in the noise assessments? If not why not?
- 6.5 Please can the Applicant respond to LBN's concerns in page 19 of [REP2-011] regarding the lack of photographic and other evidence regarding the location of the noise monitoring stations?
- 6.6 LBN also raise the concern that the increased number of lorries and buses on the approach roads to and from the Silvertown tunnels would create engine noise as the dominant noise rather than road-tyre interaction. Please can the Applicant explain where in the ES this is considered and assessed?
- 6.7 LBN also require further assurances through 3D noise modelling that appropriate noise reductions can be achieved by the barriers. Has the Applicant considered barrier reflection effects and is it proposing to undertake further modelling in relation to the effectiveness of the mitigation, if so when?
- 6.8 Further to the Applicant's response to ExA FWQ NV15 [REP1-166], can the Applicant now provide a scale plan showing the proposed locations of the high friction road surfacing? How would this be secured in the dDCO?
- 6.9 LBN also raise concerns about the use of low noise surfacing to assess noise impacts at the Hoola development, although the surrounding roads (Silvertown Way and the junction from the Silvertown roundabout up to Silvertown Way) are not in the Order limits. How does the Applicant propose to secure the use of low noise surfacing on roads outside the Order limits? Also should the wording of R12(1)(a) be changed so that low noise surfacing is secured across all roads in the DCO area, (currently worded as "*any low noise surfacing*")?
- 6.10 Further to LBN's concerns about how night time construction noise levels were calculated, please can the Applicant clarify why it considers that 23:00-07:00 is a 12 hour period, rather than an 8 hour period?
- 6.11 The host boroughs (and an Affected Person) support the inclusion of

construction working hours being a requirement in the dDCO, despite the Applicant's preference to provide this information in the CoCP. Could the Applicant and the host boroughs now propose the wording for this for DL3?

- 6.12 The host boroughs wish to see lorry routing as a requirement in the dDCO. Please can the Applicant and host boroughs propose the wording for this for DL3?
- 6.13 Do the host boroughs and other IPs consider that R12 on operational noise mitigation measures should also include the need for the mitigation to be maintained and retained?
- 6.14 Further to the Applicant's response to ExA FWQ MR12, stating that a pre-cast tunnel manufacturing plant was not assessed in the ES, (nor was it listed in the envisaged list of plant in response to FWQ NV8), can the Applicant confirm that a pre-cast tunnel manufacturing plant would not form part of the proposed development?
- 6.15 Do any other IPs have updates in relation to noise assessment and noise mitigation proposals?

7. Health, safety and security

- 7.1 With reference to RBG's responses to the action points arising from the Accompanied Site Inspection held on 6 December 2016 [REP2-016] and HSE's response to FWQ HSS6 [REP1-080]:-
- please can RBG provide an indication of when the 2012 Brenntag application to vary the Hazardous Substances Consent (HSC) will be determined; and
 - in view of the likely timescale (given by RBG) for the revocation of the HSC for the East Greenwich Gasholder Station (EGGS), as Autumn 2017, could HSE and the Applicant now agree the draft wording for the proposed Grampian style requirement which, should the DCO be made, would prohibit the use of the proposed development until such a time as the HSC(s) are revoked or modified such that HSE no longer advise against the development?
- 7.2 With reference to the representations from the City of London (CoL)[REP1-051], London Borough of Southwark (LBS) [REP1-008] and LBN [REP2-011] regarding the LBS and CoL request that Silvertown Tunnel be constructed and operated with Category A designation (that is, there would be no restriction on the transport of dangerous goods), please can the Applicant:-
- confirm whether it is proposing to allow any dangerous goods to be transported through Silvertown Tunnel, should the DCO be made? The ExA notes that the Applicant states that the proposal is to designate Silvertown Tunnel as a Category E tunnel (that is there is an effective restriction on all dangerous goods) [REP2-035, paragraph 3.4.25]; and if not,
 - how would this prohibition of dangerous goods be secured for the lifetime of the development in the dDCO?

