

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

(Planning Inspectorate Reference: TR010021)

**London Borough of Tower
Hamlets**

(Reference no: SILV-396)

**Further Written Representations
December 2016**

1 GENERAL INTRODUCTION

These are further Written Representations submitted on behalf of the London Borough of Tower Hamlets (LBTH) (“the Council”) in relation to the application by Transport for London (TfL) for a Development Consent Order (DCO) for the Silvertown Tunnel (Planning Inspectorate reference TR010021).

These Representations take into account the responses made by TfL to the Examining Authority’s First Written Questions issued on 18th October 2016. In addition, account has been taken of the discussions that took place at the Issue Specific Hearing on Traffic and Transport Modelling that took place on 7th December 2016. Unless otherwise stated the matters raised in the LBTH Written Representations submitted by Deadline 1 remain outstanding.

1. SUMMARY OF ORAL PRESENTATION TO THE ISSUE SPECIFIC HEARING HELD ON 7TH DECEMBER 2016

1.1 Agenda Items 2 – 4: Objectives and Need for the Silvertown Tunnel and Policy Context

The Applicant's scheme objectives for the proposed Silvertown crossing must be seen within the context of the borough's policies and its social and economic characteristics which demonstrates that the borough is a place of extreme contrasts of wealth and deprivation.

On one hand is the wealth and highly paid employment generated by the multinational business located on and around Canary Wharf and the City Fringe where employment is forecast to continue to rise. By contrast, much of the business activity in the rest of the borough is dominated by small firms that employ local people but are more limited in their wealth creation.

Outside the Isle of Dogs and Canary Wharf are high levels of deprivation with low income, high unemployment, low car ownership and above average reliance on public transport. More detail is provided in section 2.1 of the Local Impact Report submitted on 18th November 2016 (ref: SILV-396).

In respect to traffic issues, in the peak hours traffic movements are dominated by heavy east-west commuter flows along the A11, A13 and A1261/Limehouse Link corridors. There is congestion on all these routes exacerbated by the morning and evening peak hour flows through the Blackwall Tunnel.

Network resilience is low such that a problem anywhere on the network rapidly escalates and can lead to gridlock on affected routes. An incident in the Blackwall Tunnel that causes traffic divert to the Rotherhithe Tunnel soon causes serious congestion along the A13 – the current closure of Tower Bridge has resulted in almost continual traffic jams along the A13.

There is good rail based public transport serving the borough and Crossrail will provide a further step change in capacity. However, these services primarily cater for longer distance commuter trips.. Bus transport is an important facility for local journeys and cheaper than rail options but, as is recognised, only one bus route, serving the borough crosses the Thames.

In respect to the LBTH planning and transport policies, the main objective is to address the issues of deprivation as described above at the same time as accommodating a substantial increase in employment and population during the Plan period and in particular: WE SHOULD INCLUDE POLICY REFERENCES IN HERE FOR THE PANEL OTHERWISE IT LOOKS TO WEAK AND GENERAL. WE ALSO NEED TO INCLUDE AIR QUALITY POLICIES.

The borough's Local Plan sets out the ambition to deliver an accessible, efficient, high quality, sustainable and integrated transport network (Core Strategy policy SO19) that

encourages the use of sustainable modes of transport to cater for growth (Core Strategy policies SP02, SP03, SP06, SP07, SP08, SP09, Managing Development Document policies DM20, DM21)

ensures that new developments do not adversely impact upon the existing transport network (Core Strategy policy SP09, Managing Development Document policy DM20, DM21, DM22)

ensures the transport network is convenient and attractive for all users and facilitates safe pedestrian and cycle movements (Core Strategy policy SO12, SO20, SP09, Managing Development Document policy DM10, DM23)

supports improved connectivity across the Thames (Core Strategy policy SP08)

LBTH is in the process of reviewing the Local Plan which reiterates the main policies set out in the existing Local Plan but in addition:

seeks to ensure that any adverse impacts of new development on the transport network are fully mitigated

in view of the designation of the borough as an Air Quality Management Area, ensure all new developments are air quality neutral

gives explicit recognition to the proposed Silvertown River Crossing

LBTH recognises that action is required to deal with traffic congestion at the Blackwall Tunnel and to minimise the resulting adverse environmental and economic impacts. However in order to be policy compliant the Silvertown Tunnel will need to satisfy 4 key objectives:

Reduce congestion around the Blackwall Tunnel but not result in increase in delays elsewhere on the transport network

