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Subject: Deadline 3 submissions: LB Hackney
Date: 25 January 2017 16:46:28
Attachments: [LB Hackney post hearing submissions on traffic modelling, forecasting, user charging and economic issues LBH 06.pdf](#)
[LB Hackney post hearing submissions on the Development Consent Order LBH 07.pdf](#)

Dear Sir/Madam

Please see attached London Borough of Hackney's submission documents for Deadline 3.

This includes two submissions;

1. LB Hackney's post-hearing submissions on traffic modelling, forecasting, user charging and economic issues. LB Hackney reference number LBH 06.
2. LB Hackney's post-hearing submissions on the Development Consent Order. LB Hackney reference number LBH 07.

Please confirm receipt.

Kind regards

Alison

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Silvertown Tunnel Development Consent Order

London Borough of Hackney

Post-hearing submissions including written submission of oral case in relation to the Issue Specific Hearing on traffic modelling, forecasting, user charging and economic issues

PINS Reference		
Document Number	LBH 06	
Authors	LB Hackney, Project Centre, GVA	
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1. INTRODUCTION

- 1.1 The Examining Authority (“ExA”) held an Issue Specific Hearing (“ISH”) on traffic modelling, forecasting, user charging and economic issues for the Silvertown Tunnel Development Consent Order (“DCO”) on 17 January 2017. The London Borough of Hackney (“LB Hackney”) attended this ISH and made oral representations based on its Written Representation (PINS document reference number REP1-019) and Local Impact Report (PINS document reference number REP1-020).
- 1.2 In accordance with the Rule 8 letter for the Silvertown Tunnel DCO published on 18 October 2016, LB Hackney’s post-hearing submissions are set out below for Deadline 3. These include;
- Written summary of oral case made at the 17 January ISH.
 - Reinforcement of previous points raised which have not been considered
- 1.3 As specified in the Rule 8 letter, it is understood that the Examination will principally be undertaken through a written process. Thus LB Hackney cross referred to its Written Representation (reference number REP1-019) and its Local Impact Report (reference number REP1-020) in making its oral case and requests that these be read alongside this post hearing submission. LB Hackney’s post hearing submission on the dDCO including summary of oral case made at the dDCO hearing 19 January (to be submitted at Deadline 3, LB Hackney reference number LBH07) should also be read.

2. TRAFFIC IMPACTS AND MITIGATION

Traffic Impacts Mitigation Strategy (TIMS)

- 2.1 LB Hackney understand that the Applicant has been requested to review TIMS in light of the numerous points raised by a number of boroughs and Interested Parties, the borough look forward to reviewing what TfL produce. LB Hackney is also aware that during the dDCO hearing on 19 January, RB Greenwich raised the issue and there was discussion about the monitoring, mitigation and charging elements being spread over numerous documents and how this can lead to confusion and lack of clarity in understanding the proposals. LB Hackney support RB Greenwich would welcome a revised document from the Applicant which is clearer in setting out the proposals.
- 2.2 LB Hackney has general issues with the proposed mitigation strategy and although there is the potential for the documents to be changed they are identified here as a matter of record. LB Hackney's opinion is that as the monitoring is informed by inaccurate modelling, having effectively screened out the borough for both traffic and air quality monitoring and is therefore questionable at best.
- 2.3 As raised previously by LB Hackney in their Local Impact Report (reference REP1-020) considers the borough could be severely affected, though the Area of Influence (AOI) illustrated in TfL's plans does not include the borough. In fact, the AOI only extends approximately 3km to the north but approximately three times that distance to the east and west.
- 2.4 LB Hackney is concerned that there are no monitoring sites identified within the borough so the effect of the Scheme or any future mitigation will not be understood and the value of STIG to the borough will be severely limited.

