

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

**The Examining Authority's second written questions and requests for information**

**Issued on 10 February 2017**

The following table sets out the Examining Authority's (ExA's) second written questions and requests for information to assist with the assessment of the application. **Responses should be received by the Examining Authority (ExA) by 6 March 2017.**

The Planning Inspectorate's document references in these questions [in square brackets] can be found on our website by following this link: [Examination Library](#).

Column 2 of the table indicates **to which parties questions are directed**. The ExA would be grateful if all parties named could answer all questions directed at them, this does not prevent an answer being provided to a question by another interested party should the question be relevant to their interests. Responsibility lies with each party to ensure that responses have been given to all questions directed to them.

Where questions can be **fully** answered within another submission then a reference to the relevant paragraph(s) of the submission will be sufficient.

**When you are answering a question, please start your answer by quoting the question number.**

If you are answering no more than 3 questions, responses in a letter format will suffice. If you are answering several questions, it will assist the ExA if you use a table based on that used below. An editable version of this table, in Microsoft Word, is available on request from the Planning Inspectorate. Please email your request to: [silvertowntunnel@pins.gsi.gov.uk](mailto:silvertowntunnel@pins.gsi.gov.uk).

Question number	Question to	Question
<b>GA2</b>	<b>General</b>	
GA2.1	Applicant	<p><b>Distribution of Benefits:</b> Given that the further analysis provided in REP3-024 still shows that the imposition of user charges would have a detrimental impact on low income users of private vehicles needing to commute through the tunnels:</p> <ol style="list-style-type: none"> <li>1. Please provide the DCO obligation or other means to give effect to the suggested waiving of the account registration fee for residents within the host boroughs or other defined local area and concessions for local users of the proposed new additional bus services to be provided through the tunnel.</li> <li>2. Please also provide an update on the intended means for cyclists to cross the river economically at this point whether by a bus cycle shuttle and/or concessionary charges on the AirLine (or other means). The outcome of such a consideration would be another measure for inclusion in a DCO obligation.</li> </ol>
GA2.2	Applicant	<p><b>Distribution of Benefits:</b> Given the indications that there would also be a negative impact for LGV users only made positive by addition of reliability benefits and that there would be a negative overall impact on HGV users, please comment on the proposal from the host boroughs that there should be a mitigation fund as a means to support or compensate small local businesses that may otherwise be adversely affected. Could such a fund be a further component of a DCO Obligation as referred to under GA1?</p>
GA2.3	Applicant	<p><b>Distribution of Benefits:</b> Tarmac [REP3-043] have pointed out in their representations that in the building trade in general and particularly in relation to ready-mixed concrete delivery businesses have no alternative to the use of HGVs. Businesses using such vehicles to service the substantial construction activities anticipated north and south of the river will be adversely affected if the construction of the tunnel prevents continuation of aggregate related and similar operations on both banks of the Thames in this locality. Consequently, bearing in mind also the repeated representations of the PLA, please provide a justification for preventing the continuation of the bulk aggregate/waste wharves at Thames wharf and Victoria Dock entrance wharf and related batching plants when the Applicant requires the ability to use river transport in accordance with commitments in the CoCP and is proposing a batching plant within the proposed north bank construction compound.</p> <p>If existing facilities cannot be maintained within the Order limits what steps are proposed to enable such operations to be maintained in the vicinity on the north bank? Note: This question is raised as a general economic development issue and not as a CA question given answers previously given by the Applicant that as only short-leases are involved they have rights to possess the sites</p>

