

SILVERTOWN TUNNEL

Volume 8

Development Consent Order Application

8.37 Comments on Written Representations – Land
Interests Part 1:

The Infrastructure Planning (Examination Procedure)

Rules 2010

December 2016

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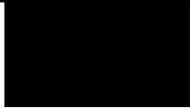
Silvertown Tunnel

Development Consent Order Application

8.37 Comments on Written Representations – Land Interests Part 1

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1 INTRODUCTION

1.1 Purpose of this report

- 1.1.1 This report provides the Applicant's responses to Written Representations (WRs) submitted by Interested Parties (IPs) at Deadline 1 with an interest in land directly affected by the Scheme. The Applicant has categorised these IPs for presentational purposes only and attaches no greater or lesser weight to their WRs than WRs made by other categories of IP.
- 1.1.2 The following IPs WRs are covered in this report:
- Ansco – this report also includes the Applicant's response to Ansco's comments received on the draft DCO [APP-013] at Deadline 1
 - Knight Dragon
 - Quintain
- 1.1.3 Please note that those statutory bodies with an interest in land directly affected by the Scheme are dealt with in a separate report entitled 'Comments on Written Representations: Statutory Bodies' for ease of reference. That reports encompasses such bodies' land and non-land related representations.
- 1.1.4 The Applicant has reviewed and considered in detail the matters raised in these WRs and, to assist the ExA, has responded or commented where the Applicant considers there is a significant matter to address. The Applicant's responses and comments on the WRs are set out for each IP in turn. Two response formats have been adopted – narrative (Part 1) and tabular (Part 2) – as considered appropriate by the Applicant in light of the nature and length of the WR, and the choice of format does not indicate any prioritisation or that the Applicant has assigned additional weight to a particular WR.

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2 ANSCO ARENA LIMITED

2.1 Comments on Relevant Representation (considered also as a Written Representation) by AnSCO

Introduction

- 2.1.1 In section 1.3 AnSCO states that *'the application is deficient as it has not been subject to assessment or analysis of the effects of the Scheme on The O2.'*
- 2.1.2 The local access roads serving Greenwich Peninsula are relatively lightly trafficked during most periods with the exception of major events at the O2, which predominantly occur in the evening. The Applicant has undertaken an initial local traffic assessment that indicates that the proposed temporary car parking and highway arrangements during normal, non-event operation will perform satisfactorily. Further local modelling is underway to support this assessment.
- 2.1.3 TfL has made a commitment to replace any car parking provision affected by the construction of the Scheme.

Background

- 2.1.4 In section 2.2 AnSCO states that *'the need for sufficient car parking facilities is further highlighted by the forthcoming redevelopment of the Peninsula in accordance with the 2015 Masterplan which envisages the closure of the North Greenwich Station car park (with no replacement proposed). This will reduce considerably the number of available parking spaces in the local area, which might otherwise have been used by visitors to The O2. Therefore, as the pressures on existing car parks operated by AnSCO are only set to increase, it is vital that, as a minimum, a situation comparable to the current car park provision is maintained.'*

- 2.1.5 The Scheme has no permanent impacts on car parking provision on the Greenwich peninsula.
- 2.1.6 During the construction of the Scheme any parking affected will be temporarily replaced as set out in the CoCP (REP1-119).

Greenwich Peninsula Masterplan

- 2.1.7 In section 3.5 AnSCO states that *'the applicant is required to mitigate the impact of the Scheme on AnSCO's current facilities and operations, rather than those which may be delivered in the future as part of the KDDL Redevelopment'* and in 3.6: *'1.1.1 It would not be appropriate for the Applicant simply to rely on a third party (KDDL) to address the impacts of the Scheme on AnSCO.'*
- 2.1.8 TfL has made a commitment to replacing any car parking provision affected by the construction of the Scheme.
- 2.1.9 The consequence of this is that TfL is not relying on other parties to deliver the replacement car parking, as the commitment is made that TfL will provide them if others do not.
- 2.1.10 In section 3.6 AnSCO states that *'considerable efforts to engage with KDDL [Knight Dragon Developments Limited] and the Applicant in order to consider whether it is possible to facilitate early delivery of the permanent multi-storey car park. Despite such efforts, as the proposed location of the Applicant's construction compound on the Peninsula extends into the site required for the construction of the permanent multistorey car park, it has not been possible to take this proposal forward.'*
- 2.1.11 The Applicant has engaged with AnSCO and KDDL since 2014 and through this engagement has considered a range of options and proposals aimed at mitigating the temporary displacement of certain parking spaces on the peninsula during the term of the Silvertown Tunnel construction. The permanent multi-storey car park (MSCP) is part of the KDDL's Peninsula Master Plan. At the time of the DCO application the Applicant understood that there was no reasonable prospect of the MSCP being brought forward in the short to medium term. At the time of writing we understand there is still no reasonable prospect of the MSCP being brought forward in the short to medium term.

- 2.1.12 In section 3.7 AnSCO states that *‘the 2015 masterplan envisages the wholesale redevelopment of the Peninsula which will transform it into a pedestrian friendly public realm environment. Therefore, it is essential that the proposals for the Silvertown Tunnel are shaped in such a way that will support this objective. It is submitted that, as a minimum, the design for the Scheme should envisage the need for (and therefore incorporate a direct link from the proposed permanent multi-storey car park onto the A102 or alternatively onto the Silvertown Tunnel itself.’*
- 2.1.13 The Applicant has considered an alternative direct access from the permanent Multi Storey Car Park to the A102 and to the northbound approach of the proposed Silvertown Tunnel. The A102 is a strategically important road and it would be inappropriate to introduce additional minor junctions as this would adversely affect safety and traffic flow. The Applicant considers that general traffic accessing the Greenwich peninsula should be using the existing Blackwall Lane junction which is designed for safe entry and exit. An alternative direct access for general traffic to the northbound approach of the proposed Silvertown Tunnel using the proposed bus only link would impose safety concerns in close proximity to the Silvertown Tunnel entrance and hence is not appropriate. To manage this entry slip road safely would require traffic signals, which would create unacceptable queuing and delays to the A102 approach and consequential impacts on traffic using Blackwall Tunnel. This would undermine principal congestion relief benefits of the scheme.

Car Parking and Other Facilities

- 2.1.14 In section 5.2 AnSCO states that *‘the scheme necessitates the temporary removal of a significant amount of parking spaces currently available to the O2. To this point, the Applicant has provided contradictory information as to the extent of these removals.’*
- 2.1.15 The Applicant has engaged since 2014 with AnSCO and KDDL and through this engagement has considered a range of options and proposals aimed at mitigating the impacts on the provision of car parking on the Peninsula during construction of the works. In considering each of the options identified through the engagement the Applicant has made an assessment of the number of existing car parking spaces which could be temporarily displaced during the works and temporarily provided as mitigation during the works. The numbers of existing car parking spaces

potentially impacted varies between the options, which we believe AnSCO and KDDL fully understands. Throughout the engagement with AnSCO and KDDL, TfL has committed to the principle of re-providing the number of existing car parking spaces impacted by the works as set out in the CoCP [APP-092].

- 2.1.16 In section 5.3 AnSCO states that *'it cannot be demonstrated based upon these statements [in the DCO] that the direct effect on parking is mitigated or that the consequent effects on the transport network and the O2 have been assessed or even understood.'*
- 2.1.17 Firstly, as stated above, TfL has made a commitment to replacing any car parking provision affected by the construction of the Scheme.
- 2.1.18 The local access roads serving Greenwich Peninsula are relatively lightly trafficked during most periods with the exception of major events at the O2, which predominantly occur in the evening. The Applicant has undertaken an initial local traffic assessment that indicates that the proposed temporary car parking and highway arrangements during normal, non-event operation will perform satisfactorily. Further local modelling is underway to support this assessment.
- 2.1.19 However, in contrast, traffic conditions during large O2 events are not capable of being modelled for several reasons. Limited information is available on visitor trip destinations post-event, which varies from event to event, and the highly saturated conditions affects road users' responses to traffic signals. Furthermore, traffic marshals are employed to direct traffic, including overriding traffic signals. On the main roads leading to and from the Peninsula the Applicant already provides a bespoke traffic signal timing plan that is automatically activated during the evening of major events to improve egress from the peninsula after the events.
- 2.1.20 The fact that traffic can not be modelled post event, in part due to the intervention of traffic marshals, is acknowledged and agreed by AnSCO. In light of this, the approach that has been agreed with AnSCO is to replicate as closely as feasible the number of egress lanes onto the same primary egress routes (Millennium Way and West

Parkside) directly or indirectly from the temporary car parking as is currently provided to minimise the impact on the adjacent network.

- 2.1.21 In section 5.4 AnSCO states that *‘the Applicant has provided AnSCO with a proposal for a “proposed replacement car park to accommodate approximately 815 spaces inclusive of 40 disabled”. The Replacement Car Parks Plan (“Replacement Car Parks Plan”) provided by the Applicant is enclosed with these representations at Appendix 2.10 However, this proposal was not included in the Application and was presented without the necessary detailed assessment, analysis or modelling. It is not secured by a clear requirement in the DCO, and fundamentally fails to meet the transport operational requirements for AnSCO to ensure it can continue to run an effective business and provide a positive customer experience. It should be noted that prior to the Applicant proposing the Replacement Car Parks Plan, there were discussions between the Applicant, KDDL and AnSCO of alternative proposals, including a temporary multi-storey car park, which - subject to detailed assessments being carried out - would have satisfied many of the concerns raised in these representations. However, these proposals have not been taken forward by the Applicant. It is not clear from any published documents whether the Applicant has given any detailed consideration to the temporary multi-storey car park proposal.’*
- 2.1.22 The provision of replacement car parking and assessment of construction impacts is dealt with above.
- 2.1.23 The temporary multi-storey car park option referred to by AnSCO was actually a proposal of Knight Dragon’s which sought to facilitate early release of land occupied by car parks for their development in addition to accommodating parking displaced by the Scheme. However, this has not been taken forward by Knight Dragon.
- 2.1.24 In section 5.7 AnSCO states that *‘If, in the end, the replacement facilities provided by the Applicant increase the number of parking locations for The O2, this will increase the number of traffic marshals and amount of operational infrastructure required to manage the facilities. Therefore, it is submitted that the Applicant should be responsible for meeting the costs of hiring additional traffic marshals and providing additional infrastructure to manage the additional parking locations for the duration of the construction period.’*

- 2.1.25 In the event that an agreement is not reached on details of replacement car parking, then TfL will need to occupy the land required in accordance with the DCO as granted and AnSCO will be entitled to make a claim for compensation for additional operational costs in accordance with the Compensation Code, as modified by the DCO.

Parking and Logistics Office

- 2.1.26 In section 6.4 AnSCO states that *'the Applicant should be required to propose mitigation to safeguard the existing Parking and Logistics Office or to propose and secure arrangements for a replacement facility to be provided in accordance with a specification agreed in advance by AnSCO. Given that the Applicant has not done this, AnSCO objects to the Scheme on this basis.'*

- 2.1.27 The Statement of Reasons and Schedule 7 to the dDCO were updated at Deadline 1 to make explicit provision within plots 03-013 and 03-014 for the provision of 'associated buildings' for any replacement car park during construction of the Scheme. The specification of such a building would form part of the agreement anticipated to be reached with AnSCO Arena Limited.

Taxi and Private Hire

- 2.1.28 In section 7.2 AnSCO states that *'the Application does not assess whether construction of the Scheme will impact on access to the taxi rank and private hire pick-up and drop-off point. It is important that any impact is assessed and appropriate mitigations proposed. Therefore, AnSCO objects to the Scheme on the basis that the Applicant has failed to carry out an appropriate assessment of whether the Scheme will impact on these facilities or their access routes.'*

- 2.1.29 Both the station access road and the taxi rank and private hire pick-up and drop-off entry are accessed off the eastern section of Edmund Halley Way. This section will remain open throughout the construction with access provided off West Parkside as currently.

Access Routes

- 2.1.30 In section 9.6 AnSCO states that *‘the Application shows that Millennium Way will be disrupted during construction of the scheme.’*
- 2.1.31 Disruption to traffic on Millennium Way will be minimised by the provision of a temporary diversion road of an equivalent standard.
- 2.1.32 In sections 9.10 and 9.11 AnSCO states *‘the Environmental Statement states that a temporary link road between Millennium Way and West Parkside may be constructed if required.’*
- 2.1.33 *It is assumed that this requirement has now been incorporated into the Scheme, given its central importance to the Transport Assessment and other application documents. However, it is submitted that the examining authority should clarify this and advise the imposition of requirements accordingly.*
- 2.1.34 *AnSCO strongly support the inclusion into the Scheme of proposals to replace Edmund Halley Way on a temporary basis and maintain lateral movement of vehicles across the Peninsula – that is, a link road is certainly “required”. However, given that the temporary link road will join West Parkside rather than providing a lateral route across the Peninsula, it will still contribute to congestion, especially on event days. It will also experience significantly more traffic than would be usual for Edmund Halley Way, given that the Applicant’s proposed replacement car park is only accessible via East Parkside.²⁰ AnSCO has proposed to the Applicant that a diversion should be constructed to the north of Edmund Halley Way, which would ensure the free flow of lateral traffic, provide sufficient capacity for access to car parking and other facilities and avoid fragmenting Car Park 1 into further smaller plots. This should be secured by requirement and provided.*
- 2.1.35 The Applicant notes that this link road forms part of the envisaged construction methodology explained in the Construction Method Statement (APP-046), and powers for this have been included within the dDCO. However, the Applicant is in ongoing discussion with AnSCO and Knight Dragon in relation to the types of changes at this location. The request to move the diversion of Edmund Halley Way slightly to the north, which could provide further mitigation to the impacts of the temporary closure of Edmund Halley Way, is something that TfL has undertaken

design work towards forming part of an Agreement. Further information on this will be submitted to the Examination in due course as mentioned in the Applicant's letter to the ExA in response to the ASI, ISH and CAH agendas (AS-026), referred to as 'Proposed change no.3 – Improved temporary diversion of Edmund Halley Way'.