8. Marine ecology

- 8.1 MMO's response to FWQ ME1 [REP1-046] considers that as only 2 samples out of 10 stations were obtained from the sub-tidal grab survey, some further sampling may be required to obtain a more accurate characterisation of the marine ecology of the area. Please can the Applicant advise when this

additional sampling would be carried out and how would the results be disseminated?

- 8.2 With reference to NE's answer to FWQ ME2 [REP1-063], please can NE, the MMO and the Applicant provide an update regarding the Thames Estuary recommended Marine Conservation Zone (rMCZ) and whether there is agreement in respect of whether potential impacts on the proposed features of the rMCZ have or have not been considered in the submitted ES? If not, is there a need to carry out a further assessment?
- 8.3 NE state in their answer to ME2 that, "TfL have agreed with NE that the rMCZ will be equally weighted throughout the planning examination". However, the Applicant's response to ME2 states [REP1-152], "It is therefore considered that little or no weight can be given to it". Please can NE and the Applicant explain whether these varying views are now resolved?
- 8.4 With reference to NE's answer to FWQ ME7, please can NE and the Applicant provide an update regarding the agreement of the inclusion of the required mitigation for marine ecology interests in the deemed marine licence (DML), (Schedule 12 of the dDCO)?
- 8.5 Please can the Applicant confirm whether the location of the proposed temporary jetty is the only location where piling would be required?
- 8.6 Further to the Applicant's response to FWQ ME7(b), which avoided providing the information that the Panel had requested in that question:
- please can the Applicant now confirm the techniques, duration and hours of working for piling at each proposed piling location, including providing a map showing the location at each piling site?
 - The EA had previously asked for a piling method statement to be secured in the dDCO [RR-299] and repeated this in its WR [REP1-060], RBG state that they consider that this should be secured through Requirement 5 [REP1-003]; the MMO also require a piling method statement in the DML [REP1-046]. Please can the Applicant now add a piling method statement to Requirement 5(3) for approval by the LPAs and EA and/or as a condition within the updated DML for the MMO/EA to approve?
- 8.7 The updated ES chapter on marine ecology [REP1-104], paragraph 10.5.1 states, inter-alia that:
- any planned (non-emergency) dredging work must avoid the months of June to August (inclusive); and
 - percussive piling would be limited to November-March (inclusive), unless otherwise agreed with the MMO, PLA and EA.
- Whilst the Panel has concerns about the use of the tailpiece "unless otherwise agreed with the MMO, PLA and EA", especially as the EA state that it is a specific prohibition to avoid noise and vibration affecting key fish spawning and migrating periods, where in the draft DCO are these matters secured?
- 8.8 The MMO [REP1-046] state that there are major concerns regarding the potential behavioural impacts for fish from impact piling which have not been adequately addressed. How is the Applicant proposing to resolve this matter?
- 8.9 The MMO [REP1-046] state that major concerns remain in respect of coastal process matters regarding:-
- the cumulative impacts of the scheme with other developments nearby

(eg the redevelopment of the Learmouth Peninsular and the Greenwich Peninsular) with regard to sediment transport which need to be considered;

- further mitigation measures to limit re-suspension from dredging and eventually also from disposal are required; and
- whilst the MMO considers that these can be addressed through a Waste Disposal Strategy and the CEMP, the Applicant is requested to provide an update on whether these matters have now been considered and addressed in update Examination documents? If so, where?

8.10 The draft SoCG between the Applicant and the Environment Agency [REP1-130] stated that the following marine ecology matters were still under discussion:-

- potential effects of light disturbance and mitigation;
- potential effects of dredging and mitigation;
- potential effects of piling and mitigation; and
- overall approach to mitigation.

Please can the Applicant and EA provide an update regarding whether these matters have been agreed, and if so, what does the Applicant propose to do to address these matters in terms of securing mitigation in the dDCO?