Question number	Question to	Question
		referred to.
GA2.4	Applicant	<p><b>Distribution of Benefits:</b> In the further comment on the submissions of the Motorcycle Action Group [REP1-068], the Applicant points out that there is a higher level of motor cycle ownership among higher income groups. However, such ownership among higher income groups could be for recreational use and the analysis presented is not a direct answer to the argument that use of motorcycles is potentially the cheapest means of private motorised transport and therefore of importance for lower income groups. Given the acceptance that motorcycles create less congestion and less air quality issues than other forms of motorised transport, please provide a statement of the actual consequences in terms of revenue/funding for the scheme, traffic flows and environmental consequences were motorcycles to be exempt or otherwise not subject to user charges as elsewhere in or adjacent to London where charges are levied.</p>
GA2.5	Applicant	<p><b>General Environmental Issues:</b> An Appraisal of Sustainability (AoS) of the National Networks National Policy Statement (NN-NPS) was published along-side the NPS. This can be accessed via the following link:</p> <p><a href="https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/263110/annex-b-appraisal-sustainability-main-report.pdf">https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/263110/annex-b-appraisal-sustainability-main-report.pdf</a></p> <p>Does the Application consider the AoS in the application documents, if so where?</p>
GA2.6	Applicant	<p><b>General Environmental Issues:</b> Item 14.4 of the ISH agenda for the 18 Jan 2017 asked the Applicant to update the list of other permissions, permits and licences that would be required, identifying the types of environmental permit(s) and protected species licences that would be needed. The Deadline (D)3 document submitted by the Applicant [REP3-008] remained, a “high level” document and did not list the types of environmental permits or protected species licences that would be necessary, as had been requested. The Panel considers that the Applicant has enough information within the ES and subsequent documents submitted to the Examination to provide this information, even if there is some uncertainty as to whether the permits and/or licenses <b>may</b> be required at this stage. The Panel notes that the draft SoCG with NE [REP3-009] identifies that licenses for marine protected species may be required, whereas there is agreement that no terrestrial protected species licenses would be required. The Applicant must now provide the required detailed information at D4, and update again at D6 if matters change, as originally requested. In addition, [REP3-008] does not appear to mention the S106 agreement that would be necessary to ensure that the funds required for providing the off-site ecological mitigation is undertaken, including its maintenance and management.</p>

Question number	Question to	Question
GA2.7	Applicant	<b>Package of river crossings:</b> A number of Boroughs and other IPs have commented that the Silvertown Tunnel must be seen as part of a package of new river crossings in East London. To demonstrate this in addition to the references in the initial Update Documents (AS-021), a copy of the latest December 2016 TfL business Plan has been submitted (REP3-026). In this the Silvertown Tunnel is shown with a specific capital provision, but there are only qualified textual references to the proposed Rotherhithe to Canary Wharf pedestrian and cycle bridge and the proposed DLR connection between Gallions Reach and Thamesmead on page 17 with a still lesser degree of commitment indicated for a possible ferry between North Greenwich and Canary wharf. Please indicate the degree of commitment to these other components of a cross river package and the dates by which construction is expected to commence and the links be open for use in comparison with the proposed Silvertown Tunnel.
<b>DC</b>	<b>DCO WORDING</b>	
DC2.1	Applicant and the Environment Agency (EA)	Article 3: Please provide an update on the outcome of negotiations to address the issue of safeguarding the river flood walls and ability to raise them to 2100 levels, if necessary amending this article as well as Schedule 13 Protective Provisions.
DC2.2	Applicant	Article 5: Please provide defined horizontal limits of deviation for the individual works by amendment of this article and relevant plans.
DC2.3	Applicant and Port of London Authority (PLA)	Articles 17, 29 and 30: Please provide any further update to these articles in addition to any further update to Schedule 13 Protective Provisions to address outstanding issues remaining between the PLA and Applicant.
DC2.4	Applicant, host and neighbouring Boroughs	Article 52: If possible bring forward any agreed changes to this article such that there is no doubt that it would require adherence the revised Charging Policies and Procedures Document 7.11 (as further amended). Article 52(1) as currently drafted appears not to refer to this document as the determining policy document and is not explicit about the application of the UCAF procedure.  A Revised copy of the Charging Policies and Procedures Document that would be certified under Schedule 14 should be supplied.
DC2.5	Applicant	Article 56: Although the Applicant has argued against making specific commitments to other river crossings, and while mitigation might be inferred as being covered under terms like 'operating', please explain why it would not be preferable to make mitigation a specific application for charges and, to the extent that additional cross river bus services are to be imposed as a requirement, why any funding requirements to guarantee such services should also not be explicitly referred to.