- 2.1.36 In section 9.14 AnSCO states that *'given the additional pressures from traffic during the construction and operational phases, improving West Parkside should take place by providing an additional lane and this should be secured by requirement. During discussions with the Applicant, AnSCO has been presented with a number of options for West Parkside. These options include removing the bus lane and creating a dual carriageway, thereby creating additional highway capacity particularly for event periods. However, to date all options presented by the Applicant have been aspirational. AnSCO has received no firm commitment to deliver any of the options tabled. Consequently AnSCO cannot accept or agree to any current proposal from the Applicant for the relocation of its car parks as thus far, appropriate mitigation regarding highway capacity has not been assured.'*
- 2.1.37 In partnership with RBG, TfL recently undertook a public consultation on proposals to improve West Parkside and the Pilot Busway on the Greenwich Peninsula. The consultation closed on 04/12/16. This is being progressed separately from the Silvertown Tunnel scheme; the Silvertown Tunnel scheme is not dependent on its completion. Nonetheless the potential changes to West Parkside are being and will continue to be taken into account in the Scheme development. The applicant is continuing to work with AnSCO to provide further information on the proposals for the temporary relocation of car parking.
- 2.1.38 In section 9.15 AnSCO states that *'It is clear that the Applicant has not carried out a detailed assessment of the road network on the Peninsula and how it is used to support transport operations at The O2 (in particular, car parking on event days). It is clear, even where mitigation has been proposed, that the mitigation is aspirational and has not been comprehensively secured in the DCO itself. Ultimately, AnSCO has no assurance that any of the proposals submitted by the Applicant so far are in fact deliverable. Therefore, AnSCO objects to the Scheme on the basis of insufficient detail and assessment in relation to the Peninsula road network and access to The O2's facilities. A proper assessment should be supplied to the Examining Authority and objectors, and the consequential effects understood. Development should not be granted until this has occurred.'*

- 2.1.39 Please refer to the 'Comments on Borough LIRs and WRs' (sub theme "Mitigation") report submitted at Deadline 2. The Applicant considers that the assessment of highway impacts resulting from the operation of the Scheme set out in the Transport Assessment [APP-086] shows that there would be a positive impact on traffic accessing the Greenwich Peninsula due to congestion relief on the Blackwall Tunnel corridor.
- 2.1.40 For the construction stage the Applicant has undertaken an initial local traffic assessment that indicates that the proposed temporary car parking and highway arrangements during normal, non-event operation will perform satisfactorily. Further local modelling is underway to support this assessment. For large events the approach that has been agreed with AnSCO is to replicate as closely as feasible the number of egress lanes onto the same primary egress routes (Millennium Way and West Parkside) directly or indirectly from the temporary car parking as is currently provided to minimise the impact on the adjacent network.

Construction Impacts

- 2.1.41 In section 10.1 AnSCO states that *'the Statement of Reasons and the Construction Method Statement state that a large number of works will require the removal or diversion of utilities and apparatus.'*
- 2.1.42 The Applicant is in ongoing engagement with all utility stakeholders affected by the Works. Technical agreement has been reached with the utility stakeholders as to how the Applicant will undertake the Works, protect the assets and ensure appropriate continuity of services: this is included in Schedule 13 of the Draft Development Consent Order (Protective Provisions). Schedule 13 is intended to achieve diversion solutions that will minimise the impacts of the Scheme on the existing utilities networks, furthered by ongoing liaison between the Applicant and utility stakeholders. The commissioning of utility service diversions may cause temporary disruption in some cases, however these will be discussed with affected stakeholders and planned well in advanced of the diversionary work being undertaken. More specifically, the Scheme Contractor and the utility company will coordinate utility diversions closely with major users, such as AnSCO, in order that risk of unplanned service disruption is minimised. Any planned disruptions necessary are likely to be of only a few hours duration, and arranged at times to keep the impact on affected parties to an absolute minimum. The utility company are regulated to provide service

performance levels through the operation of their infrastructure .In addition the Applicant has amended the CoCP at Deadline 2 to make explicit provision for the Contractor to consult with and inform interested parties such as AnSCO, in advance of undertaking any diversions work.

- 2.1.43 In section 10.3 AnSCO states that *'The Application Documents show that there will be a substantial number of movements of large vehicles for an area as small as the Peninsula. This will equate in 2021 to an extra 61 HGV movements along Millennium Way on top of existing traffic flows. Despite the volume of traffic which they carry and their importance to transport operations, no results are provided for Edmund Halley Way / the temporary link road between Millennium Way and West Parkside. This is a major omission which calls into question the validity of the overall traffic assessment for the Scheme.'*
- 2.1.44 As the Applicant set out in Chapter 6 of the Transport Assessment [APP-086], it is planned that the access to the southern worksite would be via Millennium Way. There is therefore no expectation of construction traffic travelling along Edmund Halley Way or the new link road. On the basis of the analysis set out in the Transport Assessment, construction traffic would represent less than a 1% increase in flow on Millennium Way. The Applicant considers that the road network on the Greenwich Peninsula would operate within capacity during both the construction and the operation of the Scheme.
- 2.1.45 The Applicant has undertaken an initial local traffic assessment that confirms that the proposed temporary car parking and highway arrangements during normal, non-event conditions, will perform satisfactorily. Further local modelling is underway to support this assessment.
- 2.1.46 In section 10.4 AnSCO states that *'the Transport Assessment states that the Applicant will prepare a 'strategy to manage the impact of the worksite on events parking and access at the O2'. It is unclear whether this is the Applicant's proposal to provide alternative car parking spaces or whether it is a more integrated strategy including traffic phasing, signage and other traffic management measures. It is submitted that the Applicant should engage with AnSCO to prepare such an integrated strategy as soon as possible. The installation of a Variable Message*

System on Millennium Way in April 2011 shows how effective partnerships between AnSCO, the Applicant and the Royal Borough of Greenwich can be in managing traffic flows on and off the Peninsula.'

- 2.1.47 The Applicant has proposed a design that aims to replicate the existing arrangement as much as possible within the DCO Order Limits. This proposal ensures that all O2 car parking spaces affected by the construction worksites in Greenwich will be re-provided nearby, and it also ensures that access and egress provision for the car parks is maintained to the local highway network. The Applicant acknowledges the need for temporary signage and other traffic management measures, and commits to engage with RBG, AnSCO and other affected parties through the regular coordination and communication meetings as provided for in the CoCP [APP-092].
- 2.1.48 In section 10.5 AnSCO states that *'the requirements regulating the timing of construction traffic on event days would be an effective way to ensure that construction traffic does not interfere with the efficient management of transport operations at the O2 and should be included in the Construction Traffic Management Plan. It is also important that the CTMP ensures that site entry locations to the works compound and any other parts of the Scheme do not conflict with the entry and exit points to The O2's car parks. It should also be a requirement that construction traffic cannot block, or otherwise stop on, the highway at any time. It is further submitted that AnSCO should be consulted on the CTMP.'*
- 2.1.49 The Applicant agrees that it is important to liaise with the local community and businesses to ensure that the effects of construction traffic on them are minimised and mitigated. The Applicant considers that events at the O2 are an important consideration when assessing and mitigating construction traffic impacts upon the local community and businesses and has amended the CoCP at Deadline 2 to make explicit provision for the Contractor to consult and inform interested parties such as AnSCO, in relation to construction effects. As such, AnSCO does not need to be consulted on the CTMP particularly as Greenwich who will approve the plan will be cognisant of highway and planning matters on the Peninsula.
- 2.1.50 In section 10.6 AnSCO states *'the Application further states that there is a need for some night time closures of the Blackwall Tunnel during the construction period. There is a significant risk to the transport operations on the*

Peninsula from this reduction in capacity. Given the level of egressing traffic generated on event days at The O2, it is important that the Applicant does not schedule closures on event days. If - for essential construction reasons - the Applicant must schedule night time closures of the Blackwall Tunnel on event days, then the Applicant should be required to consult with AnSCO on when and how those closures should be enforced. It is estimated that a closure time of midnight would be sufficient to ensure that the majority of traffic has safely exited the Peninsula before the closure comes into effect.'

- 2.1.51 The need to close the Blackwall Tunnel for routine maintenance and incidents is not an impact of the Silvertown Tunnel scheme, but is required to ensure the continued safe operation and maintenance of that tunnel. At present, Transport for London liaises with local businesses (including AnSCO Arena) when a closure is necessary to minimise impacts upon the local community. These existing liaison procedures will be unaffected by the implementation or operation of the Silvertown Tunnel.

Proposed User Charging

- 2.1.52 In section 11.2 AnSCO states that it *'does not object in principle to the concept of tolling or user charging to manage traffic during peak periods. However, it is important that the detailed charging scenario that is ultimately implemented also does not undermine the economic development of the peninsula.'*
- 2.1.53 As set out in the Distribution of User-Benefits note (submitted at Deadline 2), highway user benefits for businesses, net of user charges, are expected to be positive for most of the Peninsular. Furthermore businesses on the Peninsula stand to gain significantly from the step-change in bus services that will be facilitated by the Scheme, which will mean increased access to customers and staff. As set out in the same note, total benefits, net of user charges, for residents of the Peninsula will be amongst the highest of anywhere affected by the Scheme. Further details of why a user charge is required as an integral part of the Scheme are set out in the Charging Statement (APP-097). The charging powers will be tightly constrained by the Charging Policies and Procedures document (REP1-123), which will also be a certified document.

- 2.1.54 In section 11.3 AnSCO states that *'the introduction of general user charging for tunnel crossings at the Peninsula, but not at other river crossing points, would be unfair and could lead to a competitive disadvantage for businesses on the Peninsula.'*
- 2.1.55 There is a current fairness issue in that residents and businesses of East London are subject to significant delays and poor reliability at the Blackwall Tunnel when crossing the River in a way that those using other crossings are not. The Scheme will directly address this by effectively eliminating congestion and, as set out in Summary Table 3 of the Economic Assessment Report (APP-101), result in total net benefits of £1.3bn for residents and businesses once user charging costs have been taken into account, including reliability benefits.
- 2.1.56 User charges heading southbound under the Assessed Case are just £1 after 7pm, when the majority of large events at the O2 begin, and £3 between 4pm and 7pm. The charge will be free after 10pm. Those customers travelling from north of the river that are willing to pay the parking charges at the O2, currently set at £25 for the O2 Arena and £14 for Indigo at the O2, are unlikely to be particularly price sensitive to the user charges proposed.
- 2.1.57 As set out in Figure 7-8 of the Transport Assessment (APP-086), the Scheme will result in an increase in the number of vehicles travelling southbound across the River in the evening peak. Furthermore, the O2 Travel Plan 2012 sets out modal split targets and monitors against them. This shows the majority of visitors for events and other attractions travel by public transport. The step change in bus services facilitated by the Scheme will therefore enable more people from across Newham, Greenwich, Lewisham and Tower Hamlets to access the O2 more quickly, and as passengers will avoid the user charge.
- 2.1.58 Far from restricting the ability of people to access the Peninsula in the evening, the Scheme will therefore increase the number of people travelling south across the Thames and increase the potential market for the evening economy there.
- 2.1.59 In section 11.4 AnSCO states that *'It is submitted that it is important that measures are introduced into the charging proposals which would provide protection for local communities and local businesses. This could include a discount*

or exemption for local businesses, their employees and their customers. At present, there is no evidence that this has been assessed or even considered. The effect of this on The O2 cannot presently be understood without understanding the traffic and funding models of the Applicants, which must be supplied to the Examining Authority.'

2.1.60 Please refer to the 'Comments on Borough LIRs and WRs' (sub theme "Resident discount") report submitted at Deadline 2.

2.1.61 In section 11.5 AnSCO states that '*The Charging Statement suggests that the Applicant will use the results from a strategic traffic model utilising data from its monitoring scheme to set or vary the user charges. It is submitted that the strategic traffic model should only use data relating to traffic, environmental, social, economic and other factors within the Scheme's limits and its approaches/ surrounding area. It would not be appropriate to take into account traffic demand experienced at other crossings, such as the Dartford Crossing, which will be subject to a different range of factors. It is important to take into account that night time use of The O2's facilities is vital to the economic and social success of the venue and is a key driver behind the rapid development and growing popularity of the Peninsula as a whole. These circumstances and the traffic demands they generate are unique to the Peninsula and are not mirrored in other areas where user charging has been implemented. If the local monitoring data and modelling results do not show a clear need to regulate traffic demand beyond peak commuting hours, then it would be wholly inappropriate to extend user charging beyond that time. It is noted that the Assessed Case submitted by the Applicant in its application documents envisages a charging period of 6am to 10pm. However, if local data do not support a charging period beyond 8pm and the end of peak commuter rush hour for example, then the charging period should be set at a maximum of 6am to 8pm.'*

2.1.62 Users of the crossing will benefit from journey time-savings and greater reliability than is experienced at the Blackwall Tunnel currently and in the Reference Case. While the greatest time-savings benefits are likely to be experienced in the currently heavily congested peak periods, (and higher charges at this time are needed in order to manage demand effectively), it is also the case that time-savings are made outside peak times. These time-savings benefits would be lower, but those travelling at any point during the daytime would benefit from the increased reliability of cross-river travel as a result of the Scheme's improved resilience, and it is appropriate to recognise this

benefit through the application of charges including outside peak periods. The user charge is required at this time to manage demand and its consequential environmental impacts and also to pay for the Scheme. During the overnight period (10pm to 6am proposed in the Assessed Case), the incidence of Blackwall Tunnel closures is very low, and congestion is minimal. It is also helpful to encourage time-shift to this period where possible and TfL considers that it is appropriate therefore that this period is uncharged.

- 2.1.63 It will also be possible to make subsequent variations to these user charges – Policy 8 (page 18) of the Charging Policies and Procedures [REP1-123] states that TfL must keep the charges under review. Therefore, if there are time of day (or other) effects which suggest a need to change the user charges, there is a procedure in place to do this. Before making any changes, TfL must follow the policies and procedures set out in the Charging Policies and Procedures.
- 2.1.64 The Applicant notes that the charges proposed to be charged at the Blackwall and Silvertown tunnels in the evening are small in comparison with ticket and car parking prices and considers that event-goers who chose the travel by car are unlikely to be particularly sensitive to such relatively modest additional costs.
- 2.1.65 In section 11.6 Anso states that *'The use of the Dartford Crossing as a model for user charging is not appropriate for the Scheme. The former is a strategic National / International route. The Scheme is located on an urban road, as is the Blackwall Tunnel. If the use of user charging is intended to manage demand, it should be applied based upon a different model, perhaps based upon the GLA's congestion charge.'*
- 2.1.66 TfL has developed its proposed charges in the Assessed Case in view of the specific conditions at the Blackwall Tunnel. Among the considerations is of course the crossing at Dartford and the charges applying there insofar as this represents an alternative option for drivers which therefore affects the likely response to the Scheme.
- 2.1.67 In section 11.7 Anso states that *'The Applicant has committed to undertake further work to model and assess the traffic, environmental, social, distribution and equality impact of specific charging scenarios. This suggests that the Applicant has not yet sufficiently assessed the Scheme. When it is undertaken, it is important that this analysis*

should take into account the unique economic, cultural and social circumstances on the Peninsula, including the operation of The O2 and its facilities.'