8.11 Further to the EA's WR [REP1-060] section 4.0, have the measures required to minimise any harmful effects on fish now been secured in the dDCO or CoCP or subsidiary plans or schemes, to the satisfaction of the EA?

9. Habitat Regulations Assessment

9.1 With reference to NE's answer to the Panel's FWQ HRA3 [REP1-063], and the draft SoCG [REP1-128], please can NE and the Applicant provide an update on whether there is agreement regarding the impacts upon the rMCZ in relation to contaminants, lagoon worm, sea-slugs, seahorses and migrating smelt?

9.2 Further to NE's response to HRA2 [REP1-063], is there agreement between the Applicant and NE regarding the use of the two local authority Local Plan HRA screening assessments and their omission of the in-combination effects arising from the proposed development in them? Is further HRA screening required?

10. Dredging and navigation

10.1 The MMO's response to FWQ DN6 [REP1-046] states that the co-ordinates of the area to be dredged must be provided in the Licensed Activities section of the DML. Please can the Applicant and the MMO now agree the co-ordinates to be inserted into that section of the DML?

10.2 The MMO's response to DN8 (regarding scour protection for the temporary jetty) identifies a need for the Applicant to provide a method statement for approval of any aspects of the proposed development that may need a marine licence, as a condition of the DML. Please can the Applicant and MMO provide an update as to whether agreement is reached on these matters and the required method statement will be included in the next edition of the dDCO?

10.3 The EA's response to FWQ DN8 [REP1-061] states that the Applicant had recently provided a draft technical note assessment on jetty pile scour in the near-shore to the EA, whilst the PLA [REP2-074] considers that avoiding any archaeological interests (by preservation in situ), is the best solution to avoid the need for scour protection.

- can the Applicant confirm whether the technical note will be submitted to the Examination; and
- is there now agreement between EA, PLA and the Applicant on whether there is a need for scour protection in relation to tidal flood defences?

- 10.4 The dDCO, [REP2-022] schedule 12, condition 10(1) (removal of temporary structures) includes the need for all equipment, temporary structures, waste and debris within 6 weeks of the completion of those activities, **unless otherwise agreed in writing by the MMO** (emphasis added by the Panel). Given the guidance on drafting DCO's in PINS Advice Note 15 on Drafting DCOs¹, regarding tailpieces, is the MMO satisfied with this wording?
- 10.5 Similarly the draft wording of the DML condition 10(2) requires the temporary structures constructed under Works 20 to be removed '**as soon as reasonably practicable**' after that work has ceased, '**unless otherwise agreed in writing by the MMO**' (emphasis added by the Panel). Given the need for clarity and enforceability in DCO requirements and DML conditions, does the MMO consider:-
- that the use of these terms is acceptable; and
 - as currently worded they would achieve the objective of ensuring that decommissioning and clearing the temporary jetty and other temporary works is expedited quickly?
- 10.6 Further to the EA's WR [REP1-060], can the Applicant now confirm agreement to the need for a requirement in Schedule 2 of the dDCO which states that no dredging is to take place during the months of June, July and August; if dredging is essential during these months, the EA's approval would be required to ensure that suitable mitigation is in place, including water quality monitoring or the use of low impact dredging techniques?
- 10.7 The MMO [REP1-046] has asked for a condition to be included in the DML regarding the Written Scheme of Archaeology for any archaeological work needed offshore (in relation to the proposed jetty and dredging). Could the Applicant and MMO provide an update on this matter and confirm that the wording will be agreed and it will be included in the next revision of the dDCO?

11 Surface water, Flood Risk Assessment and Water Framework Directive Assessment

- 11.1 The draft SoCG between the Applicant and the EA [REP1-130] states that the following surface water matters were still under discussion:-
- Flood Risk Assessment;
 - Drainage design parameters;
 - River wall baseline condition; and
 - River wall responsibility.
- a. Please can the Applicant and EA provide an update regarding whether these matters have been agreed; and
 - b. if so, what does the Applicant propose to do to address these matters in terms of securing mitigation in the dDCO; and
 - c. Should the EA be consulted on the surface water drainage scheme required pursuant to R8?

