

## TRANSPORT FOR LONDON – SILVERTOWN TUNNEL – DEVELOPMENT CONSENT ORDER APPLICATION

### Written Summary of Transport for London's Oral Submissions made at the Compulsory Acquisition Hearing held on 8 December 2016

#### INTRODUCTION

1. This note summarises the case made by Transport for London ('TfL') at the Compulsory Acquisition Hearing held on 8 December 2016 ('**the hearing**') in relation to TfL's application for development consent for the Silvertown Tunnel ('**the scheme**').
2. Oral submissions by all parties attending the hearing were made pursuant to the agenda published by the Examining Authority on 30 November 2016 ('**the agenda**'). In setting out TfL's position on the issues raised in the agenda, as submitted orally at the hearing, the format of this note follows that of the agenda.
3. TfL's substantive oral submissions commenced at item 2 of the agenda (the draft Development Consent Order provisions); therefore this note does not cover item 1 on the agenda (welcome, introductions and arrangements for the hearing).
4. In addition to covering the agenda items as noted above, this note also refers to the Examining Authority's list of action points arising from the hearing, as published on 9 December 2016 ('**ExA action point(s)**'). The ExA action points are referenced (in bold type and where relevant) in the table below.
5. In response to **ExA action point no.6**, Appendices 1 and 2 to this document set out tracked and clean versions of TfL's review of the Examining Authority's Interested Parties' Objections tracker (Table 1, as attached to the agenda for the hearing).
6. Appendix 3 to this document comprises CVs of witnesses called by TfL to make oral submissions at the hearing.

ExA's Agenda Item	Summary of TfL's Oral Submissions made in the CA hearing	Relevant document references
<b>2. The draft Development Consent Order (dDCO) provisions. Referring to the Applicants dDCO submitted for D1 [REP1-096]</b>		
<b>2(a) The Applicant will be invited to briefly set out in summary form:</b>		
<b>Which articles of the dDCO engage compulsory acquisition and temporary possession powers</b>	The articles of the dDCO follow a similar format to other made DCOs which provide for powers of compulsory acquisition ('CA') and temporary possession ('TP'). Specifically:	<ul style="list-style-type: none"> <li>• <b>Statement of Reasons</b> (Rev 1 for Deadline 1) (PINS Ref: REP1-099)</li> </ul>

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	<p><b>Powers of compulsory acquisition:</b></p> <ul style="list-style-type: none"> <li>• <b>Article 19 (Compulsory acquisition of land)</b> <ul style="list-style-type: none"> <li>○ applies to all pink and blue land on the Land Plans (defined in the dDCO as the 'Order Land')</li> <li>○ subject to: <ul style="list-style-type: none"> <li>▪ article 22 (Compulsory acquisition of rights);</li> <li>▪ article 26 (Acquisition of subsoil, etc., only); and</li> <li>▪ article 21: CA and TP powers are time-limited.</li> </ul> </li> </ul> </li> <li>• <b>Article 21 (Time limit for exercise of powers to possess land temporarily or to acquire land compulsorily)</b> <ul style="list-style-type: none"> <li>○ applies a time limit of 5 years (from the date on which the DCO comes into force) for the exercise of CA and TP powers; but</li> <li>○ where TP powers have been exercised within that time limit, TfL may remain in possession after the expiry of the 5 year period.</li> </ul> </li> <li>• <b>Article 22 (Compulsory acquisition of rights)</b> <ul style="list-style-type: none"> <li>○ applies to all pink and blue land on the Land Plans (but blue land, as identified in Schedule 4 to the dDCO, is not subject to the CA powers in article 19);</li> <li>○ allows: <ul style="list-style-type: none"> <li>▪ acquisition of existing rights over land;</li> <li>▪ creation and acquisition of new rights over land;</li> <li>▪ imposition of restrictive covenants.</li> </ul> </li> </ul> </li> <li>• <b>Article 26 (Acquisition of subsoil, etc., only)</b> <ul style="list-style-type: none"> <li>○ allows CA of land / new rights below the surface of land and/or in the airspace – in that it allows the CA of subsoil, this article is of particular</li> </ul> </li> </ul>	<p>paragraph S.5 (scope of powers sought) and paragraphs 3.2 (CA of land); 3.3 (CA of rights); and 3.4 (TP)</p> <ul style="list-style-type: none"> <li>• <b>Draft DCO</b> (Revision 1), part 3 (PINS Ref: REP1-095)</li> <li>• <b>Explanatory Memorandum</b> to dDCO Revision 1 (PINS Ref: REP1-097) paragraphs 7.3 –7.12</li> </ul>

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	<p>importance for the Silvertown Tunnel scheme;</p> <ul style="list-style-type: none"> <li>○ references dDCO Schedule 6: land where only 'subsoil' (below certain depths) and new rights over the 'remaining subsoil' may be acquired.</li> </ul> <p><b>Powers of temporary possession</b></p> <ul style="list-style-type: none"> <li>• TfL is cognisant of the distinction between powers of temporary possession and powers of compulsory acquisition, noting in particular that temporary possession is not a form of compulsory acquisition. However, temporary possession powers are an important tool in the context of large complex infrastructure projects. Their use has precedent not only in the (now lapsed) Infrastructure Planning (Model Provisions) (England and Wales) Order 2009 (SI 2009/2265) but also in nearly all DCOs made to date.</li> <li>• A power of temporary possession in the dDCO for the scheme would enable TfL to gain access to land and occupy land to carry out certain works. In the case of the 'pink land' or 'blue land' (the Order land), this could be in advance of actually acquiring the land, allowing construction work to progress in the first instance, with acquisition taking place subsequently on the basis of the 'as built' scheme, thereby resulting in the acquisition of only the exact amount of land required for the scheme. If the land was not subject to subsequent compulsory acquisition – for instance if it was 'green land', or if it was 'pink' or 'blue' but not ultimately required for the 'as built' scheme, TfL would vacate it after a specified period. TfL would pay compensation for any loss or damage arising from TfL's use and occupation of the land.</li> <li>• It is important for TfL to be able to use temporary possession powers in this way, because this will help TfL to minimise the impact of the scheme and to exercise its land use powers in a proportionate manner, in the context of its duties under the Human Rights Act 1998 and the European Convention on Human Rights.</li> <li>• The dDCO includes powers of temporary possession with a view to enabling TfL to carry out works on land without the land actually having to be acquired; equally, the use of temporary possession powers result in only the extent of</li> </ul>	

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	<p>land which is actually required for the 'as built' scheme needing to be acquired, which again, is in accordance with the statutory tests (in section 122 of PA 2008) and with requirements set out in DCLG Guidance (see below at agenda items 4(b), 4(d) and 11(a)).</p> <p>In the dDCO, the following articles provide for powers of temporary possession:</p> <ul style="list-style-type: none"> <li>• <b>Article 29 (Temporary use of land for carrying out the authorised development)</b> <ul style="list-style-type: none"> <li>○ allows land identified in dDCO Schedule 7 (green land) to be occupied and used temporarily (only) for the works specified in article 29 itself;</li> <li>○ allows temporary occupation and use of any land intended for permanent acquisition, or the acquisition of new rights, (i.e. pink/blue land, together the 'Order Land') which has/have not yet been acquired.</li> </ul> </li> <li>• <b>Article 30 (Temporary use of land for maintaining the authorised development)</b> <ul style="list-style-type: none"> <li>○ permits temporary possession of land within the Order limits for purposes relating to maintenance of the authorised development (including construction of related temporary works).</li> </ul> </li> </ul>	
<p><b>Whether the dDCO excludes the application of a compensation provision or modifies the application of a compensation provision to be applied</b></p>	<ul style="list-style-type: none"> <li>• <b>Section 126(3)</b> of the Planning Act 2008 (PA 2008) prohibits inclusion in a DCO of any provision <b><i>excluding</i></b> the application of a compensation provision. <ul style="list-style-type: none"> <li>○ TfL confirmed during the hearing that the dDCO does not exclude the application of any compensation provisions.</li> <li>○ TfL has since considered this further, however, and as a result has suggested a modification to paragraph 48 of Schedule 13 (which contains the proposed protective provisions for the PLA) to the dDCO in the version submitted at Deadline 2. This is because paragraph 48 was</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• <b>Explanatory Memorandum</b> to dDCO Revision 1 (PINS Ref: REP1-097) paragraphs 4.37 – 7.42.</li> <li>• <b>Responses to FWQs</b> in TfL's FWQ DCO DC Report (Ref: 8.19; PINS Ref: REP1-177)</li> </ul>

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	<p>formerly seeking to apply section 67 of the Port of London Act 1968 to any works constructed on any land owned by the PLA, which on review TfL considers offends section 126(3) insofar as section 67 was proposed to apply to compulsory acquisition compensation. In addition the modification rectifies an inadvertent consequence of the Deadline 1 change to the dDCO widening the definition of 'specified work' in paragraph 33 of the Schedule to include tunnelling works: TfL had never intended paragraph 48 to apply to the tunnels in any event.</p> <ul style="list-style-type: none"> <li>• <b>Section 126(2)</b> of PA 2008 allows <b><u>modification</u></b> of compensation provisions to enable provisions to apply to a DCO. <ul style="list-style-type: none"> <li>○ <b>Schedule 5</b> to the dDCO, brought into operation by <b>article 22</b>, modifies the Land Compensation Act 1973 (LCA 1973) and the Compulsory Purchase Act 1965 (CPA 1965), to <b>apply compensation provisions to the acquisition of rights or imposition of restrictive covenants</b> for the purposes of the scheme.</li> </ul> </li> <li>• For <b>details of these legislative modifications</b>, please refer to TfL's <b>response to FWQs</b> on these points, which, in addition to explaining the details of these modifications, also provide a mark up of LCA 1973 and the CPA 1965 (as modified by drafting in the dDCO).</li> <li>• All compensation provisions in the dDCO are preceded in made DCOs to date, and simply modify certain existing compensation provisions to apply to the dDCO, in the context of the Planning Act 2008. In summary, the purpose of the modifications is to apply the 'modern powers' in the Planning Act 2008 to the older legislation which pre-dates it.</li> </ul>	<p>DC4; DC45; DC51; DC55; DC107; Appendix B</p>

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<b>3. Oral representations by Affected Persons and other Interested Parties in relation to compulsory acquisition matters</b>		
<b>3(a) Affected Persons who requested a compulsory acquisition hearing and wish to make oral representations:</b>		
<p><b>Studio 338 / Mustafa Osman Tary</b></p> <p><b>Roy Anklesaria, Director, Affordable Architects, representing Mustafa Osman Tary, freehold owner of land and premises known as Studio 338</b></p> <p><b>David Dadds, licencing lawyer, representing Raduga Limited, leasehold owner and operator of Studio 338</b></p>	<p><b>Background / land affected:</b></p> <ul style="list-style-type: none"> <li>• Land which is proposed to be subject to CA, in order to provide mitigation to Studio 338 in the form of alternative fire escape provision, comprises the following plots, in which the persons listed have an interest (NB: F/H means 'freehold interest'; L/H means 'leasehold interest'): <ul style="list-style-type: none"> <li>○ <b>01-052</b> (TfL – F/H; Raduga Limited – uses public rights of way to access premises)</li> <li>○ <b>01-056</b> (GLA – F/H; Raduga Limited – uses public rights of way to access premises)</li> <li>○ <b>01-058</b> (Lidoka Estates Ltd – F/H; RB Greenwich – L/H; Evening Standard Limited – L/H; Remarkable Recycling Solutions Limited – in occupation pursuant to a licence)</li> <li>○ <b>01-058a</b> (SGN - F/H; Raduga Limited - L/H)</li> <li>○ <b>01-058b</b> (Mustafa Osman Tary - F/H; Raduga Limited - L/H)</li> <li>○ <b>01-058c</b> (Birch Sites Limited - F/H; Raduga Limited - L/H)</li> <li>○ <b>01-059</b> (GLA - F/H; TfL – as highway authority)</li> </ul> </li> </ul> <p><b>TfL's understanding of Studio 338's position:</b></p> <ul style="list-style-type: none"> <li>• Representatives of Studio 338 (<b>'the club'</b>) (as listed above, in the column to the left) were in attendance at the hearing to explain the freeholder's and leaseholder's shared intention to rebuild the club premises (following extensive fire damage in August 2016) on the basis of exact reinstatement, and to continue the nightclub operation with effect from summer 2017.</li> <li>• TfL's understanding of the club's representatives' position is that they are of the view that exact like-for-like reinstatement is essential in order to preserve the club's premises licence, upon which its renewed operation is dependent. The club's representatives asserted that any variation to the existing premises</li> </ul>	<ul style="list-style-type: none"> <li>• <b>Relevant Rep RR-130</b></li> <li>• <b>Land Plans</b> (PINS Ref: APP-006)</li> <li>• <b>Book of Reference</b>, Revision 1 submitted at Deadline 1 (PINS Ref: AS-003)</li> </ul>

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	<p>would constitute a change which would affect the current licence, likely rendering it invalid and requiring a new/replacement licence, which, for 'political reasons', might not be granted; similarly, any changes to the rear of the building would need to be kept to a minimum.</p> <ul style="list-style-type: none"> <li>• An application for planning permission was submitted by the club's representatives to RB Greenwich on that basis on 29 November 2016. The application has yet to be validated, but the club's representatives are confident that it will be. They expect the club to be rebuilt and trading again by June/July 2017. Accordingly, they would like the current provision in the dDCO for CA of land to facilitate a replacement fire access to be retained as part of TfL's proposals, and for any compensation payable in respect of the club to be assessed on the basis of the building as it was and will be again.</li> <li>• The ExA requested a copy of the planning application, which the club's representatives undertook to provide by Deadline 2.</li> </ul> <p><b>TfL's position on Studio 338:</b></p> <ul style="list-style-type: none"> <li>• TfL's application for development consent for the scheme was prepared whilst the club was still operational, before it was destroyed by fire. Accordingly, they relate to a time when emergency evacuation of the club in the event of a fire was intended to be via doors at the front of the building, providing access onto an area of hardstanding and footway adjacent to the southbound carriageway of the A102 Blackwall Tunnel Southern Approach. A key part of this area comprises <b>plot 01-056</b>, as identified on the Land Plans and in the Book of Reference included in TfL's DCO application.</li> <li>• TfL's proposals include the acquisition of plot 01-056, to provide for the widening (at that location) of the A102, onto which the club fronts.</li> <li>• The freehold interest in plot 01-056 is owned by the GLA. Mustafa Osman Tary does not have a proprietary interest in this plot, and nor does Raduga Limited.</li> <li>• Beyond plot 01-056, other land included within the Order over which Mustafa</li> </ul>	

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	<p>Osman Tary and/or Raduga Limited have an interest is only required by TfL for mitigation works for the benefit of those parties.</p> <ul style="list-style-type: none"> <li>• If the scheme goes ahead and plot 01-056 is acquired and used for the widening of the A102, there will remain insufficient width of footway adjoining the south west frontage of the club to allow any future use of the club's original fire escapes (on that frontage).</li> <li>• For this reason, TfL's DCO application proposes the compulsory acquisition of a strip of land around the side and rear elevations of the club, to provide replacement alternative fire escape routes. The strip of land comprises plots 01-058, 01-058a, 01-058b, and 01-058c. Whilst plot 01-058b is owned by Mustafa Osman Tary and leased to Raduga Limited, the other three plots are currently owned by adjoining landowners, Lidoka Estates Limited ('Lidoka') (01-058), Southern Gas Networks ('SGN') (01-058a) and Birch Sites (01-058c).</li> <li>• The purpose of TfL's approach was to ensure that the operational premises (existing at that time) could continue to operate safely, notwithstanding the scheme. It was considered that this approach would help to mitigate the risk for TfL of a claim being submitted by the club for the extinguishment of its business on the basis that it could not operate without adequate fire escape routes. A key consideration was the effect, in proportionate terms, of the scheme on each of the businesses affected. The CA of the strip of land owned by Lidoka (leased to the Royal Borough of Greenwich and sublet to the Evening Standard); SGN; and Birch Sites (leased to and occupied by Priority TM), would be highly unlikely to result in the extinguishment of any businesses operating in the vicinity of the strip of land, in comparison to the effect on the club of the CA of plot 01-056.</li> <li>• Now that the club has been destroyed by fire, however, TfL will need to reserve its position until it has had an opportunity to see the planning application documentation submitted to RB Greenwich on behalf of the club.</li> </ul>	

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<p><b>Lidoka Estates Limited, represented by Martin Crane</b></p>	<p><b>Background</b></p> <ul style="list-style-type: none"> <li>• As noted above, in TfL's submissions relating to Studio 338, land owned by Lidoka is affected by TfL's current proposals to acquire compulsorily a strip of land for the purposes of mitigating the effects of the scheme on Studio 338.</li> </ul> <p><b>TfL's understanding of Lidoka's position:</b></p> <ul style="list-style-type: none"> <li>• Lidoka owns other land which will be affected by the scheme (plots 01-046 (CA) and 01-047 (TP)) and has no objection in principle to the land use powers which TfL seeks in respect of these plots.</li> <li>• However, Lidoka is concerned by the proposed compulsory acquisition of land in plot 01-058, which is proposed to form part of the strip of land required for the accommodation of a replacement emergency fire exit route for Studio 338 (see above, in relation to Studio 338).</li> <li>• Since Studio 338's premises were destroyed by fire in August 2016, Lidoka asserts that any future reconstruction of the premises should be confined within the extent of Mr Tary's / Raduga's own land holding.</li> <li>• Lidoka opposes the proposed compulsory acquisition of land owned by parties other than Mr Tary / Raduga to provide a fire escape route for the re-constructed club premises.</li> <li>• Lidoka does not consider that the amount of land proposed to be acquired for the fire egress strip would provide adequate capacity and is concerned about the potential danger of a stampede effect in the event of emergency egress from the club.</li> <li>• Lidoka seeks TfL's acceptance of the inclusion (in any agreed way forward) of provision for TfL simply to lease the plot from Lidoka, or for Lidoka to buy back plot 01-058 from TfL in the event that the strip of land for Studio 338 is acquired and subsequently becomes surplus to requirements. Lidoka and TfL are due to meet on 14 December 2016 to discuss this and Lidoka looks forward to agreeing a satisfactory outcome. Lidoka acknowledges that this</li> </ul>	<ul style="list-style-type: none"> <li>• <b>Relevant Rep RR-037</b></li> <li>• <b>Written Rep: REP1-089</b></li> <li>• <b>SoCG between TfL and Lidoka – Deadline 1 (PINS Ref: REP1-147)</b></li> </ul>

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	<p>may depend on how Studio 338's planning application is progressed.</p> <p><b>TfL's position on Lidoka:</b></p> <ul style="list-style-type: none"> <li>• TfL acknowledges Lidoka's position, but does not share Lidoka's concerns that the strip of land proposed to be compulsorily acquired to provide the replacement emergency egress route is of insufficient width. TfL is proposing a 6 metre wide emergency egress route and, having commissioned a technical study, considers that the width of the route is sufficient to accommodate the (former) capacity of the club. Whilst making provision for an adequate emergency egress, TfL has also sought to meet the CA tests (as referenced in TfL's submissions on agenda item 4 below) by seeking to minimise the amount of land proposed to be subject to CA, with the aim of limiting, as far as possible, the impact of the proposal on affected adjoining landowners and occupiers, including Lidoka (and its tenant and sub-tenant, RB Greenwich and Evening Standard, respectively).</li> <li>• TfL reserves its position until it has had an opportunity to see the planning application documentation submitted to RB Greenwich on behalf of the club.</li> </ul>	
<p><b>Knight Dragon Developments Limited (KD), represented by Neil Smith, Planning Manager at KD</b></p>	<p><b>Background:</b></p> <ul style="list-style-type: none"> <li>• The Greenwich Peninsula is owned freehold by the GLA; KD (in its capacity as a developer) has the benefit of an Option Agreement over land on the Greenwich Peninsula.</li> <li>• Under the Option Agreement KD can draw down a long leasehold interest for the purposes of development in accordance with the Greenwich Peninsula Master Plan.</li> <li>• The Greenwich Peninsula Master Plan is envisaged to be delivered on an on-going basis up to 2035.</li> <li>• AnSCO (formerly AEG) has a lease from Trinity (D) Limited of the O2; as part of that lease there is a right to have the beneficial use of 2,000 car parking</li> </ul>	<ul style="list-style-type: none"> <li>• <b>Relevant Rep RR-260</b></li> <li>• <b>Written Rep: REP1-064</b></li> <li>• <b>SoCG between TfL and KD – Deadline 1</b> (PINS Ref: REP1-146)</li> <li>• <b>TfL's letter dated 2 December 2016</b> (published on PINS' website on 5 December 2016) to the ExA in</li> </ul>