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DC2.6	Applicant	Article 58: A number of Boroughs express concern over the possibility of transference of TfL/GLA/Mayoral statutory responsibilities under this Article. Please indicate whether such is intended, and if not, how would this be precluded?
DC2.7	Applicant, host and neighbouring Boroughs	<p>Article 65: If possible bring forward agreed changes to this article to address widespread concerns over the composition, operation and powers of the STIG. Does LBN have a view on whether they should represent LCY or whether the airport should have direct representation as is proposed for HE.</p> <p>A copy of the revised combined Monitoring Strategy and Traffic Mitigation strategy should also be forwarded, again preferably in a form agreed with the Boroughs. It should include agreed monitoring thresholds relating to all roads that are of concern and direct monitoring of environmental effects as well as of traffic flows, so that there is local authority support for what will be a certified document under Schedule 14.</p>
DC2.8	PLA (and Applicant)	<p>Schedule 1: Can the PLA confirm whether the amendments made to Work No 20 and to ancillary works meet their concerns? If not, please put forward further agreed changes with the Applicant. The issue of ensuring that materially different or worse environmental effects do not arise from ancillary development is raised in question CL2.6 under the heading of Construction on land. This may affect the wording at the end of this schedule. If so, please amend.</p> <p>Work 1(f) and (g) appears still to include references to head houses which are proposed to be removed in NMC2? Please remove.</p>
DC2.9	Applicant, Host Boroughs (including London Borough (LB) Tower Hamlets), other Boroughs, HSE, Historic England, MMO and EA	<p>Schedule 2 Requirements:</p> <p><b>Requirement 1</b> – Are the Boroughs content with the approach of securing the bus services through the tunnel by means of a requirement relating to a separate certified document? Please provide an updated (and preferably agreed version of the Bus strategy Document that would be certified under Schedule 14.</p> <p><b>Requirement 3</b> – The Applicant has to date resisted suggestions for tying the design to the submitted DAS and General Arrangement drawings, yet at least one Borough has suggested that 'have regard to' would still be insufficient to ensure that the worked up scheme reflected what has been presented in the application and considered in the ES. Please give further consideration to the wording of Requirement 3(1) in the light of continuing concern both by the ExA and Boroughs.</p> <p><b>Requirement 4</b> – In the light of the discussions during the DCO Hearing held on the 19 January 2017, please give further consideration to the wording of Requirement 4(3) to ensure that the</p>

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		<p>detailed design of all works that would normally be subject to planning control would be subject to the approval of the relevant planning authority (i.e. excluding only those works that would normally be Permitted Development for a local highway authority).</p> <p><b>Requirement 5</b> – In the light of the discussions during the DCO Hearing held on the 19 January 2017, please review and update the way that Requirement 5(2) is structured. Bearing in mind continuing concern from host boroughs and/or the PLA that more of the subsidiary plans should require their approval including the Construction Environmental Management Plan (CEMP), Construction Site River Strategy, Lighting Management Plan and Site Waste Management Plan, please provide further justification as to why there should be any division between plans requiring approval and those only requiring consultation. It is noted that the pre-ambles to what are currently separate sub-requirements (2) and (3) refer to parts of the authorised development and this would seem to cover the possibility of seeking separate approvals from LBN and RBG. The simplest solution would be to combine sub-requirements (2) and (3) so that all components of the CoCP would require approval of the relevant LPA (or other body) after appropriate consultation.</p> <p>Please also provide further justification for the absence of a draft CEMP before the Examination when such documents have been provided to accompany many made DCOs and the CoCP is itself intended to be a certified document. While it may be referred to in the CoCP, why does Requirement 5 not specify that the CoCP must secure no lesser mitigation than assumed in the ES? The issue of ensuring that materially different or worse environmental effects do not arise under the provisions of the CoCP is raised in question CL2.6 under the heading of Construction on land. Amendment to Requirement 5 and to the CoCP may be required.</p> <p>Please provide an updated CoCP, preferably agreed with the relevant Boroughs and the PLA, in the form that would be certified.</p> <p><b>Requirement 6</b> – There has been discussion of whether there should be reference to the General Arrangement drawings in this requirement. Please provide appropriate wording or a justification for making no reference.</p> <p>Please could the host boroughs confirm whether they agree to the words, “in the opinion of the relevant planning authority” in R6(5) in respect of identifying which trees or shrubs have become seriously damaged or diseased? Is this a role that the host LPAs normally undertake? See also question TE2.3.</p>

