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**To:** [silvertowntunnel](#)  
**Cc:** [Tobias Newland](#)  
**Subject:** Deadline 2 submissions: London Borough of Hackney  
**Date:** 14 December 2016 15:57:11  
**Attachments:** [LB Hackney responses to TfL's responses to the FWO LBH 05.pdf](#)  
[LB Hackney Wording of the Development Consent Order LBH 06.pdf](#)

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Dear Sir/Madam

On behalf of the London Borough of Hackney, I am submitting the following documents in relation to the Silvertown Tunnel DCO, all attached to this email, for Deadline 2.

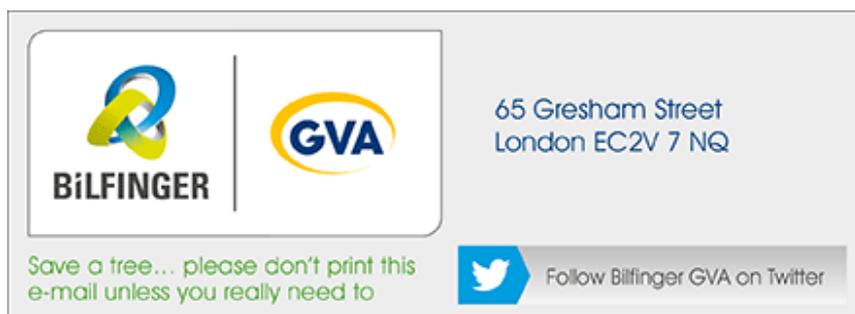
1. LB Hackney's **Responses to Transport for London's responses to the ExA's First Written Questions** (Hackney reference number LBH 05)
2. LB Hackney's **Wording of the Development Consent Order** (Hackney reference number LBH 06).

I look forward to confirmation of receipt of this these submissions.

Kind regards

Alison

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Silvertown Tunnel Development Consent Order  
London Borough of Hackney

# London Borough of Hackney's responses to Transport for London's responses to the Examining Authority's First Written Questions

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<b>PINS Reference</b>		
<b>Document Number</b>	LBH 05	
<b>Authors</b>	LB Hackney, Project Centre, GVA, Phlorum	
<b>Revision</b>	<b>Date</b>	<b>Description</b>
0	December 2016	Deadline 2 Version

## 1. INTRODUCTION

- 1.1 Transport for London ("TfL") submitted the application for the Silvertown Tunnel Development Consent Order ("DCO") in April 2016. The DCO Examination began in October 2016. The London Borough of Hackney ("LB Hackney") is considered a 'neighbouring borough' for the purposes of the Silvertown Tunnel DCO.
- 1.2 LB Hackney submitted the following documents at Deadline 1;
- Written Representation (PINS reference number REP1-019)
  - Local Impact Report (PINS reference number REP1-020)
  - Response to Examining Authority's ("ExA") First Written Questions ("FWQ") (PINS reference number REP1-021)
  - Response to the Rule 17 letter (PINS reference number REP1-018).
- 1.3 TfL submitted their responses to the ExA's FWQ and the Rule 17 letter at Deadline 1. LB Hackney has reviewed TfL's responses to these questions and listened to TfL's case at the Issue Specific Hearing and remains concerned with the Scheme and the draft DCO as currently proposed and drafted.
- 1.4 This document therefore sets out;
- LB Hackney's response to TfL's response to the ExA's FWQ for the relevant questions within the following sections of the ExA's FWQ;
    - DC. Wording of the DCO.

Silvertown Tunnel Development Consent Order

London Borough of Hackney: LB Hackney's responses to Transport for London's responses to the Examining Authority's First Written Questions

- AQ. Air Quality.
  - TT. Traffic and Transport.
  - SE. Socio-economic
  - PN. Principle and nature of the development including alternatives.
- LB Hackney also has further concerns on TfL's response to the Rule 17 letter. These are set out within LB Hackney's comments on TfL's response to AQ15.
- LB Hackney's concerns specific to wording of the draft DCO are already set out in the Written Representation. These are reiterated and added to where appropriate in these further responses to DC (Wording of the DCO). LB Hackney's document titled 'Wording of the Development Consent Oder' (LB Hackney reference LBH06) should also be read which reiterates that LB Hackney's concerns on the wording of the draft DCO remain.
- 1.5 This document should be read alongside LB Hackney's Deadline 1 documents, specifically Hackney's response to the ExA's FWQ (reference REP1-021) as all the comments raised in this document still stand. LB Hackney reserves the right to comment, at Deadline 3, on TFL's responses to the borough's Deadline 1 submissions.