Trigger Points

- 2.5 There was discussion at the ISH about the trigger points and it is understood that these are likely to change, however, LB Hackney's concerns are again set out here as a matter of record.
- 2.6 TIMS at A.2 and Figure A-1 shows the A102 Homerton High Street within the borough to be classed as a Strategic Corridor. Within TIMS this means the triggers are very high, especially for HGV's, where an increase of >25% would be needed to trigger as RED for consideration by STIG.
- 2.7 Relating this 25% trigger to the existing traffic flows means that a significant number of HGV's could be experienced before the need for mitigation was even considered. . The figures for the A102 and A12 are set out below
- A102 25% = 147 HGV's
 - A12 25% = 1,186 HGV's
- 2.8 There are additional routes; Wick Road, Cassland Road and Victoria Park Road which act as feeder roads to the A12, so any increase in HGV's on the route would likely have an impact on these local roads, affecting the health and safety of the pedestrians and cyclists using them.
- 2.9 LB Hackney explained at the ISH that HGV's are involved in a higher percentage of the most serious road accidents; they are involved in one in five fatal accidents on A roads; and are five times more likely to be involved in fatal accidents on minor roads.
- 2.10 HGV's also have a significant detrimental effect on air quality, the proposed trigger point of 25% is too high and would allow for a significant deterioration in air quality without activating the trigger point. Reference should be made to the Institute of Air Quality Management guidelines which stipulate that an increase in 25 HGV's should trigger the need for an Air Quality Assessment in or adjacent
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to Air Quality Management Areas, which is applicable to the routes referred to in paragraph 2.8 above.

2.11 LB Hackney welcomes the fact that bus routes are to be monitored but do not agree that the new routes are not subject to triggers. LB Hackney request that all bus routes are monitored, including the new ones.

2.12 LB Hackney do not agree with the road safety comments (in A.5.7 of TIMS) limiting monitoring of KSIs to the tunnels themselves. Road safety is more than just traffic numbers and relates to a number of factors including traffic composition and network interactions. The number of KSI's should be monitored as is standard for London and across the country.

2.13 LB Hackney are concerned that the lack of monitoring proposed within the borough from an air quality and traffic perspective means that the environmental effect on the borough will be unknown.

Junctions and Routes for Monitoring

2.14 Within TIMS there are some inconsistencies relating to the junctions / routes for modelling as set out in the following paragraphs. In addition, LB Hackney has previously raised in their Local Impact Report (reference REP1-020) that a number of routes are sensitive and should be included within the monitoring. These routes are reiterated in this document.

2.15 TIMS Figure A-1 ATC sites in the Area of Influence, shows the AOI is now larger than illustrated in the Monitoring Strategy (Fig 3-1). LB Hackney assume the newer version is correct and seek clarification of this from TfL together with an update of all figures to show consistency. As previously raised, LB Hackney thinks the AOI should extend further north to include the borough.

2.16 Related to this, the Monitoring Strategy Figures 3-1 and A-1 need to be reviewed and updated to show the new monitoring sites as they do not reflect those within Table A-1 Initial Traffic Monitoring Plan. Figure A1 in the Monitoring

Strategy shows a junction monitoring site on the A12 in Hackney. This does not appear to be reflected in tables.

2.17 As highlighted in their previously submitted Local Impact Report (reference REP1-020), LB Hackney consider that the following routes need to be added to the Monitoring Strategy as they are already sensitive whilst also being key routes for additional / diverted traffic related to the Scheme. These routes are;

- Wick Road
- Kenworthy Road
- Cassland Road
- Victoria Park Road

Local Discount

2.18 There was some discussion at the ISH relating to local user discounts and it is understood that there is pressure from the Host Boroughs for such a discount. LB Hackney would strongly resist such a discount as it may place additional traffic on roads within the borough. In addition, the effect of such a change to the charging regime has not been tested by the Applicant and would have unknown impacts on the working of the scheme and its traffic and environmental impacts.

2.19 LB Hackney is concerned that there is no commitment within the DCO to maintain traffic to the levels within the Environmental Statement. LB Hackney believes strongly that such a commitment should be given.

Silvertown Tunnel Implementation Group

2.20 At the dDCO ISH on 19 January LB Hackney set out its significant concerns with STIG as well as detailed concerns relating to procedural matters of STIG, as set out in LB Hackney's Written Representation and Statement of Common Ground with TfL as matters not agreed. These concerns are detailed in the dDCO post hearing submission document (LB Hackney reference LBH07) which should be read in conjunction with this document. In summary these concerns relate to;

- Stronger governance needed
- Capping of future traffic levels to those specified in the Environmental Statement
- STIG should set user charges and its decisions should be binding on TfL
- STIG (not TfL) should invite other bodies to join STIG. LB Hackney would oppose businesses from being directly represented in STIG
- Boroughs should be able to request a STIG meeting
- Concern over how mitigation will be prioritised

Other Issues

2.21 LB Hackney believes that there should be a stronger commitment by TfL to introduce the quanta of bus services reflected in the Assessed Case. LB Hackney welcomes the fact that consideration of bus services in the Silvertown Tunnel is within the remit of STIG, however it is concerned that none of the indicative bus routes outlined in the Transport Assessment (Figure 7-47, page 284) directly serve Hackney and proposes that an express bus service linking Hackney Wick and Greenwich Town Centre be considered.