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		<p><b>Requirement 7</b> – Please amend wording in the light of the intended merger of the two subsidiary documents.</p> <p>Please provide a copy, preferably on an agreed basis with relevant Boroughs of the composite monitoring and mitigation strategy document. Roads subject to monitoring should include all those sought by host and adjoining Boroughs and/or raised by other IPs.</p> <p><b>Requirement 12</b> – Please consider whether response to Question NV2.2 would require amendment to the wording of this requirement.</p> <p><b>Requirement 13</b> – Are the Boroughs content that securing the new additional bus services through the tunnel is achieved through this requirement and a separate Bus Strategy document? Please provide a copy of the updated Bus Strategy, preferably in a form agreed with relevant Boroughs, This should commit TfL to the provision of the assessed number of through Silvertown tunnel bus routes and services (as a minimum), as well as provision for the through-tunnel shuttle service for cyclists (or other means to facilitate economical cross-river transport for cyclists). See also SWQ GA2.1.</p> <p><b>Requirement 16</b> – Are the relevant Boroughs content with the revised wording of this requirement bearing in mind the representation of LBTH (REP3-034)?</p> <p><b>Possible Additional Requirements:</b></p> <p>It has been suggested by the Applicant that <b>contaminated land</b> issues would be addressed by the CoCP rather than as often provided for by a separate requirement. Please explain how the CoCP would address this matter or provide an additional requirement.</p> <p>In REP3-017 it is suggested by the Applicant that it would be unlikely that the SoS would accept Grampian-style requirements to address the <b>COMAH concerns of HSE</b>. Please provide evidence for this assertion and also provide the text of a modified Grampian-style requirement to address the separate major hazard concerns over the storage of Hydro-fluoric Acid and other chemicals on the Brenntag site and the SGN gas-holder.</p> <p>Please either confirm that the issue of <b>safeguarding, maintenance and enhancement of the river flood walls</b> has been agreed within finalised Protective Provisions with the Environment</p>

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		<p>Agency or provide agreed wording of an appropriate requirement.</p> <p>Bearing in mind the mandatory requirements of the <b>Air Quality</b> Directive, and the issue of uncertainty inherent in forecasting, please consider the desirability of including a requirement that would pick up elements of the M4 Requirement to which the ExA drew attention that would not be covered by Requirement 7 and the related certified Document in order to provide certainty that Directive requirements would not be breached. See also question AQ2.2.</p> <p><b>Archaeology</b> – Are all Boroughs, Historic England and the MMO content that the Written Scheme of Investigation is addressed under the CoCP rather than requiring a separate requirement (and dDML condition). See also question HT2.1</p>
DC2.10	Applicant & relevant Boroughs	Please provide a draft copy of the proposed DCO Obligation that would secure provision of landscaping/habitat mitigation outside the Order limits, provision for enhancement of cycling and walking to encourage active travel and provision of noise barriers along the A102 in the vicinity of Siebert Road and Invicta Road in the Westcombe area, such barriers to be consistent with the certified design principles. See also Question TE2.1
DC2.11	Applicant	Please provide an updated Schedule 7 to take account of proposed NMCs
DC2.12	The Marine Management Organisation (MMO)	Schedule 12: Is the MMO in agreement with the Applicant's co-ordinates that are now in the draft Deemed Marine Licence (dDML), condition 3 [REP3-004]?
DC2.13	Applicant, EA, PLA and Other SUs	Please provide updates of relevant parts of Schedule 13 to include Protective Provisions agreed with PLA and EA and any other amendments required to satisfy other SUs.
DC2.14	Applicant	Please provide an updated Schedule 14 taking account of updated documents, re-named or additional documents to be certified.
<b>TE</b>	<b>TERRESTRIAL ECOLOGY</b>	
TE2.1	The Applicant and Royal Borough of Greenwich (RBG)	Please can the Applicant and RBG provide an update on progress regarding the proposed S106 agreement that would secure the funds required for providing the off-site ecological mitigation, including its maintenance and management? See also Question DC2.10.
TE2.2	RBG, Natural England (NE)	Given the Applicant's response to the Panel's FWQ DC98 (at paragraph 98.8) [REP1-177], which states, <i>"It is not incumbent on the Applicant to ensure that landowners retain the restored landscaping or terrestrial ecology on land that is returned, and the ES does not assume that it will. As such, Requirement 6(1) does not need to make any reference to land which is subject to the</i>