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	<p>spaces within 500m of the O2 (and no coach parking).</p> <ul style="list-style-type: none"> <li>• Ansko Arena Limited ('<b>Ansko</b>') (formerly AEG) currently has the beneficial use of 2,184 car parking spaces and 67 coach parking spaces. The car parking spaces are required to be provided by the GLA as the freeholder. However, the GLA has passed this obligation onto KD.</li> <li>• TfL is currently negotiating with KD and Ansko with the aim of agreeing a car parking strategy acceptable to all three parties (and Trinity (D) Limited). This is likely to give rise to an application for a change to the DCO application.</li> <li>• TfL's letter dated 2 December 2016 (published on PINS' website on 5 December 2016) to the ExA in response to the hearing agendas published on 30 November 2016 provides an outline explanation of the proposed change and a proposed timescale within which the request for the change might be put to and dealt with by the ExA.</li> </ul> <p><b>TfL's understanding of KD's reasons for attending the CA hearing:</b></p> <ul style="list-style-type: none"> <li>• To confirm to the ExA that KD supports the principle of TfL's proposal to request a change to the accepted application to provide a parking mitigation strategy which is acceptable to TfL, KD, Ansko (and Trinity (D) Limited).</li> <li>• TfL notes the ExA's caveat that a proposed change may be material (as opposed to non-material) and that the inclusion in the application of any proposed change would be subject to its acceptance as such by the ExA.</li> </ul>	<p>response to the hearing agendas published on 30 November 2016</p>

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<b>3(b) Other affected persons wishing to make oral representations</b>		
<p><b>Port of London Authority (PLA), represented by Alison Gorlov of Winckworth Sherwood LLP</b></p>	<p>The PLA raised three points of concern relating to its proprietary ownership of the River Thames and of wharves adjoining the river. Those concerns were, in summary:</p> <ul style="list-style-type: none"> <li>• that the CA and TP powers sought by TfL in the dDCO could potentially, if exercised, sterilise the use of the water in the River Thames;</li> <li>• that the uninterrupted passage of vessels up and down the river would be affected, even if not entirely prevented;</li> <li>• that TfL should not be permitted to prevent access to wharves along the riverside.</li> </ul> <p>The PLA also noted that the ExA's agenda items 4(c) and 4(d) were of relevance to the above issues.</p> <p><b>TfL's position in relation to the PLA's concerns:</b></p> <ul style="list-style-type: none"> <li>• TfL submitted, in the hearing, that it is aware of the above issues and seeks to resolve them with the PLA by agreement. To that end, negotiations between TfL and the PLA are on-going.</li> <li>• The revised version of the dDCO being submitted at Deadline 2 reflects the current position.</li> </ul>	<ul style="list-style-type: none"> <li>• <b>Relevant Rep RR-285</b></li> <li>• <b>Written Rep: REP1-053</b></li> <li>• <b>SoCG between TfL and the PLA – Deadline 1 (PINS Ref: REP1-140)</b></li> </ul>

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<b>3(c) Category 3 persons wishing to make oral representations</b>		
<i>There were no Category 3 persons wishing to make oral representations in the hearing.</i>	<ul style="list-style-type: none"> <li>• TfL notes that the <b>Book of Reference</b>, at <b>Part 2b</b> (covering land in the London Borough of Newham), lists a number of Category 3 persons (with interests in property known as the Hoola Buildings).</li> <li>• In so far as TfL is aware, to date <b>no Category 3 persons have submitted a relevant representation or a written representation.</b></li> </ul>	<ul style="list-style-type: none"> <li>• <b>Book of Reference</b>, Revision 1 submitted at Deadline 1 (PINS Ref: AS-003) – see Part 2b for LBN</li> </ul>
<b>3(d) Any other matters from IPs in relation to compulsory acquisition which are not otherwise included in this agenda</b>		
<i>There were no other matters from IPs in relation to compulsory acquisition which were not otherwise covered in the ExA's agenda for the CA hearing.</i>	<ul style="list-style-type: none"> <li>• TfL made no oral submissions on this agenda item.</li> </ul>	<ul style="list-style-type: none"> <li>• N/A</li> </ul>
<b>4. The statutory conditions and general principles applicable to the exercise of compulsory acquisition and related powers</b>		
<b>(a) Whether the purposes for which the compulsory acquisition powers are sought comply with section 122(2) of the Planning Act 2008 (PA2008).</b>	<ul style="list-style-type: none"> <li>• TfL confirms that the purposes for which CA powers are sought in the dDCO <b>do comply with section 122(2) of PA 2008</b> because the land which is required to be subject to CA powers: <ul style="list-style-type: none"> <li>○ <b>is required for the development to which the development consent, if granted, would relate (s.122(2)(a)); or</b></li> <li>○ <b>is required to facilitate, or is incidental to that development (s.122(2)(b)).</b></li> </ul> </li> <li>• Furthermore, <b>Appendix A to the Statement of Reasons</b> explains how and why each plot of land (as identified on the Land Plans and the Book of Reference) is required for the development, or is required to facilitate, or is</li> </ul>	<ul style="list-style-type: none"> <li>• <b>PA 2008, s.122(2)</b></li> <li>• <b>Draft DCO, article 19</b> (Revision 1), part 3 (PINS Ref: REP1-095)</li> <li>• <b>Statement of Reasons</b> (Rev 1 for Deadline 1) (PINS Ref: REP1-099) <b>paragraph 3.2.4</b> (article 19); <b>paragraph 6.2.2</b></li> </ul>

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	<p>incidental to that development.</p> <ul style="list-style-type: none"> <li>• <b>Section 122(2)(c)</b> does not apply because no replacement land is proposed to be given in exchange for special category land under section 131 or 132 of PA 2008.</li> <li>• <b>Article 19(1) of the dDCO</b> acknowledges that section 122 of PA 2008 is the source of the compulsory acquisition powers sought: the terms of article 19 reflect the wording in ss.122 (2)(a) and (b).</li> </ul>	<p>(conditions in s.122) <b>paragraphs 6.3.1 to 6.4.1</b> (inclusive) (matters on which Secretary of State must be satisfied) – and see also <b>Appendix A to the SoR</b></p>
<p><b>(b) Whether the proposal would comply with DCLG guidance on compulsory acquisition.</b></p>	<p>TfL confirms that the proposal would <b>comply with DCLG guidance on CA</b> because:</p> <ul style="list-style-type: none"> <li>• per the <b>2013 Guidance (para 25) and 2015 Guidance (para 2)</b>: <ul style="list-style-type: none"> <li>○ TfL has sought, and continues to seek, to acquire land by agreement (see <b>SoR</b> paras S.8.3; <b>6.4.5 – 6.4.7</b>; 6.4.9; 7.2.1; 7.2.4 – 7.2.5 and <b>Appendix B</b>; see also <b>TfL Response to FWQ CA1</b>).</li> </ul> </li> <li>• per the <b>2013 Guidance at para 9</b>: <ul style="list-style-type: none"> <li>○ TfL has "<b>clear idea of how [it intends] to use the land which [it proposes] to acquire</b>" (see <b>SoR</b> para 6.4.1 and Appendix A, for relevant explanations); and</li> <li>○ there is a "<b>reasonable prospect of the requisite funds for acquisition becoming available</b>" (see <b>SoR</b> para 6.5.12 and Funding Statement for relevant explanations).</li> </ul> </li> <li>• per the <b>2013 Guidance at para 10</b>: TfL confirms that: <ul style="list-style-type: none"> <li>○ it has had regard to the provisions of Article 1 of the First Protocol to the European Convention on Human Rights and, in the case of</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• <b>DCLG Guidance Planning Act 2008: Guidance related to procedures for the compulsory acquisition of land (September 2013)</b></li> <li>• <b>FWQ Compulsory Acquisition CA Report, response to CA1, Appendix A</b> (PINS Ref REP1-179)</li> <li>• <b>DCLG Guidance on Compulsory Purchase Process and the Crichton Down Rules (October 2015)</b></li> </ul>

ExA's Agenda Item	Summary of TfL's Oral Submissions made in the CA hearing	Relevant document references
	<p>acquisition of a dwelling, Article 8 of the Convention (a detailed analysis is set out in relation to the ExA's questions under agenda item 11 below, together with a response to <b>ExA action point no. 5</b>).</p> <ul style="list-style-type: none"> <li>• per the <b>2013 Guidance at para 11</b>: TfL confirms that: <ul style="list-style-type: none"> <li>○ the land is <b>needed for the development</b> for which consent is sought (see SoR para 6.4.4);</li> <li>○ the <b>development could only be delivered</b> to a satisfactory standard <b>if the land were compulsorily acquired</b> (should on-going efforts to acquire by agreement be unsuccessful) (see SoR para 6.3.3);</li> <li>○ the land to be taken is <b>no more than is reasonably necessary</b> for that purpose, and that <b>purpose is proportionate</b> (see SoR para 6.3.3).</li> </ul> </li> <li>• <b>per 2013 Guidance para 12</b>: <ul style="list-style-type: none"> <li>○ TfL meets the <b>conditions set out in sections 122(2) and 122(3)</b> of PA 2008 (as explained above at <b>item 4(a)</b> and below at <b>item 4(e)</b>).</li> </ul> </li> <li>• <b>per 2013 Guidance para 25</b>: <ul style="list-style-type: none"> <li>○ TfL has adopted the recommended approach to CA for a <b>linear scheme</b> (where "<i>it may not be practicable to acquire by agreement each plot of land</i>") by including in the dDCO "<i>provision authorising compulsory acquisition covering all the land required at the outset.</i>" (see SoR para 7.2.4)</li> </ul> </li> <li>• <b>per 2013 Guidance Annex A</b>: <ul style="list-style-type: none"> <li>○ TfL notes that <b>sections 127 and 138 of PA 2008</b> provide <b>statutory</b></li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• <b>Statement of Reasons</b> (Rev 1 for Deadline 1) (PINS Ref: REP1-099) <b>paragraph refs as in text opposite</b></li> <li>• <b>TfL's letter dated 2 December 2016</b> (published on PINS' website on 5 December 2016) to the ExA in response to the hearing agendas published on 30 November 2016 (PINS Ref AS-026)</li> </ul>

ExA's Agenda Item	Summary of TfL's Oral Submissions made in the CA hearing	Relevant document references
	<p><b>undertakers ('SUs')</b> with some protection from CA and is therefore negotiating with SUs to deal with matters by agreement / protective provisions (see SoR section 8).</p> <p><b>Alternatives in the context of proportionality:</b></p> <ul style="list-style-type: none"> <li>• In the context of seeking to exercise its land use powers proportionately, TfL confirms that the land included in the Order is envisaged to be required for the purposes set out in Appendix A to the SoR, but that should it transpire in due course that a particular plot of land, or part of a plot of land, is not needed for the scheme, or that a plot could be used on a temporary basis instead of being acquired compulsorily, for example, then TfL would reconsider the extent of the necessary land take at that stage, and only take what was required to deliver the scheme.</li> <li>• TfL notes that one such instance of re-assessment of the necessary land-take is currently proposed to be progressed as a potential scheme change: <i>proposed non-material change no.2 - removal of headhouses</i> (as referenced in TfL's letter to the ExA dated 2 December 2016 (references as above)).</li> <li>• TfL notes the PLA's concerns (as summarised at agenda item 3(b) above), in relation to the issue of the proportionality of proposed land-take. TfL intends to continue its on-going discussions with the PLA with the aim of reaching agreement on this point.</li> </ul>	

ExA's Agenda Item	Summary of TfL's Oral Submissions made in the CA hearing	Relevant document references
<p><b>(c) Whether consideration has been given to all reasonable alternatives to compulsory acquisition and temporary possession, including an update from the Applicant on progress regarding voluntary agreements for the land and rights that are being sought.</b></p>	<p><b>TfL considered all reasonable alternatives to CA and TP</b>, as is explained in the SoR and the <b>Case for the Scheme</b>. In summary:</p> <ul style="list-style-type: none"> <li>• <b>Before settling on a river crossing scheme</b>, TfL explored alternative solutions, e.g.: <ul style="list-style-type: none"> <li>○ alternatives based on reducing cross-river highway demand (through enhancing provision for alternative modes: walking; cycling; public transport; or through direct demand management: road user charging);</li> <li>○ new highway infrastructure capacity and/or connections (see SoR para 6.5 – options assessment)</li> </ul> </li> <li>• <b>Once a river crossing scheme was selected</b> TfL considered a broad range of river crossing options (the detailed options assessment process is detailed in the Case for the Scheme (Document Reference 7.1, see section 3 and Appendix A (strategic options back check)).</li> <li>• <b>Once the Silvertown Tunnel scheme was selected:</b> <ul style="list-style-type: none"> <li>○ The <i>Silvertown Tunnel Options Study (November 2013)</i> assessed alternative options for delivering a tunnel scheme, but found that the acquisition of land owned by third parties was unavoidable if the optimum Scheme was to be delivered (SoR para 6.5.15).</li> <li>○ TfL considered various engineering and design alternatives, and landowner negotiations influenced this process (see SoR para 6.5.10).</li> <li>○ Order limits were drawn as tightly as possible and with detailed consideration of layout, boundaries and ownership of land, to minimise interference with or extinguishment of third party rights (SoR para 6.5.15)</li> </ul> </li> <li>• <b>DCO drafting retains potential for alternatives:</b> the dDCO enables TfL to exercise a 'lesser' power (e.g. a power to acquire rights over land or to use</li> </ul>	<ul style="list-style-type: none"> <li>• <b>Statement of Reasons</b> (Rev 1 for Deadline 1) (PINS Ref: REP1-099) <b>paragraphs 6.5.2; 6.5.10; 6.5.15</b> (options assessment); <b>paragraph 3.2.4</b> (re DCO drafting)</li> <li>• <b>Case for the Scheme</b> (PINS Ref: APP-039) <b>section 3</b> (summary of option development process) and <b>Appendix A</b> (strategic options back check)</li> <li>• <b>Draft DCO, articles 19</b> (CA of land), <b>22</b> (CA of rights) and <b>29</b> (TP) (Revision 1), part 3 (PINS Ref: REP1-095)</li> <li>• <b>FWQ Compulsory Acquisition CA Report</b>, response to <b>CA1, Appendix A</b> (PINS Ref REP1-179)</li> </ul>

ExA's Agenda Item	Summary of TfL's Oral Submissions made in the CA hearing	Relevant document references
	<p>land temporarily) should that turn out to be an appropriate alternative to outright CA of land (see SoR para 3.2.4; and dDCO articles 19, 22 and 29).</p> <p><b>An update on the progress of voluntary agreements:</b></p> <ul style="list-style-type: none"> <li>TfL provided an update on the progress of voluntary agreements at Deadline 1 in TfL's response to FWQ CA1. TfL notes the ExA's request (in the ExA's action points (see <b>ExA action point no. 8</b>)) for the information in TfL's response to FWQ CA1 to be updated at (or before) Deadline 4 and again at Deadline 6.</li> </ul> <p><b>TfL's position on CA powers where voluntary agreements have been entered into:</b></p> <ul style="list-style-type: none"> <li>In the hearing, the ExA enquired whether, where voluntary agreements had been signed and entered into, TfL would consider removing the plots (to which those agreements related) from the Order limits / Land Plans.</li> <li>TfL's position in this scenario would be to refrain from exercising its CA (and/or TP) powers (if the dDCO was made and those powers granted) in respect of the relevant land in accordance with the terms of the agreement which would provide in express terms for acquisition to proceed on the basis of CA powers being exercised only in respect of land as referenced in the agreement and in accordance with the conditions in section 122 of PA 2008; however, TfL would not consider removing any such plots from the Order limits.</li> <li>TfL is aware that its intention to proceed in this way aligns with standard practice. The reasons underlying such practice go to the deliverability of the scheme: for instance, if TfL had entered into an option agreement (to acquire the land or rights needed for the scheme), this would be on the understanding that the landowning party could deliver clean title. Whilst TfL (like other acquiring authorities) might commence works without full legal title, it might still, potentially, be necessary for TfL to exercise CA powers in respect of an unknown third party interest in the relevant land.</li> </ul>	

ExA's Agenda Item	Summary of TfL's Oral Submissions made in the CA hearing	Relevant document references
	<ul style="list-style-type: none"> <li>For these reasons, and to ensure the ultimate deliverability of the scheme, TfL would keep such land in the Order but refrain from using its powers to acquire such land (or rights over land) in accordance with the terms of any signed voluntary agreement.</li> </ul>	
<p><b>(d) Whether the land and rights to be acquired, including those for temporary possession, are no more than is reasonably necessary and proportionate for the development.</b></p>	<p>TfL confirms that the CA of land and rights over land, and the areas of TP sought, are <b>no more than is reasonably necessary</b> and <b>are proportionate for the development</b>.</p> <ul style="list-style-type: none"> <li>In relation to the requirement for the proposed compulsory acquisition to be "<b>no more than is reasonably necessary</b>", please see: <ul style="list-style-type: none"> <li>TfL's response to agenda item 4(b) above (i.e. the reference to the 2013 DCLG Guidance at para 11 / SoR para 6.3.3); and</li> <li>TfL's response to agenda item 4(c) above ("the Order limits were drawn as tightly as possible " (SoR para 6.5.15))</li> </ul> </li> <li>In relation to the requirement for the proposed compulsory acquisition to be "<b>proportionate for the development</b>", please see TfL's response to agenda item 4(e) below.</li> </ul> <p><b>TfL's response to the PLA's concerns about proportionality:</b></p> <ul style="list-style-type: none"> <li>TfL notes the PLA's assertion that the dDCO (as currently drafted) could result in: <ul style="list-style-type: none"> <li>the temporary possession of all the land which forms part of the river lying within the Order limits, and/or</li> <li>the compulsory acquisition of all land and subsoil up to and including the surface, in the river area.</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li><b>Statement of Reasons</b> (Rev 1 for Deadline 1) (PINS Ref: REP1-099) <b>references as above/opposite</b></li> </ul>

ExA's Agenda Item	Summary of TfL's Oral Submissions made in the CA hearing	Relevant document references
	<ul style="list-style-type: none"> <li>TfL will continue to work with the PLA with the aim of addressing the PLA's concerns about TfL's use of CA and TP powers and the drafting in the dDCO relating to the same. TfL's intention, as stated above, is for the use of such powers to affect no more land than is reasonably necessary for, and proportionate to, the development.</li> </ul>	
<p><b>(e) Having regard to section 122(3) of PA2008, whether there is a compelling case in the public interest for the compulsory acquisition in relation to: The need in the public interest for the project to be carried out.</b></p>	<p>TfL has had regard to the requirement in <b>section 122(3) of PA 2008</b> for there to be a <b>compelling case in the public interest</b> to justify the use of CA powers.</p> <p>TfL considers that there is a <b>need</b> for the project to be delivered; and it is in the <b>public interest</b> for the project to be delivered.</p> <ul style="list-style-type: none"> <li>In terms of the requirement for the project to be in the public interest, TfL considers that a number of <b>public benefits</b> would arise from the scheme. These public benefits are closely aligned to the scheme objectives (as set out in the <b>Case for the Scheme</b>) and to the reasons for which the Secretary of State granted a <b>Section 35 Direction</b> (as explained in the Statement of Reasons). They include: <ul style="list-style-type: none"> <li><b>improving the resilience of river crossings in the highway network</b> in east and south east London, to cope with planned and unplanned events and incidents;</li> <li><b>improving the road network performance of the Blackwall Tunnel</b> and its approach roads;</li> <li><b>improving public transport links</b> (including links between different modes of public transport) between south-east and east London;</li> <li><b>supporting economic and population growth</b> in east and southeast London by providing improved cross-river road transport links; and</li> <li><b>improving connectivity between communities</b> across the river by</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li><b>Statement of Reasons</b> (Rev 1 for Deadline 1) (PINS Ref: REP1-099) <b>paragraph 6.6</b> (compelling case in the public interest); <b>paragraph S.3</b> and <b>section 2.2</b> (the need for the scheme)</li> <li><b>Case for the Scheme</b> (PINS Ref: APP-039) <b>paragraph 2.4</b> (benefits of the scheme); <b>Chapter 6</b> (scheme benefits)</li> <li><b>Section 35 Direction</b> published 4/8/14 (available on PINS' website, Silvertown Tunnel project page)</li> </ul>