- 2.1.68 The Applicant has robustly assessed the impacts of the Scheme including the Greenwich peninsula.
- 2.1.69 TfL's commitment to undertake refreshed modelling and assessment of the Scheme prior to opening is a means of ensuring that the implementation of the Scheme including the user charges and any required mitigations take account of specific local circumstances including the outturn of growth forecasts, which will be informed by more up to date information closer to the time of opening. This is particularly relevant in areas where significant redevelopment and regeneration is envisaged, such as the Greenwich Peninsula.
- 2.1.70 In section 11.8 AnSCO states that *'The draft DCO requires the Applicant to publish a Statement of Charges 56 days before it comes into effect. The Charging Statement suggests that the Applicant will seek to publish a Statement of Charges up to 6 months in advance of when it comes into effect. Given, the potential impact on visitors and The O2 traffic management plan, it is submitted that the minimum time period in the DCO should be increased to three months so that local businesses can make the necessary preparations. Further, the charges in the initial period must be proposed now so that their effects can properly be modelled and assessed.'*
- 2.1.71 The specified minimum period of 56 days allows a balance between the need to provide users with sufficient notice and the need to set relevant and appropriate user charges for the prevailing conditions.
- 2.1.72 As set out in the Charging Policies and Procedures [REP1-123] paragraph 3.2.1, these Assessed Case charges will be the starting point in the setting of the initial user charges. TfL will determine if these need to be changed following the steps set out in in this document and in compliance with the policies. It will also be possible to make subsequent variations to these user charges – Policy 8 (page 18) states that TfL must keep the charges under review and Policy 9 (page 18) states that the extent to which the user charges help to achieve the Project Objectives is the primary consideration in setting user charges. Therefore, if there are effects which suggest a need

to change the user charges, there is a procedure in place to do this. Before making any changes, TfL must follow the policies and procedures set out in the Charging Policies and Procedures.

- 2.1.73 In section 11.9 AnSCO states that *'Article 65 of the draft DCO establishes a Silvertown Tunnel Implementation Group ("STIG") to consider a number of matters relating to the monitoring and management of the proposed tunnel. Subparagraph 2(n) provides that anybody considered to be appropriate by the Applicant may become a member of STIG. It is submitted that as the organisation responsible for managing the largest volume of traffic on the Greenwich Peninsula, AnSCO would be an appropriate member of STIG.'*
- 2.1.74 As noted, there is already provision for non-permanent members of STIG to be invited onto STIG: Article 65 (2) (o) states that 'any other person TfL considers appropriate' can be invited to join STIG.
- 2.1.75 In addition to this, STIG may establish sub-committees and their membership can be determined by STIG. If landowners or other groups such as residents were affected by particular issues they could be involved in this way.
- 2.1.76 In section 11.10 AnSCO states that *'Furthermore, Article 52 of the draft DCO requires the Applicant to consult "organisations it considers representative of regular users of the Blackwall Tunnel and the Silvertown Tunnel" before it may apply to the Mayor of London to change the charging policy. It is submitted that AnSCO (which is a person and not an organisation) should be consulted on the initial charging policy and any changes to the charging policy, given that many of the visitors for whom it is responsible will use the Blackwall and Silvertown Tunnels to enter and exit the Peninsula.'*
- 2.1.77 *AnSCO objects to the Scheme on the basis that there has been insufficient assessment, in particular local modelling (environmental, socio-economic and transport), of the impacts of the proposed user charging regime. It is important that any charging scenario should be fair, and - if the key objective is to tackle congestion – be limited to peak periods.'*
- 2.1.78 The list of organisations to be consulted (in addition to STIG) would be drawn up by TfL at the time in order to closely reflect the current situation. This may include local stakeholders such as AnSCO, who have an interest in the

operation of the Blackwall and Silvertown Tunnel crossings. As with other stakeholders, AnSCO is able to comment on the proposed Charging Policies and Procedures through the DCO Process

2.1.79 In section 11.11 AnSCO states that it *'objects to the Scheme on the basis that there has been insufficient assessment, in particular local modelling (environmental, socio-economic and transport), of the impacts of the proposed user charging regime. It is important that any charging scenario should be fair, and - if the key objective is to tackle congestion – be limited to peak periods.'*

2.1.80 Refer to the response provided in sections 2.1.62 – 2.1.63 above.

Other Matters

2.1.81 In section 12.2 AnSCO states that *'the Applicant should be required to consult AnSCO on the design and placement of new or replacement highway signage.'*

2.1.82 Any temporary modifications made to the road network, car parking access arrangements, signage, or bicycle / pedestrian access is to be addressed through the preparation of detailed Construction Traffic Management Plans (CTMPs) as set out in Section 3 of the CoCP. The CTMPs, which will set out the requirements and temporary changes by each construction phase, are expected to provide a far greater level of detail than could be determined at this time and will be approved by the relevant planning authority (in liaison with the relevant highway authority). The Applicant will continue to work with AnSCO Arena Limited to determine the precise needs of their operational requirements and ensure that provisions for appropriate signage can be made, both during construction as well as when the Scheme is operational. The CoCP has also been amended at Deadline 2, to make explicit provision for the Contractor to engage with stakeholders such as AnSCO in relation to construction traffic matters.

2.1.83 In section 12.3 AnSCO states that there will also *'be a need for pedestrian routes/wayfinding signage branded for The O2 between the replacement car parking facility and the O2 site.'*

- 2.1.84 In addition to the matters outlined in the response to AnSCO statement in section 2.1.80, Section 14 of the Code of Construction Practice [APP-092] states that "*all existing public rights of way and provision for cyclists and pedestrians that are affected by the construction works will be clearly signed, fenced and diversion routes provided from the outset to ensure that their usage would not be unduly impaired by construction activities.*" Any temporary arrangements for pedestrians and cyclists will be managed via Construction Traffic Management Plans as is required by section 3 of the CoCP.
- 2.1.85 In section 12.4 AnSCO states that '*The safety of visitors and residents is the top priority of The O2's owners and management. A road safety audit ("RSA") should accompany all detailed designs of car parks, highways layouts and pedestrian routes. AnSCO should be a party to this process and to the results of any RSAs which are undertaken.*'
- 2.1.86 In accordance with TfL's own guidance ("*Safe Streets for London - Road Safety Action Plan for London 2020*" [2013], and TfL's "*Road safety audit procedure*" [2014]), Road Safety Audits (RSA) would be prepared to ensure that due consideration is given to the effects of any proposal on all road users, and especially all vulnerable user groups.
- 2.1.87 A detailed response in relation to the RSA process associated with the Scheme is set out in the Applicants' response to FWQ HSS3 [REP1-171] (submitted both at deadline 1 and deadline 2).
- 2.1.88 In section 12.5 AnSCO states that '*the Applicant is obliged to mitigate any adverse effects caused by the Scheme which result in a loss to AnSCO.*'
- 2.1.89 TfL is in on-going discussions with AnSCO with the aim of reaching an agreement which seeks to mitigate AnSCO's concerns as far as is reasonably practicable. In the event that an agreement is not reached, TfL will exercise the powers which may be granted in accordance with the DCO and AnSCO will be at liberty to submit a claim for compensation in accordance with the Compensation Code, as amended by the DCO as granted.

2.2 TfL's response to AnSCO's comments received on the draft DCO [APP-013] at Deadline 1

Article 5 - Limits of deviation

2.2.1 In section 2.1 AnSCO states that '*A Grampian style planning condition should be included in the DCO to secure delivery of mitigation needed outside of the Order limits (e.g. replacement car parking).*'

2.2.2 The Applicant is currently engaged in on-going discussions with AnSCO Arena Limited, and is hopeful that agreement on the concerns raised can be reached before the end of the examination. A commitment to replace car parking spaces affected by construction is also already contained in the Code of Construction Practice (paragraph 2.6.2), which is secured by Requirement 5 to the dDCO.

Articles 8-11 - Street Works/Stopping up/Access

2.2.3 In sections 2.2.1 – 2.2.2 AnSCO states that '*There are a number of ways within the O2 car parking areas which would be classified as a 'way' and, therefore, would be a 'street' for the purposes of the DCO. The Applicant should not be granted powers under the DCO in respect of 'streets' insofar as they extend to 'ways' within the O2 car parking areas.*'

2.2.4 Under article 8, works to 'streets' need to be carried out to the satisfaction of the relevant street authority. As a result, should the 'ways' within the O2 car parking area be classified as streets, AnSCO Arena Limited, as 'street authority', will have an appropriate element of control over the works.

2.2.5 Under articles 9 and 10, the Applicant may only (a) permanently stop up streets that are specified in Schedule 3; and (b) temporarily stop up other streets with the consent of the relevant street authority. As a result, should the 'ways' within the O2 car parking area be classified as streets, (a) any of these 'streets' proposed to be permanently

stopped up would need to be in Schedule 3; and (b) AnSCO Arena Limited would have a right of consent in respect of any proposed temporary stopping up of those streets as 'street authority'.

2.2.6 In section 2.2.3 AnSCO states that *'Articles 9(7) and 10(5) of the dDCO provide for compensation in the event of loss by the suspension or extinguishment of any private "right of way". These sections should also refer to "streets", in order to remain consistent with the definitions within the DCO, and grant the proper level of protection to AnSCO and other interested parties.'*

2.2.7 As the Applicant stated in its submissions at Deadline 1 (REP1-181), it is not considered that any amendments to these articles are required – the drafting is entirely standard and is consistent with the Model Provisions. However, discussions between the Applicant and AnSCO on this point, amongst others, are continuing.

2.2.8 In section 2.2.4 AnSCO states that *'Finally, article 11 (access to works) of the dDCO should be subject to consultation with local authorities.'*

2.2.9 Article 11 of the dDCO was amended at Deadline 1, such that the powers in article 11 cannot be exercised without the consent of the street authority.

Article 43- Closing the tunnels

2.2.10 In section 2.3 AnSCO states that *'AnSCO Arena Limited should be given greater than 7 days' notice of any closures of the tunnels.'*

2.2.11 As a key stakeholder on the Greenwich Peninsula, AnSCO Arena Limited would be consulted on any planned closures of the tunnels, in the same way as it is currently in respect of Blackwall Tunnel closures - this 'informal' consultation would take place significantly more than 7 days in advance of any such closure.

Articles 52-56 (Part 5) - User Charging

2.2.12 In section 2.4 AnSCO states that *'Various comments on the user charging framework in respect of times charges apply, the certainty surrounding the 'certified documents' and the level of charge.'*

2.2.13 The Applicant has responded at Deadline 2 to a number of these points in its responses to AnSCO Arena Limited's (and others') written representations. It is therefore not considered necessary to repeat these responses here.

Schedule 2- Requirements

2.2.14 In section 2.5.1 AnSCO states that *'Detailed design for above ground buildings and structures (provided for in Requirement 4) are not covered by Part 2 of Schedule 1 to the Order. The Applicant should provide highway details so that these become fixed and so that they, including temporary works, can be properly understood.'*

2.2.15 The Applicant does not quite understand the point being made. Specified 'above ground buildings and structures' do require approval from the local planning authority under the requirement contained in paragraph 4 of Schedule 2 to the dDCO. As TfL will be the highway authority for the majority of new roads constructed, it is not considered that approvals should need to be obtained from the local planning (or highway) authority for highway works that form part of the schemes. Any local roads constructed would be subject to the protections contained in article 8 of the dDCO.

2.2.16 AnSCO Arena Limited would be consulted extensively throughout construction in accordance with the terms of the Code of Construction Practice, compliance with which is secured by the requirements in Schedule 2 to the DCO. The Design Principles (APP-096) (compliance with which is also secured by the requirements) have also been updated at Deadline 2 to make provision for consultation on detailed design of the Scheme with a Stakeholder Design Consultation Group which will comprise of stakeholders such as AnSCO Arena Limited.

2.2.17 It is not clear what 'Part 2 of Schedule 1 to the Order' is referring to.

2.2.18 In sections 2.5.2-4 AnSCO states that *'Content of various plans and documents to be approved/produced is unknown and therefore AnSCO Arena Limited cannot be sure of the impacts of the scheme.'*

- 2.2.19 The Applicant has dealt with this point in responses to the FWQs submitted at Deadline 1 and its responses (submitted alongside this document at Deadline 2) to various other written representations.

Schedule 13- Protective provisions

- 2.2.20 In section 2.6 AnSCO states that *'In the absence of an agreement, AnSCO Arena Limited considers that protective provisions should be included for its benefit in the DCO.'*

- 2.2.21 As AnSCO Arena Limited states, the parties are engaged in discussions with a view to reaching agreement before the end of the examination. However, regardless of this, the Applicant does not consider that AnSCO Arena Limited should be treated as a 'special case' as a landowner and provided with protective provisions in the DCO, which are there for the protection of, effectively, public undertakings. The Applicant considers that an agreement outside of the DCO is the appropriate vehicle for negotiations between the Applicant and AnSCO.

3 KNIGHT DRAGON

3.1 Comments on Written Representation by Knight Dragon

AEG Car Parking

2015 Masterplan Multi-Storey Car Park

3.1.1 Knight Dragon state in point 1 that the application should make sufficient provision for replacement car parking during the Scheme's construction works and should not be predicated on the multi-storey car parking within the 2015 Masterplan being brought forward beforehand.

3.1.2 The Applicant has engaged with AnSCO and KDDL since 2014 and through this engagement has considered a range of options and proposals aimed at mitigating the temporary displacement of certain parking spaces on the peninsula during the term of the Silvertown Tunnel construction. The permanent multi-storey car park (MSCP) is part of the KDDL's Peninsula Master Plan. At the time of the DCO application the Applicant understood that there was no reasonable prospect of the MSCP being brought forward in the short to medium term. In light of these circumstances the Applicant has decided not to rely on the provision of the permanent MSCP to mitigate construction impacts on car parking.

Temporary Replacement Car Park

3.1.3 Knight Dragon states in this section that *'the Application does not contain any traffic impact analysis of the car-parking spaces being relocated to this location. Further, it does not appear that any alternative locations for the provision of this temporary car park have been considered, nor has any detail been provided as to why this location is considered the most appropriate. Additionally, there does not appear to have been any consideration given to access to this location, taking into account the number of users of the car parking during events.'*

- 3.1.4 The local access roads serving Greenwich Peninsula are relatively lightly trafficked during most periods with the exception of major events at the O2, which predominantly occur in the evening. The Applicant has undertaken an initial local traffic assessment that indicates that the proposed temporary car parking and highway arrangements during normal, non-event operation will perform satisfactorily. Further local modelling is underway to support this assessment.
- 3.1.5 However, in contrast, traffic conditions during large O2 events are not capable of being modelled for several reasons. Limited information is available on visitor trip destinations post-event, which varies from event to event, and the highly saturated conditions affect road users' responses to traffic signals. Furthermore, traffic marshals are employed to direct traffic, including overriding traffic signals. On the main roads leading to and from the Peninsula the Applicant already provides a bespoke traffic signal timing plan that is automatically activated during the evening of major events to improve egress from the peninsula after the events.
- 3.1.6 The fact that traffic can not be modelled post event, in part due to the intervention of traffic marshals, is acknowledged and agreed by AnSCO. In light of this, the approach that has been agreed with AnSCO is to replicate as closely as feasible the number of egress lanes onto the same primary egress routes (Millennium Way and West Parkside) directly or indirectly from the temporary car parking as is currently provided to minimise the impact on the adjacent network.
- 3.1.7 The Applicant has considered the availability of other land on the Peninsula which could be used for parking and which is within a reasonable distance of the O2. Within the land safeguarded for the Scheme there are effectively only two adequately sized areas which meet these criteria: these are the former site of the David Beckham Academy adjacent to the Emirates Airline station and the area already occupied by the O2 Car Park 1 and Coach Park. Outside of the safeguarding the Applicant has had to take account of KD's development plans and the constraints of public open land. In light of these circumstances the availability of suitable alternative locations is severely constrained and therefore the former David Beckham Academy site was identified as the only apparently suitable location.

