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Dear Sirs

Planning Act 2008
Application for the proposed Silvertown Tunnel
Application ref: TR0100021

Submission of proposed non-material changes to the Application

1. Please find enclosed a report submitted by Transport for London ("the Applicant") in advance of the Compulsory Acquisition Hearing which is to be held on 20 January 2017 ("the CAH").
2. The report, entitled ***Proposed Non-Material Changes to the Application*** (application document reference 8.56; January 2017), relates to agenda item 2 for the CAH ("*Presentation by the applicant of changes to the application proposed to be submitted in week commencing 9 January 2017 to address certain objections to CA and/or temporary possession*").
3. The purpose of the enclosed report is to explain the nature and extent of the changes proposed and to provide information in advance of the CAH. It is the Applicant's intention that the material contained in this report (which includes sketches and drawings showing the Scheme with and without the proposed changes) should facilitate discussion of the proposed changes in the CAH, in accordance with the CAH agenda and at the Examining Authority's discretion and direction.
4. The report sets out four proposed non-material changes to the Scheme, together with the Applicant's request for those proposed changes to be considered and accepted by the Examining Authority as part of the application; and taken fully into account, with an opportunity for all Interested Parties to make representations, as part of the on-going examination of the Application.

Four proposed non-material changes

5. As you are aware, the Applicant wrote to the Planning Inspectorate on 2 December 2016, advising of its intention to submit a request in early January 2017 for changes to the application to be accepted into the examination (the letter was published by the Planning Inspectorate on 5 December 2016; PINS document reference AS-026). In that letter, the Applicant listed another potential non-material change, identified as "*Proposed change no.4 – public realm improvements at Tunnel Avenue and Boord Street*". This proposed change is not included in the report for the reasons set out below.
6. Proposed change no.4 forms part of a proposed package of public realm enhancements, aimed at addressing recommendations made by the Mayor of London following his holistic review of proposed river crossings in east London. Having considered the proposed public realm enhancements, the Applicant is of the view that these proposals would not constitute a non-material change to the Scheme; rather the measures initially described as "proposed change no.4" would actually comprise a further layer of detail relating to the detailed design of the Scheme, and as explained above and below, would form part of a wider package of enhancement measures.
7. For this reason, the report does not include reference to proposed change no.4, but only to the proposed changes numbered 1, 2, 3 and 5. These are identified in the report as non-material changes ("NMCs") numbered 1, 2, 3 and 5 (i.e. NMC1, NMC2, NMC3 and NMC5).

Proposed public realm enhancements (not non-material changes)

8. The package of public realm enhancements arising from the Mayoral review is proposed to be taken forward through the submission of revised and updated application documentation which will detail and secure a number of public realm enhancements across the Scheme.
9. The Applicant anticipates that it will be in a position to submit such documentation at Deadline 4 of the examination (i.e. 6 March 2017); this timescale would allow the Applicant to continue its on-going discussions and engagement with the Scheme's 'host' local authorities in the meantime, in order to ensure that the detail of the package of public realm enhancements, and the method by which those enhancements are proposed to be secured, have been developed in consultation with those local authorities.

Engagement with affected/interested parties

10. In respect of each proposed change the report includes (in the chapter devoted to that change) a schedule listing the parties with whom the Applicant has engaged.
11. Where parties would be directly affected by the proposed changes, the Applicant has developed those proposed changes in dialogue and consultation with those parties, in order to address concerns raised by those parties in relation to the Scheme. Such parties are therefore identified in the schedules of engagement as having been 'consulted'.
12. Other parties with a potential interest in the proposed changes have been informed, so that they are aware of the proposed changes and in a position to comment and make representations on the changes in the forthcoming CAH and subsequently. Such parties are identified in the schedules of engagement as having been 'advised' of the relevant change(s).
13. All parties identified in the schedules of engagement as having been 'consulted' or 'advised' have been provided with access to an electronic copy of the report and its appendices, under cover of an email which identifies which proposed change(s) the Applicant considers they may potentially be interested in. All such parties have been informed that if the proposed changes are accepted by the Examining Authority for inclusion in the examination of the Application, then those parties, together with any other potentially interested parties, would have an opportunity to comment and submit representations on the proposed changes.
14. The schedule of engagement for each proposed non-material change also lists some additional parties which the Applicant considers might potentially be interested in the change, notwithstanding the fact that, on the basis of information currently available to the Applicant, they would not appear to be affected, either directly or indirectly, by the proposed change. It is the Applicant's understanding that should such parties wish to comment on any proposed non-material change, there would be opportunities for them to do so during the remainder of the examination of the Application.