ExA's Agenda Item	Summary of TfL's Oral Submissions made in the CA hearing	Relevant document references
	reducing congestion and improving journey reliability for private and public transport users.	
<p><b>(f) Having regard to section 122(3) of PA2008, whether there is a compelling case in the public interest for the compulsory acquisition in relation to: The private loss to those affected by compulsory acquisition.</b></p>	<ul style="list-style-type: none"> <li>• TfL has had regard to the requirement in <b>section 122(3) of PA 2008</b> for there to be a <b>compelling case in the public interest</b> to justify the use of CA powers.</li> <li>• TfL has considered the <b>private loss</b> that those affected by CA would suffer, in terms of: <ul style="list-style-type: none"> <li>○ dispossession of land through CA;</li> <li>○ extinguishment of rights over land subject to CA;</li> <li>○ potential restriction on land use through the imposition of restrictive covenants to protect the tunnel infrastructure;</li> <li>○ potential effects of settlement;</li> <li>○ temporary (though possibly long-term) displacement from land subject to powers of temporary possession.</li> </ul> </li> <li>• TfL considers that such <b>private losses</b> may be <b>fairly and appropriately compensated</b> through the payment of statutory compensation under the Compensation Code.</li> <li>• <b>Section 125 of PA 2008</b> applies the Compulsory Purchase Act 1965 to the dDCO, which makes provision for the payment of such compensation.</li> <li>• <b>Having weighed such private losses against the significant benefits which the scheme would bring</b> (such benefits being outlined above in response to agenda item 4(e)), TfL is of the view that the public benefits outweigh the private losses, and that accordingly, <b>there is a compelling case in the public interest which would justify the proposed use of CA powers</b> to ensure delivery of the scheme in a timely manner.</li> </ul>	<ul style="list-style-type: none"> <li>• <b>Statement of Reasons</b> (Rev 1 for Deadline 1) (PINS Ref: REP1-099) <b>paragraphs 6.6.2 and 6.6.14</b> (compelling case in the public interest)</li> <li>• <b>Section 125 of PA 2008 Draft DCO, article 22(4)</b> (CA of rights) and <b>Schedule 5</b> (modification of compensation and compulsory purchase enactments) (Revision 1) (PINS Ref: REP1-095)</li> </ul>

ExA's Agenda Item	Summary of TfL's Oral Submissions made in the CA hearing	Relevant document references
<b>5. Whether adequate funding is likely to be available</b>		
<p><b>(a) To establish the Applicant's current estimate of the total amount of funds that would be required to cover all costs and fees in relation to the compulsory acquisition of land and rights (including temporary possession), should the DCO be made and the CA and temporary possession powers are granted.</b></p>	<ul style="list-style-type: none"> <li>• TfL's Funding Statement (submitted as part of the DCO application) sets out the position generally in relation to the funding of the scheme.</li> <li>• The TfL Board on <b>3 February 2016</b> approved financial authority for the scheme, including a figure between £35m-£40m for the Property Cost Estimate ('PCE'). The component elements of the PCE cover: <ul style="list-style-type: none"> <li>○ acquisition of land (land required permanently);</li> <li>○ disturbance and fees;</li> <li>○ temporary land use (temporary possession);</li> <li>○ risk; and</li> <li>○ inflation.</li> </ul> </li> <li>• The PCE is updated every 6 months – it was reviewed Feb and August 2016 and the next review of the PCE will be completed in January 2017.</li> <li>• TfL recognises land costs change over time and as indicated above the estimates include provision for inflation and risk.</li> <li>• The Outline Business Case for the scheme includes the scheme cost (in 2012 prices). Costs remain in line with the estimate provided with account having been taken of inflation.</li> <li>• The land costs which inform the PCE have been derived from an analysis of comparable property transactions obtained within the locality in east London where the Scheme will take place. This analysis was carried out by TfL Operational Property and subsequently verified by independent valuation experts, Glenny.</li> </ul>	<ul style="list-style-type: none"> <li>• <b>Copy of TfL Board minutes</b> from 3/2/16 (item 11/02/16) (see Appendix A to the Funding Statement (PINS Ref: APP-016))</li> <li>• <b>Funding Statement</b> (PINS Ref: APP-016) including <b>Appendix A: TfL Board Paper (3/2/16)</b></li> <li>• <b>Outline Business Case</b> (PINS Ref: APP-100)</li> </ul>

ExA's Agenda Item	Summary of TfL's Oral Submissions made in the CA hearing	Relevant document references
<p><b>(b) Whether the estimated amount of funds that are considered necessary for CA and temporary possession powers has been reviewed and agreed by a competent third party who has experience in relation to the costs/funds required for land and rights in London.</b></p>	<ul style="list-style-type: none"> <li>• As part of the review process (mentioned above) TfL has (as mentioned above) instructed a competent, independent/third party valuer (Colin Cottage at Glenny) who has experience in relation to costs/funds required for acquisition of land and rights in London.</li> <li>• The updated PCE (Jan 2017), taking into account rising property values, will be reported to TfL's Programme Investment Committee on 8 March 2017 with a request for refreshed approval. TfL will update the ExA accordingly thereafter.</li> <li>• TfL notes the ExA's request in the ExA's action points (see <b>ExA action point no.4</b>) for TfL to provide, by Deadline 4: <ul style="list-style-type: none"> <li>○ details of the revised CA liability estimates; and</li> <li>○ a signed statement from Glenny confirming they have reviewed and endorse the PCE.</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• N/A</li> </ul>
<p><b>(c) Whether the funds required for CA of land and rights would be sourced from the Applicant's own reserves or whether they would be dependent upon the accrual of user charging from the proposed development and whether the funds for the CA of land and rights should be secured by bond or guarantee in an Article.</b></p>	<p><b>Source of funds for CA of land and rights:</b></p> <ul style="list-style-type: none"> <li>• TfL confirms that the funds required for the CA of land and rights would be sourced from TfL's own general fund reserves, given the timing of delivery of the project and the fact that user charging will not generate revenue until the scheme is operational.</li> <li>• However, TfL will charge the contractor for the use of temporary land (e.g. through use of power of TP). This, in part, is to incentivise the contractor to minimise the amount of temporary land that is required and to minimise the length of occupation of such land.</li> <li>• The Minutes of the TfL Board meeting on 3 February 2016 (as appended to the Funding Statement) confirm approval of TfL's general reserves as the source of funding.</li> </ul>	<ul style="list-style-type: none"> <li>• <b>Copy of TfL Board minutes</b> from 3/2/16 (item 11/02/16) as appended to the Funding Statement (see Appendix A) (PINS Ref: APP-016)</li> </ul>

ExA's Agenda Item	Summary of TfL's Oral Submissions made in the CA hearing	Relevant document references
	<p><b>TfL's view on need for a bond or guarantee secured by article in the DCO:</b></p> <ul style="list-style-type: none"> <li>• As requested by the ExA in the hearing and in the ExA's action points (see <b>ExA action point no.1</b>), TfL has given further consideration to the question of whether or not a bond or guarantee, secured by an article in the DCO, is necessary to secure the funds for the CA of land and rights.</li> <li>• TfL does not consider it necessary or appropriate for the funds for CA of interests in land and rights over land to be secured by a bond or guarantee in a DCO article.</li> <li>• In the event that land costs increase (beyond what is forecast in the PCE), TfL will meet any additional costs from its income base, which derives from a variety of sources including fares, commercial revenue, borrowing and the Congestion Charge.</li> <li>• Additionally, as a bond would need to be secured up front, TfL, as a public body, does not consider that this would be an appropriate or cost effective use of public money; accordingly, TfL would be extremely reluctant to incur the large additional capital costs inherent in securing the land acquisition and use costs by way of a bond.</li> <li>• Equally, whilst a guarantee (such as, for instance, a parent company guarantee) might be appropriate where the identity of a scheme promoter / acquiring authority is less well established (such as, for instance, a private company / single purpose vehicle), TfL does not consider that this would be appropriate for TfL, given its status as an established public body.</li> <li>• TfL observes that whilst there may be instances where certain (sometimes smaller) private sector promoters have been required to support an application for CA powers by providing a bond or guarantee secured by an article in a DCO, it is certainly not standard practice for public bodies, such as</li> </ul>	

ExA's Agenda Item	Summary of TfL's Oral Submissions made in the CA hearing	Relevant document references
	<p>TfL, to be required to make such provision. In this context, and for the reasons set out above, TfL does not consider it necessary or appropriate for the scheme land use costs to be secured by way of either a bond or a guarantee referenced by an article in the dDCO.</p>	
<p><b>(d) The security of the funding in the event that any or all of the benefit of the DCO is transferred to another person.</b></p>	<p><b>Provision in the dDCO for the transfer of TfL's CA powers:</b></p> <ul style="list-style-type: none"> <li>• TfL does not currently envisage transferring the CA powers to any other person. The proposed retention by TfL of its CA powers is in accordance with TfL's standard practice.</li> <li>• However, as currently drafted, the dDCO would permit the transfer by TfL of its CA (and other) powers, subject to the consent of the Mayor of London (see article 58 of the dDCO (Transfer of Benefit of Order, etc.)). This drafting follows established precedent: see for example article 41 of the Northern Line Extension Order 2014 and article 9 of the London Cable Car Order 2012.</li> <li>• Having given further consideration to this matter, as requested by the ExA in the hearing and in the ExA's action points (see <b>ExA action point no.1</b>), <b>TfL proposes to amend article 58</b> so that it provides that: <ul style="list-style-type: none"> <li>○ the Mayor of London must not give consent to the exclusive transfer of any CA function under the DCO unless the Secretary of State is satisfied that the person proposed to exercise or be responsible for that CA function has sufficient resources to discharge all associated compensation liabilities.</li> </ul> </li> <li>• A revised version of the dDCO (Revision 2) is being submitted by TfL at Deadline 2, incorporating the above-mentioned amendment.</li> </ul>	<ul style="list-style-type: none"> <li>• <b>Article 58 of the dDCO</b> (Revision 1), Part 6 (PINS Ref: REP1-095)</li> <li>• Northern Line Extension Order 2014, article 41</li> <li>• London Cable Car Order 2012, article 9</li> </ul>

ExA's Agenda Item	Summary of TfL's Oral Submissions made in the CA hearing	Relevant document references
<p><b>(e) The resource implications of a possible acquisition resulting from a blight notice.</b></p>	<p><b>Addressing the resource implications arising from blight:</b></p> <ul style="list-style-type: none"> <li>• TfL does not consider that there would be any particular resource implications arising from acquisition pursuant to the service of a valid blight notice; such an acquisition would not result in any greater costs than those already envisaged in the PCE.</li> <li>• As mentioned in the TfL Board Paper appended to the Funding Statement, the PCE already includes an allocation of £20.7m for advance purchases. TfL is aware that the need for advance purchases might arise through early acquisition by agreement or through the service of a valid blight notice.</li> <li>• The land required for the scheme has been safeguarded since 1997 and yet no blight notices have been served to date.</li> </ul>	<ul style="list-style-type: none"> <li>• <b>Funding Statement</b> (PINS Ref: APP-016) including <b>TfL Board Paper (3/2/16) at Appendix A</b></li> </ul>
<p><b>(f) The resource implications in relation to potential Category 3 persons, how the Category 3 persons listed in the Book of Reference were identified and whether other Category 3 persons should be identified in any updated BoR.</b></p>	<p><b>Addressing the resource implications of claims from Category 3 persons:</b></p> <ul style="list-style-type: none"> <li>• TfL confirms that any resource implications arising from valid claims under section 10 CPA 1965 or Part 1 of LCA 1973 submitted by potential Category 3 persons would be covered by funds allocated under the PCE.</li> <li>• There are only a small number of Category 3 persons (being persons who would or might be entitled to make a claim for compensation under section 10 of the Compulsory Purchase Act 1965 or Part 1 of the Land Compensation Act 1973), who are not <u>already</u> identified as either Category 1 persons or Category 2 persons in the Book of Reference.</li> <li>• Part 2b of the Book of Reference lists the Category 3 persons (who are neither Category 1 nor Category 2 persons as well). As the Book of Reference shows, all such Category 3 persons are within the area of LB Newham; specifically, they have interests in the Hoola Buildings, which are being developed within the 'loop' of Tidal Basin Road.</li> </ul>	<ul style="list-style-type: none"> <li>• <b>Book of Reference</b>, Revision 1 submitted at Deadline 1 (PINS Ref: AS-003) – see <b>Part 2b</b> for LB Newham</li> </ul>

ExA's Agenda Item	Summary of TfL's Oral Submissions made in the CA hearing	Relevant document references
	<p><b>TfL's methodology for identification of Category 3 persons:</b></p> <ul style="list-style-type: none"> <li>• During the land referencing process, Category 3 persons were identified through a multi-stage methodology in which: <ul style="list-style-type: none"> <li>○ initial land referencing limits were set to include: <ul style="list-style-type: none"> <li>▪ all land within the Order limits, as required for the scheme;</li> <li>▪ all residential properties within a 300m buffer zone around the outermost edge of the Order limits; and</li> <li>▪ all commercial premises with an owner-occupier and a rateable value not in excess of £34,800 within the above-mentioned 300m buffer zone;</li> </ul> </li> <li>○ the initial land referencing limits were then 'fine tuned' to include the whole of any building partially caught by the above.</li> <li>○ In January 2016, environmental surveys (including a study of noise contours associated with traffic modelling outputs) highlighted properties that were deemed to be potentially affected by factors relevant to a 'relevant claim' for a Category 3 person (e.g. the 7 factors taken into account in the assessment of Part 1 claims - noise, vibration, light, discharge onto land etc.; and factors which might trigger a section 10 claim, e.g. rights which might be interfered with by the construction process).</li> <li>○ The properties identified were then considered in the context of whether injurious affection / diminution in value would be likely to occur, for the purposes of section 10 or Part 1 claims.</li> <li>○ As a result of the exercise outlined above, the land referencing limits were drawn in / reduced from the preliminary 300m buffer, to include only those properties in respect of which TfL believed persons would or might be entitled to make a relevant claim. These Category 3</li> </ul> </li> </ul>	

ExA's Agenda Item	Summary of TfL's Oral Submissions made in the CA hearing	Relevant document references
	<p>persons were then identified through TfL's land referencers' standard methodology and are listed in Part 2b of the Book of Reference (as noted above).</p> <p><b>Consideration of whether any other Category 3 persons should be identified in any updated Book of Reference:</b></p> <ul style="list-style-type: none"> <li>• Further to the ExA's query in the hearing and with reference to the ExA's action points (see <b>ExA action point no.2</b>), on the question of whether or not persons with an interest in the Pump House should have been included in the Book of Reference, TfL's response is as follows: <ul style="list-style-type: none"> <li>○ The Pump House comprises residential apartments, which are currently under construction. The Pump House development is located to the north east of Tidal Basin Road (it occupies land between Tidal Basin Road and Victoria Dock Road / the Docklands Light Railway Royal Victoria Line).</li> <li>○ The Pump House was included in TfL's initial land referencing limits (see methodology described above); the relevant land interests identified by TfL at that time were: <ul style="list-style-type: none"> <li>▪ GLA Land and Property Limited – freehold interest;</li> <li>▪ Freysporne Limited – leasehold interest; and</li> <li>▪ London International Exhibition Centre – leasehold interest.</li> </ul> </li> <li>○ As explained above (see description of land referencing methodology), the environmental data used to inform TfL's assessment of whether such parties might come within the definition of Category 3 persons included a study of noise contours associated with traffic modelling outputs.</li> <li>○ TfL took the view that those persons with an interest in the Pump</li> </ul> </li> </ul>	

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	<p>House apartments would not come within the definition of Category 3 persons because the modelling predicted that in that area where the Pump House development was located, there would be only a 'slight' increase in noise. When considered by valuers, this slight increase was deemed to be insufficient to give rise to injurious affection / a decrease in the market value of the property.</p> <ul style="list-style-type: none"> <li>○ In comparison, when the same methodology was applied in the case of the Hoola Buildings, the noise modelling predicted a 'moderate' increase in noise levels, which was considered by valuers to give rise to a possibility of injurious affection.</li> <li>○ By way of further explanation, given that noise impacts ordinarily cover a wider geographical area than the impacts arising from other Part 1 'factors', noise contours are considered to provide a robust basis for the assessment of relevant impacts.</li> <li>○ For the reasons set out above, persons with an interest in the Hoola Buildings are included in Part 2b of the Book of Reference as Category 3 persons, but persons with an interest in the Pump House apartments are not.</li> </ul> <ul style="list-style-type: none"> <li>● In conclusion, TfL considers that the methodology used for identifying Category 3 persons, as described above, is sound and therefore TfL does not consider that any other Category 3 persons should be identified in any updated Book of Reference.</li> </ul>	

ExA's Agenda Item	Summary of TfL's Oral Submissions made in the CA hearing	Relevant document references
<p><b>(g) The certainty that sufficient funding would be available overall to enable the project and therefore CA to be set in hand within the time limits set within the dDCO.</b></p>	<p><b>Sufficiency of overall funding for the project:</b></p> <ul style="list-style-type: none"> <li>• TfL is proposing to deliver the scheme through a Public Private Partnership (PPP).</li> <li>• Under the proposed PPP arrangements the: <ul style="list-style-type: none"> <li>○ Project Co (the private sector) will be responsible for the detailed design, construction and on-going maintenance of Silvertown Tunnel for a period of 25 years and for raising the debt required to finance the construction cost;</li> <li>○ Project Co, in return, will receive, over the 25 years, payments from TfL linked to the availability of the tunnel for safe use by traffic; and</li> <li>○ TfL will be responsible for setting and collecting the user charge at both Blackwall and Silvertown tunnels and will use the user charge revenue to offset the payments to the Project Co.</li> </ul> </li> <li>• The funding requirements for delivering the Scheme are therefore influenced by three main factors: <ul style="list-style-type: none"> <li>○ TfL's direct development costs, including land costs;</li> <li>○ availability payments that TfL will make to Project Co; and</li> <li>○ revenue received from user charging less collection costs.</li> </ul> </li> <li>• The assessment carried out by KMPG (as referenced in Appendix B of the Funding Statement: Letter dated 26 April 2016 from Jonathan Turton of KPMG to TfL) gives TfL confidence that it can meet the costs of delivering and operating the scheme. The assessment shows that whilst the profile of income from user charging does not exactly match the profile of availability payments (with a small shortfall of income in the early years that will be met from TfL's general income, and a surplus thereafter), the overall scheme costs</li> </ul>	<ul style="list-style-type: none"> <li>• <b>Funding Statement</b>, section 2 (section 2.2.10) (PINS Ref: APP-016)</li> <li>• <b>Appendix B of Funding Statement: Letter dated 26 April 2016 from Jonathan Turton of KPMG to TfL</b> (as used in Shadow Bid Model, factoring in revenue from user charge and showing TfL will repay costs)</li> <li>• <b>Traffic Forecasting Report</b> (PINS Ref: APP-105)</li> <li>• <b>Charging Statement</b> (PINS Ref: APP-097)</li> <li>• <b>Charging Policies and Procedures Revision 1</b> (PINS Ref: REP-123)</li> <li>• <b>Outline Business Case</b> (PINS Ref: APP-100)</li> </ul>

ExA's Agenda Item	Summary of TfL's Oral Submissions made in the CA hearing	Relevant document references
	<p>can be met from the user charging income over the period of the concession. The scheme is therefore affordable for TfL.</p> <p><b>Data used to forecast revenue arising from user charging for the first 25 years of operation of the scheme:</b></p> <ul style="list-style-type: none"> <li>• In <b>ExA action point no.3</b> the ExA requested the data that was used to calculate likely revenue arising from user charging for the first 25 years of operation of the project. TfL's response is set out below.</li> <li>• TfL's forecasts show that over the life of the contract, the estimated availability payments to the Project Co are covered by the user charging income from both Blackwall and Silvertown tunnels. By way of explanation: <ul style="list-style-type: none"> <li>○ TfL's estimate of the value of user charges to be paid in respect of both the Silvertown and Blackwall Tunnels during the first 12 months of charging is c. £55 million. This estimate is based on the traffic forecasts set out in the Traffic Forecasting Report and the assessed case user charges as set out in Appendix A of the Charging Statement. The estimate allows for inflation (increasing the assessed case charges by the anticipated RPI increase, consistent with the Charging Policies and Procedures), and for the exemptions and discounts proposed in the Charging Policies and Procedures and an adjustment has been made during the first 12 months for "ramp-up" based on experience of how new tolled road schemes take time to reach normal state operation.</li> <li>○ Revenues are forecast to grow in line with the 2031 and 2041 traffic forecasts set out in the Traffic Forecasting Report and an assumption of RPI increases to the user charges, leading to revenue of c. £135 million in 2041. TfL has budgeted separately for the costs of collecting the charges and for enforcement for non-payment, as well as other revenue forecasting uncertainties. It should be noted that the application of the Charging Policies and Procedures to confirm the initial charges, and</li> </ul> </li> </ul>	

ExA's Agenda Item	Summary of TfL's Oral Submissions made in the CA hearing	Relevant document references
	<p>subsequent variations to the charges, could result in a variance in the actual value of user charges to that currently forecast by TfL.</p> <ul style="list-style-type: none"> <li>○ As explained in the Funding Statement, the net user charging revenues for the Silvertown and Blackwall Tunnels will be used to fund the costs of the scheme, which remain in line with the estimate provided in Summary Table 13 of the Outline Business Case.</li> </ul> <p><b>By way of additional background:</b></p> <ul style="list-style-type: none"> <li>• The Funding Statement submitted with the DCO application explains TfL's view that the scheme is affordable and that TfL could meet any increases in land costs. In this context, paragraph 2.3.9 of the Funding Statement states that TfL's income base is forecast to be £10.4bn for 2016/17.</li> <li>• TfL's new Business Plan (published w/c 5/12/16), states that TfL's income is £8.5bn for 2016/17.</li> <li>• The difference in the stated income figures for 2016/2017 arises because the figure of £10.4bn in the Funding Statement includes cash, whereas the comparable figure in the new Business Plan includes only sources of income and excludes cash. Accordingly, on a like-for-like basis the updated income figure has not decreased (it is in fact 3% higher than the original forecast).</li> </ul> <p><b>In conclusion – availability of funding will permit CA within dDCO timeframe:</b></p> <ul style="list-style-type: none"> <li>• In light of the above explanations relating to scheme funding, TfL considers that the scheme is demonstrably financially viable and that accordingly, it will be possible for CA to be set in hand within the time limits set within the dDCO.</li> </ul>	