Ensure that the forecast air quality improvements are fully secured and any possible adverse impacts upon air quality fully mitigated

Ensure that the bus usage predicted in the traffic model is secured through actual bus services that serve LBTH

Provide guarantees that the mitigation of any adverse traffic impacts that do arise will be implemented without delay

1.2 Agenda Items 5 & 6: Traffic and Transport Models

The Council therefore recognises the potential of the additional capacity provided by the proposed Silvertown Tunnel accompanied by user charging to ameliorate the issues described above and satisfy LBTH policy objectives. However, LBTH has a lack of confidence in the Assessed Case model outputs for the reasons set out in section 6.2.3 of the LIR. In respect to agenda items 5 & 6 the council's concerns were reiterated in the presentation provided by Newham Council on behalf of the three host boroughs.

1.3 Agenda Item 7: Key Behavioural Issues arising from User Charging

Although the LBTH did not have the opportunity to make an oral presentation at the Hearing on this issue, set out below is a summary of the council's particular concerns.

Establishing the correct level of user charging is obviously fundamental to achieve the 7 Primary Objectives for the Scheme that TfL seeks to meet.

However, LBTH has particular concerns about the impact of car commuter trips with a destination in the borough. Both in the Base Case and Assessed Case, the dominant demand of trips using the Blackwall Tunnel is northbound during morning peak hour and south bound during the evening peak hour.

A significant proportion of those car journeys terminate in the borough and, in the Assessed Case, 65% of journeys to the borough will terminate in the Canary Wharf area.

TfL has demonstrated from its survey data that in the morning peak, the income of those commuters is higher than the general population. This is particularly likely to be the case for those commuters with a trip destination in Canary Wharf.

The Assessed Case model predicts that, notwithstanding the significant increase in network capacity provided by the Silvertown Tunnel, User Charging will suppress demand sufficiently to minimise adverse traffic impacts upon LBTH road network.

As stated at the DCO Hearing on 7th December, the host boroughs consider that TfL has not validated the behavioural response of drivers to charging. Thus it is quite possible that the high income commuters seeking to continue to use the tunnels will not respond to the peak hour charges as forecast in the Assessed Case and continue to use the tunnels. In such a situation, demand may not be suppressed sufficiently to achieve the Scheme's stated objectives PO1 and PO2.

In such circumstances, TfL would need to review the User Charging levels and are likely to need to increase peak hour charges in order to suppress demand.

Bearing in mind that TfL recognise that lower income groups already benefit least from the Scheme, increases in user charges could further disadvantage lower income groups in LBTH.

Whilst LBTH residents are unlikely to be travelling northbound through the tunnels in the morning peak, small business owners and their employers could well be making a significant proportion of the forecast car trips to other parts of the borough.

As demonstrated in the LIR (section 8) a significant minority of small businesses did not support the Scheme and expressed concerns that their businesses could be adversely affected. Thus, if user charges need to be increased substantially in order to deter peak hour trips by commuters, such an increase could well have an adverse impact upon small business operating in the borough.

The uncertainty surrounding the behavioural response to user charging further emphasises the need for business discounts as set out in section 2.4 of the Written Representations submitted on 18th November 2016 (ref SILV-396).

It is also noted that in its questioning of TfL, the Examination Panel commented on the uncertainty of the traffic forecasts arising from the value of time as used in the Traffic Modelling.

1.4 Agenda Item 8: Air Quality Modelling

LBTH notes and concurs with the comments made by the Examination Panel regarding the potential for uncertainty concerning the outputs from the Assessed Case model that could compound the uncertainties of air quality modelling outputs.

2. RESPONSE TO THE DOCUMENTATION SUBMITTED AT DEADLINE 1

This section of the Representations summarises the extent to which the revised documentation and responses to the ExA questions provided by TfL at deadline 1 has satisfied LBTH concerns and objections as set out in the LBTH Written Representations submitted at Deadline 1 (ref SILV-396). LBTH outstanding concerns are set out below in the same order as in first Written Representations submitted on 18th November 2016.

2.1 Monitoring Strategy

In its Written Representations submitted on 18th November 2016 (ref SILV-396) the Council welcomed the principles and purpose of the Monitoring Strategy, but expressed concern that the Strategy does not provide the necessary certainty that the outcomes of the monitoring process would result in positive action by TfL to mitigate any adverse impacts. In particular, the council considered that the Monitoring Strategy should also include defined “triggers” for all four of the matters proposed to be monitored which if met or exceeded would automatically generate the need to consider suitable mitigation.