## 2. LONDON BOROUGH OF HACKNEY’S RESPONSES TO TFL’S RESPONSES

	QUESTION	LONDON BOROUGH OF HACKNEY RESPONSE
<b>DC. Wording of the Development Consent Order</b>		
DC71.	<p><b>Article 52 [Charging Policy] &amp; Article 53 [Power to Charge for use of Tunnels]</b></p> <p>These provisions authorise the levying of user charging and subject to compliance with charging policy to determine different charges including nil charges. The ES and forecasting of likely significant effects relies on charging to control traffic flows, but it is not clear that there is anything in the dDCO that requires charges to be levied.</p> <p>Requirement 7 refers to the Monitoring and</p>	<p>LB Hackney set out in their response to the FWQ (REP1-021) that they object to the Charging Policy as currently drafted. These comments still stand.</p> <p>In addition LB Hackney believes that it would be appropriate to require user charging in perpetuity, and this should be secured through the dDCO as the function of user charging is to manage demand for the crossings and in doing so, manage the environmental impacts. There is too much scope in the DCO as drafted for a future Mayor (Chair of TfL) to abandon charging for political reasons as has been the case with some toll bridges. There should be</p>

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	<p>the traffic impacts mitigation strategy (Documents 7.6 [APP-098] and 7.7 [APP-099]) but these do not appear to require user charging.</p> <p>Document 7.5 [APP-097] is referred to in Schedule 14 as a Document to be certified with the title of “Charging Policy”. However, Document 7.5 [APP-097] is entitled “Charging Statement” and there is a separate Document 7.11 [APP-107] entitled “Charging Policy”. Document 7.5 [APP-097] does describe the importance of charging and gives the current expectation for the user charges to be levied. Document 7.11 [APP-107] specifies objectives and mechanisms for varying charges but does not actually set out policy or actual charging expectations.</p>	<p>a requirement to charge for the use of the tunnels.</p>

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	<p>Please explain the relationship between Documents 7.5 [APP-097] and 7.11[APP-107] (and to 7.6 [APP-098] and 7.7 [APP-099])?</p> <p>Could 7.5 and 7.11 be combined into a single document to avoid confusion over certification in Schedule 14 and ensure that the Assessed case charging schedule is the starting point for any revisions?</p> <p>Please explain how it would be ensured that the content of the charging statement in Document 7.5 or any variation thereto as might be promoted under the terms of Articles 52 and 53 would be secured in the dDCO so as to give effect to the intended mitigation?</p>	

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DC72	<p><b>Article 52(2) TfL may revise the charging policy but only after it has—</b></p> <p><b>(a) consulted in relation to the proposed changes to the policy—</b></p> <p><b>(i) organisations it considers representative of regular users of the Blackwall Tunnel and the Silvertown Tunnel; and</b></p> <p><b>(ii) the Councils of the London Boroughs of Newham and Tower Hamlets and the Royal Borough of Greenwich;</b></p> <p><b>(b) considered the responses to the consultation carried out under sub-paragraph (a); and</b></p> <p><b>(c) submitted the proposed revised charging policy to the Mayor of London for approval.</b></p>	<p>LB Hackney maintains their comments in their response to the FWQ (REP1-021) and as set out within their Written Representation (REP1-019). Notwithstanding these initial comments, LB Hackney welcomes the inclusion of STIG as a consultee for TfL in revising the Charging Policy.</p>

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	<p>Should this paragraph also include a condition to the effect that TfL also needs to consider recommendations made by Silvertown Tunnel Implementation Group (STIG) under Article 65(5) before revising the charging policy?</p>	
DC76	<p><b>Article 56 [Application by TfL of charges levied]</b></p> <p>It is noted that one of the (equal) alternative options for application of the charges is TfL’s general fund; should precedence be given to applying charges to expenses relating to the tunnels, with a view to minimising the charges?</p>	<p>LB Hackney’s response to the FWQs (REP1-021) remains LB Hackney’s position. In addition, in response to TfL’s response to the FWQ, LB Hackney can see no reason why precedence should not be given to the ordering of application of revenue, otherwise TfL could call in monies to its general fund. When capital costs are paid off, the money accruing to TfL’s general fund would presumably increase. There should be an obligation to expend surplus funds on mitigation or exploration/implementation of other river crossings before any accrues to TfL’s general fund.</p>

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DC85	<p><b>Article 65(5) STIG may consider the following matters relating to implementation of the authorised development—</b></p> <p>.....</p> <p><b>(c) the level of <u>charges</u> from time to time required to be paid for use of the tunnels under article 53 and any exemptions and discounts.</b></p> <p>Should STIG also be able to consider the level of penalties?</p>	<p>LB Hackney’s response to this FWQ (REP1-021) remains LB Hackney’s position.</p> <p>In addition, in response to TfL’s response which suggests that penalty charges relate purely to the enforcement of the user charging regime and outside the remit of STIG, LB Hackney believe that penalty charges are part of a traffic management measure, and STIG should be able to consider these.</p>
DC87	<p><b>Article 65(7)(c) In order for a meeting of STIG to be quorate there must be present—</b></p> <p><b>(a) a representative from at least two of the Councils of the Royal Borough of Greenwich and the London Boroughs of Newham and Tower Hamlets;</b></p>	<p>TfL’s response to this question to amend Article 65(7)(c) to specify that the two other representatives must be from bodies other than TfL, the Royal Borough of Greenwich or the London Boroughs of Newham and Tower Hamlets. As a neighbouring borough which will experience traffic impacts as a result of the scheme, LB Hackney request that neighbouring boroughs such as Hackney should</p>