ExA's Agenda Item	Summary of TfL's Oral Submissions made in the CA hearing	Relevant document references
<b>6. Applications made under PA2008, section 127, in relation to SUs' land and section 138, in relation to the extinguishment of rights and removal of apparatus of SUs</b>		
<p><b>(a) Update from Statutory Undertakers, IPs and the Applicant in relation to agreeing the draft protective provisions.</b></p>	<p><b>TfL recently provided an update in relation to agreement on the draft protective provisions:</b></p> <ul style="list-style-type: none"> <li>• For details, please refer to TfL's detailed response to FWQ CA2 submitted at Deadline 1. TfL notes the ExA's request (in the ExA's action points (see <b>ExA action point no. 8</b>)) for the information in TfL's response to FWQ CA2 to be updated at (or before) Deadline 4 and again at Deadline 6</li> </ul> <p><b>The current position, in headline terms:</b></p> <ul style="list-style-type: none"> <li>• dDCO Schedule 13 sets out draft protective provisions.</li> <li>• There are <b>12 Statutory Undertakers</b> whose land or apparatus has an 'interface' with the scheme – they are listed in the table in TfL's response to FWQ CA2. For reference, they are also listed below: <ul style="list-style-type: none"> <li>○ BT Open Reach</li> <li>○ Colt Technology Service</li> <li>○ CTG</li> <li>○ Interoute</li> <li>○ National Grid Electricity Transmission / National Grid Gas</li> <li>○ Southern Gas Networks</li> <li>○ TATA</li> <li>○ Thames Water Potable/Drainage</li> <li>○ UK Power Networks</li> <li>○ Virgin Media</li> <li>○ Vodaphone Ltd / C&amp;W</li> <li>○ Zayo</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• <b>FWQ Compulsory Acquisition CA Report</b>, response to <b>CA2</b>, (PINS Ref REP1-179)</li> <li>• <b>National Grid</b> RR-320; WR REP1-079 (withdrawn)</li> <li>• <b>Thames Water</b> RR-296; WR REP1-042</li> <li>• <b>Southern Gas Networks</b> WR (REP1-078)</li> <li>• <b>SoCG between TfL and National Grid</b> – Deadline 1 (PINS Ref: REP1-148)</li> <li>• <b>SoCG between TfL and Thames Water</b> – Deadline 1 (PINS Ref: REP1-149)</li> </ul>

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	<ul style="list-style-type: none"> <li>• Of these 12 statutory undertakers: <ul style="list-style-type: none"> <li>○ <b>3 have submitted representations:</b> <ul style="list-style-type: none"> <li>▪ <b>National Grid</b> – RR-320; WR REP1-079 (withdrawn)</li> <li>▪ <b>Thames Water</b> – RR-296; WR REP1-042</li> <li>▪ <b>Southern Gas Networks</b> – WR (REP1-078)</li> <li>▪ TfL has entered into <b>SoCGs</b> with both National Grid and Thames Water.</li> </ul> </li> <li>○ <b>5 have confirmed they are satisfied with the provisions of the dDCO</b> as drafted (and as reflected in TfL's response to FWQ CA2), namely: <ul style="list-style-type: none"> <li>▪ <b>BT Open Reach</b> (per emails dated 11 April 2016 and 25 July 2016 from BT Openreach to Atkins acting for TfL);</li> <li>▪ <b>TATA</b> (per email dated 19 April 2016 from TATA to McNicholas, as forwarded on 20 April 2016 to Atkins acting for TfL);</li> <li>▪ <b>Virgin Media</b> (per email dated 16 April 2016 from Virgin Media to Atkins acting for TfL)</li> <li>▪ <b>Colt</b> (per email dated 14 November 2016 from Colt to Atkins acting for TfL); and</li> <li>▪ <b>Interoute</b> (per email dated 13 November 2016 from Interoute to Ardent acting for TfL).</li> </ul> </li> <li>○ <b>UK Power Networks</b> - negotiations are on-going and the protective provisions are approaching an agreed form, which is reflected in the dDCO being submitted at Deadline 2.</li> <li>○ <b>Thames Water</b> (represented by Carys Evans, Solicitor) attended the</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• <b>Statement of Reasons</b> (Rev 1 for Deadline 1) (PINS Ref: REP1-099) <b>section 8</b> (impacts on statutory undertakers)</li> </ul>

ExA's Agenda Item	Summary of TfL's Oral Submissions made in the CA hearing	Relevant document references
	<p>hearing and confirmed that constructive discussions were currently being held between TfL and Thames Water, and that Thames Water hopes that issues relating to TfL's proposed CA of land forming part of two assets of strategic significance for Thames Water may be dealt with appropriately through the protective provisions. These assets are the subject of Thames Water's objection which is noted in the ExA's Interested Parties table (as appended by the ExA to the hearing agenda).</p> <ul style="list-style-type: none"> <li>• TfL anticipates that when negotiations with affected statutory undertakers are concluded, TfL will be able to demonstrate robustly, to the Secretary of State's satisfaction, that the tests in sections 127 and 138 of the Planning Act 2008 have been met.</li> <li>• TfL is cognisant of the <b>tests in s.127 and s.138</b>, which are as follows: <ul style="list-style-type: none"> <li>○ <b>The test for section 127 – CA of statutory undertakers' land:</b> s.127(2) provides that a DCO may include provisions authorising the CA of statutory undertakers' land only <b>if the Secretary of State is satisfied of the matters set out in subsection 127(3)</b>, i.e.: that the nature and situation of the statutory undertaker's land is such that: <ul style="list-style-type: none"> <li>▪ <b>it can be purchased and not replaced without serious detriment to the carrying on of the undertaking;</b> or</li> <li>▪ <b>if purchased, it can be replaced by other land</b> belonging to, or available for acquisition by, the undertakers <b>without serious detriment to the carrying on of the undertaking.</b></li> </ul> </li> </ul> </li> </ul> <p><b>NB:</b> In this context, the definition of 'land' includes rights in land, such as rights to keep apparatus installed in, on, under or over land.</p> <ul style="list-style-type: none"> <li>○ <b>Section 127(5) - CA of rights over statutory undertakers' land:</b></li> </ul>	

ExA's Agenda Item	Summary of TfL's Oral Submissions made in the CA hearing	Relevant document references
	<p>s.127(5) provides that a DCO may include provisions authorising CA of a <i>right</i> over statutory undertakers' land by the creation of a new right over land only to the extent that the <b>Secretary of State is satisfied of the matters set out in subsection 127(6)</b>, i.e.: that the nature and situation of the land are such that:</p> <ul style="list-style-type: none"> <li>▪ <b>the right can be purchased without serious detriment to the carrying on of the undertaking</b>, or</li> <li>▪ <b>any detriment to the carrying on of the undertaking</b>, in consequence of the acquisition of the right, <b>can be made good by the undertakers by the use of other land</b> belonging to, or available for acquisition by, them.</li> </ul> <ul style="list-style-type: none"> <li>○ TfL notes that no formal 'applications' for the Secretary of State's approval are required under PA 2008 as a result of amendments made to PA 2008 by the Growth and Infrastructure Act 2013.</li> <li>○ However, TfL recognises that where it seeks to CA statutory undertakers' land or rights which are protected by s.127, and the statutory undertaker <b>makes a representation to the Secretary of State and does not withdraw that representation</b> before the completion of the examination TfL <b>would be required to seek confirmation that the Secretary of State was satisfied</b> of the matters set out in subsections 127(3) and 127(6) (as noted above).</li> <li>○ <b>Paragraph 8.4 of the Statement of Reasons</b> lists the statutory undertakers from which TfL seeks to CA land or rights over land.</li> <li>○ <b>The test for section 138</b> – where a DCO authorises the acquisition of land (compulsorily or by agreement) and there <b>subsists over the land a relevant right, or there is relevant apparatus on, under or over the land</b>, a DCO may only include provision for the</li> </ul>	

ExA's Agenda Item	Summary of TfL's Oral Submissions made in the CA hearing	Relevant document references
	<p>extinguishment of the relevant right, or the removal of the relevant apparatus, <b>if the Secretary of State is satisfied that the extinguishment or removal is necessary for the purpose of carrying out the development</b> to which the DCO relates.</p> <ul style="list-style-type: none"> <li>○ Paragraphs 8.3.5 – 8.3.22 of the Statement of Reasons explain where statutory undertakers' apparatus will need to be diverted and indicate why such diversions are necessary for the purposes of delivering the scheme.</li> </ul>	
<b>7. Crown Land</b>		
<b>(a) To ascertain that there is still no Crown Land within the Order Limits.</b>	<p>TfL confirms that, in so far as it is aware, having carried out diligent inquiry:</p> <ul style="list-style-type: none"> <li>• there is (still) <b>no Crown Land</b> within the Order limits</li> <li>• the Order limits do not contain any land coming within the definition of "Crown land" in section 227 of PA 2008</li> <li>• the Order limits do not contain any land in which there is a Crown interest (as defined in s.227(3)) or a Duchy interest (as defined in s227(4)).</li> </ul>	<ul style="list-style-type: none"> <li>• N/A</li> </ul>
<b>8. PA2008, section 132 open space land</b>		
<b>(a) To obtain an update from the Applicant on this matter.</b>	<ul style="list-style-type: none"> <li>• The position regarding <b>open space land</b> remains as stated at Deadline 1, when TfL submitted: <ul style="list-style-type: none"> <li>○ a <b>revised Special Category Land Plan</b> adding one additional open space plot (03-037c – rights to be acquired) which the ExA queried in FWQ CA3 (see TfL's response to FWQ CA3); and</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• <b>DL1 Special Category Land Plan</b> (revision 1) (PINS Ref: REP1-094)</li> <li>• <b>Statement of Reasons</b> (Rev 1 for Deadline 1)</li> </ul>

ExA's Agenda Item	Summary of TfL's Oral Submissions made in the CA hearing	Relevant document references
	<ul style="list-style-type: none"> <li>○ a <b>revised version of the Statement of Reasons:</b> <ul style="list-style-type: none"> <li>▪ adding reference to new open space plot 03-037c; and</li> <li>▪ revising text explaining how open space included in Order limits is proposed to be used.</li> </ul> </li> <li>• These revisions (in relation to open space) align text in the SoR with detail of TfL's response to FWQ CA3 (i.e. deleting references to the need for rights to enable diversion of statutory undertakers' equipment, as this will all be done within highway, not within open space; and confirming applicable exceptions in s.132 of PA 2008 (see paragraphs 11.1.7 and 11.1.8 of the tracked change version of SoR Revision 1).</li> </ul>	<p>(PINS Ref: REP1-099) <b>paras 11.1.7 and 11.1.8</b> (special category land – open space)</p> <ul style="list-style-type: none"> <li>• <b>FWQ Compulsory Acquisition CA Report</b>, response to <b>CA3</b> (PINS Ref: REP1-179) paras CA.3.2 – CA.3.5)</li> </ul>
<b>9. Unknown Land Interests</b>		
<p><b>(a) To ascertain whether there is any land of unknown ownership within the Order Limits.</b></p>	<ul style="list-style-type: none"> <li>• TfL confirms that, notwithstanding diligent inquiry, the Order limits include land the ownership of which is unknown, as noted in the Book of Reference in plots: 01-023; 01-038; 01-074; 01-082; 02-003; 02-009; 02-012; 02-048; 02-063; 02-066; and 02-077.</li> <li>• All of these plots are within existing highway or highway verge on the Greenwich (south) side of the scheme.</li> <li>• Where these 'unknown owner' plots are listed in the Book of Reference, the 'owner or reputed owner' column includes reference to adjoining landowners, in recognition of the <i>ad medium filum</i> presumption, pursuant to which landowners adjoining either side of a highway in unknown ownership are presumed to own the subsoil up to the half width (whilst the highway authority is presumed to own the surface of the highway – 'the top two spits').</li> </ul>	<ul style="list-style-type: none"> <li>• <b>Book of Reference</b> Revision 1 submitted at Deadline 1 (PINS Ref: AS-003) plots as numbered opposite</li> <li>• <b>Statement of Reasons</b> (Rev 1 for Deadline 1) (PINS Ref: REP1-099) <b>paras 4.9 – 4.12</b> (land referencing / diligent inquiry methodology)</li> </ul>

ExA's Agenda Item	Summary of TfL's Oral Submissions made in the CA hearing	Relevant document references
<b>10. The Panel's chart of IPs who are objecting to the compulsory acquisition of land or rights</b>		
<p><b>(a) To consider the attached chart and to request that the Applicant and IPs review the chart and provide amendments / alterations for submission to the Examination for DL2.</b></p>	<ul style="list-style-type: none"> <li>In response to the ExA's request (in <b>ExA action point no.6</b>), TfL has considered the ExA's 'objections chart' and now provides updates / amendments / alterations for submission to the Examination at DL2 – please see <b>Appendices 1 and 2 to this submission</b>, which, respectively, provide a tracked change mark-up and a clean version of the above.</li> </ul>	<ul style="list-style-type: none"> <li><b>IPs objections chart</b> as appended to the ExA's agenda for the CAH on 8/12/16)</li> </ul>
<p><b>(b) The Applicant is also requested to provide an updated version of the chart at various deadlines throughout the Examination, including DL7, Monday 10 April 2017.</b></p>	<ul style="list-style-type: none"> <li>TfL will keep the content of ExA's objections chart under review and will provide updated versions at examination deadlines 4 and 6, as requested by the ExA in <b>ExA action point no.7</b>.</li> <li>TfL notes that the ExA also requests (in <b>ExA action point no.8</b>) updates to the tables TfL provided at Deadline 1 in response to FWQs CA1 and CA2. TfL will provide updates accordingly at the same time as updates to the ExA's objections chart are provided.</li> </ul>	<ul style="list-style-type: none"> <li><b>IPs objections chart</b> as appended to the ExA's agenda for the CAH on 8/12/16</li> </ul>
<b>11. Human Rights</b>		
<p><b>(a) Regard had to Articles 6 and 8 of the European Convention on Human Rights and Article 1 of the First Protocol.</b></p>	<p>TfL confirms that in considering the potential exercise of the land use powers sought in the dDCO, it has had regard to:</p> <ul style="list-style-type: none"> <li><b>article 6 of the European Convention on Human Rights – right to a fair and public hearing by an independent and impartial tribunal.</b></li> <li>The procedures under PA 2008 are compliant with the Human Rights Act 1998 and in so far as these duties are properly observed by TfL, TfL's duties under the Human Rights Act 1998 are discharged.</li> </ul>	<ul style="list-style-type: none"> <li><b>Statement of Reasons</b> (Rev 1 for Deadline 1) (PINS Ref: REP1-099) <b>paragraphs 9.2.1 – 9.2.8</b> (human rights)</li> </ul>

ExA's Agenda Item	Summary of TfL's Oral Submissions made in the CA hearing	Relevant document references
	<ul style="list-style-type: none"> <li>• In particular (as set out in SoR paragraphs 9.2.5 – 9.2.7): <ul style="list-style-type: none"> <li>○ the DCO process provides an opportunity for the public to <b>make representations</b>;</li> <li>○ under ss. 42 and 44 of PA 2008, TfL <b>consulted</b>: <ul style="list-style-type: none"> <li>▪ all known owners and occupiers of the land needed for the scheme;</li> <li>▪ persons who would or might be entitled to <b>claim compensation</b> under: <ul style="list-style-type: none"> <li>• section 10 of the Compulsory Purchase Act 1965;</li> <li>• Part 1 of the Land Compensation Act 1973</li> </ul> </li> </ul> </li> <li>○ beneficiaries of restrictive covenants and other rights overridden may <b>claim compensation</b> under section 10;</li> <li>○ the public can <b>make representations</b> in response to notice served under s.56 of PA 2008 and/or during the examination of the application (e.g. in CA hearings) or in any written representations procedure held by the ExA;</li> <li>○ If a DCO is made by the Secretary of State, a person aggrieved could mount a <b>judicial review challenge</b> in the High Court under section 118 PA 2008;</li> <li>○ <b>For disputed compensation</b>: there is a <b>right to apply to the Upper Tribunal of the Lands Chamber</b> (an independent tribunal); this right applies in respect of land which is subject to CA and land which is subject to TP (see express provision in the relevant articles which are referenced under agenda item 2 above).</li> </ul> </li> </ul>	

ExA's Agenda Item	Summary of TfL's Oral Submissions made in the CA hearing	Relevant document references
	<ul style="list-style-type: none"> <li>• <b>article 8 of the European Convention on Human Rights –</b> <ul style="list-style-type: none"> <li>○ right to <b>respect for private and family life and home</b>;</li> <li>○ <b>interference by public authority must be lawful, proportionate and necessary</b> in the interests of, among other things, national security, public safety or the economic wellbeing of the country.</li> </ul> </li>   <li>• <b>article 1 of the First Protocol to the European Convention on Human Rights –</b> <ul style="list-style-type: none"> <li>○ right to <b>peaceful enjoyment of possessions</b>;</li> <li>○ <b>interference must be in the public interest, lawful and proportionate.</b></li> </ul> </li>   <li>• TfL understands that in determining whether interference with Convention Rights (in article 8 and article 1 Protocol 1) is proportionate, <b>a fair balance must be struck between the public benefit sought and the interference with affected private rights.</b></li>   <li>• In seeking to <b>strike that balance</b>, TfL has had regard to: <ul style="list-style-type: none"> <li>○ <b>the need for the scheme and the public benefits it would bring</b> <ul style="list-style-type: none"> <li>▪ For details, see response to agenda item 4(e) above.</li> </ul> </li>   <li>○ <b>interference with affected private rights</b> <ul style="list-style-type: none"> <li>▪ For details, see response to agenda item 4(f) above.</li> </ul> </li> </ul> </li>   <li>• On balance, TfL considers that the <b>public benefits</b> which the scheme would bring <b>outweigh</b> the <b>private loss</b> which would arise from interference with private rights.</li>   <li>• TfL therefore considers that the proposed CA of land and rights over land is <b>legitimate, necessary and proportionate.</b></li> </ul>	

ExA's Agenda Item	Summary of TfL's Oral Submissions made in the CA hearing	Relevant document references
	<p><b>Application of article 8 of the Convention to the Silvertown Tunnel project</b></p> <ul style="list-style-type: none"> <li>• In response to the ExA's question (in <b>ExA action point no.5</b>), TfL sets out below its view on whether or not article 8 of the European Convention on Human Rights is relevant to the Silvertown Tunnel project.</li> <li>• TfL notes that <b>paragraph 10 of the DCLG 2013 Guidance on CA</b> states that: <ul style="list-style-type: none"> <li>○ "...the Secretary of State must ultimately be persuaded that the purposes for which an order authorises the compulsory acquisition of land are legitimate and are sufficient to justify interfering with the human rights of those with an interest in the land affected. In particular, regard must be given to the provisions of Article 1 of the First Protocol to the European Convention on Human Rights and, <b>in the case of acquisition of a dwelling, Article 8 of the Convention</b>" (bold emphasis added by TfL).</li> </ul> </li> <li>• TfL confirms that the only dwellings affected by the scheme (and listed in the Book of Reference as being so affected) are the apartments in the Hoola Buildings (see the section relating to LB Newham in Part 2b of the Book of Reference).</li> <li>• The persons having a proprietary interest in the Hoola Buildings have been identified as Category 3 persons (as explained in response to agenda item 5(f) above). As such, their interests in land/property are not proposed to be subject to compulsory acquisition, but only potentially to injurious affection arising from the construction or operation of the scheme.</li> <li>• Whilst the Hoola Buildings are 'dwellings', they are not proposed to be subject to TfL's powers of compulsory acquisition, and as such they are not 'caught' by paragraph 10 of the 2013 DCLG Guidance (cited above, with emphasis added). As a consequence, it would appear that in the context of the dDCO for the scheme, the Secretary of State would not need to be satisfied that TfL</li> </ul>	

