

SILVERTOWN TUNNEL

Volume 8

8.25 Document Explaining DCO Amendments

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APFP Regulation 5(2)(b)

Revision 0

Planning Act 2008

Infrastructure Planning (Applications: Prescribed
Forms and Procedure) Regulations 2009

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Author: Transport for London

Rev.	Date	Approved By	Signature	Description
0	14/12/2016	David Rowe (TfL Lead Sponsor)		For Deadline 2

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SILVERTOWN TUNNEL

EXPLANATION OF AMENDMENTS MADE TO THE DRAFT DCO (REV 2)

1. INTRODUCTION

1.1 This document provides a commentary on changes made to the draft Development Consent Order ("dDCO") in the version submitted at Deadline 2 (14 December 2016) (DCO Revision 2), compared with the version of the draft DCO submitted at Deadline 1 (15 November 2016 - DCO Revision 1). The Applicant's revised draft DCO (Revision 2) is document 3.1 (Revision 2), and an electronic comparison between the two versions has also been submitted.

1.2 In broad terms the changes made in the latest dDCO have been made for the following reasons:

1.2.1 changes arising from continued discussions with the host boroughs and other local authorities, statutory undertakers and landowners; and

1.2.2 other points which the Applicant has identified as requiring amendment since the initial version of the dDCO was submitted with the application.

2. TABLE OF CHANGES TO THE DRAFT DCO

Provision in revised draft DCO and/or issue	Brief description and explanation
Articles 2 and 65	<p>Following on-going engagement with Highways England, it has been added as a member of STIG and has therefore been included in article 65 – this is as a result of the interaction between the proposed Silvertown Tunnel and the existing Dartford Crossing and any future proposed Lower Thames Crossing, both of which Highways England is responsible for. It is for this reason that the wording in article 65(2)(o) has been included, to make clear the traffic authority for the Dartford Crossing and a potential future Lower Thames Crossing is to be a member of STIG should that be different from Highways England in future.</p> <p>As a result of this amendment, a definition of “Highways England” has been included in article 2.</p>
Article 29	<p>Consequential amendments have been made to this article as a result of changes made to Schedule 13 – please see below for further commentary on this.</p>
Article 58	<p>Following the Compulsory Acquisition Hearing (“CAH”) which took place on 8 December, the ExA released an ‘action points’ document. Certain actions were put on the Applicant as follows:</p> <p><i>“Can the Applicant review the matter of the security of funding for the CA of land and rights, should the DCO be made, in the event that the DCO is transferred?”</i></p> <p><i>Can the Applicant consider the need for a bond or guarantee to be secured through an Article on the face of the DCO in the event that such a transfer of the DCO was to happen?”</i></p> <p>Having given these points further thought, the Applicant has made an</p>

Provision in revised draft DCO and/or issue	Brief description and explanation
	amendment to article 58, such that any Mayoral consent of a transfer of functions under the DCO relating to compulsory acquisition can only be given if the Secretary of State is satisfied that the person proposed to exercise or be responsible for those functions has sufficient resources to discharge all associated compensation liabilities.
Schedule 2, Paragraph 5 of Part 1	Further to engagement with the Environment Agency, it has been added as a consultee in the context of the preparation of the Lighting Management Plan under paragraph 5(2)(e).
Schedule 2, Paragraph 6 of Part 1	The element of the landscaping scheme that was contained in paragraph 6(2)(e) (namely ' <i>details of existing trees to be retained, with measures for their protection during the construction period</i> ') has been deleted, as this is covered in the Code of Construction Practice (section 7 – see, for example, paragraph 7.1.6). The Applicant does not consider this needs to be secured in more than one document and that it is more appropriately contained in the Code of Construction Practice (compliance with which is secured by paragraph 5 of Schedule 2 to the dDCO).
Schedule 7	Amendments have been made to correct errors in this Schedule, as referred to in the Applicant's letter to the Examining Authority dated 2 December 2016.
Schedule 13	<p>Amendments have been made to Part 4 of this Schedule, the need for which has arisen from on-going discussions with the Port of London Authority.</p> <p>Specifically, the amendments to paragraph 48, so it only applies to temporary works (and therefore temporary possession) as opposed to compulsory acquisition, have been made to ensure compliance with s.126(3) of the Planning Act 2008.</p>
Schedule 14	The list of documents to be certified has been amended to reflect revisions to documents being submitted at Deadline 2.