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	<p><b>(b) a representative from TfL; and</b>  <b>(c) <u>two other representatives from the bodies listed in paragraph (2)(a) to (n) above.</u></b></p> <p>As drafted, (c) could be met by two additional representatives from TfL or the Councils referred to in Article 65(7)(a).</p> <p>Should (c) read “<i>two representatives <u>from the other bodies listed...</u></i>”?</p>	<p>have precedence over the other bodies referred to in Article 65(7)(c). LB Hackney requests that Article 65(7) is amended to state that representatives from each of the affected neighbouring Boroughs should also be present for a meeting of STIG to be quorate. LB Hackney requests it is named in the dDCO as one of those neighbouring boroughs.</p>
<b>AQ. Air Quality</b>		
AQ1	<p>Paragraph 6.1.1 of the ES [APP-031] explains that the air quality assessment uses 2021 as the year for the basis of modelling air quality levels for both the proposed scheme and the situation without the scheme.</p> <p>Is the use of 2021 as the base year</p>	<p>LB Hackney generally accepts TfL’s response that an earlier assessment year represents a worst-case approach, as emissions should improve with time as newer, cleaner vehicles begin to dominate.</p> <p>It is noted that TfL relies on the guidance of IAN 170/12v3 ([REP1-151] Appendix J). However, this does not reflect recent understanding of emissions and health impacts of</p>

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	<p>sufficiently robust to provide air quality modelling data for the whole of the operational phase, given the stated life of the scheme being 120 years and, if the Order is made, Silvertown tunnel is not proposed to be operational until 2023?</p>	<p>NO<sub>2</sub> that have emerged over the past year or so. LBH therefore considers the IAN to be out of date and should be replaced with new guidance from Highways England in relation to the latest emissions factors released by Defra in 2016 – as is stated in the last two paragraphs on page 5 of IAN 170/12v3.</p>
<p>AQ2</p>	<p>The ES, in table 6.1 (page 6-11) [APP-031] explains that the Applicant has not carried out an assessment of the proposed development in terms of whether it is “air quality neutral”. This term is derived from the Mayor’s Air Quality Policy.</p> <p>(a) Please can the Applicant provide a copy of the following ES references [APP-031], Mayor’s Air Quality Strategy, Greater London Authority (Ref 6.13) and GLA Air Quality Neutral Planning Support, Air Quality Consultants Ltd,</p>	<p>LB Hackney accepts that the GLA’s air quality neutral planning guidance ([REP1-151] Appendix B) “suggests” that an air quality neutral assessment might be inappropriate to apply to major transport infrastructure schemes. LB Hackney considers that this is far from TfL’s statement that “<i>the guidance makes clear</i> [that an air quality neutral assessment should not have been carried out]”. However, as the scheme would affect a number of AQMAs and Air Quality Focus Areas in many densely populated parts of London, LB Hackney suggests that a more precautionary approach should have been adopted and an air quality neutral assessment completed.</p>

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	<p>2013 (Ref 6.14) to the Examination as PDFs?</p> <p>(b) Please can the Applicant explain why it has not provided an assessment of the scheme in terms of whether it is “air quality neutral”?</p> <p>(c) Please can GLA and the Local Authorities confirm that the assessment of air quality impacts undertaken by the Applicant is sufficiently robust in the absence of this information?</p> <p>Please can the GLA and the Local Authorities confirm whether these documents remain extant and whether there are any other London based air quality policy documents (apart from the London Plan and their own Unitary Plans) that are</p>	

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	relevant to the Examination?	
AQ4	<p>Paragraph 6.3.40 of the ES [APP-031] states that <i>“In order to undertake the [air quality] modelling, detailed traffic data was obtained for the Base Year, Reference Case and Assessed Case”</i>.</p> <p>Do the relevant highway/planning authorities agree to the approach taken by the Applicant in the ES in basing the air quality modelling work on these traffic data sets?</p>	<p>Traffic data are a fundamental input to the air quality dispersion modelling assessment. As LB Hackney remains concerned that these data are not robust and that sensitivity analysis of reasonable changes to input assumptions have not been carried out to test them, LB Hackney does not agree to the approach taken by the Applicant. This is pertinent, considering a new AQMA could be declared in Newham as a result of direct impacts from the scheme on the Hoola development. LB Hackney is concerned that a similar lack of air quality ‘head-room’ in sensitive parts of Hackney, such as at the Hackney Wick focus area, could significantly affect the borough-wide AQMA and achievement of their AQAP objectives.</p>
AQ7.	Has the Applicant considered the issue of the “emissions scandal” in the ES, whereby some makes of cars are a lot less efficient in	LB Hackney does not agree with TfL’s response that the air quality assessment considers the effects of the emissions scandal due to their use of guidance in IAN 170/12v3

