

**Application by Transport for
London for an Order Granting
Development Consent for the
Silvertown Tunnel**

(Planning Inspectorate Reference: TR010021)

**London Borough of Tower
Hamlets**

(Reference no: SILV-396)

**Further Written Representations
for Deadline 3 - January 2017**

1. GENERAL INTRODUCTION

These are further Written Representations submitted on behalf of the London Borough of Tower Hamlets (LBTH) (“the Council”) in relation to the application by Transport for London (TfL) for a Development Consent Order (DCO) for the Silvertown Tunnel (Planning Inspectorate reference TR010021).

These Representations take into account the responses made at Deadline 2 by TfL to the LBTH Written Representations submitted by Deadline 1. In addition, account has been taken of the discussions that took place at the three Issue Specific Hearing on Traffic/ Transport Modelling, User Charging and Economic Issues; Noise Air Quality and Other Environmental Issues; and the Development Consent Order that took place on 17th, 18th and 19th January 2017 respectively.

This written representation takes as a starting point the Council’s original Relevant Representations. The further documentation and responses produced by TfL and the important and searching questions raised by the ExA at the Issue Specific Hearings are considered and responded to. These Written Representations will deal with two matters.

First, they will set out the further steps that need to be taken to fully satisfy the Council’s concerns and aspirations for the Silvertown Tunnel project as set out in section 1.1 of the Further Written Representations submitted for Deadline 2. In effect, this is the LBTH current case.

Second, the further amendments that need to be made to the current version of the DCO for it to be acceptable to the Council. This includes additional mitigation that needs to be put in place to ensure that the project has no adverse impact upon the borough’s residents and businesses.

2. THE COUNCIL’S CURRENT CASE

In its original Relevant Representations, the Council stated that it recognised that action is required to deal with traffic congestion at the Blackwall Tunnel and to minimise any resulting adverse environmental and economic impacts. For that reason the Council therefore acknowledged the potential benefits of the additional capacity provided by the proposed Silvertown Tunnel provided it was also accompanied by user charging to minimise induced demand which would threaten the achievement of the potential environmental and economic benefits of the Tunnel.

The Council’s objectives were further amplified in the Further Written representations submitted at Deadline 2 (para 1.1) as set out below.

- Reduce congestion around the Blackwall Tunnel but not result in increase in delays elsewhere on the transport network
- Ensure that the forecast air quality improvements are fully secured and any possible adverse impacts upon air quality fully mitigated
- Ensure that the bus usage predicted in the traffic model is secured through bus services that serve LBTH
- Provide guarantees that the mitigation of any adverse traffic impacts that do arise will be implemented without delay

In its Written Representations made at both Deadline 1 & 2, the Council set out its reasons for the lack of confidence in the outputs from Assessed Case model and in particular the uncertainty surrounding drivers' behavioural response to user charging. It is clear from the ExA questions at the Issue Specific Hearing on Traffic and Transport held on 17th January, and the wording of Action Points 7 & 8 arising from that Hearing that the ExA has similar concerns. The Council's concerns regarding the Assessed case model remain and are exacerbated by the lack of clarity from the Applicant despite repeated requests by the Council and the Host Boroughs. The Council awaits the additional information that TfL have been asked to supply to the ExA and will review its position following the assessment of this evidence.

With such levels of uncertainty, it is clearly essential that the DCO includes comprehensive and effective monitoring and mitigation procedures that facilitate urgent action. The Council welcomes the request made by the ExA to TfL to produce a document which combines monitoring, mitigation and charging policies and procedures. Set out below is the Council's view as to what such a document should seek to achieve.

2.1 Monitoring, Mitigation and User Charging

The commitment to commence monitoring 3 years prior to scheme opening and on an annual basis thereafter is to be welcomed, but as stated in the Council's Written Representations made at Deadline 2, more detail is required on how socio economic monitoring would be carried out. The Council's concerns regarding the potential socio economic impact on the borough's lower income groups and businesses remain and the Council would wish for close monitoring of this situation and any impacts to be addressed through mitigation, for example a business support fund and a community impact fund.

As stated at the Hearing on 17 January 2017, in addition to traffic impacts, triggers need to be devised for the environmental impacts and socio economic impacts of the scheme. In this respect the Council considers that the traffic increase triggers in the current version of the TIMS are set too high to safeguard against significant traffic impacts that may result from the scheme. The triggers should be set so that the

Assessed Case outputs as reported in the Environmental Statement for the scheme as not exceeded. Traffic levels on links and at junctions as set out in the Council's LIR should not exceed levels forecast in the Reference Case for the scheme and the council suggests that where flows on key links exceed 85% VCR monitoring should be carried and mitigation developed and implemented.

LBTH would wish for these triggers to be agreed and included in the revised monitoring, mitigation and user charging documents during the Examination timetable and for the revised monitoring, mitigation and user charging documents to be included in the DCO documentation. Should this not prove to be feasible then the Council would wish to see a requirement included in the DCO for these documents to be finalized and approved by the Council prior to commencement of implementation of the scheme.

TfL indicated at the Hearing that the traffic model would be re-run 12 months before Scheme opening – confirming the use of updated observed data – and that any mitigation required would be put in place before scheme opening, having first been discussed and agreed at STIG. Any revised model assessment should be compared against the Reference case modelling as set out in the certified Environmental Statement.

TfL also stated that the Scheme and its impacts would be assessed 9 months after opening and a full review presented to STIG. This would provide the opportunity to review the user charge in the light of the outcome from the monitoring process, the principle is welcomed. However, it is currently unclear how this timely implementation of mitigation would be achieved in advance of the scheme opening, especially if physical highway works (even alterations to traffic signals follow a process that takes two years) are required. The monitoring and mitigation process would certainly require STIG to meet more frequently than is currently suggested in the DCO.