- 3.1.8 Knight Dragon states in the fourth paragraph under 'Temporary Replacement Car Park' that *'The provision of approximately 600 car parking spaces, located within close proximity to the Emirates Air Line, combined with the already existing 264 car parking spaces in Car Park 3, will result in the provision of just under 1,000 spaces on a part of the Peninsula that lacks the necessary road infrastructure to support this number of parking spaces. As a result cars will need to both access and egress onto the single carriageway at West Parkside to access the temporary Edmund Halley Way diversion, before reaching Millennium Way.'*
- 3.1.9 Knight Dragon states in the fifth paragraph under 'Temporary Replacement Car Park' that *'Taking into account the significant developments which sit to the north of (the existing) Edmund Halley Way (Ravensbourne College, TfL offices, offices at Mitre Passage and associated retail), the new residential neighbourhood at Upper Riverside (1,007 homes and commercial space with occupation commencing in 2018) and the peak arrival and departures to the car parks which will occur during major events held at the O2 (an average of 200 per year), together with associated construction and general traffic, the capacity of a single carriageway at West Parkside and the Edmund Halley Way diversion is wholly inadequate to cater for the level of traffic anticipated in this location'.*
- 3.1.10 Knight Dragon adds at paragraph 6 that *'AEG is constructing a Designer Outlet Village within The O2 Arena which, when it opens in 2018, will bring significant additional traffic to the Peninsula. In the situation where the car parking is re-provided by TFL in the proposed temporary location there will be a more constant demand for spaces not just when events occur thereby creating an even greater problem at the junction.'*
- 3.1.11 As set out above, the Applicant has undertaken adequate assessment of the construction impacts on car parking and associated highway access. This assessment takes account of existing car parking provision and likely increases in traffic resulting from future development. This assessment indicates that the existing road network, taking into account the measures to be taken by the Applicant during the construction period, has sufficient capacity to accommodate forecast future flows in 2021 with no notable performance issues expected in normal, non-event operation.

- 3.1.12 The Applicant has reviewed AEG's application for the Designer Outlet Village and the Travel Plan which formed a planning condition for approval by RB Greenwich. The Retail Outlet Village Travel Plan commits AnSCO to using the existing car parking facilities (therefore not increasing the total amount of parking) and AnSCO commits to charging with the intention to 'discourage car travel to the O2' with charges that are 'likely to increase year on year'. In its travel plan targets AEG seeks to decrease car based trip generation.
- 3.1.13 Knight Dragon states in paragraph 7 that *'The temporary replacement car parking solution does not take into account that both the Prayer Space and GLLAB currently use significant land within the designated area. As they are not shown on The O2 replacement car park plan Knight Dragon has to assume that the Applicant intends to re-locate these buildings but no information is provided as to where they will be located'*.
- 3.1.14 The temporary car parking proposal recognises that some areas of land within the area safeguarded for the Silvertown Tunnel have been leased for use for the Prayer Space and GLLAB, and the parking proposals would not require them to move.
- 3.1.15 Knight Dragon states in paragraph 8 that *'numerous bus services run to and from North Greenwich transport interchange via the Pilot bus way. Without significant junction and infrastructure improvements this will result in both the existing and proposed diverted highways becoming stressed to such a degree that the whole of the Peninsula will be brought to a standstill and result in conditions detrimental to the safety of pedestrians, cyclist and road users. An analysis of the traffic impact in this location as a result of temporary works required during the construction of the Application is required prior to the Application being determined'*.
- 3.1.16 The Applicant is aware of the numbers of bus routes which pass through the junction of West Parkside with Edmund Halley Way. The Applicant has assessed the operation of junctions and the local highway network, and this assessment confirms that there is adequate capacity to accommodate the predicted traffic flows in the construction and operational phases of the Scheme.

3.1.17 Knight Dragon states at paragraph 9 that it questions *‘the reasoning behind the provision of approximately 600 replacement spaces. As a whole, the Peninsula benefits from over 2,500 spaces, many of which are rarely fully occupied’*.

3.1.18 The Applicant considers that impacts of the Scheme during construction will require adequate and proportionate mitigation. Therefore, where construction worksites are located on areas currently occupied by O2 car parking, the Applicant has made a commitment to re-provide an equivalent number of spaces within a reasonable distance of the O2.

Closure of Edmund Halley Way

3.1.19 Knight Dragon states under point 2, paragraph 2 that *‘The closure of the existing Edmund Halley Way will result in the entrances to Car Park 2 and the station car park being removed’*.

3.1.20 A number of options have been considered for re-provision of access to the Station Car Park and Car Park 2. The preferred solution is to provide a temporary access to these car parks from Millennium Way using a short length of the severed western end of Edmund Halley Way. The Applicant considers that this would re-provide an adequate means of temporary access to these existing car parks.

3.1.21 Knight Dragon states at point 2, paragraph 3 that the *‘proposed location of the Edmund Halley Way diversion will result in a much heavier usage of West Parkside. The Application does not appear to consider the fact that West Parkside is currently a priority bus highway and consideration has not been given to changing this piece of highway to a dual carriageway, with no bus lanes’*.

3.1.22 The Applicant has proposed a design that aims to replicate the existing arrangement as much as possible within the DCO Order Limits. This proposal has been designed to ensure that all O2 car parking spaces required for the construction worksites in Greenwich are re-provided and it also ensures that access and egress provision for the car parks is maintained. As stated above, the Applicant has undertaken adequate assessment of the construction impacts on car parking and associated highway access. This assessment takes account of existing car parking

provision and likely increases in traffic resulting from future development. This assessment indicates that the existing road network, taking into account the measures to be taken by the Applicant during the construction period, has sufficient capacity to accommodate forecast future flows in 2021 with no notable performance issues expected in normal, non-event operation.

- 3.1.23 With regard to Knight Dragon's comments on the priority bus highway, in partnership with RBG, TfL recently undertook a public consultation on proposals to improve West Parkside and the Pilot Busway on the Greenwich Peninsula. The consultation closed on 04/12/16. This is being progressed separately from the Silvertown Tunnel scheme; the Silvertown Tunnel scheme is not dependent on its completion. Nonetheless the potential changes to West Parkside are being and will continue to be taken into account in the Scheme development.

Diversion of Millennium Way

- 3.1.24 Knight Dragon states at point 3, paragraph 2 that it *'considers it imperative that any diversions should be kept to an absolute minimum given the importance of Millennium Way as a primary means of access to the Peninsula'*.
- 3.1.25 The Applicant acknowledges the importance of Millennium Way as the main access road on the Peninsula. Accordingly, disruption to traffic on Millennium Way will be minimised by the provision of a temporary diversion road of an equivalent standard during the construction of the cut-and-cover tunnels where these pass beneath the current alignment of Millennium Way.
- 3.1.26 Knight Dragon states at point 3, paragraph 3 that it considers that *'the temporary diversion to the east of Millennium Way seriously disrupts traffic and parking on the Peninsula. An alternative route to the west of Millennium Way can be achieved and would significantly mitigate the impact of the diversion'*.
- 3.1.27 As stated by the Applicant in the SoCG document between the Applicant and Knight Dragon, submitted at of Deadline 1, Millennium Way is proposed to be diverted to the east of its present alignment. This offers a more direct diversion route and enables a more efficient phasing of works.

- 3.1.28 Diverting the existing Millennium Way to the east of its existing alignment will minimise the construction period for the more complex works at the tunnel portal, the portal structures, and the additional works to the west of the existing Millennium Way, such as the services compound. Therefore the proposed diversion to the east of the existing alignment minimises the construction period and reduces overall disruption on the Peninsula.

Tunnel Avenue reopening to two-way traffic

- 3.1.29 Knight Dragon at point 4, paragraph 2 states that the reintroduction of two-way traffic on Tunnel Avenue *'should be implemented prior to the main tunnel construction to offer an alternative connection north to south that is not currently enjoyed'*.
- 3.1.30 It is proposed that Tunnel Avenue will be opened to two-way traffic as part of the Scheme. The tie-in works required to the A102 Blackwall Tunnel Approach, the Silvertown Tunnel Approaches, replacement of the Boord Street footbridge and the associated traffic management measures mean that it is not feasible to open Tunnel Avenue to two-way traffic until towards the end of the construction programme.

Direct Access to Silvertown Tunnel from Greenwich Peninsula

- 3.1.31 Knight Dragon at point 5, paragraph 1 states that it *'considers it important from both an urban design and traffic management perspective that all vehicles have the ability to access directly both the Blackwall and Silvertown Tunnels at the earliest opportunity rather than via the existing access point at the southern end of the Peninsula. Knight Dragon believes that this would have the potential to reduce both congestion and travel times across the River Thames and has the potential to prevent unnecessary southbound journeys along Tunnel Avenue and Millennium Way'*.
- 3.1.32 Knight Dragon add at point 5, paragraph 4 that direct access *'would also provide a convenient means of departure of vehicles from the proposed multi-storey car park which will eventually replace the existing surface car parks that serve The O2, particularly following evening events which occur up to 200 times a year'*.

- 3.1.33 The Applicant has considered options for providing direct access onto the A102 (northbound and southbound) and the northbound approach of the proposed Silvertown Tunnel. The A102 is a strategically important road and it would be inappropriate to introduce additional minor junctions as this would adversely affect safety and traffic flow. The Applicant considers that general traffic accessing the Greenwich peninsula should be using the existing Blackwall Lane junction which is designed for safe entry and exit. An alternative direct access for general traffic to the northbound approach of the proposed Silvertown Tunnel using the proposed bus only link would impose safety concerns in close proximity to the Silvertown Tunnel entrance and hence is not appropriate. To manage this entry slip road safely would require traffic signals, which would create unacceptable queuing and delays to the A102 approach and consequential impacts on traffic using Blackwall Tunnel. This would undermine the principal congestion relief benefits of the Scheme.
- 3.1.34 The Applicant is considering permitting general traffic to use the bus-only slip road into Silvertown Tunnel Northbound from Millennium Way to assist with the egress of traffic from the Peninsula following major evening events at the The O2 Arena. This would be on a temporary basis only with suitable, temporary traffic management provided to ensure safety.

Other Highway Impacts

- 3.1.35 Knight Dragon expresses concern at point 6 that *'there is no detailed mitigation strategy for improvements to be made to the local junctions and highways as a result of the Scheme'*.
- 3.1.36 TfL has set out the local traffic impacts of the Scheme as per the Assessed Case in Appendix C of the Transport Assessment (Document Reference 6.5) and described the type of measures that could be used to mitigate these impacts, were they to arise.
- 3.1.37 As it states in the Summary of the Appendix C (paras C.6.1-C.6.3, page 60), the suitability and hence effectiveness of localised mitigation measures is highly dependent on the constantly evolving nature of the highway network. At present although committed changes to the road (and transport) networks have been taken account of in the

assessment, the actual changes to the road network that are likely to occur between now and Scheme opening are less certain and could have direct implications as to whether any junction mitigations may be required and what type of measures could be appropriate. Therefore TfL is not proposing specific junction mitigation works now in the DCO application.

3.1.38 Instead, TfL proposes to commit to future monitoring and implementation of necessary mitigation under existing powers where appropriate by assessing the predicted traffic impacts at Scheme opening, and monitoring actual impacts thereafter to accurately identify the scale and location of adverse impacts to enable implementation of effective mitigation where required. This approach is explained in more detail in the Monitoring Strategy (Document Reference 7.6) and the Traffic Impacts Mitigation Strategy (TIMS) (Document Reference 7.7), and the implementation of both is secured in the draft Development Consent Order (DCO).

3.1.39 The monitoring and mitigation programme will commence three years prior to scheme opening and last for three years post opening, with an option for this to be extended by up to an additional two years by the Silvertown Tunnel Implementation Group (STIG) which is made up of representatives from the local boroughs and TfL.

Failure to Adequately Mitigate the Impact of Construction

3.1.40 Knight Dragon states in its representation at point 7, paragraph 1 that it considers that the impact of the Silvertown Tunnel is '*so significant that it will adversely impact on the regeneration of the site*'.

3.1.41 By contrast, the Applicant considers that the Greenwich Peninsula will benefit substantially from journey time savings, improved reliability and the introduction of new bus services, all of which will help support its regeneration. The removal of chronic congestion which currently affects the Peninsula for large parts of every day is a major benefit, which should be recognised.

3.1.42 Figure 3.1 of the Distribution of User Benefits note (submitted at Deadline 2) illustrates that non-business journeys starting in the Greenwich Peninsula are expected to see amongst the highest levels of benefit, net of user charges, of any area affected by the Scheme.

- 3.1.43 A major additional component of benefits for local residents of the Peninsula will come from the introduction of new cross-river bus services that will increase the number of jobs and services available to local residents and significantly improve accessibility to the Peninsula.
- 3.1.44 The new bus services will benefit businesses on the Peninsula by increasing public transport connectivity to and from the area, hence increasing the number of potential customers and suppliers available.
- 3.1.45 Knight Dragon states at point 7, paragraphs 3 and 4 that it does not consider the mitigation of construction of the Scheme to be addressed by the requirement for a CEMP and CTMP to be *'adequate or appropriate, given the extent of the proposed redevelopment works taking place under the 2015 Masterplan'*.
- 3.1.46 The CEMP will be developed in consultation with the local authorities and the relevant statutory stakeholders for each topic area. The CEMP will set out the Contractor's roles and responsibilities, together with appropriate control measures, training and briefing procedures, risk assessments, stakeholder engagement responsibilities and monitoring systems to be employed during planning and constructing the works for all relevant environmental topics. Many other topic areas in the CoCP will also be controlled through plans approved by relevant planning authorities, who will be fully aware of the latest planning situation in respect of the delivery of the 2015 masterplan when considering whether these plans should be approved.
- 3.1.47 Similarly, the management of construction logistics on the Greenwich Peninsula will be established in a Construction Traffic Management Plan (CTMP) to be prepared by the Contractor before construction commences and submitted for approval by the local planning authority. The plan will embed contractual requirements, the outcome of consultation and agreement with the relevant local authorities, and comprehensive logistics planning
- 3.1.48 The use of a CTMP and CEMP is well-established and commonly used across the construction industry, and the Applicant considers these will be adequate to address any concerns that Stakeholders may have on the impacts of the construction of the Scheme. The CoCP has also been updated at Deadline 2 to provide further clarity on how landowners and business will be consulted in relation to construction traffic management.