ExA's Agenda Item	Summary of TfL's Oral Submissions made in the CA hearing	Relevant document references
	<p>had had regard to Article 8 of the Convention, since no dwellings are proposed to be acquired. Accordingly, it could be argued that article 8 of the Convention is not relevant to the Silvertown Tunnel project.</p> <ul style="list-style-type: none"> <li>• That said, TfL notes the Human Rights Act 1998 (<b>'HRA 1998'</b>) incorporated the European Convention on Human Rights into UK domestic law and that in identifying the relevant Convention Rights, Section 1 of HRA 1998 includes reference to article 8. Section 2 of HRA 1998 then provides that the articles identified in section 1 are to have effect subject to any designated derogation or reservation, as set out in sections 14 and 15 of the HRA 1998. However, section 14 has been repealed and section 15 contains no reservation of relevance to article 8.</li> <li>• TfL therefore concludes that article 8 is directly incorporated into UK law in terms equivalent to those set out in the Convention, which are replicated in Schedule 1 to the HRA 1998, and which provide as follows: <p style="text-align: center;"><b>"ARTICLE 8</b></p> <p style="text-align: center;"><b><i>Right to respect for private and family life</i></b></p> <p><i>1. Everyone has the right to respect for his private and family life, his home and his correspondence.</i></p> <p><i>2. There shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic wellbeing of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others."</i></p> </li> </ul> <ul style="list-style-type: none"> <li>• Article 8 prohibits "interference by a public authority" (other than in accordance with the identified exceptions); however, article 8 does not define such "interference"; nor does it confine its scope to, for instance, the compulsory acquisition of a dwelling.</li> <li>• Additionally, section 120(3) of PA 2008 provides that a DCO may make</li> </ul>	

ExA's Agenda Item	Summary of TfL's Oral Submissions made in the CA hearing	Relevant document references
	<p>provision relating to (or to matters ancillary to) the development for which consent is granted. Section 120(4) provides that section 120(3) includes provision relating to any of the matters listed in Part 1 of Schedule 5 to PA 2008. Paragraph 2 of Schedule 5 includes reference to "The ... <b>interference</b> with, interests in or rights over land ... compulsorily or by agreement."</p> <ul style="list-style-type: none"> <li>• In the absence of relevant statutory definitions, TfL considers it is possible that the ordinary meaning of the word "interference" could potentially be taken, by those seeking to assert their rights under the Convention, to include the injurious affection which may be suffered by the owners of the apartments in the Hoola Building.</li> <li>• Given the above, TfL considers that with regard to the duty (set out in HRA 1998) on a public authority to have regard to article 8 of the Convention there is potential for that duty to be applied more widely than the 2013 DCLG Guidance implies is required.</li> <li>• Accordingly, TfL considers it prudent to apply a cautious, inclusive approach to its consideration of the Convention Rights and has therefore had regard to article 8 (as referenced in section 9 of the Statement of Reasons, in particular paragraphs 9.2.3 – 9.2.4), notwithstanding the fact that the dwellings in the Hoola Building are not proposed to be compulsorily acquired for the purposes of the scheme.</li> </ul>	
<p><b>(b) The degree of importance attributed to the existing uses of the land and river that is proposed to be acquired or over which rights would be imposed.</b></p>	<ul style="list-style-type: none"> <li>• TfL is cognisant of all interests in land affected by the scheme and has tried to minimise the impact of the scheme on all affected interests – as explained above in response to agenda items 4(c) and 4(d)).</li> <li>• The SoR describes (at paragraphs 4.4 and 4.5) the existing uses of the land and river. However, TfL notes that many of the existing land uses are effectively 'meanwhile' uses of a temporary nature, where land on both the north and south sides of the scheme (Silvertown and Greenwich) is</li> </ul>	<ul style="list-style-type: none"> <li>• <b>Statement of Reasons</b> (Rev 1 for Deadline 1) (PINS Ref: REP1-099) <b>paragraphs 4.4</b> (existing land use – north side) <b>and 4.5</b> (existing land use – south side)</li> </ul>

ExA's Agenda Item	Summary of TfL's Oral Submissions made in the CA hearing	Relevant document references
	<p><b>earmarked for development / redevelopment in the short / medium term,</b> e.g.:</p> <ul style="list-style-type: none"> <li>○ land on the south side within Knight Dragon's masterplan;</li> <li>○ land on the north side - subject to development aspirations (GLA and Quintain), where, in the main, tenants currently occupying the wharves and surrounding areas do so under short term tenancies which are expected to be terminated prior to the target date for delivery of the scheme.</li> </ul> <ul style="list-style-type: none"> <li>• TfL does not consider that any <b>single affected interest</b> is of such importance as to outweigh the important public benefits which the scheme would deliver.</li> <li>• TfL does not consider that the <b>cumulative private loss</b> (arising on a scheme-wide basis) is of such magnitude or severity as to outweigh the importance of the public benefits which the scheme would deliver.</li> <li>• TfL continues to discuss the impacts of the scheme with the persons most affected by those impacts, with the dual aim of: <ul style="list-style-type: none"> <li>○ minimising as far as possible the loss suffered by those persons; and</li> <li>○ ensuring that any loss suffered is fairly and properly compensated.</li> </ul> </li> </ul>	
<p><b>(c) The weighing of any potential infringement of Convention rights against the potential public benefits if the DCO is made.</b></p>	<ul style="list-style-type: none"> <li>• Please refer to TfL's response to agenda item 11(a) above, which explains that TfL has considered the potential for infringement of Convention Rights and weighed that infringement against the potential public benefits which are forecast to arise in the event that the dDCO is made and the scheme delivered pursuant to the made DCO.</li> </ul>	<ul style="list-style-type: none"> <li>• As for 11(a) above.</li> </ul>

ExA's Agenda Item	Summary of TfL's Oral Submissions made in the CA hearing	Relevant document references
<p><b>(d) Whether there are any Equality Act duties relevant to the Application, and if so, how have these been addressed?</b></p>	<ul style="list-style-type: none"> <li>• TfL is cognisant that, as a public authority, it is subject to the <b>public sector equality duty</b> ('PSED') under <b>section 149 of the Equality Act 2010</b> ('EqA 2010').</li> <li>• TfL must therefore, in the exercise of its functions, have regard to the need to: <ul style="list-style-type: none"> <li>(a) <b>eliminate discrimination, harassment, victimisation</b> and any other conduct that is prohibited by or under the EqA 2010;</li> <li>(b) <b>advance equality of opportunity</b> between persons who share a relevant protected characteristic and persons who do not share it;</li> <li>(c) <b>foster good relations</b> between persons who share a relevant protected characteristic and persons who do not share it.</li> </ul> <p>NB: 'protected characteristics' are defined in section 149 of EqA 2010 as "age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation".</p> </li> <li>• The PSED applies to "public authorities" in the exercise of their functions. A "Public authority" is defined in section 150 of EqA 2010 as a person specified in Schedule 19. Both TfL and "A Minister of the Crown" are listed in Part 1 of Schedule 19 so both TfL and the Secretary of State are required to have due regard to the PSED.</li> <li>• TfL has had due regard to its PSED and has undertaken an extensive combined <b>Health and Equalities Impact Assessment</b> ("HEqIA"). Separate Health Impact and Equalities Impact scoping reports were produced in June 2015 and consulted upon (see Appendix B of the HEqIA).</li> <li>• The HEqIA explains how TfL has had regard to its PSED in the context of the DCO application:</li> </ul>	<ul style="list-style-type: none"> <li>• <b>Sections 149 and 150 of the Equality Act 2010</b></li> <li>• <b>Health and Equalities Impact Assessment</b> ( PINS Ref: APP-090) – see relevant excerpts, Appendix B and Tables 15-3 and 15-4</li> <li>• TfL Board approval paper from 3 Feb 2016</li> <li>• <b>Statement of Reasons</b> (Rev 1 for Deadline 1) (PINS Ref: REP1-099) <b>paragraphs 9.3</b> (consideration of duties under the Equality Act 2010)</li> <li>• <b>TfL's Comments on Borough Local Impact Reports and Written Representations</b> (being submitted at Deadline 2 – <i>PINS Ref not yet available</i>)</li> </ul>

ExA's Agenda Item	Summary of TfL's Oral Submissions made in the CA hearing	Relevant document references
	<ul style="list-style-type: none"> <li>○ Tables 15-3 and 15-4 (in the HEqIA) summarise the equalities effects identified, together with any necessary mitigation; and explain how such mitigation would be secured through the DCO application. <ul style="list-style-type: none"> <li>▪ Table 15-3 includes a summary of effects on equality groups during <b>construction</b>. It concludes that there will be no differential or disproportionate effects on equalities groups.</li> <li>▪ Table 15-4 includes a summary of effects on equality groups during the <b>operation</b> of the scheme. With one exception it concludes that there will be no differential or disproportionate effects on equalities groups. That exception is in respect of a very small number of low-income households which may be disproportionately affected as a result of the user charge although it is noted that this may be offset by improvements to public transport (and also that this group does not have a protected characteristic under section 149 of the EqA 2010).</li> </ul> </li> <li>• No differential or disproportionate effects are identified, save for that one above-mentioned exception, which relates to a very small number drawn from a group (low income households) that does not possess a protected characteristic under section 149 of the Equality Act 2010.</li> <li>• TfL has given further consideration to this one small potentially affected group (low income households): the group has been identified as having very low levels of car ownership and TfL therefore considers that the improved public transport opportunities (which would be among the public benefits arising from the scheme) would bring benefits to this small group, potentially off-setting the impacts, on the group, of user charging. Further detail on this point is set out in the 'socio-economic' chapter of <b>TfL's Comments on Borough Local Impact Reports and Written Representations</b> (and associated appendices).</li> <li>• The TfL Board approval paper from Feb 2016 explicitly referenced the</li> </ul>	

ExA's Agenda Item	Summary of TfL's Oral Submissions made in the CA hearing	Relevant document references
	<p>Equality Act 2010 in Appendix 4 of the paper that listed the DCO application documents – this stated “<i>Equalities Impact Report: This report details how the Scheme takes into account needs and impacts upon equality groups as defined in the Equalities Act 2010</i>” (sic).</p> <ul style="list-style-type: none"> <li>At Deadline 1, TfL submitted a revised version of the <b>Statement of Reasons</b> which included <b>new paragraph 9.3 - consideration of duties under the Equality Act 2010</b>.</li> </ul>	

14 December 2016

## **APPENDIX 1**

In response to the ExA's request (in **ExA action point no.6**), TfL has considered the  
**ExA's 'objections chart'**  
published alongside the ExA's Agenda for the CA hearing on 8 December 2016, and now provides  
**a tracked change mark-up**  
which includes TfL's updates / amendments / alterations for submission to the Examination at DL2

Silvertown Tunnel

Interested Parties objecting to the Compulsory Acquisition of Land and/or Rights

Objection Number	Examination Library Reference <sup>1</sup>	Interested Party Name	Land Plots <sup>2</sup>	Category 1, 2, 3 Person and/or Statutory Undertaker (SU) <sup>3</sup>	Notes (e.g. an objection is withdrawn)
1	RR-138 & REP1-032	Russell Cooke LLP on behalf of (obo) GLE Property Developments Limited and Waterfront Studios Limited	05-121, 05-134, 06-028, 06-029 & 06-031	1	
			<del>05-105, 05-117 and 05-116</del>	<del>2</del>	
2	RR-307 & REP1-013	London Borough of Newham	<del>05-044*, 05-044a, 05-045*, 05-045a*, 05-048, 05-048a, 05-408b, 05-085, 05-091*, 05-095, 05-099, 05-102, 05-105, 05-108, 05-108a, 05-112, 05-113*, 05-116, 05-117, 05-120*, 05-120a*, 05-120b*, 05-121, 05-124, 05-128*, 05-133*, 05-133a*, 05-134, 06-0236*, 06-</del>	1	

<sup>1</sup> [Silvertown Tunnel Examination Library](#)

<sup>2</sup> Where the representation relates only to specific listed plots, these are the plots set out in this column. Where the representation is in general terms, all plots in which the Interested Party has an interest are listed in this column.

<sup>3</sup> Section 102B of the Planning Act 2008 (PA2008) defines the categories of Affected Person. In summary, Category 1 Persons are owners/lessees/tenants; Category 2 Persons have an interest in the land or have power to sell and convey the land or to release the land. Category 3 Persons are persons who would or might be entitled to make a relevant claim under (a) section 10 of the Compulsory Purchase Act 1965 (in relation to injurious affection of land not subject to compulsory purchase); (b) a claim under Part 1 of the Land Compensation Act 1973; (c) a claim under s152(3) of the PA2008. PA2008, Section 127(8) provides the meaning of Statutory Undertakers (SUs).

Silvertown Tunnel

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			<u>025*, 06-026*, <del>06-028</del>, 06-029, 06-030*, 06-031, 06-041*, 06-043, 06-046*, 06-064*, 06-066*, 06-068, 06-071, 06-072, 06-075, 06-092a*, 06-095, 06-096, 06-098, 06-098a, 07-003*, 07-004, 07-005, 07-006, 07-007, 07-007a, 07-007b, 07-008, 07-009, <del>07-011</del>, 07-012, 07-016, 07-018*, 07-022, 07-027, 07-028 and 07-029</u> (* denotes "as highway authority")		
			<u>05-041, 05-116, 05-117, 07-010 and 07-026</u>	<u>2</u>	
3	RR-185, REP1-043, <del>REP1-044</del> & <u>REP1-045</u>	Nathaniel Litchfield and Partners obo U&I Group	<u>01-001, <del>01-008</del>, <del>01-011</del>, 01-022 &amp; 01-024</u> <u>01-007, 01-008, 01-011</u>	1 <u>2</u>	
4	RR-261	DLA Piper UK LLP obo The Waterfront Limited	01-084, 01-087, 02-022, 02-039, 02-042, 02-046, 02-065, 02-075,	1	

Silvertown Tunnel

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		Partnership	02-075a, 02-076, 03-005, 03-007, 03-009, 03-010, 03-011, 03-016, 03-017, 03-017a, 03-045, 03-049, 04-012 & 04-015 <sub>7</sub>		
5	RR-262 <u>and</u> <u>REP1-076</u>	DLA Piper UK LLP obo AnSCO Arena Limited (previously AEG Limited)	01-084, 01-087, 02-022, 02-039, 02-042, 02-046, 02-065, 02-075, 02-075a, 02-076, 03-005, 03-007, 03-009, 03-010, 03-011, 03-016, 03-017, 03-017a, 03-045, 03-049, 04-012 & 04-015	1/ <del>3</del>	
6	RR-305 & REP1-056	Mills & Reeve obo Trinity (D) Limited	<del>01-084</del> , 01-087, 02-022, 02-039, 02-042, 02-046, 02-062 <del>5</del> , <u>02-062a</u> , 02-075, 02-075a, 02-076, <del>03-005</del> , 03-007, 03-009, 03-010, 03-011, <u>03-014</u> , <u>04-015</u> , 03-016, 03-017, 03-017a, <u>03-031</u> , <u>03-033</u> , <u>03-034</u> , <u>03-035</u> , <u>03-036</u> , <u>03-038</u> , <u>03-039</u> , <u>03-040</u> , <u>03-041</u> , <u>03-042</u> , <u>03-043</u> , <u>03-044</u> , 03-045, <u>03-046</u> , <u>03-047</u> , <u>03-048</u> , 03-049, <u>03-050</u> , <u>04-001</u> , <u>04-004</u> , <u>04-005</u> , <u>04-006</u> ,	1	

## Silvertown Tunnel

### Interested Parties objecting to the Compulsory Acquisition of Land and/or Rights

Objection Number	Examination Library Reference <sup>1</sup>	Interested Party Name	Land Plots <sup>2</sup>	Category 1, 2, 3 Person and/or Statutory Undertaker (SU) <sup>3</sup>	Notes (e.g. an objection is withdrawn)
			<u>04-007, 04-009, 04-012 &amp; 04-015</u>		
7	RR-037 & REP1-089	RPS Planning and Development Limited obo Lidoka Estates Limited	<del>01-058</del> & 01-046, <del>01-047 &amp; 01-058</del>	1	
8	RR-341	RRS London Waste Paper Ltd	01-046, 01-047 & 01-058	1	
9	RR-192 & REP1-090	Matthews and Sons obo Tarmac PLC	05-023, 05-029, 05-030, 05-036, 05-056, 05-056a, 05-070, 05-070a, 05-073, 05-078 & 05-083	1	
10	RR-216 & REP1-037	<del>Shoosmiths</del> -Shoosmiths LLP obo Brenntag UK Limited	01-027, 01-028, 01-030 & 01-050	1	
11	RR-260 & REP1-064	Knight Dragon Developments Limited and Knight Dragon Investments Limited	<u>03-023, 03-030, 03-031, 03-032, 03-034, 03-037, 03-037a, 03-037b, 03-037c, 03-038, 03-039, 03-040, 03-041, 03-044, 03-047,</u>	<u>1</u>	

Silvertown Tunnel

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Objection Number	Examination Library Reference <sup>1</sup>	Interested Party Name	Land Plots <sup>2</sup>	Category 1, 2, 3 Person and/or Statutory Undertaker (SU) <sup>3</sup>	Notes (e.g. an objection is withdrawn)
			<u>03-050, 04-004, 04-005, 04-007</u>		
			01-040, 01-043, 01-044, 01-044a, 01-045, 01-045a, 01-045b, 01-078a, 01-083, 01-084, 01-087, 01-088a, 01-090, 02-018, 02-018a, 02-018b, 02-018c, 02-021, 02-022, 02-026, 02-026a, 02-027, 02-028, 02-029, 02-032, 02-033, 02-036, 02-036a, 02-036b, 02-037, 02-037a, 02-039, 02-040, 02-042, 02-043, 02-043a, 02-046, 02-051, 02-054, 02-056, 02-059, 02-062, 02-062a, 02-065, 02-069, 02-073 to 02-076, 02-078 to 02-080 & 03-001 to 03-026a06, <u>03-028 to 03-029, 03-033 to 03-050 (except those plots above), 04-001 to 04-009 (except those plots listed above), 04-012 to 04-013, 04-015 &amp; 04-021</u>	<u>24</u>	
12	RR-285, <u>&amp; REP1-053, REP1-054, REP1-184 and REP1-186</u>	Winckworth Sherwood LLP obo Port of London Authority	04-011, 04-016 to 04-020, 04-023 to 04-025, 04-027, 04-028, 04-030a-b, <u>&amp; 04-031, 04-032 to 04-035, 05-001 to 05-006 &amp; 06-001</u>	1	

Silvertown Tunnel

Interested Parties objecting to the Compulsory Acquisition of Land and/or Rights

Objection Number	Examination Library Reference <sup>1</sup>	Interested Party Name	Land Plots <sup>2</sup>	Category 1, 2, 3 Person and/or Statutory Undertaker (SU) <sup>3</sup>	Notes (e.g. an objection is withdrawn)
			<u>05-032 to 05-033, 05-074, 05-074a, 05-088</u>	<u>2</u>	
13	RR-288 & REP1-031	JLL obo ASD Limited (Kloeckner Metals UK)	05-047, 06-010, 06-005 & 06-013 <u>05-043, 05-054, 05-059, 05-075, 05-089, 05-100, 05-122, 05-122a, 06-022</u>	1 <u>2</u>	
14	RR-291 & REP1-034	Gerald Eve obo Morden College	01-040, 01-007, 01-008, 01-011, 01-022, 01-024, 01-027 to <u>01-029</u> , 01-031, 01-035, 01-050, 01-057, 01-061 & 01-063	1	
15	RR-296 & REP1-042	Berwin Leighton Paisner LLP obo Thames Water Utilities Limited	05-033 & 06-078	1,2 SU	
16	RR-320 & REP1-079	CMS Cameron McKenna LLP obo <del>National Grid Electricity Transmission plc (NGET)</del> and National Grid Gas plc (NGG)	01-043, 01-045, 01-045a, 01-045b, 01-078a, 01-088a, 02-018, 02-018a, b & c, 02-027, 02-028, 02-043, 02-043a, 02-054, 02-056, 02-069, 02-073, 02-078, 03-002, 03-002a & b	2/SU	CMS Cameron McKenna LLP's letter of 15 November 2016 states that agreement on the protective provisions means that both NGET and NGG's objections can be withdrawn.