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	<p>controlling emissions than thought?                      If so, where in the ES is this considered? If not, why not?</p>	<p>([REP1-151] Appendix J). TfL has asserted that their new air quality assessment, to be submitted at Deadline 2, will use the latest emissions factors from 2016. On one hand TfL is stating that their assessment does not need to be resubmitted due to emissions being adjusted with the IAN, yet on the other hand they are submitting a new assessment based on new emissions factors. TfL cannot have it both ways.</p>
<p>AQ8</p>	<p>(a) Are the LPAs satisfied with the locations chosen for the identification of sensitive receptors? If not, why not?</p> <p>(b) Are the LPAs satisfied with the methodology used for the assessment of air quality? If not, why not?</p> <p>(c) Are the LPAs satisfied with the Applicant's conclusions in relation to the predicted potential impacts in relation to air quality at or near sensitive</p>	<p>(a) LB Hackney is not satisfied with the location of sensitive receptors as they do not cover those locations that are of greatest concern to the borough. Impacts on particular pollution hotspots in Hackney, such as within the Hackney Wick focus area and at residential and school locations close to the A12, could not, therefore, be assessed.</p> <p>(b) LB Hackney is not satisfied with the methodology used for the assessment. This is particularly due to TfL's use of the DMRB screening criterion of 1,000</p>

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	<p>receptors? If not, why not?</p> <p>(d) Are the LPAs satisfied with the Applicant's conclusions in relation to the predicted potential impacts in relation to air quality impacts in relation to sensitive receptors? If not, why not?</p>	<p>vehicles per day being unreasonably and unrealistically optimistic as the threshold trip generation that indicates requirement for detailed assessment. Due to the high density of residential properties and schools close to the A12 and within the Hackney Wick focus area, and due to the impact of traffic congestion emissions from the A12, a much smaller increase in traffic could have a significantly greater impact on these sensitive locations. In any case, the DMRB criterion is ten times greater than the more suitable IAQM criterion of 100 generated trips, which LBH considers TfL should have applied and which should have resulted in TfL properly assessing air quality impacts in Hackney.</p> <p>(c) LB Hackney is not satisfied with the Applicant's conclusions as they do not properly consider air quality impacts within Hackney and for the reasons discussed above, these are likely significant.</p>

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AQ9	<p>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?</p>	<p>The only mitigation currently proposed is air quality monitoring, none of which is proposed in Hackney, where significant air quality effects are likely. LB Hackney is therefore not satisfied.</p>
AQ10	<p>ES paragraph 6.3.41 [APP-031] explains that 2021 was used to represent the opening year of the scheme, stating that 2021 would give a conservative estimate of air quality impacts as background concentrations and emissions for newer (Euro VI) vehicles are both expected to improve air quality as a greater number of low emission vehicles are introduced into</p>	<p>LB Hackney notes that TfL acknowledges that they have underestimated flows of over-height vehicles and that these will be assessed more effectively in their revised air quality assessment, to be submitted at Deadline 2. This is further evidence that TfL's current air quality assessment is not currently acceptable.</p>

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	<p>the fleet.</p> <p>(a) What evidence is there to support this assumption?</p> <p>(b) National Policy Statement for National Networks (NPS-NN), Paragraph 5.7 requires applicants to forecast air quality at the time of opening, so why, in the case of the proposed development, if the scheme would open to the public in 2023, was 2021 chosen as the year to model air emissions?</p> <p>(c) The ExA understands that at present, there is a 4.0m height restriction for northbound traffic using the Blackwall tunnel. However if the dDCO is made for the Silvertown Tunnel, it would be available for HGVs and buses over 4m height in both directions. This would</p>	

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	<p>mean that HGVs and buses over 4m in height would be attracted to the area in Greenwich where the southern tunnel entrance would be located, when heading northbound, whereas at present they have to use other routes for crossing the river, such as the Dartford river crossing? Do the air quality predictions take this matter into account?</p> <p>(d)Where in the ES is this explained?</p>	
AQ13	<p>Air Quality Management Areas (AQMAs) and Air Quality Focus Areas (AQFAs) – ES Table 6-27 [APP-031] confirms that “AQMAs <i>have been considered in this assessment as well as Air Quality Focus Areas...The impacts of the Scheme have been assessed as not likely to require amendment of an</i></p>	<p>TfL answers this question but they are also about to submit a new air quality assessment. They are suggesting that their current assessment using the IAN 170/12v3 ([REP1-151] Appendix J) to adjust NO<sub>x</sub> emissions is robust, yet they are about to update it with a new model using new factors that should make the IAN redundant. They cannot have it both ways.</p>