Silvertown Tunnel Development Consent Order

London Borough of Hackney

Post-hearing submissions on the Development Consent Order

PINS Reference		
Document Number	LBH 07	
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1. INTRODUCTION

1.1 GVA and Project Centre are acting on behalf of the London Borough of Hackney (“LB Hackney”) to prepare and coordinate their submissions in connection with the proposed Silvertown Tunnel Development Consent Order (“DCO”). Phlorum is providing technical input on air quality matters. Bond Dickinson is providing legal input as required.

1.2 The Examining Authority (“ExA”) held an Issue Specific Hearing (“ISH”) on the Silvertown Tunnel Development Consent Order on 19 January 2017. The London Borough of Hackney attended this ISH and made oral representations.

1.3 In accordance with the Rule 8 letter for the Silvertown Tunnel DCO published on 18 October 2016, LB Hackney’s post-hearing submissions are set out below for Deadline 3. This submission includes;

- Written summary of LB Hackney’s oral case made at the ISH on the DCO on 19 January 2017.
- Responses and summary of case in relation to a number of questions and comments raised by the ExA and other Interested Parties at ISH’s on 17 January 2017 (Traffic, modelling, forecasting, user charging and

economic issues) and the DCO (19 January 2017) in so far as they relate to the wording of the DCO.

- Comments in respect of some of the ExA's Action Points arising from the 19 January 2017 ISH.

1.4 LB Hackney has already set out written submissions on the DCO through a number of written documents. This document sets out LB Hackney's most up-to-date comments on the wording of the DCO and should be read alongside all of LB Hackney's written submissions, in particular;

- Written Representation (PINS document reference: REP1-019), specifically the summary table at paragraph 3.43 and the legal review of the draft DCO at Appendix A.
- Local Impact Report (PINS document reference: REP1-020).
- Rule 17 response (PINS document reference: REP1-018).
- Response to Examining Authority's ("ExA") First Written Questions (PINS document reference: REP1-021).
- Wording of the Development Consent Order (PINS document reference REP2-014)
- Responses to TfL's responses to the ExA's First Written Questions (PINS document reference REP2-014)
- This document is being submitted alongside LB Hackney's post hearing submissions including written submissions of oral case in relation to the Issue Specific Hearing on traffic modelling, forecasting, user charging and economic issues (LB Hackney reference number LBH06).

1.5 As previously set out at Deadline 2, whilst TfL has suggested some amendments to the wording of the draft DCO and parts of the certified

documents, these amendments to not alter LB Hackney's concerns with the scheme.

- 1.6 LB Hackney reserves the right to comment further on the draft DCO and certified documents at every examination deadline where TfL submit additional information and/or a revised DCO and certified documents.

2. DISCUSSIONS WITH TFL

- 2.1 In relation to item 3 on the DCO ISH agenda, TfL explained that it would be reviewing the TIMS, Monitoring Strategy, and the Charging Policies and Procedures certified documents as well as STIG. It is understood that TfL will be providing some form of update on this for Deadline 3, and a further update and potentially updated documents for Deadline 4. TfL referred to engaging with boroughs in preparing these certified documents and in considering the mechanisms within STIG, including reference to a forthcoming scheduled meeting with boroughs on this matter.

- 2.2 LB Hackney, through its oral submissions at the ISH, welcomed TfL's commitment to discussing these certified documents and STIG with boroughs. However, it also raised concern that so far, there have been no further discussions between TfL and LB Hackney since initial meetings to discuss the Statement of Common Ground in September 2016. Whilst LB Hackney has set out its concerns with the wording of the DCO in its Written Representation and Statement of Common Ground with TfL, both submitted at Deadline 1, there have been no further meetings or discussions with the borough and TfL since this deadline. The forthcoming meeting referred to by TfL is understood to be only with the host boroughs, not the neighbouring boroughs such as LB Hackney.