- 3.1.49 Furthermore, as stated above the Applicant has undertaken an initial local traffic assessment that confirms that the proposed temporary car parking and highway arrangements during normal, non-event operation will perform satisfactorily.

Failure to adequately mitigate impacts on existing buildings

- 3.1.50 In point 8 Knight Dragon sets out its concerns about the need for TfL to enter Settlement Agreements to address any mitigation required. Knight Dragon *'considers the measures contained within the Settlement Agreements to be of such importance to the carrying out of the Development, that a requirement to enter into Settlement Agreements prior to the carrying out of the development should be contained within the DCO itself.'*
- 3.1.51 The mitigation of settlement impacts caused by the Scheme is dealt with in Chapter 10 of the Code of Construction Practice ('the CoCP'), as amended at Deadline 1 [REP 1-119]. This requires the Contractor to undertake the Settlement Assessment and Mitigation Process set out in Appendix A to the Code of Construction Practice.
- 3.1.52 Furthermore, at paragraphs 10.4.1-10.4.3 of the CoCP, it is explicitly stated that a Settlement Deed will be offered to owners in the standard form set out in Appendix B of the CoCP, and that TfL will, subject to the provisions of paragraphs 10.4.2 and 10.4.3 of the CoCP, *'enter into a deed in substantially the form of the final version of those terms'*.
- 3.1.53 Compliance with the measures set out in the CoCP, including offering the Settlement Deed to owners is secured by Requirement 5 of the dDCO.
- 3.1.54 **Location of Buildings**
- 3.1.55 Knight Dragon states at point 9 that it objects to the proposed location of the southern portal buildings and the failure to properly assess and consider alternatives.

- 3.1.56 The final proposed concept was submitted as part of the DCO in May 2016. The layout is the culmination of several different arrangements which have evolved as technical requirements have matured, and consultation stakeholder requirements have been accommodated. Section 3.4 of the Design and Access Statement (APP-095) explains the alternative layouts that were considered.
- 3.1.57 At the DCO submission stage of the design there was no longer a requirement for ventilation stacks at each portal and therefore no ventilation buildings were required. This was after an analysis showed there was no benefit in increasing the height at which the exhaust emissions were discharged. The removal of the ventilation building opened up space directly above the portal. It was decided to maximise the use of this land to reduce the overall land take. Land take has also been reduced by adding extra storeys to the main building to accommodate all the electrical and mechanical equipment and the operations room into one structure. The building directly above the portal entrance has been located to minimise impact on land either side of the portal. The access and car parking have been included between these buildings and the portal structure, and only take a small section of the land north of the portal. Approximately half of this land is owned by Birch Sites and half is owned by the GLA with a development option by Knight Dragon. Whilst this land lies within the red line boundary for the 2015 Greenwich Peninsula Masterplan, it has no designated uses.
- 3.1.58 The land was indicated, illustratively as being proposed for a coach park, although there are no conditions on the consent which require its implementation. An objection was launched to the masterplan application by National Grid Properties on the grounds that part of the coach park lay within their ownership. The Committee Report (page 243) contain the following comment from officers:

“The proposed layout of the coach parking is illustrative at this stage and shown on the illustrative masterplan, which is not for approval.

The layout and location of the coach parking spaces will be reviewed further at the zonal masterplan and reserved matters stages, which can be accommodated without necessarily being on NG Land.”

- 3.1.59 Further to the October 2015 consultation, the Applicant sent copies of the post-consultation change plans to all land interests who had been impacted by the changes introduced at consultation. These plans provided information on the pre- and post-consultation layouts.
- 3.1.60 Appendices B11 [APP-20] and T1-T4 [APP-029] set out how the Applicant engaged with Knight Dragon in respect of changes to the Scheme post the statutory consultation period and prior to the submission of the DCO application, informing them of the changes that had arisen as a result of that consultation period. This information exercise was undertaken in light of paragraph 75 of the DCLG Guidance on the DCO pre-application process which states that: *'Where a proposed application is amended in light of consultation responses then, unless those amendments materially change the application or materially changes its impacts, the amendments themselves should not trigger a need for further consultation. Instead, the applicant should ensure that all affected statutory consultees and local communities are informed of the changes'*.
- 3.1.61 Knight Dragon state at point 9, paragraphs 6 and 7 that it objects on the basis of the proposed location of the southern head house building.
- 3.1.62 The Applicant has determined that provision for head houses is no longer required. Submissions to the Examination in this regard will be made in due course as set out in the Applicant's letter responding to Hearing agendas dated 2nd Dec 2016.

Design of Buildings

- 3.1.63 Knight Dragon states at point 10, paragraph 1 that it fails to see how buildings and structures have been designed to integrate with the 2015 Masterplan given that *'limited consultation has taken place with Knight Dragon on the design of the buildings'*.
- 3.1.64 Knight Dragon expresses concern at point 10, paragraph 2 that the design principles make no reference to the design of the portal building integrating into the 2015 Masterplan.

- 3.1.65 The Statement of Common Ground (SoCG, ST150030-PLN-ZZZ-ZZ-SOC-ZZ-1308), agreed between the Applicant and Knight Dragon, documents the consultation that has taken place between the two parties. TfL has met regularly with Knight Dragon to better understand its Masterplan and the design of its future developments on the Greenwich Peninsula.
- 3.1.66 Notwithstanding that the design of the Masterplan buildings surrounding the Southern Portal have yet to be developed, the Design Principles [APP-096] commits the applicant to deliver the Scheme so that it integrates appropriately with Greenwich Peninsula 2015 Masterplan and development proposals generally on the Peninsula via the following principles:
- PRBD.01
 - PRBD.02
 - PRBD.06
 - PRBD.11 – this specifically addresses the requirement for integration with the Knight Dragon 2015 Masterplan
 - GREPO.01
 - GREPO.02
- 3.1.67 The Design Principles have also been amended at Deadline 2 to make provision for a stakeholder consultation group for the design of these structures, of which Knight Dragon are specified as forming a part.
- 3.1.68 Knight Dragon states at point 10, paragraph 3 that the design of the buildings to be located on the Peninsula should be approved by Knight Dragon to ensure that the buildings comply with the objectives for the 2015 Masterplan as a whole.
- 3.1.69 The Applicant recognises the desire for stakeholders to have an opportunity to comment on the Scheme designs as they develop.

- 3.1.70 As such the Applicant proposes to set up a Silvertown Tunnel Stakeholder Design Consultation Group to give stakeholders such as Knight Dragon, an opportunity to comment on the external appearance of the above ground elements of Silvertown Tunnel at various stages in the design development.
- 3.1.71 The Terms of Reference of this group and the commitment to consult with the group will be included in an updated version of the Design Principles document [APP-096]. This will be submitted at deadline 2.

User Charging

- 3.1.72 Knight Dragon states at point 11, paragraph 2 that it is concerned with regard to the proposed charging for users of the Scheme and considers that the residents of the Peninsula will be directly impacted by these proposals. Whilst the principle of user charging at peak periods is generally supported, Knight Dragon considers that user charging outside of peak periods will have a detrimental impact on the success of the Peninsula for both residents and businesses.
- 3.1.73 The primary function of user charging in the Scheme is both to manage demand for the river crossing and thereby manage the environmental and other effects of the Scheme. The secondary function of the user charge is to pay for the Scheme.
- 3.1.74 Users of the crossing will benefit from journey time-savings and greater reliability than is currently experienced at the Blackwall Tunnel and in the Reference Case. While the greatest time-savings benefits are likely to be experienced in the currently heavily congested peak periods, (and higher charges at this time are needed in order to manage demand effectively), it is also the case that time-savings are made outside peak times. These time-savings benefits would be lower, but those travelling at any point during the daytime would benefit from the increased reliability of cross-river travel as a result of the scheme's resilience impact, and it is appropriate to recognise this benefit through the application of charges outside peak periods. The user charge is required at this time to manage demand and its consequential environmental impacts and also to pay for the Scheme.

- 3.1.75 During the overnight period, the incidence of Blackwall Tunnel closures is very low, and congestion is minimal. It is also helpful to encourage time-shift to this period where possible and TfL considers that it is appropriate therefore that this period is uncharged.
- 3.1.76 TfL's survey of businesses in East London identified clear support for a Scheme which included user-charging. In RBG 50% of all businesses surveyed thought the Scheme would have a positive impact on their business. Just 14% thought it would have a negative impact on their business.
- 3.1.77 With regard to alleged unfairness, the Applicant has addressed this matter in the Consultation Report [APP-018], page 12-53. In summary, the rationale is:
- New road crossings to the west are not currently proposed, but it is likely that if TfL did build a new road crossing to the west, it would also be charged in order to manage demand and pay for the project
 - it reasonable and appropriate for the users and direct beneficiaries of the improvements to contribute to the costs. Charging is proposed as a means to manage demand and to pay for the new tunnel.
 - the introduction of user charging would not restrict cross-river movement, particular for residents of deprived areas. The introduction of new bus services enabled by the scheme would result in an increase in cross-river trips, and would benefit the significant proportion of the population that do not have access to a car.
 - the improvements in economic performance supported by the Scheme are likely to directly address deprivation issues in east London.
- 3.1.78 Whilst Peninsula, and other East London, residents would have to pay a charge to use the Blackwall and Silvertown crossings, they would also benefit from a significant step change in cross river bus provision that would not be subject to crossing charges. Table B-10 of the Distributional Impact Appraisal [APP-104] identifies that almost half of all residents of the Peninsula do not have access to a car and would therefore stand to benefit from improved cross river public transport connectivity. Table B-6 of the Distributional Impact Appraisal [APP-104] identifies that

the net impact in Greenwich is an increase in the number of people travelling across the River, with a small decrease in car use more than offset by a larger increase in public transport use.

- 3.1.79 Knight Dragon notes at paragraph 5 that users would have a choice to use either the charged crossings, or change their route to an uncharged crossing. Knight Dragon believes that this would cause significant disadvantage to residents of the Peninsula, due to the close proximity of the Scheme and residents would have to travel significantly further in order to access a crossing not subject to charging.
- 3.1.80 The Applicant considers that the proposed application of user charges at the Blackwall and Silvertown Tunnels is fair and appropriate. Charges are necessary and expedient to address congestion, mitigate the identified risk of induced traffic demand resulting from increased capacity, and to fund the implementation of the Scheme. The Applicant acknowledges that not all river crossings in London are subject to charges, but considers that seeking to apply user charges to other crossings through the DCO without identifying appropriate grounds relevant to the Scheme would be unreasonable (analysis of Assessed Case impacts does not highlight any need to impose charges on crossings elsewhere). Given that the six highway river crossings lying within the central London Congestion Charging zone are already subject to user charges, as is the Dartford Crossing (though the latter is located outside London), the precedent that individual roads or groups of roads may be made subject to charges on the basis of specific identified needs, while others remain uncharged, is clear and established.
- 3.1.81 Residents of the Greenwich Peninsula are indeed located closer to the roads which are proposed to be charged, but it is not the case that avoiding charges would necessitate longer diversions for Greenwich Peninsula residents than those living in other locations for all trips. Assessed Case charges result in very limited net diversion to other crossings, indicating that the time-saving benefits would be worth paying for. Furthermore, as well as benefiting from some of the highest PTAL levels in south east London, residents of the Peninsula would have arguably the greatest opportunity to make use of the new bus services that TfL will introduce alongside the Silvertown Tunnel.

- 3.1.82 The statement that charges *"would apply to a relatively confined stretch of highway where there are no residential dwellings"* simply reflects the specific roads which would themselves become subject to charges, and remains valid in the context of expected growth in the Greenwich Peninsula and other areas.
- 3.1.83 Knight Dragon states at paragraph 6 that *'further assessments should be made in relation to a reduction in charging for local residents and businesses'*.
- 3.1.84 The Applicant has considered the case for and likely impacts of a residents discount (as set out in the Charging Statement [APP-097] section 4.12, and in Response to FWQ SE2) and has concluded that it is not appropriate for the following reasons:
- There is no evidence that those living closer to the tunnel are more adversely-affected
 - The difficulty of defining a robust boundary
 - The discount would undermine the Project Objectives, including managing demand and environmental impacts
- 3.1.85 With regard to Peninsula residents in particular, RB Greenwich residents account for around a third of all Blackwall Tunnel users in the morning peak northbound, and so a discount to a group of this size could have an adverse impact on the Scheme's ability to reduce congestion and delay. Please also see the section of the Applicant's response to the Boroughs on this in the 'Comments on Borough LIRs and WRs' Report submitted at Deadline 2.
- 3.1.86 Knight Dragon state in paragraph 7 that *'consideration should be given to charging being introduced for the Blackwall Tunnel prior to the implementation of the Scheme. The significant beneficial impacts of charging for the Blackwall Tunnel are considered within the Application and Knight Dragon considers this to be of such significant benefit that it should be introduced as a mitigation measure to reduce the construction impacts of the Scheme'*.
- 3.1.87 Whilst it is helpful that Knight Dragon recognises the benefits of charging, early charging of the Blackwall Tunnel in advance of providing the extra capacity of the Silvertown Tunnel is most proposed. TfL has considered the potential

for implementing user charges at the Blackwall Tunnel ahead of the opening of the Silvertown Tunnel, as set out in the Case for the Scheme (page 113)[APP-093], and in the Traffic Forecasting Report – Sensitivity Testing [APP-105]. Charging alone could not fully achieve the project's objectives of reducing closures, increasing resilience and reducing congestion. In addition, the application of charges at the Blackwall Tunnel without the provision of additional capacity has been assessed as having the potential to trigger problematic levels of displacement of traffic to other crossings. With the Silvertown Tunnel in place, displacement is much less likely due to the more substantial improvement in travel conditions. Traffic impacts during construction are expected to be modest for a scheme of this scale (due largely to the fact that the northern construction site has direct river access while the southern site is located close to the A2), and TfL does not consider that there is a requirement for user charges to be implemented ahead of opening on this basis.

Programme

- 3.1.88 Knight Dragon note at point 12, paragraph 1 that there *'is no detailed programming in place in relation to the replacement of essential facilities namely the temporary car parking, access roads and pedestrian and cycle links'*.
- 3.1.89 The envisaged construction programme contained within the Construction Method Statement [APP-046] provides a robust construction solution for the Scheme, and demonstrates that the proposed time scales are achievable. It is subject to change during both the detailed design and subsequent construction phases as a result of changes to the timescales for statutory processes and construction award, and through the Contractor optimising the design and construction proposals.
- 3.1.90 Undertakings to maintain the parking provision, accesses and pedestrian and cycle facilities throughout the construction period are included within the CoCP. The Contractor, operating within the requirements of the CoCP will similarly be required to commit to the provision of notifications of changes to existing facilities to affected parties in accordance with the Community Engagement Plan (CEP).