¹ https://infrastructure.planninginspectorate.gov.uk/wp-content/uploads/2014/10/advice_note_15_version_1.pdf

- 11.2 The draft SoCG between the Applicant and the EA [REP1-130] states that the following Water Framework Assessment (WFA) matters were still under discussion:-
- Calculation of contribution of sediment to water column contaminant concentrations;
 - Evidence and further assessment; and
 - CEFAS analyses.
- Please can the Applicant and EA provide an update regarding whether these matters have been agreed, and if so, what does the Applicant propose to do to address these matters in terms of securing mitigation in the dDCO?
- 11.3 The draft SoCG between the Applicant and the EA [REP1-130] stated that the following flood risk matters were still under discussion:-
- flood defences (river wall surveys);
 - construction impacts on the flood defences;
 - hydrodynamic modelling.
- Please can the Applicant and EA:-
- a. provide an update regarding whether these matters have been agreed; and
 - b. if so, how does the Applicant propose to address these matters in terms of securing mitigation in the dDCO?
 - c. The EA's WR [REP1-060] paragraph 1.4 states that if the DCO is granted, evidence showing that construction activities would not impact on the structural integrity of any affected flood defences needs to be provided for the EA's approval prior to any work commencing. How does the Applicant propose to secure this matter within the dDCO?
- 11.4 Please could the EA/Applicant provide an update regarding the agreement of protective provisions especially in relation to the potential obligation on TfL for maintaining/rebuilding/strengthening river walls and raising tidal flood defences? Would these matters be better placed in articles and/or requirements, as they are mitigation required for the scheme?
- 11.5 Further to EA's WR [REP1-060], in the "what if" scenario of TfL being unable to demonstrate to the EA's satisfaction that the construction work proposed in Zone 12 would not adversely affect the river wall, what is the Applicant proposing in terms of ensuring that the construction of the development could proceed, whilst giving the EA the comfort that it needs regarding river wall integrity, should the DCO be made?
- 11.6 Further to the EA's WR [REP1-060], sections 2.0 and 3.0, has the Applicant now accepted the need to add two further requirements to the dDCO:-
- for the provision of a WFD assessment at the jetty decommissioning stage; and
 - to secure further ground investigations, any necessary remediation work and a verification report confirming that any contamination risks have been addressed? Please could these be included in the next revision to the dDCO?
- 11.7 Has the draft groundwater monitoring strategy discussed in the EA's WR, at paragraph 3.0 been submitted to the Examination, or is it the one that will be attached as Appendix F of the updated CoCP [REP1-028]? Could the Applicant confirm whether the draft groundwater monitoring strategy is the same document as the Groundwater Monitoring and Verification Plan required pursuant to R5(3)(h)? If not how do the two documents differ, why are they

both needed and when will they be submitted to the Examination?

11.8 Why is the FRA not listed as a certified document in the dDCO?

12. Heritage and Townscape (visual impact)

12.1 RBG have stated that there must be mitigation provided for the World Heritage Site at Greenwich, including the possibility of implementing user charges at Rotherhithe tunnel, whereas the Applicant considers that it is more appropriate to determine the precise requirements for mitigation closer to the time of opening, their forecasts show that there would be little impact at Rotherhithe tunnel and local roads in and around Greenwich town centre are not expected to experience a significant change in traffic levels. Please could RBG and the Applicant provide an update regarding whether there is agreement on this matter?

12.2 Where in the ES is the visual impact of the proposed concrete batching plant and the black top plant assessed? The ES [APP-031], paragraph 15.6.1 describes construction activities associated with the scheme, including the "creation of compounds" but does not appear to include the assessment of such potentially large, prominent structures?