- 2.3 LB Hackney therefore reiterated that they would welcome further discussions with TfL on a number of issues and in particular on;

- STIG

- Monitoring Strategy
 - TIMS including the triggers
 - General mitigation
 - Bus provision.
- 2.4 TfL and LB Hackney have, since the ISH, set up a meeting to discuss these issues and LB Hackney will update the ExA on these discussions at Deadline 4. It is worth noting that these discussions are separate to those with the Host Boroughs.

3. MONITORING AND MITIGATION

- 3.1 LB Hackney raised at the ISH on traffic modelling, forecasting, user charging and economic issues on the 17 January and at the ISH on the DCO on the 19 January, that the borough is concerned about the measures and triggers referred to within TIMS, the Monitoring Strategy and the Charging Policies and Procedures certified documents. In particular the concern is that these documents will not ensure that there are not adverse environmental effects in Hackney as even if monitoring is carried out and trigger levels are adhered to, the monitoring (or lack of monitoring in Hackney) means that the environmental effect on the borough will be unknown.
- 3.2 LB Hackney's post hearing submissions on traffic modelling set out more detail as to what the borough concerns are in relation to this.
- 3.3 It is understood that TfL is looking again at TIMS, the Monitoring Strategy and the Charging Policies and Procedures (as required by the ExA's Action Point 2 arising from the DCO ISH) and the borough welcomes this review and looks forward to reviewing what is submitted.
- 3.4 In addition, it is understood that TfL is also reconsidering its Bus Strategy, and that something will be submitted by TfL for Deadline 3, and further discussions will take place before Deadline 4. Some boroughs raised at the hearings that a quantum of bus routes should be specified and committed to within the DCO (as

per those in the Assessed Case). Whilst LB Hackney would welcome this as a minimum requirement, the borough requests that more detail should be required and committed to by the applicant, such as a commitment to providing a bus route from Hackney Wick to Greenwich Town Centre.

- 3.5 LB Hackney look forward to reviewing TfL's updated strategy and as set out above, would welcome further discussions on bus provision.

4. ARTICLE 52 THE CHARGING POLICY

4.1 As set out in paragraphs 3.2 to 3.7 of LB Hackney's Written Representation, LB Hackney supports the principle of user charging and its continued application to manage demand for the tunnels. However, the borough has serious concerns about the user charge being highly vulnerable to political pressure. As the user charge's primary function is to enable the management of traffic demand, it is crucial that the charge is set at the correct level to effectively control traffic flows. At present, Article 52 and Article 65 allows for STIG to consider and make recommendations on the Charging Policies and Procedures and the user charge, but TfL and ultimately the Mayor have final responsibility for setting the charge. LB Hackney object to this and request that the DCO is amended to make STIG responsible for setting the user charge rather than TfL/ the Mayor.

4.2 At the ISH, LB Hackney set out that user charging informed by continued monitoring should be required in perpetuity as this is crucial to manage demand for the crossings and to ensure that for example, for political reasons, the user charge is not eroded in effectiveness (because of inflation and increasing demand due to development) or abandoned completely in the future. The requirement for perpetuity should be specified in either Article 52 itself or within the Charging Policies and Procedures certified document.

5. ARTICLE 56 APPLICATION BY TFL OF CHARGES LEVIED

5.1 LB Hackney raised at the ISH, and as previously set out in its Written Representation, that there should be amendments to this article. The borough is

of the view that the charges levied should be restricted to managing traffic and environmental effects of the Scheme (after the cost of the scheme is paid off) and that Sub section (e) of Article 56 -making payments to TfL's general fund- should be deleted. LB Hackney suggest that an additional bullet point should be included in this article to make provision for payments to go into a dedicated fund for a package of crossings and sustainable transport measures such as pursuing other east London river crossings and other sustainable transport improvements within the east London area.

- 5.2 As set out at the ISH, if the bullet point re surplus payments going into TfL's general fund remains within this Article, there should be some mechanism for a hierarchy of where the money is allocated to, with the general fund being the last priority.
- 5.3 It is understood that TfL will be reviewing Article 56 in light of discussions at the ISH and as required by the ExA's Action Point 8. LB Hackney welcomes this review and would welcome discussions with TfL on this point.