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	<p><i>existing AQMA or designation of a new AQMA.”</i></p> <p>However, the ES chapter does not specifically report on the potential impacts of the proposed development on the AQMAs detailed in ES Tables 6-13 and 6-14. ES Table 6-15 does identify whether or not any of the representative receptors are located within either an AQMA or AQFA. However, not all AQMAs and AQFAs identified within tables 6-13 and 6-14 are represented by the representative receptors.</p> <p>Please set out a clearer assessment of the potential impacts on these designations giving clear conclusions and justifications for these</p>	<p>It is also LB Hackney’s understanding that the scheme will likely have a significant effect on the Hoola development in Newham, which could lead to the declaration of a new AQMA. As air quality in the most sensitive parts of Hackney could also be significantly affected, LB Hackney is not satisfied with TfL’s answer to the Examining Authority’s question.</p>
AQ14	<p>Would the proposed development create any hindrances to the LPAs achieving their</p>	<p>LB Hackney is concerned that the scheme will hinder their ongoing LAQM action plan measures to work towards</p>

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	<p>targets in relation to demonstrating best efforts in achieving Air Quality Standards objectives?</p>	<p>reducing air pollution impacts in the borough. However, as robust assessment of impacts in Hackney has not been carried out by TfL, LBH cannot currently quantify this.</p> <p>LB Hackney takes issue with TfL’s assertion that the operation of the scheme would be net beneficial due to adverse effects being offset by numerous air quality improvements. Whilst this might be the case at a local level in Greenwich, it is likely that Hackney would experience a worsening in air quality at relevant receptor locations and no improvements at all.</p>
<p>AQ15</p>	<p>(a) The ExA requests the Applicant, LPAs and other IPs (who have included representations about air quality in their RRs) to confirm that they are satisfied that the proposed development would not lead to a significant air quality</p>	<p>(a) Again, TfL states that their assessment, using the DMRB and IAN 170/12v3 ([REP1-151] Appendix J) is robust, yet they are about to submit a revised air quality assessment. LBH is not satisfied with the approach taken in the current air quality assessment. This is particularly due to the exclusion of detailed assessment of impacts in the most</p>

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	<p>impact? If not, why not?</p> <p>(b) Are the LPAs who would host the proposed development, as well as the LAs in the near vicinity of the scheme, satisfied that the proposed development would not lead to a deterioration in air quality in a zone/agglomeration (as defined in NN-NPS paragraph 5.13)? If not, why not?</p> <p>(c) Do the LPAs consider that the proposed development would affect their ability, in air quality non-compliant areas, to achieve compliance within the most recent timescales reported to the European Commission?</p> <p>(d) Do the LPAs consider that the mitigation measures proposed would ensure that the net impact of the</p>	<p>sensitive parts of Hackney.</p> <p>(b) LB Hackney is concerned that the scheme would not fit with the government’s revised action plan for the London Agglomeration, which is due in draft form in April 2017. The EU requires the UK government to set measures to achieve the NO<sub>2</sub> limit values in as short a period as possible. LBH cannot see how the operation of the Silvertown Tunnel scheme would support this requirement, as it would cause an increase in traffic and emissions that would adversely affect numerous sensitive receptor locations in existing AQMAs.</p> <p>(c) LB Hackney considers that the scheme could affect their ability to achieve compliance in the borough-wide AQMA. However, due to the effects of the scheme on Hackney not being adequately assessed by TfL, they cannot determine the significance of these.</p>

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	<p>proposed development would not delay the point at which a zone would meet compliance timescales? Do the LPAs consider that the proposed development conforms to their local air quality action plans?</p>	<p>(d) LB Hackney considers that the currently proposed mitigation measures would not benefit the borough as only air quality monitoring has been proposed and none of this is within Hackney. LBH cannot therefore know what effect monitoring, or toll charging adjustments resulting from this, might have on the Greater London Agglomeration. As the scheme would increase traffic in Hackney and as the suggestion from TfL’s Adjacent River Crossings report (to be submitted at Deadline 2) is that a single quantified example of this could be 1,100 or 900 average daily vehicles (conflicting data are presented in Figure 3-1 and the accompanying text – TfL please clarify) in an area of particular concern (the Rotherhithe Tunnel approaches – albeit directly affecting a neighbouring borough), LBH is concerned that the scheme could have a significant effect on its ability to carry out its Action Plan measures.</p>

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AQ17	<p>(a) Please provide a map which shows the location of the proposed Ultra Low Emission Zone (ULEZ), discussed in the ES paragraph 6.3.114 [APP-031]?</p> <p>The ES explains that the ULEZ will be operational by 2020 but was not factored into the assessment as it is not incorporated within the Defra Emission Factor Toolkit.</p> <p>The ExA is aware that the Defra toolkit was updated in July 2016 and that the Applicant intends to update their assessment to reflect this. If in the revised assessment this information is not submitted by the Applicant, please supply the Defra Emissions Factor toolkit.</p>	<p>LB Hackney is concerned that TfL did not assess the effect of the ULEZ in the air quality assessment of the scheme but now proposes to do so in a revised air quality assessment. However, this is while a number of options for the ULEZ are currently being consulted on, which makes it currently impossible to determine what effect it might have on local air quality.</p>
AQ19	<p>Mitigation to control air emissions from vehicles is reliant upon the user charging</p>	<p>LB Hackney will review the new air quality assessment that is to take account of all buses using the scheme being</p>