2.2 Securing Mitigation

TfL has yet to agree to any additional mitigation for the scheme as they consider the scheme to be impact neutral in terms of traffic. The current proposed Article 65 in association with the current Monitoring Strategy and TIMS outlines how TfL will address the issue of mitigation. The Council has registered its concerns regarding the current approach and would wish to see a revised proposal from TfL regarding the decision making process for any mitigation. Finance for mitigation should be secured through Article 56 which should be amended to include the cost of mitigation.

2.3 Buses and Cycling

TfL stated during the Hearing that the commitment to bus provision would be secured through the TfL Business Plan. However, the Business Plan includes only vague comments about the need for bus routes to serve the Silvertown Tunnel. It does not provide the level of bus service provision applied in the Assessed Case model and in the Economic Assessment Report for the scheme. It is utmost importance to the Council that the economic benefits provided by these bus services is secured for low income groups.

The Council acknowledges that TfL has prepared a Bus Strategy in November 2016. However, this current document does not guarantee that the bus service and frequency as assessed in the DCO will be provided. The Council is also concerned that the standard bus planning process referred to in this document will also not guarantee the provision of routes as assessed in the scheme. The Council would wish for consultation to be carried out with the Host Boroughs and itself should the routes and frequencies as set out in the Assessed case be varied at all.

The Council would also wish that an action plan for this strategy be prepared and approved by the Council and that the monitoring of the bus strategy be integrated into the monitoring strategy for the scheme.

The Council would wish this commitment to bus services as prescribed in the Economic Assessment Report and Business case for the scheme to be secured as a requirement in the DCO.

In order to ensure a long term commitment to buses, the Council also requires that the Silvertown Tunnel bus lane provisions set out in Article 11 should be made permanent. Any future removal of the bus lanes would effectively double the traffic capacity of the Silvertown tunnel and would have significant effects that have not been assessed as part of this application.

In respect to the provision for cyclists and the proposed cycle carrying bus service, the Council welcomes the commitment by TfL to undertake further investigations into the most practicable solutions and also welcomes the preference expressed for such a service to operate through Blackwall Tunnel. However, although the Council accepts the need for further investigations, LBTH remains of the view that the DCO should include a commitment both to undertake an appraisal of options and then to implement the preferred scheme.

3.3 Air Quality

In its First Written Representations the Council previously requested an additional monitoring location at the receptor where there is a small worsening of air quality

(R8), however such a provision has not been included in the updated air quality monitoring strategy which now indicates 2 receptors in the borough where the worsening of air quality is predicted. The Council requests that monitoring provision be implemented at both locations (R8 & R53). In respect to the ExA suggestion for the inclusion of an air quality mitigation trigger in the DCO itself, such as (but not exactly replicating) the M4 R26, the Council would welcome such an approach and it would wish for this matter to be discussed and included in the updated monitoring strategy.

3. AMENDMENTS TO THE DCO

The council has previously commented on changes it would like to see to the DCO itself, but set out below is a summary of the council's current position.

Article 50: Classification of Roads

LBTH confirms it has no objections to the reclassification to GLA Roads of the borough roads listed in Schedule 10, Part 1, paras 16-18, and would request that responsibility for the roads listed be transferred to the GLA prior to the commencement of construction of the Scheme.

Article 56: Application by TfL of charges levied

The Council agrees with the views expressed at the Hearing by the ExA and other interested parties that the list of costs listed should be more comprehensive and include funding for mitigation and payments for bus services as necessary

Article 58: Transfer of Benefit of Order

Notwithstanding the comments made at the Hearing by TfL the Council still considers there needs to be clarity as to whether TfL would remain responsible for all matters relating to its statutory responsibilities should the benefits of the Order be transferred to a Third Party.

Article 65: Silvertown Implementation Group

The council notes and welcomes the fact that TfL have committed to discuss further with local authorities the roles and responsibilities of STIG.

Schedule 1: Requirements

Requirement 4: Detailed design of above ground buildings and structures

The Council can see reason the definition of above ground structures should be restricted as set out in para 4 (3)

Requirement 5: Code of construction practice and related plans and strategies

It is noted that this requirement is to be further amended and therefore the council will comment at Deadline 4 if necessary

Requirement 7: Monitoring and mitigation strategies

It is assumed that this requirement will need to be amended to take account of the ExA request for a document to bring together all the relevant strategies in a single document.

Additional Requirements

Bus Services

As indicated earlier, the council would wish for an additional be included for the new bus services assumed both in the assessed case model and business case for the scheme.

Business Support

In view of TfL's rejection of a user charge discount for business users, the Council would support the proposals for a scheme of business support outlined by the RB Greenwich at the Hearing on 19th January 2017.

Schedule 2: Part 2: Procedure for the Discharge of Requirements

Article 16: Applications made under Requirements

As stated at the Hearing, the Council welcomes the proposed change to the wording set out in para 16 (2) which requires TfL to send the draft application to LBTH at the same time as it is sent to LB Newham, and take into account any comments made by LBTH before finalising the contents of the application.

The Council also welcomes the requirement set out in 16 (4) that LB Newham should consult LBTH before making its decision on any such application. However as currently drafted there is no obligation on LB Newham to take account of any such consultation. LBTH therefore, requests that Article 16 (4) be amended slightly as shown below

(4) Where an application has been made to the Council of the London Borough of Newham in respect of

(a) any consent, agreement or approval required by paragraph 5(3) of Part 1 of this Schedule, or

*(b) any consent, agreement or approval required further to any document referred to in any such requirement, the Council must not give notice to TfL of its decision until the Council has consulted the Council of the London Borough of Tower Hamlets in respect of that application **and taken into account any comments made by LBTH.***