Silvertown Tunnel

Interested Parties objecting to the Compulsory Acquisition of Land and/or Rights

Objection Number	Examination Library Reference <sup>1</sup>	Interested Party Name	Land Plots <sup>2</sup>	Category 1, 2, 3 Person and/or Statutory Undertaker (SU) <sup>3</sup>	Notes (e.g. an objection is withdrawn)
			<del>03-008, 03-012 and; 03-019, 06-068, 06-071, 06-072, 06-094, 06-095, 06-096, 06-098, 06-098a, 07-002, 07-004, 07-005, 07-006, 07-007, 07-007a &amp; b and 07-008</del>		
		<u>CMS Cameron McKenna LLP obo National Grid Electricity Transmission plc (NGET)</u>	06-068, 06-071, 06-072, 06-094, 06-095, 06-096, 06-098, 06-098a, 07-002, 07-004, 07-005, 07-006, 07-007, 07-007a & b, 07-008, <u>07-009, 07-011, 07-016, 07-022, 07-027, 07-028 and 07-029</u>	<u>2/SU</u>	
17	RR-329, REP1-039 & REP1-040	Winckworth Sherwood LLP obo Quintain Limited	05-009 to 05-011, 05-014 to 05-030, 05-032 to 05-034, 05-036 to 05-038a, 05-040 to 05-042, 05-044, 05-044a, 05-046, 05-052, 05-055 to 05-056a, 05-066, 05-066a, 05-070, 05-070a, 05-073 to 05-074a, 05-078, 05-083, 05-088 & 05-091	1	
18	REP1-030	Affordable Architects obo Tary Holdings	01-052, 01-056, <del>01-058a, 01-058b</del> , 01-058c, 01-060, 01-060a, 01-065 & 01-065a	1	

Silvertown Tunnel

Interested Parties objecting to the Compulsory Acquisition of Land and/or Rights

Objection Number	Examination Library Reference <sup>1</sup>	Interested Party Name	Land Plots <sup>2</sup>	Category 1, 2, 3 Person and/or Statutory Undertaker (SU) <sup>3</sup>	Notes (e.g. an objection is withdrawn)
19	RR-294	Vectos Limited obo London City Airport	05-006 & 06-001	<del>4, 3?2</del>	
<u>20</u>	<u>REP1-077</u>	<u>Birch Sites Limited</u>	<u>01-058c, 01-060, 01-060a, 01-065, 01-065a, 01-076, 01-077, 01-082, 01-092, 02-009, 02-010, 02-011, 02-012, 02-015, 02-017, 02-017a, 02-023, 02-025, 02-088, 02-089</u>	<u>1</u>	
<u>21</u>	<u>REP1-078</u>	<u>Southern Gas Networks</u>	<u>01-047a, 01-058a, 01-066, 01-066a, 01-067, 01-077a, 01-078, 01-080, 01-086, 01-088, 02-016, 02-016a, 02-017, 02-017a, 02-023, 02-025, 02-035, 02-089,</u>	<u>1</u>	
		<u>Southern Gas Networks</u>	<u>01-001, 01-002, 01-009, 01-022, 01-023, 01-024, 01-027, 01-028, 01-031, 01-033, 01-034, 01-038, 01-040, 01-041, 01-043, 01-044, 01-044a, 01-045, 01-045a, 01-045b, 01-047, 01-048, 01-049, 01-050, 01-051, 01-055, 01-056, 01-</u>	<u>2/SU</u>	

Silvertown Tunnel

Interested Parties objecting to the Compulsory Acquisition of Land and/or Rights

Objection Number	Examination Library Reference <sup>1</sup>	Interested Party Name	Land Plots <sup>2</sup>	Category 1, 2, 3 Person and/or Statutory Undertaker (SU) <sup>3</sup>	Notes (e.g. an objection is withdrawn)
			<p><u>058a, 01-059, 01-066a, 01-067, 01-068, 01-073, 01-077, 01-078, 01-078a, 01-079, 01-081, 01-083, 01-084, 01-086, 01-087, 01-088, 01-088a, 01-090, 02-001, 02-004, 02-005, 02-006, 02-007, 02-008, 02-013, 02-016, 02-016a, 02-017, 02-017a, 02-018, 02-018a, 02-018b, 02-018c, 02-019, 02-021, 02-022, 02-023, 02-025, 02-027, 02-028, 02-030, 02-035, 02-039, 02-042, 02-043, 02-043a, 02-045, 02-046, 02-054, 02-056, 02-059, 02-062, 02-062a, 02-065, 02-069, 02-073, 02-074, 02-078, 02-079, 02-080, 02-089, 03-001, 03-002, 03-002a, 03-002b, 03-004, 03-004a, 03-005, 03-007, 03-008, 03-009, 03-010, 03-011, 03-012, 03-013, 03-014, 03-015, 03-018, 03-019, 03-020, 03-023, 03-024, 03-024a, 03-028, 03-030, 03-031, 03-032, 03-033, 03-036, 03-037, 03-037a, 03-037b, 03-037c, 03-039,</u></p>		

Silvertown Tunnel

Interested Parties objecting to the Compulsory Acquisition of Land and/or Rights

Objection Number	Examination Library Reference <sup>1</sup>	Interested Party Name	Land Plots <sup>2</sup>	Category 1, 2, 3 Person and/or Statutory Undertaker (SU) <sup>3</sup>	Notes (e.g. an objection is withdrawn)
			<a href="#">03-040</a> , <a href="#">03-041</a> , <a href="#">03-042</a> , <a href="#">03-044</a> , <a href="#">03-047</a> , <a href="#">03-048</a> , <a href="#">03-050</a> , <a href="#">04-001</a> , <a href="#">04-002</a> , <a href="#">04-004</a> , <a href="#">04-005</a> , <a href="#">04-006</a> , <a href="#">04-007</a> , <a href="#">04-008</a> , <a href="#">04-009</a> , <a href="#">04-012</a> , <a href="#">04-013</a> , <a href="#">04-015</a> , <a href="#">04-021</a>		



## **APPENDIX 2**

In response to the ExA's request (in **ExA action point no.6**), TfL has considered the  
**ExA's 'objections chart'**  
published alongside the ExA's Agenda for the CA hearing on 8 December 2016, and now provides  
**a clean version**  
which incorporates TfL's updates / amendments / alterations for submission to the Examination at DL2

## Silvertown Tunnel

### Interested Parties objecting to the Compulsory Acquisition of Land and/or Rights

Objection Number	Examination Library Reference <sup>1</sup>	Interested Party Name	Land Plots <sup>2</sup>	Category 1, 2, 3 Person and/or Statutory Undertaker (SU) <sup>3</sup>	Notes (e.g. an objection is withdrawn)
1	RR-138 & REP1-032	Russell Cooke LLP on behalf of (obo) GLE Property Developments Limited and Waterfront Studios Limited	05-121, 05-134, 06-028, 06-029 & 06-031	1	
			05-105, 05-117 and 05-116	2	
2	RR-307 & REP1-013	London Borough of Newham	05-044*, 05-044a, 05-045*, 05-045a*, 05-048, 05-048a, 05-408b, 05-085, 05-091*, 05-095, 05-099, 05-102, 05-105, 05-108, 05-108a, 05-112, 05-113*, 05-120*, 05-120a*, 05-120b*, 05-121, 05-124, 05-128*, 05-133*, 05-133a*, 05-134, 06-0236*, 06-025*, 06-026*,	1	

<sup>1</sup> [Silvertown Tunnel Examination Library](#)

<sup>2</sup> Where the representation relates only to specific listed plots, these are the plots set out in this column. Where the representation is in general terms, all plots in which the Interested Party has an interest are listed in this column.

<sup>3</sup> Section 102B of the Planning Act 2008 (PA2008) defines the categories of Affected Person. In summary, Category 1 Persons are owners/lessees/tenants; Category 2 Persons have an interest in the land or have power to sell and convey the land or to release the land. Category 3 Persons are persons who would or might be entitled to make a relevant claim under (a) section 10 of the Compulsory Purchase Act 1965 (in relation to injurious affection of land not subject to compulsory purchase); (b) a claim under Part 1 of the Land Compensation Act 1973; (c) a claim under s152(3) of the PA2008. PA2008, Section 127(8) provides the meaning of Statutory Undertakers (SUs).

Silvertown Tunnel

Interested Parties objecting to the Compulsory Acquisition of Land and/or Rights

Objection Number	Examination Library Reference <sup>1</sup>	Interested Party Name	Land Plots <sup>2</sup>	Category 1, 2, 3 Person and/or Statutory Undertaker (SU) <sup>3</sup>	Notes (e.g. an objection is withdrawn)
			06-028, 06-029, 06-030*, 06-031, 06-041*, 06-043, 06-046*, 06-064*, 06-066*, 06-068, 06-071, 06-072, 06-075, 06-092a*, 06-095, 06-096, 06-098, 06-098a, 07-003*, 07-004, 07-005, 07-006, 07-007, 07-007a, 07-007b, 07-008, 07-009, 07-011, 07-012, 07-016, 07-018*, 07-022, 07-027, 07-028 and 07-029 (* denotes "as highway authority")		
			05-041, 05-116, 05-117, 07-010 and 07-026	2	
3	RR-185, REP1-043, REP1-044 & REP1-045	Nathaniel Litchfield and Partners obo U&I Group	01-001, , 01-022 & 01-024	1	
			01-007, 01-008, 01-011	2	
4	RR-261	DLA Piper UK LLP obo The Waterfront Limited Partnership	01-084, 01-087, 02-022, 02-039, 02-042, 02-046, 02-065, 02-075, 02-075a, 02-076, 03-005, 03-007,	1	

Silvertown Tunnel

Interested Parties objecting to the Compulsory Acquisition of Land and/or Rights

Objection Number	Examination Library Reference <sup>1</sup>	Interested Party Name	Land Plots <sup>2</sup>	Category 1, 2, 3 Person and/or Statutory Undertaker (SU) <sup>3</sup>	Notes (e.g. an objection is withdrawn)
			03-009, 03-010, 03-011, 03-016, 03-017, 03-017a, 03-045, 03-049, 04-012 & 04-015		
5	RR-262 and REP1-076	DLA Piper UK LLP obo AnSCO Arena Limited (previously AEG Limited)	01-084, 01-087, 02-022, 02-039, 02-042, 02-046, 02-065, 02-075, 02-075a, 02-076, 03-005, 03-007, 03-009, 03-010, 03-011, 03-016, 03-017, 03-017a, 03-045, 03-049, 04-012 & 04-015	1	
6	RR-305 & REP1-056	Mills & Reeve obo Trinity (D) Limited	01-087, 02-022, 02-039, 02-042, 02-046, 02-062,, 02-062a, 02-075, 02-075a, 02-076, 03-007, 03-009, 03-010, 03-011, 03-014, 04-015, 03-016, 03-017, 03-017a, 03-031, 03-033, 03-034, 03-035, 03-036, 03-038, 03-039, 03-040, 03-041, 03-042, 03-043, 03-044, 03-045, 03-046, 03-047, 03-048, 03-049, 03-050, 04-001, 04-004, 04-005, 04-006, 04-007, 04-009, 04-012 & 04-015	1	

Silvertown Tunnel

Interested Parties objecting to the Compulsory Acquisition of Land and/or Rights

Objection Number	Examination Library Reference <sup>1</sup>	Interested Party Name	Land Plots <sup>2</sup>	Category 1, 2, 3 Person and/or Statutory Undertaker (SU) <sup>3</sup>	Notes (e.g. an objection is withdrawn)
7	RR-037 & REP1-089	RPS Planning and Development Limited obo Lidoka Estates Limited	01-046, 01-047 & 01-058	1	
8	RR-341	RRS London Waste Paper Ltd	01-046, 01-047 & 01-058	1	
9	RR-192 & REP1-090	Matthews and Sons obo Tarmac PLC	05-023, 05-029, 05-030, 05-036, 05-056, 05-056a, 05-070, 05-070a, 05-073, 05-078 & 05-083	1	
10	RR-216 & REP1-037	Shoosmiths LLP obo Brenntag UK Limited	01-027, 01-028, 01-030 & 01-050	1	
11	RR-260 & REP1-064	Knight Dragon Developments Limited and Knight Dragon Investments Limited	03-023, 03-030, 03-031, 03-032, 03-034, 03-037, 03-037a, 03-037b, 03-037c, 03-038, 03-039, 03-040, 03-041, 03-044, 03-047, 03-050, 04-004, 04-005, 04-007	1	
			01-040, 01-043, 01-044, 01-044a, 01-045, 01-045a, 01-045b, 01-	2	

Silvertown Tunnel

Interested Parties objecting to the Compulsory Acquisition of Land and/or Rights

Objection Number	Examination Library Reference <sup>1</sup>	Interested Party Name	Land Plots <sup>2</sup>	Category 1, 2, 3 Person and/or Statutory Undertaker (SU) <sup>3</sup>	Notes (e.g. an objection is withdrawn)
			078a, 01-083, 01-084, 01-087, 01-088a, 01-090, 02-018, 02-018a, 02-018b, 02-018c, 02-021, 02-022, 02-026, 02-026a, 02-027, 02-028, 02-029, 02-032, 02-033, 02-036, 02-036a, 02-036b, 02-037, 02-037a, 02-039, 02-040, 02-042, 02-043, 02-043a, 02-046, 02-051, 02-054, 02-056, 02-059, 02-062, 02-062a, 02-065, 02-069, 02-073 to 02-076, 02-078 to 02-080 & 03-001 to 03-026a, 03-028 to 003-029, 03-033 to 03-050 (except those plots above), 04-001 to 04-009 (except those plots listed above), 04-012 to 04-013, 04-015 & 04-021		
12	RR-285, REP1-053, REP1-054, REP1-184 and REP1-186	Winckworth Sherwood LLP obo Port of London Authority	04-011, 04-016 to 04-020, 04-023 to 04-025, 04-027, 04-028, 04-030a-b, 04-031, 04-032 to 04-035, 05-001 to 05-006 & 06-001	1	
			05-032 to 05-033, 05-074, 05-074a, 05-088	2	

## Silvertown Tunnel

### Interested Parties objecting to the Compulsory Acquisition of Land and/or Rights

Objection Number	Examination Library Reference <sup>1</sup>	Interested Party Name	Land Plots <sup>2</sup>	Category 1, 2, 3 Person and/or Statutory Undertaker (SU) <sup>3</sup>	Notes (e.g. an objection is withdrawn)
13	RR-288 & REP1-031	JLL obo ASD Limited (Kloeckner Metals UK)	05-047, 06-010, 06-005 & 06-013	1	
			05-043, 05-054, 05-059, 05-075, 05-089, 05-100, 05-122, 05-122a, 06-022	2	
14	RR-291 & REP1-034	Gerald Eve obo Morden College	01-001, 01-007, 01-008, 01-011, 01-022, 01-024, 01-027 to 01-029, 01-031, 01-035, 01-050, 01-057, 01-061 & 01-063	1	
15	RR-296 & REP1-042	Berwin Leighton Paisner LLP obo Thames Water Utilities Limited	05-033 & 06-078	1,2 SU	
16	RR-320 & REP1-079	CMS Cameron McKenna LLP obo National Grid Gas plc (NGG)	01-043, 01-045, 01-045a, 01-045b, 01-078a, 01-088a, 02-018, 02-018a, b & c, 02-027, 02-028, 02-043, 02-043a, 02-054, 02-056, 02-069, 02-073, 02-078, 03-002, 03-002a & b 03-008, 03-012 and 03-019	2/SU	CMS Cameron McKenna LLP's letter of 15 November 2016 states that agreement on the protective provisions means that both NGET and NGG's objections can be withdrawn.

## Silvertown Tunnel

### Interested Parties objecting to the Compulsory Acquisition of Land and/or Rights

Objection Number	Examination Library Reference <sup>1</sup>	Interested Party Name	Land Plots <sup>2</sup>	Category 1, 2, 3 Person and/or Statutory Undertaker (SU) <sup>3</sup>	Notes (e.g. an objection is withdrawn)
		CMS Cameron McKenna LLP obo National Grid Electricity Transmission plc (NGET)	06-068, 06-071, 06-072, 06-094, 06-095, 06-096, 06-098, 06-098a, 07-002, 07-004, 07-005, 07-006, 07-007, 07-007a & b, 07-008, 07-009, 07-011, 07-016, 07-022, 07-027, 07-028 and 07-029	2/SU	
17	RR-329, REP1-039 & REP1-040	Winckworth Sherwood LLP obo Quintain Limited	05-009 to 05-011, 05-014 to 05-030, 05-032 to 05-034, 05-036 to 05-038a, 05-040 to 05-042, 05-044, 05-044a, 05-046, 05-052, 05-055 to 05-056a, 05-066, 05-066a, 05-070, 05-070a, 05-073 to 05-074a, 05-078, 05-083, 05-088 & 05-091	1	
18	REP1-030	Affordable Architects obo Tary Holdings	01-052, 01-056, 01-058a, 01-058b, 01-058c, 01-060, 01-060a, 01-065 & 01-065a	1	
19	RR-294	Vectos Limited obo London City Airport	05-006 & 06-001	2	
20	REP1-077	Birch Sites Limited	01-058c, 01-060, 01-060a, 01-065, 01-065a, 01-076, 01-077, 01-	1	

Silvertown Tunnel

Interested Parties objecting to the Compulsory Acquisition of Land and/or Rights

Objection Number	Examination Library Reference <sup>1</sup>	Interested Party Name	Land Plots <sup>2</sup>	Category 1, 2, 3 Person and/or Statutory Undertaker (SU) <sup>3</sup>	Notes (e.g. an objection is withdrawn)
			082, 01-092, 02-009, 02-010, 02-011, 02-012, 02-015, 02-017, 02-017a, 02-023, 02-025, 02-088, 02-089		
21	REP1-078	Southern Gas Networks	01-047a, 01-058a, 01-066, 01-066a, 01-067, 01-077a, 01-078, 01-080, 01-086, 01-088, 02-016, 02-016a, 02-017, 02-017a, 02-023, 02-025, 02-035, 02-089,	1	
		Southern Gas Networks	01-001, 01-002, 01-009, 01-022, 01-023, 01-024, 01-027, 01-028, 01-031, 01-033, 01-034, 01-038, 01-040, 01-041, 01-043, 01-044, 01-044a, 01-045, 01-045a, 01-045b, 01-047, 01-048, 01-049, 01-050, 01-051, 01-055, 01-056, 01-058a, 01-059, 01-066a, 01-067, 01-068, 01-073, 01-077, 01-078, 01-078a, 01-079, 01-081, 01-083, 01-084, 01-086, 01-087, 01-088, 01-088a, 01-090, 02-001, 02-004, 02-005, 02-006, 02-007, 02-008,	2/SU	

Silvertown Tunnel

Interested Parties objecting to the Compulsory Acquisition of Land and/or Rights

Objection Number	Examination Library Reference <sup>1</sup>	Interested Party Name	Land Plots <sup>2</sup>	Category 1, 2, 3 Person and/or Statutory Undertaker (SU) <sup>3</sup>	Notes (e.g. an objection is withdrawn)
			02-013, 02-016, 02-016a, 02-017, 02-017a, 02-018, 02-018a, 02-018b, 02-018c, 02-019, 02-021, 02-022, 02-023, 02-025, 02-027, 02-028, 02-030, 02-035, 02-039, 02-042, 02-043, 02-043a, 02-045, 02-046, 02-054, 02-056, 02-059, 02-062, 02-062a, 02-065, 02-069, 02-073, 02-074, 02-078, 02-079, 02-080, 02-089, 03-001, 03-002, 03-002a, 03-002b, 03-004, 03-004a, 03-005, 03-007, 03-008, 03-009, 03-010, 03-011, 03-012, 03-013, 03-014, 03-015, 03-018, 03-019, 03-020, 03-023, 03-024, 03-024a, 03-028, 03-030, 03-031, 03-032, 03-033, 03-036, 03-037, 03-037a, 03-037b, 03-037c, 03-039, 03-040, 03-041, 03-042, 03-044, 03-047, 03-048, 03-050, 04-001, 04-002, 04-004, 04-005, 04-006, 04-007, 04-008, 04-009, 04-012, 04-013, 04-015, 04-021		



**APPENDIX 3**

**CVs of witnesses called by TfL to make oral submissions at the CA hearing on 8 December 2016**



## Martin Beckett

BSc (Hons) Civil Engineering (1st Class Honours, Bristol University)  
Member of the Institution of Civil Engineers  
Chartered Engineer

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### Profile

Martin Beckett is a highly experienced engineer and director with significant expertise in business leadership and in directing and leading the design of major highway, rail and tunnel infrastructure projects through the development and DCO phases into design for construction. Through having worked with client, design and contracting teams he has developed an in-depth understanding of achieving the successful integration of design and construction and of the key business drivers for design, construction and client organisations. A Chartered Engineer by profession, Martin has training in collaborative business relationships, delivery to NEC3, and commercial and transformational leadership.

### Key Experience

- Significant experience of delivering highway and tunnel DCO Applications
- Design management for highway and major civil engineering projects
- Extensive experience of directing design teams on D&B commissions
- Project leadership of multi-disciplinary teams
- Commercial and contractual leadership for major infrastructure commissions
- Business leadership: comprehensive understanding and experience in business direction, P&L ownership and managing business change
- Business and team leadership and direction: has led a diverse range of technical businesses delivering up to £15m annual fees with net contributions of up to 10%
- Project Procurement: Extensive experience of project procurement both as the promoters consultant and as the contractor's bid manager.
- Extensive international project and business experience

## Experience

### Jacobs Ltd 2014 to present

#### Director of Operations Highway Major Projects Division

#### Silvertown Tunnel DCO (£1.0bn) (TfL), Engineering Manager

Seconded into TfL as Engineering Manager directing the delivery of the Reference Design and Construction Methodology for the Draft DCO Application in May 2016. Drawing upon his A14 DCO experience, Martin ensured that the engineering was sufficiently developed to allow traffic and environmental impacts to be established, whilst retaining opportunity for construction innovation. Martin engaged widely with stakeholders including land interests, host boroughs, EA, PLA as well as key internal stakeholders.

#### A14 Cambridge to Huntingdon DCO Technical Integration Manager

Technical Integration Manager for the integrated J2A team with responsibility for co-ordinating engineering teams delivering Products up to HE Stage Gate 3 and the Engineering Deliverables for the Highways England (HE) Draft DCO Application in December 2014. Martin also took on responsibility for the production of the Consultation Report to DCO. Routinely co-located within the clients' offices, Martin worked closely with the PMO, NDD and HE assurance teams, developing and managing to an integrated design: assurance schedule for this £1.5bn Scheme.