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	<p>policy to manage demand for both the existing Blackwall tunnel and the proposed development, as well as the provision of new buses that would be equipped with engines that are Euro VI (or equivalent) emissions class.</p> <p>How will the mitigation measures that manage demand through user charging be secured in the dDCO?</p> <p>Please explain what specific mitigation is proposed in relation to receptors where a deterioration in air quality would arise from the proposed development, and therefore the receptors would be subject to significant impacts in relation to air quality. For example at the Hoola Development (receptor 51).</p> <p>Where is this specific mitigation secured in</p>	<p>Euro VI or equivalent.</p> <p>TfL’s argument that the adverse impact on the Hoola development in Newham is acceptable, as there will be improvements in air quality elsewhere, is not accepted by LBH. Hackney will unlikely experience any air quality improvements in its air quality hotspots as a result of the scheme’s operation. TfL seems to consider that the potential declaration of an AQMA in Newham, which would be a direct result of the scheme, is an acceptable outcome that would not prejudice it.</p>

	QUESTION	LONDON BOROUGH OF HACKNEY RESPONSE
	the dDCO?	
AQ20	<p>In relation to the Applicant’s statement in Table 6-3 of the ES that any variations to charges would be subject to an assessment; what would be the resultant action should further assessment show effects on air quality which are different to those that have been assessed in the ES and what would be the triggers/thresholds be that would be in place? How would such assessments and actions be secured through the dDCO?</p>	<p>LB Hackney is concerned that the traffic data used in the air quality dispersion modelling to support the scheme is not robust, and it consequently does not provide a robust assessment of air quality. Therefore, any assessment of charging variation along the lines of the NEWT principle (i.e. <i>not environmentally worse than</i>) might similarly not be robust.</p> <p>The revised Monitoring Strategy [REP1-121] proposes no air quality monitoring in Hackney. There therefore appears to be no mechanism for toll charging to be varied such that it might benefit the borough.</p> <p>Additionally, the revised User Charging Assessment Framework ([REP1-123] Appendix C) suggests that the metric used to potentially vary charging would be emissions rather than concentrations of NO<sub>2</sub> at appropriate sensitive receptor locations. If this is the case, LB Hackney suggests that more effective charging variations could be</p>

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		determined if they were based on the Euro standard of individual vehicles, rather than on vehicle type.
<b>TT. Traffic and Transport</b>		
TT5	<p>The application documentation acknowledges concern over the potential for the scheme to be adversely affected by so called ‘induced demand’ or ‘induced traffic’ as a result of the introduction of the Silvertown Tunnel scheme into the highway network [Appendix B in APP-087]. This could include additional local traffic (or public transport trips) linked to diversion from other routes, changing their origin or destination (trip locations), or mode switching. However, many of these effects do not represent true ‘induced’ traffic. Please comment on the extent to which true</p>	<p>LB Hackney has a number of concerns over the accuracy of the modelling of the scheme. There is doubt about the effectiveness of the user charge to suppress induced demand. The Council’s Local Impact Report (document reference REP1-020), sets out in paragraph 5.8 to 5.10 the concern relating to user charging and this concern still remains.</p>

	QUESTION	LONDON BOROUGH OF HACKNEY RESPONSE
	<p>‘induced’ traffic has been factored into the transportation and traffic modelling and forecasting.</p>	
TT9	<p>The Applicant also refers to potential time of day effects with the implementation of the scheme although it argues these are unlikely to be substantial [Appendix B, section B4.2 of APP-087].</p> <p>Please provide evidence in support of this argument.</p>	<p>Notwithstanding the arguments made in this response, LB Hackney notes the possibility that the modelling regarding the retiming of trips as reflected in the Assessed Case modelling turns out to be wrong. Potentially the compressed peak could turn out to be even more compressed leading to peak hour (pm mainly) increased congestion and delays where compressed peak hour traffic hits local roads in Hackney. Even if daily flows through the tunnels are capped at Assessed Case levels, STIG would need to deal with this situation through mitigations including consideration of an increased User charge differential in peak hours compared to interpeak hours.</p>
<b>SE. Socio-economic</b>		
SE2	<p>Please provide evidence of an evaluation of charging schedules that would provide for</p>	<p>As set out in paragraph 3.3 of LB Hackney’s Written Representation (document reference REP1-019), LB</p>

	QUESTION	LONDON BOROUGH OF HACKNEY RESPONSE
	<p>local discounts, but still result in levels of traffic flows required to avoid likely significant environmental effects.</p>	<p>Hackney supports the principle of user charging and its continued application to manage demand for the tunnel. LB Hackney supports TfL's position of not granting local discounts for the user charge as it is imperative that the user charge is set at the appropriate level to effectively manage the demand for Silvertown Tunnel and Blackwall Tunnel. If the user charge is not effective in managing demand, LB Hackney is concerned that there will be increased motor traffic on the approach roads to the tunnels in Hackney and as set out in their Local Impact Report (document reference REP1-020) this potentially would have a negative impact on Hackney.</p>
<p><b>PN. Principle and nature of the development including alternatives</b></p>		
<p>PN1</p>	<p>The case for the scheme as set out in Document 7.1[APP-093] refers to the evolution of the scheme within the overall strategy for new River Crossings in London which is summarised in Connecting the</p>	<p>LB Hackney do not believe that TfL has provided adequate justification for the priority being afforded to the Silvertown Tunnel as opposed to spreading the benefits of further river crossings more widely as an earlier priority.</p> <p>LB Hackney's view is that bringing forward the Silvertown</p>