Environmental appraisal of the proposed non-material changes

15. The proposed changes have been reviewed and tested in the context of each environmental topic previously assessed in the Silvertown Tunnel Environmental Statement (APP-031) in order to identify any potential likely significant effects that would be new or materially worse than those assessed previously.

16. Having carried out the appraisal, the Applicant has concluded that the proposed changes would be unlikely to result in any new or materially worse likely significant environmental effects beyond those assessed and reported in the Environmental Statement.
17. Each chapter of the report includes a table which summarises the environmental findings in relation to the proposed change.

Non-materiality of the non-material changes

18. Following careful consideration, the Applicant has concluded that none of the changes proposed in this report is material in nature – whether considered individually or collectively, separately or cumulatively, the proposed changes do not result in changes to the underlying Scheme as a whole, which was previously consulted on and to which the Application relates.
19. The Applicant takes this view having considered and tested in relation to each proposed change:
 - the degree of change in the context of the Scheme as a whole (i.e. whether it is significant or minor) – **each of the changes is considered to be relatively minor;**
 - the effect of the change in environmental terms (i.e. whether it would result in a change to the findings of the environmental impact assessment carried out in respect of the Scheme prior to submission of the Application) – as described in the report (at Table 3.1 (NMC1), Table 4.1 (NMC2), Table 5.1 (NMC3) and Table 6.1 (NMC5)), **none of the changes would result in a materially worse environmental finding;**
 - the effect of the change on the local community (i.e. what effect, if any, it would have on the local community) – **in each case this was considered to be non-existent or negligible; as described in the ‘communities and private assets’ sections of Table 3.1 (NMC1), Table 4.1 (NMC2), Table 5.1 (NMC3) and Table 6.1 (NMC5) in the report; and**
 - the likely level of public interest in the change (i.e. whether the general public would be likely to be interested in or concerned by the change, taking into account consultation to date) – **in each case it is considered that the change would not be a matter of significant interest or concern to the public.**

Suggested timescales for dealing with the proposed non-material changes

20. The Applicant appreciates that the acceptance, and thereafter the setting of an appropriate procedure for the examination of these proposed changes, is a matter for the Examining Authority. In case it assists, however, as stated in its letter of 2 December 2016 (and in the enclosed report), the Applicant does consider that the proposed changes could fully and properly be examined within the remainder of the examination timetable. If the proposed changes are introduced in the CAH as set out in the related agenda, thereafter comments on the proposed changes could be submitted to the Examining Authority at Deadline 3 (27 January 2017); and if the proposed changes are accepted into the examination the Examining Authority could make any additional requests for information on the proposed changes in its Second Written Questions, when they are issued on 10 February 2017, with responses to those Questions being submitted by Deadline 4 (6 March 2017).
21. In respect of each proposed change the report includes a schedule listing the application documents which, if the proposed change was accepted into the examination of the application, would need to be amended to take account of the change. Subject to the Examining Authority's decision as to whether or not to accept all or any of the proposed non-material changes, and subject to the timing of that decision, the Applicant considers that it would be able to submit revised versions of the Application documents listed in these Schedules at Deadline 4 of the examination (6 March 2017). Any comments on those revised versions of the Application documents could then be submitted and, as necessary, responded to, during the remainder of the examination. The Applicant would find it helpful if these potential timescales could be discussed and, if possible, agreed during the CAH.
22. Should the Examining Authority require any additional information in support of the changes proposed in the enclosed report, the Applicant will endeavour to provide it as soon as possible in response to any such request for information.

Yours sincerely

A solid black rectangular box used to redact the signature of David Rowe.

David Rowe, Silvertown Tunnel Project Sponsor