



# The Planning Inspectorate

3D  
Temple Quay House  
2 The Square  
Bristol, BS1 6PN

Customer Services: 0303 444 5000  
e-mail: [silvertowntunnel@pins.gsi.gov.uk](mailto:silvertowntunnel@pins.gsi.gov.uk)

---

Your Ref:

Our Ref: TR010021

Date: 10 February 2017

---

Dear Sir/Madam,

**Planning Act 2008 (as amended) and The Infrastructure Planning  
(Examination Procedure) Rules 2010 (as amended) – Rule 8, Rule 9 and Rule  
17**

**Application by Transport for London (the applicant) for an Order Granting  
Development Consent for the Silvertown Tunnel Project**

**Notification of procedural decisions regarding the applicant's proposed  
changes to the application, publication of second written questions,  
notification of hearings and amendments to the timetable for the  
Examination**

On 12 January 2017 the Applicant submitted an application for non-material changes to the proposed Silvertown Tunnel project (the application). These documents were published on the Silvertown Tunnel page of the Planning Inspectorate's website on 13 January 2017 and a further application for a non-material change was submitted and published on 3 February 2017.

The changes as proposed by the Applicant and set out in further detail within their documents of 12 January 2017 and 3 February 2017 are as follows:

**NMC1** To extend the Development Consent Order (DCO)'s Order limits to include an additional 1540m<sup>2</sup> of land, over which the Applicant proposes to seek powers of temporary possession. This is to allow them to carry out various accommodation works in relation to the premises owned by Morden College and occupied by Brenntag Inorganic Chemicals Limited (Brenntag), specifically within the car park and storage areas occupied by Brenntag.

**NMC2** On submission of the application (May 2016) the Applicant had proposed to utilise the void space beneath the road surface in the tunnel invert to create a services route for utilities. As a result of feedback received from utility

stakeholders following the submission of the application, the Applicant is now proposing to remove the proposed use of the corridor from the application which means that the originally proposed head houses are able to be omitted.

- NMC3** Provides for an alternative alignment for the temporary diversion of an existing highway (Edmund Halley Way). It is now proposed that this diversion would run parallel to the existing alignment and would relocate the highway slightly to the north of its current position enabling connections between the temporary diversion of Millennium Way, the existing access to North Greenwich bus station, and the remaining section of Edmund Halley Way.
- NMC4** [Not used]
- NMC5** An extension to the Order limits of the DCO to seek powers of temporary possession and development consent to create a temporary decked car park on the current site of the O2 coach car park, as well as revised access and egress arrangements to this proposed facility along West Parkside as well as consequential adjustments to other temporary parking arrangements.
- NMC6** The construction of a direct vehicular access from Millennium Way onto land owned by Birch Sites Limited, involving site clearance, pavement construction, surfacing and fencing; to create a new access consisting of a kerbed bellmouth with bituminous surfacing from the northbound carriageway of the Millennium Way dual carriageway. Details of this proposed change were submitted and published on 3 February 2017.

The Examining Authority (the ExA) has given careful consideration to the case put forward by the Applicant that these five proposed changes should be considered as non-material. The ExA has decided that the provisions of the Infrastructure Planning (Compulsory Acquisition) Regulations 2010 would not be triggered by these proposed changes, as the additional land within the Order limits would be subject to temporary possession powers as opposed to Compulsory Acquisition of land or rights.

The ExA, subject to views of parties, is minded to accept the proposed changes as set out by the Applicant into the Examination. However, the ExA considers, based on the information before them, that the changes proposed as part of NMC5 would involve the construction of a decked car parking structure (albeit temporary), which may give rise to impacts on a wider range of persons than the Interested Parties with whom the Applicant has already engaged or advised.

The ExA therefore made a procedural decision on 1 February 2017 and requested the Applicant to arrange for wider publicity to be given to this particular proposed change, referring also to the other proposed changes in order to provide a wider context for the changes proposed and consideration of the cumulative consequences of all the changes taken together. This decision was taken having regard to the Wheatcroft principle<sup>1</sup>, as to whether the development is so changed that to grant it based on the changes proposed would be to deprive those who should have been consulted on the changed development of the opportunity of such consultation.