### Capita Symonds Ltd 1997 to 2014

#### 2006 to 2014 Director, Engineering & Transportation East Grinstead

Major project leadership and full P&L responsibility for £15m pa turnover business unit delivering engineering consultancy services within the civil engineering and transportation sectors. Leadership and direction of business unit of up to 150 staff.

Delivery leadership with accountability to key transportation infrastructure clients including TfL, Highways England, Crossrail, Network Rail, hs2 and contractor partners for delivery of engineering services.

Projects delivered include Green Park Station tunnels for LUL; A421/A428 dualling for HE; Feeder 9 Tunnel Options Studies for National Grid; London Cable Tunnels (M&E and Ventilation designs) for National Grid; hs2 – design and construction studies informing the ES and consultation process for the Hybrid Bill

Held key roles on major projects, initiatives and frameworks including:

#### **Crossrail Consultancy Framework Framework Manager**

Framework Manager and Capita representative on the Crossrail Framework Consultants Board. Capita teams delivered services of over £15m in fee value for options phase, preliminary and detailed designs winning several Crossrail H&S awards for their risk-based approach to safety-by-design.

#### **N7 Limerick Tunnel Project Director**

Project Director for the commission delivering construction designs to D&C contractor, DirectRoute for the €600m immersed tunnel link on the N7 Limerick Southern Ring Road. Design scope included civil works construction designs as well as concept designs for the mechanical and electrical systems, tunnel ventilation, lighting, pumped drainage and ITS.

#### **2006 Capita Champion Highways England CAT Process**

Leadership of the CAT Teams delivering business improvements across Capita in preparation for the Highways Agency CAT 3 assessments in 2006/2007.

#### **2003 to 2005**

#### **Associate Director, Civil Engineering Design Management for Major Projects**

#### **M25/A282 Dartford.**

Designer's Project Manager for the Capita team delivering the tender designs for a section of motorway and trunk road widening for Highways England.

#### **M3 Clonee Kells**

Designers' Project Director for the Capita team delivering the tender designs for a section of the M3 Clonee Kells NRA Motorway DBFO project.

#### **A249 DBFO Project, Kent.**

Designers' Project Manager responsible for delivery of the tender and construction design for this £100m HE DBFO highway.

#### **2001 to 2002**

#### **Associate Director, PFI Consultancy Lenders' Technical Advice**

**N4/N6 Kinnegad - Kilcock.** Leader of the technical due diligence team advising Lenders to the successful consortia

**A28 Autoroute, France.** Leader of the technical due diligence for 128km 2 x 2 motorway in Normandy, the first major highway PFI project in France.

#### **D47 Motorway, Czech Republic.**

Specialist technical advice to Lenders for the 80km D47 motorway in Czech Rep.

#### **1997 to 2000**

#### **Technical Director Capita Symonds, Malaysia**

Technical Director for environmental projects in South East Asia managing the preparation of feasibility reports, proposals and competitive bids for water and wastewater projects for Vivendi Group. Responsible for liaison with legal and financial consultants engaged on the project teams and with Vivendi Group specialist engineering contractors.

- Bid Manager for an extensive range of competitive tenders for water and wastewater projects in Vietnam, Malaysia and Singapore up to US\$120m capex.
- Technical Due Diligence of Privatised Water Projects;
- Chengdu Water Plant BOT Project.
- Co-ordinated the successful \$100m bid for a 400 Ml/d BOT water project, the first PFI water project in China
- Technical and contractual support for Capita office in Manila: developed the project execution programme using Primavera Software for the Fort Bonifacio Water Project.

## **Taylor Woodrow International 1995 to 1997**

#### **Design Manager**

#### **Taylor Woodrow, Malaysia STAR Light Rail System - Ph II,**

Design Manager with responsibility for managing the delivery of all permanent and temporary works designs.

- Direction of the consultants for the permanent works designs. Procurement and administration of major temporary works designs.
- Management of the design interface with the E&M consortium partners.
- Co-ordination of interfaces with external bodies including government and statutory authorities and developers of adjacent sites.

## **Mott Macdonald Group 1989 to 1995**

#### **1993 to 1995**

#### **Design Co-ordination Engineer**

#### **Karachi Water Supply Project, Pakistan**

- Design Office Management: Managed the project design office
- Contract Procurement: Managed project procurement programme and bidding process
- Contract Administration: £32 million EPC contract for the M&E equipment during design and procurement stages.

#### **1989 to 1993**

#### **Water Resources Planning Engineer, UK**

## **Taylor Woodrow International 1985 to 1989**

#### **1985 to 1989**

#### **Site Engineer / Sub-Agent**

#### **Oman, Falkland Islands, New Zealand**

Major civil engineering and building projects in Oman, Falkland Islands and New Zealand

## **Language Skills**

Good written and spoken business and technical French



# Richard Caten

## Project Director/Expert Witness



infrastructure and regeneration



### Richard's Profile

Richard is the Managing Director of Ardent and has over twenty years experience. In this time he has supported the promotion and implementation as the primary property advisor of over 20 Transport & Works Act Orders and Development Consent Orders.



### Qualifications

- Member of the Royal Institution of Chartered Surveyors (MRICS)
- RICS Registered Valuer
- Member of the Compulsory Purchase Association



### Key Skills

- Expert witness
- DCO & TWA Orders
- Land acquisition
- Compensation
- Implementation of powers
- Land referencing



### Experience

Richard has considerable experience in the promotion and implementation of Development Consent Orders and Transport & Works Act Orders. Richard is a member of the Compulsory Purchase Association and a RICS Registered Valuer and has demonstrable experience in acting as an Expert Witness to support Order promotion.



### Selected Projects

#### **London Underground – Bank Station Capacity Upgrade (2014 – present)**

The Bank Station Capacity Enhancement project is a complex tunneling scheme and new station entrance in the City of London. The project delivers significant passenger capacity enhancement at Bank Station through the construction of a new Northern Line tunnel together with a series of new traveller, circulation and escalator tunnels. Richard was appointed in 2014 to support the promotion of the Order primarily tasked with reaching agreements with high profile landowners. Richard also acted as the Expert Witness at the inquiry. Working with TfL Group Property Richard was successful in reaching agreements with all landowners and the inquiry was held without the attendance of any objections, which is unprecedented for a scheme of this nature.

#### **London Underground - Northern Line Extension (2012 - present)**

Since 2012 Richard has been Ardent's Project Director for the promotion and implementation of the new Northern Line extension to Battersea. In this role Richard was responsible for the land referencing, Book of Reference, Land & Works Plans, landowner objection management, Land & Works Agreement negotiation and Property Cost Estimate inputs. In 2013 Richard acted as the Expert Witness in relation to Land & Property at the Public Inquiry, where cross examination was limited to residents as agreements had been reached with all major landowners. More recently Richard has been advising the project in respect of Settlement Deeds, compliance with the landowner Agreements and Land Strategy. Richard and his team have also recently delivered the first area of land for the project by use of a General Vesting Declaration.

**Ian Gee**

**Proposed role : Advisor Tunnel Engineering**

BEng (Hons), CEng, MICE, MIStructE



Ian is a Chartered Civil & Chartered Structural Engineer with twenty five years experience, who specialises in the design of tunnels, underground structures and ground engineering for major infrastructure projects.

He has worked on some of London's highest profile tunnelling projects over the last two decades which include High Speed 2, a variety of Docklands Light Railway Extensions including Dagenham Dock, Woolwich, and Lewisham Extensions, London Underground's major stations upgrades including Victoria & Bond Street Station in addition to the Jubilee Line Extension, Channel Tunnel Rail Link tunnels and Heathrow Express.

Ian has worked in a number of roles including engineering feasibility through to detailed design but also as technical advisor for range of client authorities, project insurers and funders on projects including Crossrail Bored Tunnels, Arlandabanan - Metroselskabet, Copenhagen, and has worked internationally in Hong Kong, Singapore, South Africa and the USA.

# Ian Gee

## Civil Engineer

### Director, Ground Engineering



#### Profile

Ian is a Chartered Civil & Chartered Structural Engineer with twenty seven years' experience, who specialises in the design of tunnels, underground structures and in ground engineering including the design of foundations and earth retaining structures.

#### Key Experience

- Planning stage engineering concept development studies
- Scheme appraisal & option evaluation & selection
- TWA, hybrid Bill and DCO statutory instruments for scheme promotion
- Detailed design for construction of tunnels and associated infrastructure
- Senior member of Atkins Tunnelling responsible for management and technical direction of a range of tunnelling projects

#### Profession

- Civil Engineer

#### Joined Atkins

- 1996

#### Qualifications

- BEng (Hons)
- Chartered Engineer, CEng

#### Professional Associations

- Member of the Institution of Civil Engineers, MICE
- Member of the Institution of Structural Engineers, MStructE

### A Selection of Experience with Atkins (1996 – present)

#### Transportation – Rail

##### High Speed Rail, UK : HS2 (London West Midlands) – C222 Rural South (HS2 Ltd)

Lead tunnel engineer with responsibilities for design of all underground infrastructure associated with this part of the project. Preparation of supporting documentation suitable for a hybrid Bill deposition to Parliament in November 2013, for all infrastructure required to support a proposed maximum 400kph line speed. The 'Rural South' contract is a 90km part of the wider project route, with approximately a quarter of the package route in tunnel, including five cut-and-cover tunnels and the thirteen kilometre 'Chilterns Tunnel' running through the Chilterns designated Area of Outstanding Natural Beauty.

Responsible for providing support to HS2 Ltd through Public Engagement for the scheme, and technical evidence support to HS2 Ltd during passage of the hybrid Bill through the House of Commons.

##### Crossrail – C122 Bored Tunnels (Cross London Rail Link Ltd)

Director responsible for non-located team preparing programme-critical Thames Water major sewer protection measures. Works involve fast-track preparation of detailed design for construction including - access to Thames Water's existing 3.5m diameter North East Storm Relief Sewer storm sewer and structural reinforcement of the sewer to protect against imposed ground movements arising from construction of Whitechapel Station and related tunnelling works.

##### Bond Street Station Upgrade Project, UK (VINCI-BAM Nuttall JV)

Design Review to Atkins (HAT) detailed design team, for all subsurface works for the largely tunnelled station upgrade. The upgrade works comprised new step free access provision, new passenger escalators access to the Jubilee Line and improvements to egress provision.

##### Victoria Station Upgrade Project, London UK (London Underground Ltd)

Project Director for the Independent Category III design check of all shafts, tunnels and underground station works of the >£500M capital upgrade project. The checking works covered extensive SCL tunnel adits driven both in and above London Clay, escalator declines, a new satellite and capacity-enhanced ticket offices, with associated interchanges. The checking encompassed ground characterisation, finite difference ground movement prediction from tunnelling and bulk excavation works, and their effect on existing London Underground infrastructure.

**Cityringen: Copenhagen Metro, Denmark (Metroselskabet)**

Design Review Lead responsible for leading Atkins 20+ strong team of independent multi-disciplinary reviewers of the 2\$Bn new circular underground metro system. Design review spanned design basis, specification of works, procurement and contract documentation. Independent design review undertaken for Metroselskabet immediately in advance of the project being offered to the design-and-construct market.

**Gautrain Rapid Rail Link, Republic of South Africa (Bombela Construction JV – Bouygues, Murray Roberts and JV Partners).**

Team Leader for detailed design of a variety of hard rock cavern structures on the underground section of this new suburban railway linking Johannesburg with Pretoria. Structures included temporary construction and permanent shafts, portals, and rail crossover caverns in Granites and Diabase. The caverns included deep and spatially complex underground stations with main station cavern spans of 16m, and shotcrete and rockbolt reinforced rock vertical shafts 50m deep, supporting upper level station concourses constructed within deep diaphragm wall 'boxes'. The design integrated construction requirements for phasing and multiple face working.

**Docklands Light Railway, Dagenham Dock Extension, UK (DLR Ltd)**

Lead for all substructure engineering. The scheme entailed development from concept, of a twin bored light railway extension including a crossing of the river Roding, one of London's largest operational treatment facilities in London and beneath a series of Thames riverside wharfs. The design included tunnel, intervention and ventilation shafts, adjoining cross passages and portal and cut-and-cover tunnel approaches. The role involved development of designs with suitable supporting information for deposition of a Transport and Works Act Works Order in April 2008.

**Bond Street RIBA C+ Station Upgrade Project, UK (London Underground)**

**Review Engineer.** For all subsurface works for the approximately £150m capital station upgrade. The upgrade works comprised new step free access provision, new passenger escalators access to the Jubilee Line and improvements to egress provision.

**Bank Western Extensions - Docklands Light Railway , UK (DLR Ltd)**

Tunnelled extension route option costs and engineering feasibility study. The study entailed development of outline feasibility schemes for extending the DLR Light Rail network west across central London with key interchanges with Network Rail (Thameslink), London Underground. Destinations considered comprised Charing Cross, Liverpool Street, Moorgate and Farringdon. All scheme options comprised exclusively underground routes to form the new terminus stations and extensive twin bored tunnelling with associated shafts and underground stations.

**Victoria Station Groundwater Cooling Trial, UK (London Underground / Metronet)**

**Technical Reviewer.** For design evaluation of impact on existing tunnel linings of suspending trial cooling units developed by South Bank University, from segmental iron tunnel linings.

**Sofia Metro (VINCI Construction Grand Projects)**

Managing technical tender design services for the contractor on the 2km long bored 5.2m I.D tunnel scheme comprising two new underground stations constructed by cut-and-cover.

**Confidential Scandinavian Transportation Tunnel, Project Noggin (Macquarie Bank)**

**Technical Advisor.** To the bank on design and construction of a 5km drill-and-blast hard rock tunnel with 23m wide, station caverns.

**Tel Aviv Metro Red Line, Israel (Mesillot) (Project Managers to NTA Metropolitan Mass Transit System Ltd)**

**Project Manager.** For Geotechnical & Tunnelling specialist consultancy services, role has included preparation of a geotechnical interpretive report of an 8km underground section of the route with eight underground stations. Services have also included advice on bored tunnelling settlement impact assessment, technical tunnelling specification.

**Docklands Light Railway, Woolwich Arsenal Extension, UK (DLR Ltd)**

**Deputy Project Manager,** for the preparation of an engineering feasibility study and preliminary design in support of a Transport and Works Act, Works Order Application. Responsible for tunnelling and all underground works issues, including the identification of alignment constraints and selection of feasible railway route alternatives, the development of outline strategies for tunnel ventilation and fire access/egress and technical co-ordination with affected third parties including utilities, local government and executive government agencies.

Represented DLR (TfL) as Expert Witness at successful TWAO Public Inquiry for the scheme.

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### **DLR Lewisham Extension Bored Tunnels, UK (City Greenwich Lewisham Rail Link Plc)**

**Technical Advisor.** To CGL Ltd, infrastructure concessionaire for the effects of deep level grouting activities associated with a property development, on the existing pre-cast concrete shield driven tunnel linings. Advice included assessment of the behaviour of the tunnel linings including induced lining and joint loadings and displacement.

### **Paddington Station Masterplan Phase II, UK (Railtrack Plc)**

**Project Manager.** For Foundation and Substructure Design of a proposed railway station and commercial development including outline feasibility design of high capacity foundations and substructures, preparation of a geotechnical investigation, geodetic and tunnel condition surveys and presentations to, and liaison with, affected parties including LUL.

### **West Coast Mainline, Stowehill and Northchurch Tunnels and Shafts, UK (Railtrack Plc)**

**Project Engineer.** For feasibility study into the options for providing surge pressure relief to the existing tunnels. Preparation of outline cost estimates, drawings and definition of a possessions-based programme of works.

### **KCRC West Rail, DB320, Kwai Tsing Tunnels, Hong Kong (Dragages Zen Pacific JV)**

**Section Design Manager / Deputy Project Manager.** Responsible for detailed design of tunnelling permanent and temporary works, including cut and cover, hard rock drill and blast and soft ground tunnelling, as listed below:

#### **Ha Kwai Chung Tunnel, 1.7km Rock Tunnel, Hong Kong (Dragages Zen Pacific JV)**

Responsible for the design of temporary rock support for twin track rock tunnels with ancillary niche caverns, bifurcations, high speed turnouts and heavily skewed rock portals. Permanent works design for plain, conventionally reinforced and sprayed concrete linings.

#### **Tsing Tsuen Tunnels, 1.9km Bored Segmentally Lined Tunnel, Hong Kong (Dragages Zen Pacific JV)**

Responsible for the design management of sub-consultants, and the settlement impact assessments of a variety of adjacent structures, including forty storey building structures, elevated MTR viaducts, DSD nullahs, and highway and pedestrian bridge structures.

#### **Tsuen Wan Tunnels, 145m of Twin Cut and Cover Tunnels, Hong Kong (Dragages Zen Pacific JV)**

Responsible for the detailed design of the twin 20m deep reinforced concrete tunnels, including the preparations of construction drawings, specifications, and associated deliverables including durability submissions. Responsible for the development of the railway alignment for the entire 3.7Km tunnels, and co-ordination with KCRC's system-wide contractors, including ventilation, traction power, permanent way and adjacent construction contractors. Also involved in the value engineering development of an optimised cross passage solution for emergency escape within the TBM driven tunnel.

#### **KCRC West Rail, DD300 - Tsuen Wan Station, Hong Kong (KCRC)**

Design Discipline Leader responsible for the detailed design of 500m of cut and cover tunnels to 25m deep. Responsible for all aspects of the design of the permanent works and also indicative temporary works design. The design included combined permanent and temporary works diaphragm walls with top down and bottom up construction, with complex construction sequences and highly constrained sites, preparation of drawings and specifications, assessment of settlement impact on adjacent structures and the co-ordination of design with system wide contractors.

#### **KCRC West Rail DD350 Tai Lam Tunnel, Hong Kong (Maeda/Chun Wo JV)**

**Senior Engineer.** Responsible for preparation of tender designs. Design work included permanent works cut and cover tunnel, and temporary works excavation support in sheet pile, diaphragm and contiguous bored pile walls.

#### **Aqueducts between Tai Po and Butterfly Valley, Hong Kong (Leighton Kumagi JV)**

**Senior Engineer.** Design check and investigation into steel inner liner capacity, within the deep TBM driven rock tunnel.

#### **Docklands Light Railway, Lewisham Extension, UK (Mitsui-Nishimatsu JV)**

**Deputy Project Manager.** For the detailed design of tunnelling permanent and temporary works in reinforced concrete and structural steelwork. Duties also included assessment of the impact of tunnel construction on adjacent structures including gravity retaining walls, 14th century structures and existing deep shafts. In a separate commission for the contracting J.V. responsible for the design of a variety of temporary works for the TBM slurry processing plant.

#### **Singapore North East Line, Mass Rapid Transit Railway - Contracts 704 & 705 (JDC JV)**

Responsible for tender design of reinforced concrete cut and cover railway structures. Design of foundation systems for bridge piers of an elevated highway. Preparation of tender drawings.

## Transportation – Road

### Silvertown Tunnel, London, UK, DCO Reference Design, (TfL)

Preparation of a Reference Design to support the DCO (Development Consent Order) application for a new twin two lane bored highway tunnel passing below the river Thames in London. Responsible for the engineering design all aspects of the twin bored tunnels, which are to be developed from the Greenwich Peninsula to Silvertown in east London, with a route threading through the existing Emirates Airline cable car infrastructure, and extensive mixed use development proposed for the Greenwich peninsula, and through areas of formerly extensively developed industrial land.

Responsible for preparation of written evidence for the DCO application for the scheme, and for review of non-engineering DCO application documentation. Proposed Engineering Expert Witness for the Scheme, and responsible for certain aspects of technical stakeholder engagement in the pre-examination period.

### Silvertown Tunnel, London, UK, Independent Peer Review (TfL)

Acted as expert tunnel design reviewer in conducting an independent peer review on behalf of TfL of the feasibility design of the Silvertown Tunnel project. The review covered the rationale and selection of preferred engineering solution for the crossing, considered key aspects of the scheme's engineering technical feasibility and also considered capital cost estimates, treatment of risk and risk contingency, and construction methodology.

### Park Lane Highway Undergrounding concept study, London (TfL)

The short concept study considered the technical viability of undergrounding part of Park Lane, to relocate the facility and to explore the potential for reuse of space created by the relocation.

### A3 Hindhead Tunnel, UK (Highways Agency)

Review engineer on 1800m long twin bore SCL tunnels constructed through sandstone formations.

### Rikoti Ridge Highway Tunnel, Georgia

Rehabilitation options and cost study for civil & M&E upgrade for the existing tunnel, poorly constructed in 1982. The tunnel exhibited widespread signs of distress including severe cracking and leakage in the lining, which was constructed in sections of up to 1000m depth. The design review included a variety of upgrade options and benchmarked the implications of plying the EU Tunnels directive on the existing infrastructure.

### Tunnel Costs Study, UK (Highways Agency Research and Development Framework Contract)

Tunnelling support to development of a rational approach to highway tunnel costing.