	QUESTION	LONDON BOROUGH OF HACKNEY RESPONSE
	<p>Capital, 2015 [AS-008].</p> <p>Document 7.1 [APP-093] states that proposals for river crossings at Gallions Reach and Belvedere could be in place “soon after the Silvertown Tunnel”.</p> <p>Can the Applicant please explain why therefore the Mayors Transport Strategy (MTS) Policy 39 [AS-007] and the supporting text to the London Plan (paragraph 6.10)[AS-006] refers to a longer-term fixed link at Gallions Reach?</p> <p>The ExA would, in answering this question, like to draw the Applicant’s to TfL’s attention to its own documents “Gallions Reach and Belvedere Consultation Leaflet”; Gallions Reach and Belvedere River Crossings Option Assessment Report (Long List); and Option Assessment Report (Public</p>	<p>Tunnel in isolation is contrary to London Plan Policy 6.1 and the Mayor’s Transport Strategy. As stated in TfL’s response to this question, Proposal 39 in the Transport Strategy refers to a package of crossings being taken forward. At present only Silvertown Tunnel is coming forward and Hackney is concerned that the other crossings may never be delivered. In particular LB Hackney’s view is that the road crossing at Gallions Reach should be part of the solution to crossings as it would reduce congestion on the A12 for strategic longer distance trips by making better use of the North Circular (A406).</p> <p>LB Hackney remains concerned that there is no evidence or commitment to the other crossings coming forward. Nothing has been submitted by TfL for Deadline 1 to reassure Hackney that there is real commitment to bringing forward the promised package of crossings.</p> <p>Further information on LB Hackney’s position is set out in LB Hackney’s Written Representation (document reference</p>

	QUESTION	LONDON BOROUGH OF HACKNEY RESPONSE
	<p>Transport Interim List).</p> <p>These documents indicate that consultations have been continuing, with proposals being refined for multi-modal crossings at both Gallions Reach and Belevere.</p> <p>Although such proposals are stated to not provide complete solutions to the congestion and resilience issues in relation to the Blackwall tunnel, please provide a justification for the priority being afforded to the Silvertown Tunnel as opposed to spreading the benefits of further river crossings more widely as an earlier priority?</p> <p>To enable all Interested Parties to have clear access to the documents referenced above, the documents named in this question should be submitted to this</p>	<p>REP1-019) (paragraphs 3.32 to 3,39) and Local Impact Report (document reference REP1-020) (paragraphs 4.20 to 4.22 and 5.13 to 5.18).</p>

	QUESTION	LONDON BOROUGH OF HACKNEY RESPONSE
	Examination.	
PN2	<p>In the Update Report submitted following the Mayoral Review [AS-021], it is stated that the Mayor’s new approach will include a new DLR crossing at Gallions Reach and that the additional crossings referred to could all be delivered within the next decade.</p> <p>Please explain whether the proposed new DLR crossing represents a change from the position set out in the documents referred to in the previous question or simply that option DLR1 (and/or DLR3) have been afforded priority for development out of the various public transport options evaluated?</p> <p>Would the DLR crossing be part of a multi-modal crossing at Gallions Reach, as envisaged in those documents that would</p>	<p>LB Hackney is concerned at TfL’s response to this question. As set out in response to TfL’s response to ExA FWQ PN1 above and in Hackney’s Written Representation (document reference REP1-019), Hackney’s view is that the road crossing at Gallions Reach should be part of the solution to crossings as it would reduce congestion on the A12 for strategic longer distance trips by making better use of the North Circular (A406).</p> <p>The response by TfL suggests that a DLR crossing may come forward without a road crossing. LB Hackney believe that a road crossing is required here as part of the package of crossings.</p> <p>Furthermore Hackney remains concern that all of these future river crossings remain subject to the availability of sufficient funding.</p>

Silvertown Tunnel Development Consent Order

London Borough of Hackney: LB Hackney’s responses to Transport for London’s responses to the Examining Authority’s First Written Questions