---

<sup>1</sup> Bernard Wheatcroft Ltd vs Secretary of State for the Environment (1982) 43P & CR 233

This being the first practicable opportunity, the ExA now gives notice to all interested parties of that decision<sup>2</sup>, a copy thereof has been published to our website.

The additional publicity will include advertisement for 2 consecutive weeks giving a minimum of 28 days following the last notification for response. Following this the applicant will provide a summary of responses to the ExA together with copies of individual responses received for Deadline 5.

It should be noted that requesting such consultation does not mean that a view has been taken on the materiality of any or all of the proposed changes. The ExA will come to a conclusion as to materiality after consideration of responses to the wider publicity following Deadline 5.

### Publication of Second Written Questions

We have decided to ask a number of further written questions, which we will refer to as our 'second written questions'. These questions are now published on the National Infrastructure Planning website and can be accessed through the following link:

<http://infrastructure.planninginspectorate.gov.uk/document/TR010021-001375>

The deadline for responses to these questions is **6 March 2017**, and the deadline for any comments on responses received to these questions is **20 March 2017**.

### Notification of Hearings

We have decided to hold a number of hearings in March 2017. We now give notice of the following hearings, and their time, date and place:

Hearing	Date	Time	Place
Issue Specific Hearing on any outstanding issues including Environmental Matters	<b>Tuesday 28 March 2017</b>	<b>10.00 am</b>	'InterContinental London – The O2', 1 Waterview Drive, London, SE10 0TW
Open Floor Hearing	<b>Tuesday 28 March 2017</b>	Following the Issue Specific Hearing above, but <b>not before 5.00 pm.</b>	
Compulsory Acquisition Hearing	<b>Wednesday 29 March 2017</b>	<b>10.00 am</b>	
Issue Specific Hearing on the Draft Development Consent Order, and Other Matters of Legal Drafting.	<b>Wednesday 29 March 2017</b>	Following the close of the Compulsory Acquisition Hearing above, <b>but not before 1.00 pm.</b>	

Interested parties who wish to speak at the forthcoming ISH or CAH, should notify Emré Williams (Case Manager) using the contact details at the head of this letter by **12 noon, Tuesday 21 March 2017** (following publication of Agendas).

<sup>2</sup> [Notification of procedural decisions regarding the applicant's proposed changes to the application](#)

Interested Parties wishing to speak at the OFH scheduled for **Tuesday 28 March 2017** should notify the Case manager no later than **Deadline 4** of their intention to speak at such a hearing.

It would greatly assist in the organisation of the hearings if you inform us if you plan to attend all the hearings or a specific hearing, even if you do not wish to speak. It would also assist us if you could notify us of any special needs you may have (e.g. disabled access, hearing loop etc).

If an interested party wishes to make an oral representation at an issue-specific hearing and/or open floor hearing they should indicate which topics from their relevant or written representation they wish to address at the hearing. Similarly, any affected person wishing to make an oral representation at a compulsory acquisition hearing should clearly identify the affected plots of land which they wish to speak about. You must ensure that your interested party reference number is included in your correspondence.

The hearing venue will be open 30 minutes prior to the start of each hearing to enable a prompt start.

Agendas for these hearings will be published on our website no later than **Monday 20 March 2017** and will set out detailed arrangements for each day and the topic/s to be heard on that day. The Panel will decide on the topics to be considered at the issue-specific hearings. Each interested party is entitled to make oral representations at the hearing (subject to the Panels powers of control over the hearings).

Guidance under the Planning Act 2008 provides that at hearings it is the Panel that will probe, test and assess the evidence through direct questioning of persons making oral representations. Questioning at the hearings therefore will be led by the Panel.

The time allocated for each of the hearings will be estimated, based on the matters identified for consideration. Should a hearing take less time than anticipated, the Panel may conclude the hearing as soon as all relevant contributions have been made and all questions asked and responded to. Equally, if there are additional matters to be dealt with, or there are submissions that take a considerable amount of time at any hearing, there may be a need to continue the session for longer on the day, or adjourn to a later date. Every effort will be made to ensure that the issues will be discussed on the days that they are scheduled for

### **Compulsory Acquisition Hearing**

This hearing is an important opportunity for you to let the Panel have your views specifically about the proposal to compulsorily acquire your land, or rights you may have in land, as proposed in the application for development consent for the Silvertown Tunnel application. It is important to note that this is the final hearing specifically to hear the views of persons with interests in land proposed to be compulsorily acquired and the Panel therefore encourage you to attend.