### Bander Al Jissa, A'sifah, Quriyat Road, Oman (Sultanate of Oman)

**Project Manager.** Feasibility study into proposed rock tunnels forming part of the highway route near the proposed Bar Al Jissa resort development.

### Egnatia Highway, Votonosi and Anthochori Tunnels, N Greece (Egnatia Odos A.E.)

**Project Engineer.** For Category III Independent Design Checking of rock tunnels. Responsibilities included check designs of reinforced concrete linings of the tunnels, which were constructed by drill and blast excavation. The check design commission also included check designs of gravity retaining walls in a seismically active zone, portal structures and associated slopes.

### Dingle Brook Bridge, UK

**Senior Engineer.** Responsible for the Category III structural design check of precast concrete segmental arch units to BS5400.

### Power (Nuclear & Energy)

#### Confidential Project – 1000MW Power Station Cooling Water System decommissioning

Project Director for a feasibility study and detailed design of decommissioning works of existing tunnelled cooling water system for an existing power station. Works concerned removal and/ or stabilisation of deep tunnels, river bed intake and outfall structures, and associated shafts.

#### Hinkley 'C' Marine Works, (Morgan Sindall-VINCI-Balfour Beatty MVB JV)

Design-and-build tender design for marine works package of works for EDF's proposed twin EPR reactors. The works included a variety of offshore shafts and junction structures for the 11km of cooling water circuits with 7m dia. outfall and twin 6m dia. intake tunnels (separate intake for each reactor), to be constructed in the mudstones of the Severn Estuary.

**Geological Disposal Facility, GDF, Generic Design Review (Nuclear Decommissioning Authority, NDA).** The commission entailed design review of illustrative designs prepared by NDA for three generic host geologies, which were presented in a series of reports, to be subsequently released to the public domain by NDA. The review focused on aspects of engineering the underground space, and communicating the intent of the programme development.

**Power Line Undergrounding PLUG Tunnels (Olympic Delivery Authority)**

Responsible for team assessing the effects of a variety of development over the existing new build segmentally lined bored tunnels carrying EdF and National Grid power supply cables. Developments included the London Aquatics centre, Channelsea valley bulk filling and a variety of other structures including piled bridge abutments.

**Beddington – Rowdown Cable Tunnel, AMEC**

Design-and-build tender design for approximately 10km of bored tunnel scheme for National Grid Transco, including headhouse site compounds and surface structures.

**Lower Lea Valley Overhead Power Line Diversion (London Development Agency)**

**Tunnel Advisor.** For this Technical Feasibility study into options for the undergrounding of National Grid & EDF power lines.

**Water**

**Thames Tunnel, Detailed Tunnel Assessments, CH2MHill, Thames Tideway Project**

Project manager and Technical Lead for the assessment of key existing tunnelled rail infrastructure affected by the proposed Thames Tunnel construction. The assessment work entails inspection and numerical assessment of the impacts of construction on the LU's Bakerloo, Waterloo and City, Northern Line and (Brunel's) London Overground Tunnels passing under the river Thames.

**Puny Drain Pipe Jack Design (English Partnerships UK)**

Design of twin 1.5m I.D pipe jacking scheme for a drainage diversion beneath an operational railway line. Design works included pipes and drive and reception chambers and associated headwalls. Ground conditions comprised Kimmeridge Clay and a high groundwater levels.

**Ilkley Embankment Stabilisation (Pipe Jack)**

Detailed design of pipe jacked drainage scheme undertaken to reduce groundwater impoundment and resulting ground pore water pressure adversely affecting stability of embankments, historically prone to slip failure.

**Confidential (Saudi Geological Survey)**

**Project Manager.** For specialist services relating to stabilisation of abandoned deep rock tunnels and shafts.

**Belfast Sewers Project, Water Service, Belfast (Department of Regional Development)**

**Project Reviewer.** For the commission to develop preliminary designs for a new 10km long bored tunnel sewerage system within the Belfast urban area.

**Birmingham Northern Relief Road, Tunnelled Culverts C149 (Cambba)**

**Project Manager.** For independent category II check of 1.95m I.D pipes. Responsible for detailed design check of the works which encompassed structural capacity and detailing of pipes and independent prediction of settlements associated with construction of the four pipes installed beneath Network Rail lines by pipe-jacking.

**Belfast Sewage Sludge Incinerator Project, UK (Design And Build) (Farrans Construction)**

**Senior Engineer.** The project constructed by Farrans for the Water Services Department of the Department of the Environment, Northern Ireland comprised temporary works designs including a cofferdam 25m x 21m in low strength clay, and internal propping.

**Littlehampton and Bognor UWWTD Enhancements, UK (Southern Water Services)**

**Project Manager.** For geotechnical and contaminated land investigations of approximately £100k. Site investigations covered a 16km proposed pipeline route and a former military airfield. Pipeline route also incorporated a proposed tunnel crossing of the River Arun at Littlehampton.

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## Other

### Peacocks Centre Basement, Woking (British Land)

**Project Manager.** For preparation of remedial repair design and site execution of severely leaking diaphragm wall basement structure to the shopping centre. Proprietary hydrophobic polyurethane resins (foaming resin grouts) were used to affect a leaking panel joint.

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## A Selection of Programme and Project Experience Prior to Present Employer

### Mott Macdonald Consultants (1989 – 1996)

Various Projects including:

#### Boston Central Artery/Tunnel Project, Jacked Tunnels, USA (Maguire/Harris JV)

**Senior Engineer.** Responsible for the design of reinforced concrete tunnel units 78ft by 38ft (24m by 12m), for permanent works loading including seismic analyses and temporary construction (jacking) loads. All design undertaken according to the provisions of the American Railways (AREA) design codes. Also responsible for temporary works design including reinforced concrete thrust bases to AASHTO design codes to be used for the installation of the above units by tunnel jacking methods. Design review of multi-propped deep cofferdam excavations in Boston Blue clay, to a depth of 70ft (21m).

#### Battersea Yard Bridge, UK (Railtrack Plc)

**Engineer.** Responsible for design check of new piled bridge abutments carrying high lateral loads from fill and superstructure (fixed bridge bearings). Associated work included estimation of short term elastic and consolidation settlements and their effects on adjacent structures.

#### Schola Green to Middleton Pipejack, UK

**Engineer.** Responsible for prediction of settlements caused by caisson sinking and the pipe jacking process.

#### Heathrow Express Contracts C&D, UK (Balfour Beatty)

**Engineer.** Responsible for producing settlement assessment reports for the structures affected by the tunnelling works associated with the construction of the Central Terminal Area Station.

#### Jubilee Line Extension Contract 102, UK (Balfour Beatty/AMEC)

**Engineer.** Responsible for the production of phased settlement predictions for the tunnelling works including construction of Waterloo and Westminster stations. Involved in temporary works design checks for Contractors alternative VE schemes, including deep level and flying props in the diaphragm wall station box.

#### Stratford Station Western Concourse, Jacked Subway, JLE Contract 117, UK (Bilfinger and Berger)

**Project Engineer.** Responsible for the preparation of tender designs, including jacking pit (sheet pile cofferdam), mini-pile walls, and reinforced concrete thrust slab and the determination of jacking resistances.

#### Sevenoaks School Pedestrian Subway, UK (Johnston Construction)

**Project Engineer.** Responsible of the category III structural design check of the jacked precast concrete tunnel units. Detailed design of the reinforced concrete approach and exit portal structures.

#### Ambleside Waste Water Treatment Works, UK (Harbour & General)

**Engineer.** Responsible for hydraulic and structural design of treatment works extension under an IChemE Design and Construct Contract.

#### Preston Town North Drainage Area Study, UK (North West Water)

**Assistant Engineer.** Responsible for the production of verified hydraulic model, needs and options report.

#### Middlewich Street Sewer, Crewe, UK (North West Water)

**Assistant Engineer.** Responsible for the preparation of a Solution Stage planning Note and design brief for a structurally inadequate sewer serving a population of 4,200.

#### Cumbria Zonal Planning, Network Analysis, UK (North West Water)

**Graduate Engineer.** Worked on the production of four detailed network analysis for rural and urban populations from 2000 to 27 000. Involved in planning, programming and the execution of field testing of the networks, and construction/calibration of the models with preparation of associated drawings and reports. The projects also

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involved presentations to the client.

### **Taylor Woodrow Construction Northern Ltd (1991 – 1992)**

#### **Secondment.**

Various projects including:

#### **Ewden CWR, UK (Yorkshire Water) - Seconded to Taylor Woodrow Construction**

**Site Engineer.** For the construction of reinforced concrete service reservoir and ductile iron transmission pipe work up to 900mm in diameter.

#### **Burton and Horton WWTW, UK (Yorkshire Water) - Seconded to Taylor Woodrow Construction**

**Site Engineer.** For construction of these two new treatment works. Responsibilities included all setting out, monitoring progress, ordering materials, and supervising sub-contractors.

#### **Blackburn Meadows WWTW, Sheffield, UK (Yorkshire Water) - Seconded to Taylor Woodrow Construction**

**Site Engineer.** For construction of reinforced concrete structures, 800m access road and services.

### **Publications and Conference Papers**

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A.D.Hardingham, O.Martin, I. Gee. 'Design and Construction of the Kwai Tsing Tunnels' International Tunnelling Summit, Hong Kong 200

### **Awards**

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#### **Institution Of Structural Engineers (2001)**

**AE Wynn Prize.** Highest examination score (all entrants) in the Part III examination for any solution in reinforced concrete.

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# SIOBHAN READE



Member of the Royal Institute of Chartered Surveyors (MRICS) since 2000  
Member of the Compulsory Purchase Association since 2012  
BSc(Hons) Real Estate (Land Management)

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## **PERSONAL SUMMARY**

A self motivated team player with excellent communication skills and extensive property experience. Possessing a proven ability to ensure project objectives are delivered efficiently, meeting client needs. With a clear focus on problem solving and implementation of approved processes, I am able to provide high quality property advice on the promotion and implementation within the specialist subject area of Compulsory Purchase. With excellent interpersonal skills I am able to work both independently and in a team in order to meet key objectives, together with having strong leadership skills to ensure that the desired outcome is always achieved.

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## **WORK EXPERIENCE**

### **Transport for London: August 2012 – Present**

#### **Senior Surveyor**

Senior Surveyor within the Operational Property Crossrail team assisting with the acquisition of land interests and property rights by both agreement and under Compulsory Purchase powers to deliver the underlying Crossrail scheme. In addition, working within the GLA team, providing CPO advice on their key regeneration projects with a primary role in the Southall Gasworks CPO 2014 following completion of a Promotion Agreement with St James West London of the Berkeley Group for the regeneration of this brownfield site. Leading on negotiations for Third Party Agreements Silvertown Tunnel Development Consent Order

## **KEY SKILLS & COMPETENCIES**

- Negotiating Land & Works Agreements for Silvertown Tunnel Development Consent Order Application
  - Negotiating claims following the implementation of Crossrail CPO powers for land interests required in Central London and North East spur of the Crossrail line.
  - Leading, coordinating and instructing Expert Witnesses in matters referred to Lands Tribunal with responsibility to report to senior management on progress and make recommendations by having a key interface with both the legal and expert team.
  - Undertake and maintain Property Cost Estimates on behalf of Crossrail and Crossrail 2 on behalf of the internal clients and EXPO 2025 for GLA
  - Key member of the GLA team responsible for agreeing the terms for the Promotion Agreement with St James West London ahead of the making of the Southall Gasworks CPO.
  - Negotiate and agree on behalf of the GLA Property Cost Estimate with St James West London to ensure any possible exposure to the GLA is captured under the Promotion Agreement.
  - Key team member advising GLA's MDC team of the key components required in order to deliver a successful CPO on the Old Oak and Park Royal Regeneration area including coordinating the necessary strategic property advice which was required and presented to the Assembly Members demonstrating how the Mayor's 'Vision' would be delivered.
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## **London Borough of Barnet: June 2001 – August 2012**

### **Principal Valuer**

Senior member of the Local Authority Property Services & Valuation department. Responsible for a varied portfolio since 2001. Achievements included assisting in the making of a Compulsory Purchase Order for the Stonegrove Spur Road Housing Estate (December 2011) and the implementation of the Grahame Park Compulsory Order (November 2010)

**2008-2012:** Internal property advice on the Council's Housing Regeneration Projects. Implementation with other senior officers of the Disposals Programme.

**2005-2008:** Asset and estate management of the Council's commercial portfolio. Property advisor for the Primary School's Capital Investment Programme.

**2001-2005:** Disposals, Landlord & Tenant Law, valuations, appraisals, land transfer of one of the first Academies - Edgware, housing regeneration

### **KEY SKILLS & COMPETENCIES**

- Negotiation of acquisitions through Private Treaty. Applying the Compensation Code to negotiate acquisitions following the implementation of a Compulsory Purchase Order
- Obtaining consent from the Secretary of State for the disposal of Council land
- Land disposals under S.123 Local Government Act 1972 & S.233 Town & Country Planning Act 1990. Disposal under Critehel Down Rules. Appropriation of land S.122 Local Government Act 1972
- Grant of Demolition and Works Licences. Grant of Leases both secure and unsecure in accordance with the Landlord & Tenant Act 1954
- Property advice on Principle Development Agreement
- Making & implementation of Compulsory Purchase Order
- Residual valuations. Preparation of Tender Packs for disposal on both a binding & non-binding basis
- Extensive experience working with multi-disciplined project teams

### **bmi - British Midland - June 2000 to June 2001**

#### **Property Management Surveyor**

Rent Reviews, New Leases & Lease Renewals for required property interests.

### **London Borough of Barnet - June 1999 to June 2000**

#### **Valuer**

Rent Reviews, Licences, Leases, Property Management, collating and analysing comparable evidence, report writing, site inspections,

### **London Borough of Ealing - June 1998 to June 1999**

#### **Rent Officer**

Assessing rents for regulatory tenants under the Housing Act. Inspections, report writing and analysis of comparable evidence

### **Herbert Churchman - June 1997 - June 1998**

#### **Referencer**

Inspection and measuring commercial property for rating purposes. Assisting the surveyor in collecting and analysing comparable evidence for the rating assessment.

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# David Rowe

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Telephone (M): 07970766654 Email: [davidrowe@tfl.gov.uk](mailto:davidrowe@tfl.gov.uk)

## Professional Profile

An experienced project & programme sponsor with extensive knowledge of initiating, planning & delivering complex schemes in accordance with timescales & budgets. A proven ability to develop & sustain relationships at the highest levels & to lead & motivate teams to ensure successful delivery of projects & realisation of benefits.

## Key Attributes

- Good leadership, interpersonal & organisational skills.
- Proven project & programme management sponsorship experience.
- Sound technical knowledge & practical experience of developing & implementing policies, programmes & projects.
- Excellent political & local government knowledge with good communication & presentational skills & an ability to influence at the most senior levels to deliver results.

## Career History

### Head of Infrastructure Sponsorship, TfL

**07/2015 - Present**

Leading the development, consents, governance, outcome definition and benefits realisation for major projects within TfL Surface Transport, including the Silvertown Tunnel and new bus and coach facilities. Ensuring projects meet customer requirements, deliver value for money and are aligned with Mayoral policies and business priorities. Leading a matrix team of 65 people.

### Head of Borough Projects & Programmes, TfL

**01/2010 – 06/2015**

Sponsoring a complex portfolio of TfL supported projects on borough roads, including some of London's most iconic public realm schemes such as Exhibition Road, Piccadilly Two-Way and Oxford Street. Responsible for a budget of c.£190m per annum relating to Local Implementation Plan (LIP), Cycling, Crossrail, Air Quality, Bus Priority & Accessibility programmes. Leading & developing a team of 35 people.

### Head of Travel Demand Management, TfL

**08/2006 – 01/2010**

Leading the delivery of one of the largest travel demand management programmes in the world. Working with businesses and stakeholders across the Capital to design and introduce innovative new measures to influence travel behaviour. Controlling a c. £30m per annum budget for project development, design & delivery. Managing a team of 20 people.

### Head of Project Development, TfL

**05/2003 – 08/2006**

Directing the development & implementation of cycling, accessibility & public realm schemes to deliver sustained growth in the levels of cycling & reductions in casualties across the Capital. Overseeing & managing a c. £40m per annum budget. Influencing senior stakeholders to secure transport investment from third parties, such as through development opportunities.

**Service Development Manager, TfL Street Management** **12/2000 – 05/2003**

To critically assess the operation of the service & implement improvement programmes, including the review of schemes inherited by TfL from the Highways Agency and the development and oversight of alternative proposals for A23, A205, A40 and A406. Delivery of London's first Road Safety Plan & establishment of the London Road Safety Unit.

**Transport Team Leader at L.B. Hammersmith & Fulham** **1998 – 2000**

To lead negotiations on transport related to major developments, including Chelsea Football Club, White City and Imperial Wharf. To develop & implement projects and programmes to improve transport and the quality of life in the Borough, including the delivery of West Brompton station, St. Pauls Green and Lyric Square.

**Education**

MSc. Urban Design & Engineering – South Bank University, Civil Engineering Department

BSc. (Hons.) Transport Planning & Distribution – Plymouth University

Diploma in Management & Development

Managing Successful Programmes Practitioner – Office of Government & Commerce

3 GCE 'A' levels, 8 'O' Levels

**Additional Information**

Regular user of MS Office, SAP, Pathway & OGC programme and project management techniques. Good knowledge of modelling & simulation, such as Saturn, Transit, RailPlan, LTS & Pedroute. Member of the Transport Planning Society & Association of Project Management. Enjoys walking, running, tennis, football and reading in spare time.

References available on request.

**Curriculum Vitae: JASON SALDANHA**  
**C.Eng, M.Eng, MICE, MCIHT**  
**Chartered Engineer & Project Manager**  
**Transport Infrastructure**



**TRANSPORT FOR LONDON - October 2006 – Present**

**Senior Project Manager, Transport Strategy & Planning, Planning – Oct 2012 to present**

**Responsibilities:**

- Project manager for Silvertown Tunnel (EFC £750m) since May 2013
- Leading large multi-disciplinary, matrix team with internal & external providers
- Leading engagement with key internal & external stakeholders
- Programme manager for Roads Task Force (up to July 2013)
- Project & Programme management discipline lead for department

**Lead Manager, Surface Transport Games Team (secondment) March 2011 to Oct 2012**

**Responsibilities:**

- Managing delivery and coordination of all Games-related Traffic Regulation Orders (TROs)
- Leading the coordination and integration of all Games traffic signing
- Technical team lead on legal matters

**Portfolio & Benefits Manager, BR&P & IPD, Surface - September 2008 to March 2011**

**Responsibilities:**

- Introduced portfolio management to TLRN improvement programmes (£25m/yr) and then across all BR&P programmes (£200m/yr)
- Championed portfolio and benefits management within Surface Transport.
- Established portfolio monitoring regime with suppliers and periodic management reporting
- Organised and led annual delivery planning review and forward planning

**Principal Engineer Development Control, RND, Streets - October 2006 – September 2008**

**Responsibilities:**

- Supervised input to multi-modal transport impact assessments on large developments including management of specialist consultants
- Managed informal and formal responses to planning consultations affecting the TLRN and SRN in Central London (10 boroughs)
- Led negotiation on highway and traffic mitigation for TLRN/SRN in liaison with Land Use Planning.

**HERTFORDSHIRE COUNTY COUNCIL, ENVIRONMENT DEPT. – Sept 2002 to Oct 2006**

**Programme Manager, Hertfordshire Highways**

**Responsibilities:**

- Responsible for managing highway improvement programme for a third of the County and coordination of all highway activity in partnership with term consultants and contractors.
- Highways development control function including responses to planning consultations, negotiation of legal agreements and project management of developer-funded improvements.
- Responsible for overseeing the business support team for an area office with 70 staff.

**MOUCHEL CONSULTING LTD., HERTFORDSHIRE - May 2001 to Sept 2002**

**Principal Engineer, Sustainable Transport Projects**

**Responsibilities:**

- Managed provision of transport planning, engineering design, consultation, and construction supervision services under public sector consultancy contract.
- Responsible for technical and financial assurance.

**Career Summary pre- May 2001:**

Public and private sector experience on a variety of transport and civil engineering projects, developing technical skills and knowledge of planning, design, consultation and construction:-

- **April 1996 to May 2001 - HERTFORDSHIRE COUNTY COUNCIL, ENVIRONMENT DEPT Senior Engineer, Sustainable Transport Projects Unit**
- **Feb 1994 to April 1996 - STAFFORDSHIRE ENGINEERING CONSULTANTS - Section Engineer, A50 Improvement, Stoke –on-Trent**
- **Sept 1991 to February 1994 - HOWARD HUMPHREYS & PARTNERS - Senior Assistant Resident Engineer, M5 Widening Junction 6 TO 8**
- **July 1987- Sept 1991 - SIR WILLIAM HALCROW & PARTNERS - Assistant Resident Engineer & Design Engineer**
- **April to Sept 1986 - BIWATER CONSTRUCTION - Assistant Site Engineer**