6. ARTICLE 65 SILVERTOWN TUNNEL IMPLEMENTATION GROUP

- 6.1 Whilst it is understood, and indeed, welcomed that TfL are relooking at STIG, in light of there having been no discussions with TfL since the submission of the Statement of Common Ground at Deadline 1, LB Hackney set out, orally at the ISH its significant concerns with STIG. The borough also set out some of its more detailed concerns re some of the procedural matters of STIG. These concerns are also set out in the table at paragraph 4.51 of LB Hackney's Written Representation and some of the concerns are also set out on pages 13 to 15 Hackney's Statement of Common Ground with TfL as matters not agreed.
- 6.2 LB Hackney's significant concerns with STIG are;
- **STIG needs stronger governance.** The Chair of STIG should be from an independent body. Article 65(1) appoints TfL as Chair of STIG. 65(9)(c) provides for the Chair to have a second casting vote in the case of equality

of votes. Therefore the Chair potentially has a very powerful role. By having an independent chair, there would be stronger governance and it would ensure that STIG is an independent body to TfL, ensuring neutrality.

- **Capping of future traffic levels to those specified in the Environmental Statement.** There should be a commitment within the DCO to capping the future levels of traffic passing through Silvertown and Blackwall tunnels to the levels specified in the Environmental Statement. The ES has assessed the levels of traffic proposed to use the tunnels as per the Assessed Case and therefore to be within the parameters assessed in the ES, the traffic levels should be capped at this level.

Whilst this is a more general point for the dDCO, it is raised here due to STIG's role in considering the implementation of the Monitoring Strategy, TIMS and revisions to the Charging Policies and Procedures. Once the ES level trigger is met, it should be monitored and considered by STIG. It is understood that TfL are re-looking at the monitoring/mitigation certified documents to refer to the ES, and LB Hackney requests that this point is also relooked at.

6.3 LB Hackney's other concerns with STIG in terms of procedure are;

- **STIG (not TfL) should invite other bodies to join STIG.** Article 65(2)(p) provides for TfL to invite 'any other person or body TfL considers appropriate' to join STIG. LB Hackney disagrees with this. STIG should make the decision as to which other persons or bodies can join STIG. The other persons or bodies invited to join STIG should only be other public bodies.
- **STIG recommendations on user charges should be binding.** Article 65(6) requires that TfL must have regard to any recommendations made by STIG. STIG's recommendations should be binding due to the

importance of the user charge on managing traffic flows and to prevent a political decision by TfL/Mayor.

- **Boroughs should be able to request a STIG meeting.** Article 65(7) allows TfL to determine meeting dates of STIG. Boroughs should also be able to request a STIG meeting in the case of an issue arising which STIG need to consider.
- **STIG review committee.** Article 65(11) provides that there will be an annual review of STIG by the host boroughs and TfL. As per Article 65(8) on STIG being quorate, part (c) –‘two representatives from the other bodies’ should also be included in the review committee.
- **Making information public.** Article 65(13) refers to Part V5 of the Local Government Act 1972 not applying to STIG or its meetings or procedures. In the interests of the public interest, and as TfL is a public body and as are the current STIG members, minutes and recommendations of STIG should be made public.
- **Provision of information.** Information for STIG meetings should be provided at least 4 weeks in advance to ensure adequate preparation time and any sign off procedures within each borough.
- **Need more detail on STIG’s procedures.** More detail should be set out on the operation of STIG within the Article itself or at least shared with the Interested Parties now. There is insufficient information on how it will operate and limited proposed details on its operation can only be found after reviewing the proposed Certified Documents.
- **Concern re how mitigation measures will be prioritised.** There is currently no clarity as to what happens when a number of different mitigation measures could be implemented and there is a conflict of priorities for mitigation. It is unclear on the process that STIG would take

in considering different mitigation measures and making recommendations. Further information should be provided by TfL on this. Does STIG vote on which it thinks is most appropriate and take that recommendation to the TfL Board and the Mayor?

- 6.4 The borough now looks forward to a discussion with TfL on these concerns and will update the ExA on the outcome of these discussions at Deadline 4.