## Consequential Amendments to the Examination Timetable

Further to the examination timetable contained in Annex A of the Rule 8 letter of 18 October 2016<sup>3</sup>, the ExA have subsequently made amendments to the timetable under Rule 8(3) and this is contained in **Annex A** of this letter at items 20 to 28.

We draw your attention to **Deadline 4** allowing all parties the opportunity to comment on the non-material changes to the application documents made by the applicant in submissions received on 12 January and 3 February 2017 and, similarly, **Deadline 6** allowing all parties the opportunity to comment on submissions received by **Deadline 5**. Timely submissions in advance of set deadlines are encouraged to ensure an efficient, fair and smooth examination for all parties.

If you have any queries with regards to the content of this letter, please do not hesitate to contact a member of the Case Team at the address or contact number above.

Yours faithfully,

*Peter Robottom*

**Peter Robottom**  
**Lead Member of the Panel of Examining Inspectors**

---

<sup>3</sup> [Rule 8 Letter](#)

Item	Matters	Due Dates
20	<p><b>Deadline 4</b></p> <p>Deadline for receipt by the ExA of:</p> <ul style="list-style-type: none"> <li>• Responses to ExA's SWQ</li> <li>• Response to any further information requested by the ExA for this deadline</li> <li>• Comments on any further information previously requested by the ExA (including non-material change of application documents dated 12 January and 3 February 2017 by Applicant)</li> <li>• Any updated dDCO</li> </ul>	<p><b>Monday 6 March 2017</b></p>
21	<p><b>Deadline 5</b></p> <p>Deadline for receipt by the ExA of:</p> <ul style="list-style-type: none"> <li>• Comments on responses to ExA's SWQ</li> <li>• Comments on any further information previously requested by the ExA</li> <li>• Applicant's report/summary of responses to notification on non-material changes to application documents dated 12 January and 3 February 2017 together with copies of the responses received by the Applicant</li> <li>• Applicants response to comments received by Deadline 4 on non-material change to application documents, dated 12 January and 3 February 2017</li> <li>• Response to any further information requested by the ExA for this deadline</li> </ul> <p><b>Issue by ExA of:</b></p> <ul style="list-style-type: none"> <li>• Report on the Implications for European Sites (RIES)</li> <li>• ExA's dDCO</li> </ul> <p><b>Publication by ExA of:</b></p> <ul style="list-style-type: none"> <li>• Agenda for ISH, and</li> <li>• Agenda for OFH/CAH</li> </ul>	<p><b>Monday 20 March 2017</b></p>

22	<b>Issue Specific Hearing on any other outstanding issues including Environmental Matters</b>	<b>Tuesday 28 March 2017 (morning)</b>
23	<b>Open Floor Hearing</b>	<b>Tuesday 28 March 2017 (early evening)</b>
24	<b>Compulsory Acquisition Hearing</b>	<b>Wednesday 29 March 2017 (morning)</b>
25	<b>Issue Specific Hearing on the draft Development Consent Order, and Other Matters of Legal Drafting</b>	<b>Wednesday 29 March 2017 (afternoon)</b>
26	<p><b>Deadline 6</b></p> <p>Deadline for receipt by the ExA of:</p> <ul style="list-style-type: none"> <li>• Comments on the RIES</li> <li>• Comments on ExA's dDCO</li> <li>• Comments on Deadline 5 submissions received by the Applicant on non-material changes to application documents, including report/summary of responses to consultation</li> <li>• Post-hearing submissions including written submissions of oral cases</li> <li>• Response to any further information requested by the ExA for this deadline</li> </ul>	<b>Wednesday 5 April 2017</b>
27	<p><b>Deadline 7</b></p> <ul style="list-style-type: none"> <li>• Final deadline for submission of any responses/comments on information requested by the ExA for this deadline</li> <li>• Applicant's final dDCO</li> </ul>	<b>Monday 10 April 2017</b>
28	The ExA is under a duty to complete the examination of the application by the end of the period of 6 months beginning with the day after the close of the Preliminary Meeting.	<b>Tuesday 11 April 2017</b>