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3 February 2017

Dear Sirs

**Planning Act 2008**  
**Application for the proposed Silvertown Tunnel**  
**Application ref: TR0100021 ("the Application")**

**Submission of a further proposed non-material change to the Application**  
**– Addendum to the Proposed Non-Material Changes to the Application**

1. Further to the email sent by Transport for London ("the Applicant") to the Planning Inspectorate ("PINS") dated 31 January 2017 (at 16:52) and published on PINS' website on 1 February 2017, please now find enclosed a document entitled **Addendum to the Proposed Non-Material Changes to the Application** (application document reference 8.78; February 2017) ("the Addendum").
2. As its title suggests, the Addendum follows on from and is intended to be an Addendum to the report entitled **Proposed Non-Material Changes to the Application** (Ref: AS-046; January 2017), submitted by the Applicant on 12 January 2017 ("the NMC Application").
3. The purpose of the Addendum is to explain the nature and extent of **one further proposed change to the Application – NMC6: Birch Sites Access**, and to ask the Examining Authority to consider and accept NMC6 as part of the Application, so that it can be taken fully into account, with an opportunity for all Affected Persons and/or Interested Parties to submit comments and representations on it, as part of the ongoing examination of the Application.

**Engagement with the public and affected persons/interested parties**

4. The need for NMC6 has arisen out of the Applicant's ongoing engagement with Birch Sites Limited and Southern Gas Networks and is proposed in order to satisfy these parties' stated needs.

5. The Applicant is including NMC6 in the publicity arrangements requested by the Examining Authority, as set out in its letter to the Applicant dated 1 February 2017 and published on 2 February 2017 on the Planning Inspectorate's website [PINS reference not yet allocated] ("the publicity arrangements relating to the NMCs").
6. **By way of a reminder**, PINS confirmed to the Applicant that if it was in receipt of the Addendum by close of business on Friday 3 February 2017, it would publish the Addendum on its website on or before Tuesday 7 February 2017. This would ensure that the Addendum was made publicly available in order to be included in the publicity arrangements relating to the NMCs (see more detail below).
7. The purpose of the publicity arrangements relating to the NMCs is to ensure that the local populace and those with an interest in surrounding land and property will have an opportunity to consider NMC6 both separately and in the wider context of all the proposed NMCs (NMCs 1, 2, 3 and 5, as set out in the NMC Application), and to consider the cumulative consequences of all the proposed NMCs taken together.
8. The Applicant appreciates that the need for such publicity arises from the application of the Wheatcroft principle<sup>[1]</sup>, and that its purpose is to ensure that no person who should have been consulted on the changed Application is deprived of an opportunity to be so consulted.
9. The Addendum includes a 'schedule of engagement', identifying how the Applicant has engaged with parties that hold an interest in the plots affected by NMC6, or in plots in the vicinity of the plots affected by NMC6.
10. However, the wider publicity arrangements relating to the NMCs will provide an opportunity for persons in addition to and beyond those identified in the schedule of engagement to consider NMC6 (and the other proposed non-material changes set out in the NMC Application) and to submit representations on those NMCs, should they wish to.

### **Environmental appraisal of proposed NMC6**

11. NMC6 has 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.

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<sup>[1]</sup> Bernard Wheatcroft Ltd –v- Secretary of State for the Environment (1982) 43 P&CR 233; [1982] JPL 37

12. Having carried out the appraisal, the Applicant has concluded that NMC6 would be unlikely to result in any new or materially worse likely significant environmental effects beyond those assessed and reported in the Environmental Statement.
13. The Addendum includes a table which summarises the environmental findings in relation to NMC6.

#### **Non-materiality of proposed NMC6**

14. Following careful consideration, the Applicant has concluded that NMC6 is not material in nature – whether considered separately, or cumulatively with proposed NMCs 1, 2, 3 and 5 – NMC6 would not result in a change to the underlying scheme to which the Application relates.
15. NMC6 is localised in its effect and does not change either the substance of the scheme for which development consent is sought, or the effect of the scheme on the local community.
16. NMC6 would be contained entirely within the Order limits of the Development Consent Order ('DCO') and would not require any additional land, either in terms of land beyond the Order limits or in terms of the definition of 'additional land' in Regulations 2 and 4 of the Infrastructure Planning (Compulsory Acquisition) Regulations 2010 ('the CA Regulations'). Accordingly, the Applicant does not consider that NMC6 would cause the CA Regulations to be engaged.
17. In environmental terms, NMC6 has been reviewed and tested and has not been found to present any new or materially worse likely significant environmental effects beyond those assessed and reported on in the Environmental Statement [APP-031].
18. For the reasons set out in the Addendum, the Applicant considers that NMC6 does not make a material difference to the access arrangements for land adjoining Millennium Way, which were originally proposed and consulted on prior to the submission of the Application to the Secretary of State for Communities and Local Government, via the Planning Inspectorate.
19. Accordingly, the Applicant concludes that, if accepted by the Examining Authority, NMC6 would be a non-material change to the Application.

#### **Suggested timescales for dealing with the proposed non-material changes**

20. In carrying out the publicity arrangements relating to the NMCs, it is the Applicant's intention to:

- 20.1 **publish notice** of the NMCs in a local newspaper, the Greenwich Mercury, for two successive weeks, with notices appearing on Wednesday 8 February and Wednesday 15 February 2017;
  - 20.2 **post notice** of the NMCs on-site, on streets and public rights of way adjacent to the proposed NMC sites;
  - 20.3 **serve notice** by way of a letter-drop to all properties within line of sight of the proposed temporary decked car park (NMC5) and adjacent to NMC1 and NMC3. The letter drop will exclude parties that have already been directly consulted or advised as set out in the Schedules of Engagement in the NMC Application and/or the Addendum;
  - 20.4 **place on deposit** for public viewing hard copies of the NMC Application and the Addendum at the Applicant's offices and at the Greenwich Centre Library (at the addresses and on the dates and times set out in the notice);
  - 20.5 **invite the submission of comments / representations** on the NMCs from the public and from Affected Persons / Interested Parties, such comments to be submitted to the Applicant (via the contact details set out in the notice) **by 11:59pm on Wednesday 15 March 2017**.
21. As noted above, the publicity period will close on 15 March 2017, following which the Applicant will prepare a summary of the responses/representations received, together with copies of all individual responses / representations received, and will submit these to the Examining Authority at Deadline 5 (20 March 2017).

#### **Requests for additional information**

22. Should the Examining Authority require any additional information in support of the changes proposed in the NMC Application and/or the Addendum, the Applicant will endeavour to provide it as soon as possible in response to any such request for information.

Yours sincerely



David Rowe  
Silvertown Tunnel Project Sponsor