Only minor changes have been made to the revised monitoring strategy published for Deadline 1, and LBTH welcomes the recognition that the monitoring plan set out in the Appendix is an “initial” plan to be reviewed as necessary by STIG. However, no “triggers” have been included in the amended document. In the light of the discussions that took place at the Issue Specific Hearing on Traffic and Transport on the uncertainty of the modelling outcomes in relation to user charging, the council is even more concerned about the lack of detail provided for monitoring socio-economic impacts.

2.2 Traffic impacts Mitigation Strategy

As with the monitoring strategy, in its Written Representations submitted on 18th November 2016 (ref SILV-396) the Council welcomed the principles and purpose of the Traffic impacts Mitigation Strategy (TIMS) as set out in DCO Document 7.7 but regretted that no local mitigation measures are currently included in the DCO. This approach is put forward on the basis that the Assessed Case model outputs do not demonstrate the need for local mitigation measures as the charging mechanism balances the demand and therefore results in no significant impacts.

However, this is not necessarily the case since paragraph 6.3 of the LIR comments on a number of junctions in the borough that, in accordance with the TfL Transport Assessment will experience an increase in PCUs in the AM peak hour. Therefore, in order to provide the necessary certainty and budget, the council required TfL to establish a dedicated budget that could be drawn down in the event that mitigation is urgently needed on the road network. This request has not been met.

Although the Mitigation Route Map (DCO Document 7.12) has been amended, this deals primarily with construction impacts and does not put forward any specific proposals for mitigating traffic impacts. No proposals are made for a dedicated budget for traffic mitigation

2.3 Public Transport and Cycling Provision

In its Written Representations submitted on 18th November 2016 (ref: SILV-396) the council criticised the lack of any commitment by TfL to additional bus services making use of the Silvertown Tunnel, especially since the Assessed Case model had made the assumption that 30 buses per hour would run through the new tunnel. The council was therefore pleased to note that, as set out in the Update Report submitted by TfL to the Planning Inspectorate on 5th October 2016, the London Mayor had given a commitment to support new bus services through the Silvertown Tunnel.

However, the council is very disappointed to note that in its response to question PN6 from the ExA which dealt with this issue (document 8.20), TfL stated that neither new bus services nor a cycle carrying bus service would be secured via a Development Consent Obligation and no provision has been made for this in the dDCO or via other planning agreements. Instead TfL reiterated the commitment made in the above Update Report that 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. Any provision in the business plan does not provide surety that the bus services will be provided. The council requires that there is a commitment within the DCO to provide, as a minimum, the level of bus service that is modelled in the assessment of the impacts of, and the reporting of business case for the scheme

The response to questions PN 1 – PN7 (Document 8.20) did include an Appendix A entitled "Bus Strategy". Unfortunately, Appendix A is not the actual bus strategy, but a document setting out TfL's approach to developing a bus strategy nearer the opening of the Silvertown Tunnel. The document is helpful in setting out the bus-planning process, and the role of STIG in that process is welcomed and the Council accepts that decisions on the details of the actual routes, bus stops etc should be made nearer the date of opening of the Silvertown Tunnel. However, as set out above, the council can see no reason why TfL could not make a commitment through the DCO process to make financial provision of additional bus services equivalent to the assumption made in the Assessed Case Model.

In respect to provision for cyclists and the proposed cycle carrying bus service, the council welcomes the commitment by TfL to undertake further investigations into the most practicable solutions and also welcomes the preference expressed for such a service to operate through Blackwall Tunnel. However, although the council accepts the need for further investigations, LBTH is of the view that the DCO should include a commitment both to undertake an appraisal of options and then to implement the preferred scheme.

2.4 User Charging

In its Written Representations (SILV-396) the council argued the case for a User Charging discount for small businesses and their employees in order to ensure that the viability of their business was threatened. The further justification for such a discount within the context of the unknown behavioural response to charging on car commuters has already been discussed in section 1.7 of these representations.

In respect to the general principles of User Charging the council notes and very much welcomes the substantially updated and amended Charging Policy which is now retitled Charging Policies and Procedures (document 7.11). This revised document provides much greater clarity on the way that the charge may be assessed for amendment and makes more explicit the relationship between the Project Objectives of the Scheme and the level of user charging.

The 'User Charging Assessment Framework' (UCAF) is also a useful addition to this document particularly in its use of indicative metrics against which each of the Project Objectives would be assessed. If, as requested in section 2.1 of these Representations, the UCAF included the relevant 'triggers' for each of the metric listed, the user charging process would become both explicit and fully transparent to all stakeholders.