- 3.1.91 Knight Dragon comment at point 12, paragraph 3 that Knight Dragon *'considers it appropriate that an alternative procurement is pursued to reduce the delivery timescale'*.
- 3.1.92 The Applicant has considered a number of procurement options, but the combination of risk transfer, private finance availability and user charging revenue mean that PFI offers the optimal procurement solution. The Funding Statement [APP-016] at 2.1 states that TfL is proposing to deliver the Scheme through a Public Private Partnership (PPP) arrangement.
- 3.1.93 The procurement process is expected to run in parallel with the DCO process, so as to ensure that the Applicant is ready to award the contract to a successful bidder if the Secretary of State's decision on the DCO application is positive. This will help to ensure that the benefits of Silvertown tunnel are realised as early as practicable, as well as helping to minimise the cost increases due to inflation and enable the land required for construction of the tunnel to be released early.

Failure to address the safeguarding direction

- 3.1.94 Knight Dragon states in point 13 that *'it wishes to ensure that any safeguarding is brought to an end at the earliest possible time'*. *It considers that 'the appropriate direction should be included within the draft Development Consent Order ensuring that upon completion of the Scheme, the 2001 Direction is cancelled'*.
- 3.1.95 As noted in that response, the Applicant is working proactively with developers such as Knight Dragon so that the safeguarding direction does not unduly delay or constrain nearby development. For example, the Applicant recently entered into an agreement with Knight Dragon which enabled the implementation of 'Building 5' of Central East Peninsula Development - part of the Greenwich Peninsula Masterplan development which falls within the safeguarding for the tunnel alignment.
- 3.1.96 The Safeguarding (2001) was made by the Secretary of State, not TfL, and its revision or cancellation is therefore a matter for the Secretary of State. The Applicant considers it is inappropriate and unnecessary for the dDCO to provide for the cancellation of the Safeguarding direction and it is not aware of any precedent for such a provision to

be included in a DCO or other statutory instrument authorising safeguarded infrastructure. The normal procedure is for the Secretary of State to cancel the Safeguarding direction separately.

- 3.1.97 The Applicant met with DfT officials in October 2016 to discuss the Safeguarding direction. The officials expressed the view that the direction could be cancelled by the Secretary of State as soon as the Scheme is complete and that the process for doing so could be carried out quickly by the Department.
- 3.1.98 In the meantime, the Applicant will continue to liaise with Knight Dragon (and other relevant parties) to ensure the direction does not unduly delay or constrain the implementation of any proposed development, whilst also ensuring adequate protection for the Scheme.

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4 QUINTAIN

4.1 Comments on Written Representation by Quintain

Compulsory Purchase Provisions

4.1.1 On page 2 Quintain states that *'It is Quintain's position that the DCO and supporting documents in their current form have failed to demonstrate this on the basis that they fail to adequately establish that:*

a) the acquisition of/interference with the Site is required for the Scheme's construction;

b) all reasonable alternatives have been explored;

c) the interference with Quintain's rights is for a legitimate purpose, necessary and proportionate; and

d) there is a clear idea of how the Site is to be used. Accordingly, Quintain does not believe that the current extent of the temporary land take proposed under the terms of the CPO properly complies with the provisions of s122(c). Quintain does not object to the nature of the powers contained in Articles 19, 22, 29 or 30 of the draft DCO, but does object to the manner in which it is proposed that those powers will be implemented.'

4.1.2 The Applicant notes that section 122(3) only applies to land that is sought to be compulsorily acquired, and not land that is sought to be temporarily possessed. In the section on 'Construction and Design' below, the Applicant explains why the temporary possession plots are required.

4.1.3 The Applicant has included within the order limits, as set out in paragraph 6.4.1 of the Statement of Reasons (REP1-100), no more land than is reasonably required for the scheme. Appendix A of the Statement of Reasons sets out the particular purpose for each plot that is required for the scheme, both for compulsory acquisition and temporary possession purposes. The Applicant notes that in relation to compulsory acquisition, Quintain's interests

are proposed to be acquired for the purposes of the tunnel itself and the TBM reception chamber, both essential elements of the Scheme's construction. This Appendix, alongside Schedule 7 to the dDCO (in the context of temporary possession) also demonstrates that the Applicant has a clear idea of how these plots are to be used.

4.1.4 Furthermore the Construction Method Statement (APP-046) sets out an envisaged construction programme and construction phasing for the main worksites, with indications of site layout and utilisation, demonstrating that the temporary land required for construction is reasonable in the context of major river crossing infrastructure.

4.1.5 The Case for the Scheme (APP-093) explains how the Scheme has developed to be a tunnel project, which necessitates a construction methodology such as that envisaged in the Construction Method Statement, and informs the compulsory acquisition and temporary possession proposals for the Scheme. 'The Silvertown Tunnel Options Study' (November 2013) assessed alternative options and alignments for delivering the tunnel but found that the acquisition of land owned by third parties was unavoidable if the optimum scheme was to be delivered. Further to this, and as set out in paragraph 6.6.15 of the Statement of Reasons, the Order limits have been drawn as tightly as possible to avoid any unnecessary interference or extinguishment of third party rights.

4.1.6 Chapter 6 of the Statement of Reasons explains why the Scheme's compulsory acquisition and temporary possession proposals are for a legitimate purpose, necessary and proportionate.

Construction and Design

4.1.7 On page 3 Quintain states that *'it is self-evident that the compulsory acquisition of the Site (even on a temporary basis) will hamper the development envisaged by the Masterplan. This will not only hold back delivery of the housing proposed thereon for a period measured in years, rather than weeks or months, but as things stand it will also introduce a number of constraints which will permanently prevent the site reaching its full delivery potential.'*

4.1.8 The Applicant notes that the land within which Quintain holds an interest has been subject to a Safeguarding Direction for an east London river crossing since 2001, as such development of that land would always have been required to take account of the Applicant's proposals for a scheme in this location. The Applicant also notes the

uncertain planning status of Quintain's land interests (as further explored in TfL's note on its approach to future receptors and cumulative assessment in Appendix A) which must be considered when assessing the interaction between the Scheme and Quintain's development aspirations.

- 4.1.9 However, the Applicant has, as set out in paragraph 6.4.1 of the Statement of Reasons, included within the Order Limits, no more land than is reasonably required for the scheme. The Applicant will only occupy temporary land for as long as necessary to construct and build the tunnel and will include incentives in the project agreement with the contractor which will encourage them to release temporary possession plots as soon as practicable. TfL have agreed to work with Quintain to understand their aspirational development programme, to ensure that both proposals can be coordinated as far as practicable, and is aiming to reach an agreement to facilitate this. It is not the Applicant's intention to hamper future development opportunities close to, or over the proposed tunnel infrastructure. It is however important to note that in this process, the safe and economic operation of TfL's infrastructure and services is paramount.
- 4.1.10 On page 3 Quintain's engineers question the extent of the temporary land take that is required and the necessity for '*temporary storage*'.
- 4.1.11 The Applicant has prepared the Reference Design, and developed envisaged construction processes and sequences in order to be able to establish a reasonable basis for an impact assessment of the possible effects of implementing the Scheme. The envisaged worksite layouts identified (and the temporary land take required for them) is based on the envisaged construction methodology, construction programme and the accommodation of the prevailing site constraints, as set out in detail in the Construction Method Statement (APP-046).
- 4.1.12 Two main worksites are proposed to construct the works: a principal worksite supporting all bored tunnelling activities, and construction of infrastructure on the north side of the River Thames, in Silvertown, and a satellite worksite serving construction of infrastructure in Greenwich.

- 4.1.13 As the principal Scheme worksite, the Silvertown worksite will serve as the organisational and logistical hub of construction for the Scheme as a whole. In addition to being used for construction of all permanent works on the north side of the river, the Silvertown worksite will service the bored tunnelling operations. All materials and construction logistics support necessary to construct the bored tunnels will be provided from the Silvertown worksite via the TBM launch chamber. This will include the concrete segmental linings, annular grout and temporary works elements such as conveyors, track, and ventilation. Similarly the excavated material (spoil) arising from construction will be received, processed as necessary and disposed of from the Silvertown worksite.
- 4.1.14 The envisaged temporary storage areas to the east and the south of the TBM launch chamber on the Silvertown worksite would allow for site establishment activities in early parts of the programme, preparation and storage of tunnel consumables, and mechanical & electrical installation equipment, respectively. The proximity of these latter installations to areas close to the TBM launch chamber is important to achieve efficient and safe TBM operation.
- 4.1.15 The worksites for Silvertown and Greenwich will be used for construction activity taking place in multiple phases. For the Silvertown works the extent of the worksite changes during the construction programme, would allow the worksite size to be reduced with time, as construction proceeds. The extent of land required is presented in Worksite layouts (Appendix C of APP-046) which should be read in conjunction with the construction phase plans and the Silvertown Tunnel Envisaged Construction Programme. The extents of the worksites identified on the Worksite layouts are commensurate with the level of construction activities for each stage, e.g. the full extents of the worksite layout shown for Stage 1 is required to facilitate the construction activities shown on the phasing drawings for both Phases 1 and 2.
- 4.1.16 Certain assumptions have been necessary at planning stage with respect to construction methodology and processes which may be used, and their associated spatial requirements. A balance has been sought between the surrounding land interests and constraints whilst also providing adequate space to construct the Silvertown Tunnel in a safe and economic manner.

- 4.1.17 To the west of the proposed cut-and-cover tunnelling works there is an area reserved for the temporary works slurry plants. Slurry used for ground support in piling works will be supplied from this area, and the slurry both batched (using bentonite stored in silos on the site) and recirculated for de-sanding, conditioning and returning to supply. This area has been reserved for this purpose.
- 4.1.18 Notwithstanding the above, the Applicant recognises that an opportunity exists for modifications to the Scheme's worksite layout and its phasing as the detailed design progresses, which may be made in such a way as to coordinate the timing of works with the development of Quintain's site, if the planning status of the land was changed to enable it to be able to be brought forward in the relevant timeframe.
- 4.1.19 Despite this planning uncertainty, through close and continuous liaison with Quintain (as is described in the SoCG), the Applicant has made efforts in several significant instances (throughout different Quintain ownership & development philosophies) to adjust the arrangement of the Silvertown proposals and works in order that impacts of the Scheme on the still-emerging, and fluid development plans of Quintain and GLA, can be minimised.
- 4.1.20 For this reason the Applicant continues to work closely with Quintain (as can be seen in the SoCG), to explore ways in which such coordination of development may be possible. The Applicant is hopeful that an agreement may be entered into which will address this and other development-related interface matters.
- 4.1.21 On page 4 Quintain comments that *'TfL has also failed to consider the impact of the operation of the tunnel on the future development of the Site. This includes the need for building above the tunnels and the impact of the tunnels' operation (particularly with regards to noise, impacts on air quality, and access) on the future use of the Site. Indeed, as is apparent when these further representations are taken in the round there appears to have been a general failure by TfL to account for the Site on a receptor basis.'*
- 4.1.22 *'It is disappointing that little in the way of details as to how TfL intends to plan for and accommodate any changes required to the design of the Tidal Basin Roundabout to facilitate access to and traffic generated by the redevelopment of the Site in line with the Masterplan. This is particularly disappointing in light of TfL's statement*

that junctions around the appeal scheme will be assessed closer to scheme opening and mitigations implemented where necessary. On the Greenwich side of the river it is evident that more effort has been put in to tie highways for the TfL scheme with known and future highways need, which appears to discount much of the proposed development of the northern side, as have been envisaged in the OAPF and previously discussed London Borough of Newham policies.

ii) The realignment of Dock Road proposed by the Scheme does not appear to consider future development of the Site or the wider Masterplan area, it simply reconnects North Woolwich Road with the Tidal Basin Roundabout. This could promote HGV traffic from the existing industrial land uses to pass through a future residential development area, which would also have significant implications.

iii) Quintain's technical advisers have explained that in their view, the alignment of Dock Road in the TfL scheme would not successfully serve the Masterplan or alternative development schemes, and as such would seem a costly waste of infrastructure provision'.

4.1.23 There are plans for significant regeneration either side of the River Thames along the route of the Scheme but it is important to recognise that these plans are at different stages of development. The Applicant has undertaken significant engagement both with the borough planning departments and with potential developers in line with the Scheme objective of supporting economic and population growth in east and south-east London. The Transport Assessment (APP-086) sets out the forecast growth in population and jobs that has been used to form the basis of regional highway project planning including the Silvertown Tunnel project.

4.1.24 On the south side a consented masterplan for the development of the Greenwich Peninsula has been in place since 2004 and has been partly implemented. A revised masterplan application for the undeveloped areas was submitted in spring 2015 and has been approved by the Royal Borough of Greenwich in early 2016. This revised application introduces further building and associated infrastructure constraints on the Scheme proposals. TfL and the developers for the Greenwich Peninsula are working closely to resolve structural interfaces and coordinate construction phasing.

- 4.1.25 On the north side there are as yet no consented masterplan or similar scale development proposals in the Thames Wharf/Silvertown area within the immediate vicinity of the Scheme. The OAPF referred to by Quintain was the subject of consultation and has not been finalised and adopted (for further comment on the status of the Quintain site, please see the Applicant's note on its approach to future receptors and cumulative assessments with regard to the Quintain site (Appendix A)). Nevertheless, in line with the objectives for the Scheme set out in the Case for the Scheme (APP-093), the Applicant has endeavoured to ensure that the Scheme design minimises the impact on developable land as far as practicable, in line with the London-wide and local policy.
- 4.1.26 In the absence of a consented masterplan in the Thames Wharf/Silvertown area the Applicant has had ongoing engagement with the London Borough of Newham, GLA and Quintain, particularly with regards to the realignment of Dock Road and the modifications to Tidal Basin Roundabout required to accommodate the Scheme. Subsequent to the statutory consultation period a number of enhancements to the Scheme design and the Design Principles proposed by LBN were incorporated. These design evolutions are explained in section 3.4 of the Design & Access Statement (APP-095), with potential future public realm improvements to facilitate development in this area also explain in section 7.1. Furthermore, it should also be noted that the Design Principles (APP-096), secured by the DCO, require the detailed design of the Scheme to take into account future development proposals, and has a number of specific controls for the Silvertown Portal site

Noise

- 4.1.27 In relation to noise, on page 5 Quintain comments that *'a cover of some description over the Northern Portal is needed as this could make more areas of the site developable.'*
- 4.1.28 In spite of the absence of a consented master plan in the Thames Wharf/Silvertown area and the currently uncertain planning status of Quintain's development proposals as described above, the Applicant has had ongoing engagement with the London Borough of Newham, Quintain and GLA with regards to the design of the Scheme; so as not to preclude the provision of future noise mitigation measures by the relevant parties if any development were to come forward. Subsequent to this consultation, a number of amendments to the Design Principles proposed by

LBN were incorporated. These included ensuring the design of the portal structure did not preclude the future provision of a canopy to be fitted above the tunnel portal if required or deemed desirable to facilitate a future development, and if the requisite permissions had been granted for it.