	QUESTION	LONDON BOROUGH OF HACKNEY RESPONSE
	<p>include a highway crossing? Is a highway or multi-modal crossing still envisaged at Belvedere albeit further into the future?</p> <p>Does the reference to the additional crossings being deliverable in the next decade only refer to the DLR crossing and the Rotherhithe to Canary Wharf pedestrian &amp; cycle bridge proposal or does it also include a possible North Greenwich to Isle of Dogs ferry and a London Overground extension to Abbey Wood that are referred to as to be assessed further?</p>	
PN6	<p>In the Update Report submitted following the Mayoral Review [AS-021], there is reference to commitment to provide new bus services through the Silvertown Tunnel and also to the possibility of these including a cycle carrying bus service. Would the new</p>	<p>The TfL response to this question PN6 says that “the Mayor’s commitment to these new bus services will be demonstrated by a financial allocation in TfL’s next Business Plan, which is due for publication later in 2016. The Applicant will provide the ExA with a copy of this document when it is available.” (PN6.4).</p>

Silvertown Tunnel Development Consent Order

London Borough of Hackney: LB Hackney’s responses to Transport for London’s responses to the Examining Authority’s First Written Questions

	QUESTION	LONDON BOROUGH OF HACKNEY RESPONSE
	<p>services be secured through a Development Consent Obligation?</p>	<p>The draft Business Plan shared with the boroughs on December 8<sup>th</sup> 2016 (<a href="http://content.tfl.gov.uk/board-20161215-item09-tfl-business-plan.pdf">http://content.tfl.gov.uk/board-20161215-item09-tfl-business-plan.pdf</a>) shows no such financial allocation.</p> <p>It notes that “the overall scale of the bus network (measured by service volume) will be maintained at approximately 500 million kilometres a year. (p.50). There is a brief mention of the Silvertown Tunnel buses on page 17 of the Plan: “We will tackle this, starting with the Silvertown tunnel, which is due to open in the early 2020s. As part of the Mayoral review of east London river crossings, we are committed to delivering the fundamental change in new cross-river bus services that the Silvertown tunnel enables, and offering concessions to local residents to encourage take-up.” But there is no explicit financial allocation to these buses. Appendix 2 which covers ‘major new capital investment (net of third-party funding)’ in the 2017/18 to 2021/22 period (detailed on pages 76-79 of</p>

Silvertown Tunnel Development Consent Order

London Borough of Hackney: LB Hackney's responses to Transport for London's responses to the Examining Authority's First Written Questions

	QUESTION	LONDON BOROUGH OF HACKNEY RESPONSE
		<p>the Business Plan) mentions an investment of £90m in the Silvertown Tunnel project, but there is no mention of funding bus services out of this amount.</p> <p>Could this discrepancy therefore be explained?</p>

## Silvertown Tunnel Development Consent Order

### London Borough of Hackney

# Wording of the Development Consent Order

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<b>PINS Reference</b>		
<b>Document Number</b>	LBH 06	
<b>Authors</b>	LB Hackney, Project Centre, GVA, Phlorum	
<b>Revision</b>	<b>Date</b>	<b>Description</b>
0	December 2016	Deadline 2 Version

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## **1. WORDING OF THE DEVELOPMENT CONSENT ORDER**

1.1 GVA and Project Centre are acting on behalf of the London Borough of Hackney (“LB Hackney”) to prepare and coordinate their submissions in connection with the proposed Silvertown Tunnel Development Consent Order (DCO). Phlorum is providing technical input on air quality matters. Bond Dickinson is providing legal input as required.

1.2 LB Hackney has serious concerns with the Silvertown Tunnel DCO and these have already been summarised in the following Deadline 1 submissions;

- Written Representation (PINS document reference: REP1-019)
- Local Impact Report (PINS document reference: REP1-020)
- Rule 17 response (PINS document reference: REP1-018)
- Response to Examining Authority’s (“ExA”) First Written Questions (PINS document reference: REP1-021).

1.3 In light of LB Hackney’s concerns with the proposed Silvertown Tunnel DCO, LB Hackney objects to the wording of a number of provisions within the draft DCO. LB Hackney’s objections and suggested recommendations for amendment to the draft DCO wording are set out in;

- The summary table at paragraph 3.43 of LB Hackney’s Written Representation (REP1-019).
- The legal review of the draft DCO set out in Appendix A of LB Hackney’s Written Representation (REP1-019).
- LB Hackney’s responses to the ExA’s First Written Questions (REP1-021).

- 1.4 Whilst Transport for London (TfL) has suggested some amendments to the wording of the draft DCO and parts of the certified documents, these amendments do not alter LB Hackney's position of objection. Further comments on some of TfL's responses to the ExA's First Written Questions on the draft DCO wording are set out in LB Hackney's response document which is being submitted at Deadline 2 (LB Hackney reference LBH05).
- 1.5 It is understood that TfL will respond to the issues raised in the borough's Deadline 1 submissions at Deadline 2. Since the agreement of the Statement of Common Ground (document reference REP1-134) with TfL for Deadline 1, there has been no interaction or contact made by TfL to the borough to try and reach agreement or discuss any of Hackney's concerns.
- 1.6 LB Hackney reserves the right to comment further on the draft DCO wording once it has reviewed TfL's comments on the borough's Deadline 1 submissions. LB Hackney may submit a further written submission on the draft DCO at Deadline 3 and may make oral representations on the draft DCO at the Issue Specific Hearing on the draft DCO scheduled for 19 January 2016.