2.5 Silvertown Tunnel Implementation Group (STIG)

As stated in its Written Representations (SILV-396), LBTH is supportive of the principle of setting up of the STIG and the important role it is proposed to undertake in terms of monitoring and mitigating any adverse impacts arising from the Scheme. However, the council did not accept the proposed functions, structure and decision making processes of STIG as set out in Article 65 of the DCO and proposed a number of changes both in its operation and responsibilities and in the wording of Article 65 of the DCO which LBTH considered would improve the functioning and role of STIG.

Apart from stating that the charging policy should be referred to STIG TfL has not adopted any of the changes proposed by LBTH either in terms of its operation or the

wording of the DCO. Therefore the council's objections remain as set out in the Written Representations.

2.6 Air Quality Monitoring

As made clear in the LIR (paragraph 9.1) the whole of LBTH is classified as an Air Quality Management Area with vehicles the major source of pollution. Therefore any increase in pollution is not acceptable to the council. As well as being a priority for the London Mayor, the Mayor of LBTH has also made a reduction in air pollution one of his key priorities. For these reasons the council has set out below its response to the relevant parts of all 23 questions set out in the ExA First Written Questions.

AQ.1

LBTH agrees that using 2021 as the modelled opening year will yield a conservative assessment of the air quality impacts as the Defra emissions tools used in the assessment (background concentrations and emissions factors) decrease over time with assumed vehicle improvements. Therefore, using an earlier year will give higher background concentrations and emissions rates as described in para 1.5 of the TfL response.

AQ.2

2b: It is agreed that an Air Quality Neutral Assessment is not required as it was not designed for use on road schemes but only for new building developments.

2c: The AQ assessment is sufficiently robust without the Air Quality Neutral Assessment as the AQNA is not relevant for the current Scheme. The documents submitted by the applicant that relate 2021 will give higher background concentrations and emissions rates of vehicles and are therefore conservative assumptions as stated above.

The documents listed in AQ.2a , The GLA Mayor's Air Quality Strategy and the Air Quality Neutral Planning Support Update: GLA 80371 April 2014), remain extant. Other relevant London policies would be the boroughs Air Quality Action Plans, and the Mayors Air Quality Strategy.

AQ.3 & AQ.4

Not applicable

AQ.5

Full results for all receptors rather than just the selected receptors have been submitted in Appendix E. However, because it is not clear from the results submitted

as to the location of each receptor, the council requests that the results should be reviewed further to ensure there are no further adverse results in LBTH

AQ.6

The Council is satisfied with the response since TfL has included as a requirement of the DCO that all buses using the tunnel will comply with Euro VI or equivalent to include other Low emission technologies e.g electric, hydrogen. It should be noted that if the ULEZ is extended, as is the proposal under current consultation, then all heavy vehicles will have to comply with Euro VI (or pay a charge) to comply with the ULEZ requirements

AQ.7

TfL has demonstrated to the council's satisfaction that they have included considerations of the 'emissions scandal' in that real world emissions of NOx are not reducing in line with predicted emissions reductions. They have utilised the Highways Agencies current guidance of adjusting the model results to account for this situation.

AQ.8 & AQ.9

Not applicable

AQ.10

10 a: The council is satisfied that utilising 2021 data for the opening year will give a more conservative estimate of air quality impacts than using 2023.

10b: At the time of the traffic assessments, 2021 was the presumed opening year. Although this has now changed to 2023, updating the Air Quality Assessment to change the opening date would not be beneficial as the earlier year provides a more conservative approach to the assessment. This is welcomed and was requested by the boroughs in the scoping phase.

10c: TfL has stated that the strategic highway assignment model under predicts the number of HGV's heading northbound through the tunnel by 400 vehicles per day. This increase in over-height vehicles may have air quality impacts in LBTH since HGV vehicles that previously were unable to use the Blackwall tunnel would now be able to use the A12 route via Silvertown Tunnel.

TfL states that the air quality impacts of the extra vehicles heading northbound will be incorporated into the updated air quality assessment. If the same is relevant for southbound vehicles, TfL is requested to include any extra over-height vehicles

travelling southbound in this updated modelling particularly in respect to the impact upon the A12.

AQ.11

Noted

AQ.12

It is noted that Highways England would not comment on whether the scheme complies with their air quality advice notes because the Scheme is not being promoted by HE

AQ.13

It is noted that TfL has updated the data on impacts of the development on the Air Quality Management Areas (AQMA) that may be affected.