Foundations

- 4.1.29 On page 5 Quintain states that *'should Quintain obtain rights to develop over the tunnel, then the tunnel structures need to be designed to accommodate Quintain's future proposals.'*
- 4.1.30 In the absence of rights for Quintain to develop land, including land over the proposed Scheme's tunnels, the detailed design of any future development structures, including their, spatial arrangement, loading intensity, and foundation systems has not been prepared, and is therefore unavailable to the Applicant.
- 4.1.31 In these circumstances the Applicant is not in a position at present to take specific account for the loading and depths of foundations as is suggested by Quintain in this part of the Written Representation.
- 4.1.32 By way of illustration of the Applicant's willingness to integrate the Scheme with emerging commercial development along its route, on the south side of the river the Applicant has been able to fully assimilate the planned development of Knight Dragon's Building 5 of the Greenwich Peninsula Central East Development (GPCED) – a substantial multi-storey tower development in close proximity to the proposed Silvertown Tunnels. In this instance sufficient details of the GPCED development have been available to the Applicant to enable the assessment of future effects to take place, ensuring adjacent Scheme engineering compatibility, and thereby allowing successful agreement with the developer (Knight Dragon) to a set of controls that will permit the future construction of the building adjacent to the Scheme.
- 4.1.33 The Applicant confirms that the Reference Design of the tunnels allows for a defined amount of future development loading (known as surcharge), as is customary practice for the design of underground structures in urban areas.

- 4.1.34 The Applicant has also modified the proposed Scheme via consultation and continuous interface liaison with Quintain, (as is described in the SoCG) to limit, at source, the impact of the Scheme on the future emerging plans of Quintain, in as far as Quintain's vision of possible future land use and development arrangement permits.
- 4.1.35 The dDCO and associated Land Plans seek, over particular areas of land, authorisation for certain powers, including the imposition of restrictive covenants, over land beneath which the tunnels will be constructed, to safeguard the Silvertown Tunnel and its users and to enable essential maintenance.
- 4.1.36 These powers are necessary in order that the Applicant can secure the safe future operation of the Silvertown Tunnels, by appropriately controlling but not precluding future development that may occur in their vicinity.
- 4.1.37 The detail of the restrictive covenants, and supporting guidelines for developers will shortly be shared with Quintain and other landowners, and will:- identify zones of land where development activity can occur; condition types of development with the need for TfL consent; identify those areas where development is possible but necessarily must be controlled; and sets out the process by which specific development proposals coming forward and once at the design stage, can be developed satisfactorily to both Quintain and the Applicant. It is however important to note that in this process, the safe and economic operation of TfL's infrastructure and services is paramount.
- 4.1.38 On page 5 Quintain states that *'TfL have failed to consider the Masterplan, of which they have been aware for some time, or the associated designation in the OAPF, in considering the design of the portal buildings.'*
- 4.1.39 As explained in the Design and Access Statement (APP-095) and Consultation Report (APP-018), TfL worked in consultation with Quintain prior to submission of the application to ensure that the development of the Reference Design took into account the potential redevelopment of the Quintain site, notwithstanding the uncertainty of its planning status (which is considered by the Applicant's note on its approach to future receptors and cumulative assessments particularly in relation to Quintain's site (see Appendix A)). Consideration was given to the conceptual plans which were provided by Quintain and adjacent stakeholders to ensure that the location of the portal buildings and associated infrastructure did not fetter any future development. This consultation and consideration will

continue into detailed design through the requirement for the Applicant to comply with the Design Principles (APP-096), which require the Applicant to take into account future development in the detailed design of above ground structures; has a number of specific controls for the Silvertown Portal site, and requires the Applicant to consult with a Stakeholder Design Consultation Group which would include Quintain.

Reuse of Spoil

- 4.1.40 On page 6 Quintain says that it *'also objects on the grounds that adequate consideration does not appear to have been given to the potential re-use of tunnelling spoil on the Site as part of its development. This is evidenced by the failure to include the Site in the Receptor Site Assessment (for Excavated Materials) (document reference 6.10 Appendix D).'*
- 4.1.41 There is no requirement as part of the proposed Scheme to re-use substantial quantities of excavated material on the site and this could not therefore be justified as necessary associated development for the Scheme in and of itself.
- 4.1.42 Notwithstanding, there could be environmental and commercial benefits in the beneficial reuse of certain excavated material on the Silvertown site, where feasible, and the CoCP was amended at Deadline 1 (at paragraph 3.2.4) to make allowance for re-use on Site within the framework of its river transport commitments for the Scheme.
- 4.1.43 However, the Applicant cannot comment on the likely veracity of the economic benefits proposed by Quintain, but would observe that any benefit estimation must carefully and comprehensively consider all impacts and implications on the wider Scheme, of configuring the works in such a particular way so as to make such re-use possible. In the view of the Applicant these issues are numerous, wide-ranging and potentially complex, and also subject to uncertainties relating to what actual ground conditions might be encountered during construction of the works, and the details of Quintain's development plans for the Site, which are currently at an early and provisional stage.
- 4.1.44 Due to its current planning status (as explained below), the Applicant was not able to rely on Quintain's site coming forward for development for the re-use of spoil to enable this development to be able to form a definitive part of the

application. However, the Applicant notes that the Receptor Site Assessment does not set out the long or short list for potential receptor sites, but instead sets the criteria for them. This means that, by the time of detailed design, if Quintain's site has improved its planning position such that it could be considered potentially available, this would be taken into account as part of the RSA methodology.

- 4.1.45 The Applicant confirms that there has been significant and ongoing engagement with GLA/Quintain on a range of interface issues since 2014 as set out in the SoCG, including on this specific subject in the period since it was first proposed in June 2016.

Environmental Statement

- 4.1.46 On page 6 Quintain states that 'it is surprising that the Site is not itself identified as an air quality receptor, given that this area is shown as *'released for residential development' under the OAPF. The Site, regardless of this allocation, should have been considered as it is within close proximity to the tunnel portal'*.
- 4.1.47 *This follows Quintain's earlier comment that 'TfL has also failed to consider the impact of the operation of the tunnel on the future development of the Site. This includes the need for building above the tunnels and the impact of the tunnels' operation (particularly with regards to noise, impacts on air quality, and access) on the future use of the Site. Indeed, as is apparent when these further representations are taken in the round there appears to have been a general failure by TfL to account for the Site on a receptor basis.'*
- 4.1.48 Chapter 17 and Appendix 17A of the ES provides a detailed account of the methodology that the Applicant has used in developing its approach to cumulative assessment and future baseline assessment.
- 4.1.49 The Applicant has prepared a note providing further detail on this approach, and to explain why Quintain's site has not been considered as a future baseline receptor due to its planning status. This can be found at Appendix A.
- 4.1.50 On page 7 Quintain refers to the Rule 17 response and whether making such optimistic assumptions may *'underestimate the impact of the development on air quality. It is therefore essential that:*

a) The ES fully considers air quality impacts on the Site;

b) The ES reconsiders what the impact of the tunnel scheme would be using a more conservative assumption with regards to future emissions reductions; and c) The ES designs and implements air quality mitigation measures above and beyond those currently reported and considered.'

4.1.51 The Applicant has provided a full response to the High Court Judgement in its Rule 17 response [REP1-093].

4.1.52 Although the Scheme assessment utilises the Defra emission factors, which were criticised as part of the judgement for being too optimistic, the modelled results are uplifted to account for vehicle performance in the real world. This is because the Scheme assessment followed the procedure set out in Highways England's guidance in IAN 170/12v3. This guidance allows for the under-performance of vehicle emissions in the real world - particularly light duty diesel vehicles (cars and vans), which has led to concentrations not falling as fast as expected - being corrected in the air quality modelling. This is undertaken by uplifting the modelled concentrations utilising the Defra published modelling tools against projections in IAN 170/12v3 that were generated assuming that the only vehicles that would generate a benefit in emissions were Euro 6/VI. In building the guidance there was also an allowance that Euro 6/VI vehicles would not perform as projected in the Emission Factor Toolkit.

4.1.53 The air quality assessment is therefore not based on optimistic future emission projections and as a result the ES fully considers the air quality impact of the scheme. As the assessment used conservative assumptions with regard to future emission reductions, it is the Applicant's view that the ES already considers the issues raised in the High Court Judgement. There is therefore no need to undertake any additional air quality modelling.

4.1.54 On page 7 Quintain states that *'the ES also fails to provide an outline of the main alternatives studied by TfL and the reasons for which those were discounted in favour the proposed scheme.'*

4.1.55 The ES provides a full summary of alternatives considered in Chapter 3 – Alternatives Considered [APP-031].

- 4.1.56 This chapter does not provide a detailed description of the strategic options assessment regarding the Silvertown Tunnel Scheme, but focusses on the alternatives considered by the Applicant once the principle of a road tunnel crossing at Silvertown had been established as an option for relieving traffic congestion at the Blackwall crossing in the London Plan. This is considered a robust assessment of the main alternatives in EIA terms. A full account of the option selection process is provided in the Case for the Scheme document [APP-093]. A full explanation of options considered for the Scheme is included in Appendix 3.A – Options Summary Table [APP-045].
- 4.1.57 Quintain states that *‘the ES requires extensive cross-referral across the other application documents in order to incorporate the full gamut of information required by Part 2 of Schedule 4. Regulation 17 of the 2009 Regulations requires that an Examining Authority suspend consideration where an inadequate ES is provided; given that the current ES cannot be read as a standalone document, does not refer to any alternative schemes, and fails to properly provide details of the mitigation proposed, it is hard to see how the current ES could possibly be deemed adequate for the purposes of the DCO examination.’*
- 4.1.58 The Environmental Statement is a standalone document and contains in one place the assessment of the likely significant effects of the Scheme as well as the information for inclusion in environmental statements as defined in Schedule 4 of the EIA Regulations (2011):
- Description of the development – Chapter 4 of the ES (APP-031)
 - An outline of the main alternatives for the Scheme studied by the applicant or appellant and an indication of the main reasons for the choice made, taking into account the environmental effects - Chapter 3 of the ES [APP-031]
 - A description of the aspects of the environment likely to be significantly affected by the development, including, in particular, population, fauna, flora, soil, water, air, climatic factors, material assets, including the architectural and archaeological heritage, landscape and the inter-relationship between the above factors – Section 4 of Chapters 6 to 16 presents the existing baseline for each environmental topic [APP-031].

- A description of the likely significant effects of the development on the environment, which should cover the direct effects and any indirect, secondary, cumulative, short, medium and long-term, permanent and temporary, positive and negative effects of the development, resulting from—
 - (a) the existence of the development;
 - (b) the use of natural resources;
 - (c) the emission of pollutants, the creation of nuisances and the elimination of waste.
- The description by the applicant or appellant of the forecasting methods used to assess the effects on the environment. – Chapter 6 to 17 of the ES [APP-031].
- A description of the measures envisaged to prevent, reduce and where possible offset any significant adverse effects on the environment (i.e. the mitigation measures) – Section 5 of Chapters 6 to 16 of the ES [APP-031].
- A non-technical summary of the information provided under paragraphs 1 to 5 of this Part.- [APP-085]
- An indication of any difficulties (technical deficiencies or lack of know-how) encountered by the applicant or appellant in compiling the required information – Chapter 6 to 16 contain a Limitations and Assumptions section relevant to the individual topic [APP-031].

4.1.59 Furthermore, paragraph 1.8.1 explains that the technical appendices which inform the Schedule 4 compliant text of the main statement are part of the ES as a whole.

Appendix A. Technical Note: The Treatment of Future Development sites in the EIA

SILVERTOWN TUNNEL

Technical Note: The Treatment of Future Development sites in the EIA

December 2016

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Silvertown Tunnel

Technical Note: The Treatment of Silvertown Wharves in the EIA

Author:

Quod

Rev.	Date	Approved By	Signature	Description
0				Preparation for DCO Examination

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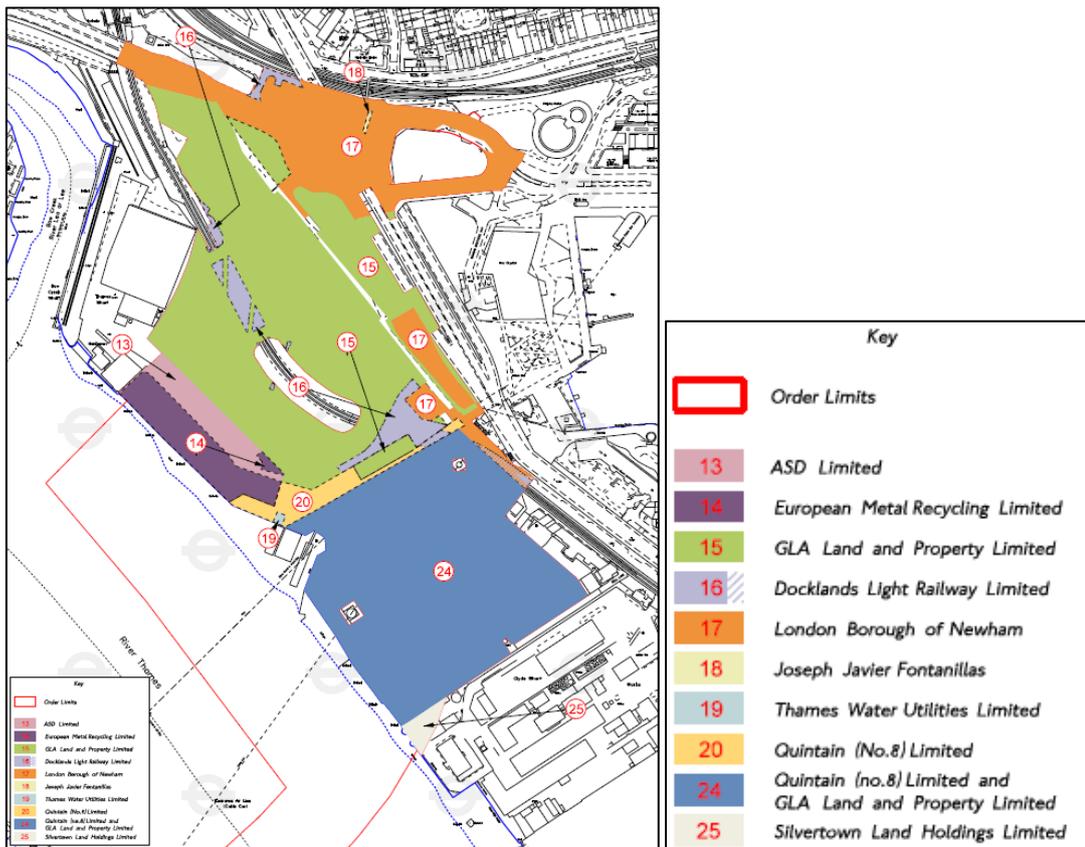
1. THE TREATMENT OF THE SITES

1.1 Introduction

- 1.1.1 A number of submissions to the Examining Authority – Written Representations (“WR”) and Local Impact Reports (“LR”) – have raised concerns about the impact of the Scheme on the future redevelopment of sites that do not yet benefit from planning permission.
- 1.1.2 In particular, Winkworth Sherwood LLP on behalf of Quintain Limited has raised a concern relating to the content of the Environmental Statement (“ES”) and its failure to adequately assess the noise and air quality impacts of the Scheme on the Carlsberg-Tetley (“CT”) Site. It is claimed that the requirements of the Environmental Impact Assessment (“EIA”) Regulations have not been met in the ES, as the noise and air quality assessments do not consider the site as a noise-sensitive receiver or air quality receptor.
- 1.1.3 Winkworth Sherwood LLP contend that the CT Site should be considered as a receptor on the basis that the site is shown as ‘released for residential development’ under the Mayor of London’s Draft Opportunity Area Planning Framework document.
- 1.1.4 To address this and wider concerns about the potential redevelopment of such sites, this technical note provides a summary of the process undertaken for the EIA, it explains how receptors were chosen and the status of the sites in that context.

