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**Subject:** NSIP - Proposed Silvertown Tunnel - HSE Deadline 2 Responses (SILV-354)  
**Date:** 14 December 2016 14:44:18  
**Attachments:** [image003.png](#)  
[NSIP - Proposed Silvertown Tunnel - Attachment 1.PDF](#)  
[NSIP - Proposed Silvertown Tunnel - Attachment 2.PDF](#)  
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**Application by Transport for London (TfL) for an Order Granting Development Consent – Proposed Silvertown Tunnel  
Planning Act 2008 (as amended) – Section 89 and the Infrastructure Planning (Examination Procedure) Rules 2010 – Rule 8 (as amended) and Rule 13.**

Dear Examining Authority,

In response to Deadline 2 (14 December 2016) and the request for electronic submissions as email attachments, HSE as Interested Party (SILV-354) is sending the following:

1. HSE comments on Written Representations.
2. HSE comments on Response to ExA First Written Questions.
3. HSE wishes to advise of potential attendance at the ISH on the draft DCO.
4. HSE comments on ASI Action Points.
5. HSE wishes to advise on a recent revision to DCLG Planning Practice Guidance.

These further comments do not change HSE's advice and our Written Representation (WR) is still valid where the Conclusions in Section 8 and in particular paragraphs 8.2, 8.5 and 8.6 are relevant.

Kind regards,

Dave Adams  
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[2]

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## **1. Comments on Written Representations**

### **RB Greenwich REP1-001**

HSE notes that Royal Borough of Greenwich (RB Greenwich), as the relevant Hazardous Substances Authority (HSA), has not mentioned Hazardous Substance Consent (HSC) issues with Brenntag or Southern Gas Networks (SGN) in their Written Representation (WR) response (or other Deadline One submissions). Whilst we continue as technical advisor to RB Greenwich on HSC matters, for the avoidance of doubt, the Examining Authority (ExA) should note that HSE's current position regarding the proposed Silvertown Tunnel remains as set out in Section 8 of our WR dated 15 November 2016.

### **Brenntag UK Limited REP1-037**

HSE notes that Brenntag UK Limited in Section 4 of their Written Representation (WR) seems to have addressed the issue of Hazardous Substances Consent (HSC) for their Greenwich site and intends engaging with the HSA, RB Greenwich, on the timing and process of continuation to avoid automatic revocation. However, they are silent on their HSC application made to RB Greenwich in 2012 and which is yet to be determined by the HSA. For the avoidance of doubt, the Examining Authority (ExA) should note that HSE's current position regarding the proposed Silvertown Tunnel remains as set out in Section 8 of our WR dated 15 November 2016.

## **2. Comments on Response to ExA First Written Questions**

### **Southern Gas Network REP1-078**

HSE notes there is no explicit mention of Hazardous Substances Consent (HSC) for the Greenwich gasholder station in the SGN responses. If the gas network operator does not apply for a continuation of consent at the appropriate time, then it appears the HSC will be automatically revoked. This is, however, a matter between the consent holder and the Hazardous Substances Authority (HSA), RB Greenwich. For the avoidance of doubt, the Examining Authority (ExA) should note that HSE's current position regarding the proposed Silvertown Tunnel remains as set out in Section 8 of our WR dated 15 November 2016.

### **3. Request to potentially attend Issue Specific Hearing - dDCO**

HSE wishes to advise of potential attendance at the Issue Specific Hearing (ISH) on the draft Development Consent Order (dDCO) on 19/1/17. As notified at Deadline 1, we intend to make an oral representation at the ISH on air quality, noise and other environmental issues on 18/1/17 to speak to safety related detail in our Written Representation (WR). We would then want to ensure that these points are reflected in the dDCO, and in order to ensure that this happens HSE may need to attend the ISH on the dDCO.

#### **4. Comments on ASI Action Points**

##### **Action 1**

HSE notes that in the Accompanied Site Inspection (ASI) Action Points, RB Greenwich or Brenntag UK Limited has been requested to "provide a copy of the planning application/permission for the re-organisation of the Brenntag site." HSE is not aware of any recent planning application/permission for the Brenntag site, but perhaps the ExA were enquiring after the Hazardous Substances Consent (HSC) application made in 2012 and which is yet to be determined by RB Greenwich.

##### **Action 2**

HSE notes that RB Greenwich has been requested to "provide [a] statement on [the] intended progress towards revocation of hazardous substance permit for the Gas holder at North Greenwich." HSE is not aware that the operator of the gasholder station, SGN, has made a decision yet on the future of the related HSC but this would be a matter between the consent holder and the Hazardous Substances Authority (HSA), RB Greenwich.

##### **Action 3**

HSE notes that RB Greenwich has been requested to "provide a copy of the planning application for the re-building of Studio 338." The Studio 338 site falls within the HSE Consultation Zones around both Brenntag UK Limited and the East Greenwich Gasholder Station, and if a new permission is required to rebuild the venue then the ExA should note that HSE, subject to formal consultation, will almost certainly advise RB Greenwich that there are sufficient public safety grounds for refusal.

## **5. Recent revision of DCLG's Planning Practice Guidance**

The Examining Authority (ExA) should note that on 9 December 2016 the Department of Communities and Local Government (DCLG) amended their Planning Practice Guidance (PPG) document including significant changes to the Hazardous Substances (HS) section. HSE has referred to the HS section in our Written Representation (WR), indeed reference 4 is a download of the complete old version. HSE is currently reviewing whether it will be necessary to revise our WR in the light of the changes and new material that has been added and will advise as soon as possible.