Within LBTH the impact on the whole borough AQMA is as follows:

- 1 receptor with a small worsening of 0.8µgm-3 NO₂, where the air quality is exceeding the Air Quality Objectives. This was identified in the ES and the council has already requested mitigation and monitoring for this site (Written Representations- paragraph 2.6).
- 6 other receptors in TH where there is an increase in NO₂ levels but these receptors are all located in areas where the Air Quality Objective is not exceeded (including the additional pollution from the scheme). The council requests more information on the location of these receptors and the predicted pollution levels.
- A total of 221 receptors with an improvement in air quality – 3 that will experience a large improvement, 47 medium and 171 a small improvement

Based upon this information, and subject to the reservations about the Assessed Case model, the council welcomes the overall significantly positive impact on the LBTH AQMA. The Scheme is also forecast to have a positive impact on the Tower Hamlets Air Quality Focus Area that is located at Blackwall A13 East India Dock Road/Aspen Way/Blackwall Tunnel

AQ.14

The council notes that TfL consider that the Air Quality Assessment results indicate that the development would not hinder LBTH in achieving the Air Quality Objectives since there are many more forecast reductions in pollution compared to increases in pollution.

AQ.15

The Council accepts that the Air Quality Assessment carried out by TfL predicts shows that for the Borough of Tower Hamlets the development would not lead to a significant adverse air quality impact in LBTH or affect the council's ability to achieve compliance with the Air Quality Objectives within the most recent timescales.

15d: Mitigation has not been proposed for the receptor in LBTH with a predicted decline for which mitigation has already been requested (Written Representations – Paragraph 2.6)

AQ.16

It is noted that the requested documents have been submitted by the applicant.

AQ.17

TfL states that it will submit an updated air quality modelling assessment by deadline 2. The Council welcomes the fact that this will include the air quality benefits of the ULEZ and may show further improvements in air quality in the Borough

AQ.18

No comments

AQ.19

It is noted that TfL will be submitted an update assessment that takes account of the use of Euro VI buses

19b: TfL has stated that no mitigation is being proposed for individual receptors identified to have a worsening in air quality due to the Scheme. Nevertheless the council reiterates its request that mitigation is provided for the receptor in Tower Hamlets where a worsening in air quality is predicted.

AQ.20

No sensitivity testing has been carried out on the air quality assessment arising from different traffic levels caused by variations in the user charging although this was requested in the ES feedback. The applicant has confirmed that the air quality impacts would be reassessed if there any variation to the charges as currently proposed. This is welcomed by LBTH.

AQ.21 & AQ.22

These 2 questions are the same. It is noted that the COCP has been updated to include the requested mitigation measures albeit no construction sites are located in LBTH so not relevant to us.

AQ.23

No Comment

3. THE DEVELOPMENT CONSENT ORDER

It is noted that very few of the amendments to the DCO proposed by TfL address the matters raised by the Council and therefore the ExA is requested that the Council's representations as set out in the Written Representations remain to be addressed. The comments made in this section therefore relate primarily to the changes put forward by TfL in their response to the ExA First Written Questions

The DCO Articles

Article 11 – Access to Works

The Council welcomes the proposal to amend Article to ensure that it will consult with the Local Highway Authority if the access abuts or impacts on borough highways

Article 58 – Transfer of benefit of Order

In its Written Representations the council commented that the wording of this article was unclear as to whether the requirements of the Charging Policy, Traffic impacts Mitigation Statement, Role of STIG etc. would be fully protected in the event of the transfer of the benefit of the Order to an unknown third party. Having considered the matter further, the council considers that the wording needs to be amended to make it absolutely the TfL would remain responsible for all matters relating to its statutory responsibilities should the benefits of the Order be transferred to a Third Party.

Schedule 2: Part 1 - Requirements

5: Code of Construction

The council welcomes the changes to the drafting of this Requirement which clarifies the approval process for the various plans and documents produced in order to comply with the Code of Construction Practice.

Schedule 2: Part 2: Procedure for the Discharge of Requirements

Article 16

The Council supports the inclusion of a 'draft submission' process at Article 16 (1).

However, the Council considers that the consultation role should be defined within this part, and parties including Newham Council should have a defined period by which to respond. It is accepted that this has particular implications for the Newham Council, who are required to consult the London Borough of Tower Hamlets (LBTH)

on all applications pursuant to requirements and the timescale in which to consider the requirements.