1.2 The Carlsberg Tetley and Thames Wharf Sites

- 1.2.1 Both the CT Site and the adjacent Thames Wharf (“TW”) Site would be permanently compulsorily acquired or temporarily possessed for the construction/or the subsequent operation of the tunnel. It has not yet been agreed what rights will be granted to develop above and around the tunnel. However, Quintain Limited has long term aspirations for the future redevelopment of the CT site.
- 1.2.2 A plan showing the land ownership of the sites is provided below at Figure 1.



Land Ownership Plan and Key

1.2.3 The aspiration to change planning policy to facilitate the regeneration of both sites is reflected in the adopted development plan (London Borough of Newham (“LBN”) Core Strategy – Strategic Site S08) and in emerging policy (Mayor of London’s Working Draft Royal Docks and Beckton Riverside Opportunity Area Planning Framework, March 2016 (“draft OAPF”).

1.2.4 However, both sites are currently subject to restrictive planning policy designations that would form material considerations in the determination of any application and, without their removal or amendment, those designations are likely to prevent a scheme for mixed use development being capable of securing support from the Local Planning Authority or the Mayor of London. Further no planning applications have been submitted for either site. An explanation of these designations is provided below.

Strategic industrial Land (“SIL”)

1.2.5 The CT Site is designated as SIL in the London Plan (Annex 3; Map 2.7) and the LBN Core Strategy and is therefore protected for industrial use.

1.2.6 London Plan policies 2.17 and 4.4 set out a plan-led and evidence based approach to promoting and managing industrial capacity. Policy 2.17 of the London Plan states that:-

“Development proposals in SILs should be refused unless:

- a) they fall within the broad industrial type activities outlined in paragraph 2.79;*
- b) they are part of a strategically co-ordinated process of SIL consolidation through an opportunity area planning framework or borough development plan document;*
- c) the proposal is for employment workspace to meet identified needs for small and medium sized enterprises (SMEs) or new emerging industrial sectors; or*
- d) the proposal is for small scale ‘walk to’ services for industrial occupiers such as workplace crèches or cafes.*

Development proposals within or adjacent to SILs should not compromise the integrity or effectiveness of these locations in accommodating industrial type activities.”

1.2.7 Policy J1 of the LBN Core Strategy states that industrial uses will be concentrated and protected in Strategic Industrial Locations. The CT site in particular is said to be suitable in principle for Use Classes B1(c), B2 and B8 and appropriate sui generis employment uses.

1.2.8 The Mayor of London’s working draft OAPF suggests that the Thameside West area, including the CT Site, may be released from its SIL designation. There is limited detail on the proposals within the working draft OPAF. It states that that:-

“The relocation of industrial uses to areas with good access to the strategic road networks further out to the east and north, and re-development of derelict and underused brownfield land provide substantial opportunities to optimise both land use and land values in the east.”

1.2.9 An extract of the accompanying plan is provided below at Figure 2.



Figure 2: Working Draft Royal Docks and Beckton Riverside OAPF

1.2.10 A further draft of the OAPF is expected to be published for consultation in 2017. Pending the approval of the OAPF and the progressing of a revision to the Newham Core Strategy, the CT site remains designated SIL and a mixed use planning application at the CT site or at Thames Wharf would be contrary to planning policy.

Safeguarded Wharf

1.2.11 The TW Site is allocated as a Safeguarded Wharf, which is protected by Policy 7.26 of the London Plan. The policy states that the redevelopment of safeguarded wharves should only be accepted where it can be demonstrated that the wharf is no longer viable or capable of being made viable for waterborne freight handling uses. The only exception to this would be for a strategic proposal of essential benefit for London.

1.2.12 The specific sites that are safeguarded are set out in the 'Safeguarded Wharves Implementation Report', January 2005. This document was reviewed in 2013¹, but the review recommended that the allocation is retained. It stated in relation to Thames Wharf:-

"Retain – site is in active use, within an industrial area and retains flexibility to meet a range of operational needs."

1.2.13 The recommendation notes that the Greater London Authority ("GLA") and Port of London Authority ("PLA") will consider working with relevant stakeholders, including the operator, to encourage the increased use of the wharf for river freight.

1.2.14 It goes on to state that opportunities to consolidate wharves in the Thameside West area are under consideration and will be progressed, if appropriate, with relevant stakeholders. Plans will need to be agreed with all parties before the allocation is removed.

1.2.15 This opportunity is also reflected in the LBN site allocation for Thames Wharf (S08), which states that there may be scope to reconfigure the safeguarded wharf on the site to the adjacent CT site, or to remove the wharf safeguarding, if a consolidated wharf can be delivered at Thameside West (subject to there being no net loss of functionality or wharf capacity). In this way, the future of the Thames Wharf site and the CT site are closely aligned in planning policy.

1.2.16 The draft OAPF (pages 28-29) indicates the possibility that the Thameside West wharves may be consolidated at Peruvian Wharf to the east. However, the OAPF is only draft and any change in the safeguarded status of Thames Wharf would need to be formally approved, either through a further London-wide review of Safeguarded Wharves, such as the review undertaken in 2013 or through a review of the London Plan.

1.2.17 To date, the GLA has stated that this would need to be part of the Full Review of the London Plan², for which formal consultation is planned in autumn 2017 to allow for publication of the final London Plan in autumn 2019. Pending the removal of the safeguarded status, loss of the wharf function would be directly contrary to the London Plan and the Core Strategy.

¹ Safeguarded Wharves Review – Final Recommendation, March 2013

² <https://www.london.gov.uk/what-we-do/planning/implementing-london-plan/supplementary-planning-guidance/safeguarded-wharves#Stub-101077>

1.3 Assessment Methodology

1.3.1 The main aims of the EIA are to inform decision-makers of the likely significant environmental effects of the Scheme on people and the environment, and to demonstrate how any adverse effects of the Scheme may be minimised, within practical engineering and other constraints.

1.3.2 A full explanation of the approach taken by the EIA of the Scheme is provided at Chapter 5 of the ES. It sets out the EIA process and the relevant legislation and guidance, the scope of the EIA presented in the ES and the methodology for predicting impacts and assessing their likely significant effects. Key points of relevance from Chapter 5 have been re-provided below.

Study Area

1.3.3 There is no single study area which is applicable to all topic areas in this ES. Instead, the study areas for each topic vary according to the environmental resource potentially affected. These are based on the geographical scope of the potential effects relevant to the topic, and the information required to assess any environmental effects, as well as topic specific guidance provided in the Design Manual for Roads and Bridges (“DMRB”) and other good practice guidance.

1.3.4 Both sites fall within the Order Limits and are therefore within the study area (although, as discussed below, not as specific individual receptors) for both the Noise and Vibration Assessment and the Air Quality Assessment.

Baseline Data

1.3.5 Establishing the baseline environmental conditions (i.e. the environment without the Scheme) is a necessary starting point for any assessment of potential change as a result of the Scheme. The existing conditions for the study area have been identified by desk-based study and/or survey to allow the assessment of changes that would be brought about by the Scheme.

1.3.6 For the assessment of environmental effects, the Environmental Statement needs to consider the conditions that would exist in the absence of the Scheme, at key stages of the Scheme’s implementation and operation.

1.3.7 Therefore, it is necessary to estimate the changes that would occur over time, in the absence of the Scheme. This includes the consideration of trends including traffic growth, and the identification of developments that are likely to be implemented (i.e. committed developments) before the Scheme

is constructed and comes into operation. In this assessment, this is referred to as the 'future baseline' or the 'do-minimum scenario' i.e. it includes works that are likely to go ahead in the absence of the Scheme.

- 1.3.8 The description of the baseline and future baseline conditions has identified receptors that may be affected by the Scheme and also their 'value' and/or 'sensitivity' to potential change. Receptors may be a physical resource (e.g. a water body or a habitat type), flora/fauna, or a user group (e.g. local residents or recreational users of an area).
- 1.3.9 A list of proposed developments to be considered was compiled through searches of local authority planning portals for planning applications; a review of allocated and proposed sites in local plans; a review of the PINS National Infrastructure Planning's programme of projects; and direct consultation with key developers and local authorities whose areas are predicted to be affected by the Scheme (see Table 17.A-1 and Table 17.A-2 in Appendix 17.A of the ES).
- 1.3.10 The relevant local planning authorities were consulted throughout the process and comments were incorporated as necessary.
- 1.3.11 The list of developments to be considered was last updated in February 2016 to allow sufficient time to undertake the assessments prior DCO submission.
- 1.3.12 The Planning Inspectorate (PINS), advised in the Scoping Opinion received in July 2014 that the cumulative effects assessment should consider reasonably foreseeable major developments in the area that are:
- under construction;
 - permitted application(s) not yet implemented;
 - submitted application(s) not yet determined;
 - all refusals subject to appeal procedures not yet determined;
 - projects on the PINS National Infrastructure Planning's programme of projects; and
 - projects identified in the relevant development plan (and emerging development plans - with appropriate weight being given as they move closer to adoption) recognising that much information on any relevant proposals will be limited.

- 1.3.13 These comprise all the future developments which may have an impact on a single receptor cumulatively with the project being assessed. In terms of future receptors included within the future baseline information though, the ES considers only those developments that are currently under construction as well as committed developments that have full planning permission but were not yet under construction at the time of writing. For air quality and noise, the future receptors will be the developments which are reasonably likely to be occupied in the year of assessment 2021 and are located on the pathway for effects per the DMRB criteria i.e. within 200m for air quality and 1km for noise. .
- 1.3.14 To determine which developments are reasonably likely to be occupied in 2021 and should be included within the assessment as receptor points, the ES refers to PINS Advice Note 17 Cumulative effects relevant to NSIPs and professional judgment. The methodology follows the Tier-ed approach in Advice Note 17 which provides an example of assigning certainty by grouping developments into tiers, reflecting the likely degree of certainty attached to each development, with Tier 1 being the most certain. Tier 3 is least certain and most likely to have limited publicly available information to inform assessments i.e. design parameters, number of residential units, distance from the road, etc. Developments which fall under Tier 3 are those identified in other plans and programmes which set the framework for future development consents/approvals, where such development is reasonably likely to come forward. Due to the low level of certainty about deliverability these are not considered are reasonably likely to be occupied in the assessment year of 2021.
- 1.3.15 As per PINS Advice Note 17 (Table 3), each potential development was allocated a tier reflecting its likely degree of certainty and the available level of detail:
- Tier 1, being the most certain - under construction; permitted application(s) not yet implemented; submitted application(s) not yet determined;
 - Tier 2 - projects on the Planning Inspectorate's Programme of Projects where a scoping report has been submitted.
 - Tier 3, where a decreasing level of detail is available - projects identified in the relevant development plan (and emerging development plans - with appropriate weight being given as they move closer to adoption) recognising that much information on any relevant proposals will be limited.

- 1.3.16 Thames Wharf Strategic Site (S08) is a Tier 3 development, it is not a consented development scheme in planning terms and the Applicant is not aware of any planning applications being submitted for this site. Therefore, not including it as a future receptor in the air quality and noise models was considered appropriate due to the high level of uncertainty about the site's deliverability by 2021 and low level of detail (or no detail) of the design or layout of their development.
- 1.3.17 At the time of the assessment, the CT site did not fall within any of the categories listed in paragraph 1.3.12 as a reasonably foreseeable major development. The publication of the draft OAPF, which suggests the site may be released from its SIL designation, occurred post-February 2016 and pending its approval the site remains designated SIL. However, even if the OAPF were adopted, to include similar proposals to that which has been described in the draft, in terms of uncertainty and in the absence of any planning application, it would fall under the Tier 3 category and therefore it would not be included as a specified future receptor.

1.4 Safeguarding Direction and policy support

- 1.4.1 In contrast with the TW and CT sites, about which there is little planning certainty as to when redevelopment may occur or to its precise nature, characteristics or likely environmental effects, the Silvertown Tunnel scheme benefits from a safeguarding direction that has been in place since 1997 and has been designated as a Nationally Significant Infrastructure Project because of its national importance. The Scheme also has direct planning policy support in Policy 6.1 and 6.2 of the London Plan and complementary support in the Newham and Greenwich Core Strategies.
- 1.4.2 Following submission of the DCO there is also considerable certainty about the proposed works and TfL's commitment to develop the scheme. It follows that the Silvertown Tunnel should be considered as a commitment in the preparation of any application for the CT and TW Sites, rather than the other way round.

1.5 Conclusions

- 1.5.1 As discussed above, the regeneration of either the CT Site or the TW Site for mixed use development involving housing is not currently supported by planning policy. Whilst there are signs that this may change in the future, for instance through a new OAPF (a draft of which has now been published), only limited weight can be attached to the prospect until the relevant development plan has been duly prepared, consulted on and revised in final

form. Furthermore, no planning application has been submitted for either site.

- 1.5.2 Development of the Thames Wharf site was therefore included in the ES as a Tier 3 (the lowest level) commitment, which should only be qualitatively taken into account in the ES. The CT site could not yet be considered Tier 3, but as the site falls within the study area for a number of assessments, a qualitative assessment has been undertaken where possible.
- 1.5.3 The ES provides information on noise, air quality and other effects that would be generated by the construction and operation of the tunnel. It is appropriate for that information to be taken into account accordingly in any future plans that may emerge for the CT and TW sites, which are obliged to have regard to the Silvertown Tunnel project by virtue of its longstanding safeguarding, its national importance and the advanced stage that it has reached in the planning process.
- 1.5.4 The Applicant further notes that Drawing 17.2 of the ES (APP-043) illustrates both the Thames Wharf and CT sites as being part of Newham Core Strategy Strategic Site S08, when in fact, as discussed above, this designation only applies to the Thames Wharf site. This drawing has therefore been updated at Deadline 2 to exclude the CT site and thus fully reflect the Core Strategy designation.