13. Update to EIA Regulations

13.1 Has the Applicant considered the implications (to the current application) from the proposed changes to EIA legislation that will be within the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017, in particular, proposed Regulation 5(3) which will require the identification, description, and assessment of operational effects of the proposed development, and Regulation 21(3)(a) and (b) regarding types of parameters to be monitored and the duration of monitoring?

14. Document Tracker etc

14.1 In view of the large number of documents that have been submitted to the Examination by the Applicant, some of which have been updated already, please could the Applicant provide a document tracker list at DL3 and again at DL6 identifying the most recent edition of each ES document including all of the ES Appendices, as well as the schemes, plans and strategies that form part of the CoCP, or contain mitigation for the scheme, giving the document name, version number and previous editions of that document, cross referencing to the Examination library where possible?

14.2 Please can the Applicant provide a dendrogram at DL3 (and updated at DL6) showing how the various ES documents, appendices, and environmental schemes, assessments, plans and strategies are linked and how they relate to the DCO?

14.3 Please can the Applicant update the mitigation route map [REP1-126] for DL3 and again at DL6 and include this as a certified document in dDCO, schedule 14?

14.4 Please can the Applicant update the list of other permissions, permits and licences that would be required at DL3 and DL6, identifying the types of environmental permit(s) and protected species licences that are needed?

APPENDIX 1

Requirement 26 from the M4 Motorway (Junctions 3 to 12)(Smart Motorway) DCO

Air quality monitoring and management

26. —(1) No part of the authorised development is to commence until the undertaker has prepared a monitoring scheme for Nitrogen Dioxide (“NO₂”). The monitoring scheme must—

1. (a) be prepared in consultation with the relevant local authorities (“the air quality authorities”) for those Air Quality Management Areas in which the authorised development is located where both a change in air quality in excess of 0.4µg/m³ is predicted in the environmental statement, and where annual mean concentrations are above the national air quality objective value;
2. (b) set out the location and specification for operation and data provision for any monitors to be installed in line with guidance on air quality monitoring issued by the Department for Environment, Food and Rural Affairs from time to time (but the duplication of existing monitoring is not required where its data is available); and
3. (c) provide for the monitors to—
 - (i) be installed during the construction period of the authorised development;
 - (ii) be operated from the opening of the authorised development for public use; and
 - (iii) remain in place for a period of 3 years or until the monitoring shows a continuous period of 12 months in which there is no exceedance of the annual national air quality objective for the NO₂ monitored, whichever is the longer (“the monitoring period”).

(2) During the monitoring period, the undertaker must make all data obtained from the monitors available to the air quality authorities.

(3) The monitoring data must be accompanied by a review undertaken by a firm of air quality experts appointed by the undertaker in consultation with the air quality authorities and submitted at 12-monthly intervals during the monitoring period. If any such review demonstrates in the opinion of the appointed firm of experts that the authorised development has materially worsened air quality where there are exceedances of national air quality objectives, the undertaker must—

1. (a) consult with the air quality authorities on a scheme of mitigation (including a programme for its implementation) within 6 months of the data review, taking into consideration any local air quality action plans adopted by each air quality authority as part of its local air quality management duties;
2. (b) submit the scheme of mitigation to the Secretary of State for approval within 1 month of concluding its consultation with the air quality authorities; and
3. (c) implement the scheme of mitigation in accordance with the programme contained in the scheme of mitigation following approval by the Secretary of State.

(4) Before considering whether to approve the scheme of mitigation, the Secretary of State must consult the air quality authorities and take into consideration any local air quality action plans adopted by an air quality authority as part of its local air quality management duties.

Please note: The agenda may be subject to change and elaboration at the discretion of the Panel. The Panel will arrange for comfort breaks and a one hour lunch break. The hearing will close at the conclusion of business. Interested parties who have registered to speak in advance will be provided with a seat at the table and microphone access. Individuals who have not registered in advance may participate at the discretion of the Panel.