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		<i>powers of temporary possession.</i> Please could RBG and NE provide their views on the importance and likely effectiveness of the Applicant's proposals to provide off- site ecological mitigation when there is no commitment to it being retained in situ?
TE2.3	The Applicant	The Biodiversity Action Plan Mitigation Strategy (BAPMS) [APP-065] provides details of suggested grass/wildflower seed mixes that would be used, but does not provide for the use of different seed mixes that may be better suited, or their approval. For the avoidance of doubt, please ensure that "including details of grass seed and wild flower seed mixes and" is added to Requirement (R)6(2), after "(1) must include details of hard and soft landscaping works, including" in the next edition of the draft DCO.
TE2.4	The Applicant	Further to the Applicant's response to the Issue Specific Hearing of the 18 Jan 2017, agenda item 2.7, the ExA does not agree with the Applicant regarding its inability to prepare an outline Ecological Management Plan now. Other applicants for other dDCOs, which have bigger land areas and more complex ecological issues submit outline EMPs at application stage. The Panel considers that the Applicant must submit an outline EMP at D4 and update this at D6, if necessary, so that the final version can be "substantially in accordance with" the final draft version submitted to the Examination, which is to be a certified document.
<b>CL</b>	<b>CONSTRUCTION (On Land)</b>	
CL2.1	The Applicant	Please can the Applicant explain how it can justify submitting new environmental appraisal documents for the proposed precast concrete segment (PCC) manufacturing plant and slurry tunnel boring machine (TBM) and treatment plant [REP3-020] and [REP3-021] now, at D4, instead of including these details within the ES, when the NSIP process is intended to be front-end loaded? How is the Applicant proposing to ensure that the Wheatcroft Principle <sup>1</sup> is complied with, in relation to these new assessments?
CL2.2	The Applicant	These documents propose a concrete batching plant that is " <i>similar in design</i> " to that assessed in the EMS but would have " <i>an increased capacity to supply the 86,000 tonnes of concrete required to supply the PCC segments</i> ". They also explain that the aggregate stockpiles would also need to be covered. Can the Applicant provide details of the differences in size (in terms of overall height of the concrete plant silos required for the assessed and new bigger concrete plants, and ground area required (including elevation plans), and how would the aggregate storage bay covers be constructed, at what height above ground level?
CL2.3	The Applicant	As these two appraisals do not form part of the ES, how would their details, including the site layout plans and maximum height and size of the PCC segment manufacture plant (and the

<sup>1</sup> See paragraph 2.1 within the PINS advice note: <https://infrastructure.planninginspectorate.gov.uk/wp-content/uploads/2015/07/Advice-note-16.pdf>  
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		concrete plant) be secured in the dDCO or CoCP, if the DCO were to be made and these aspects of the development were to be included?
CL2.4	London Borough of Newham (LBN)	Please can LBN provide its views on the adequacy of these two new environmental appraisals and whether it considers that these are sufficient to allay its concerns regarding the lack of space at the Silvertown worksite for the storage of excavated materials, should the additional segment manufacture plant be included at the worksite?
CL2.5	Applicant	Is the Applicant proposing to combine the Code of Construction Practice (CoCP)[REP2-028] and the Construction Method Statement (CMS)[APP-046] document, for clarity and to provide an easier audit trail to construction management schemes and practices? If so, please can this be agreed with the host authorities and submitted at D4?
CL2.6	RBG, LBN, London Borough of Tower Hamlets (LBTH), Natural England (NE) and the Environment Agency (EA)	Could the host boroughs, NE and the EA please provide an update regarding whether they are yet satisfied with the content and arrangements specified within the updated CoCP [REP2-028]? If not, what matters are outstanding and how would they wish them to be addressed? See also question DC2.9.
CL2.7	Applicant	<p>The Applicant stated in its update note at D3 [REP3-014] at page 11 that it wishes to consider the use of the term “Not Environmentally Worse Than” (NEWT). On reflection, the ExA wishes the Applicant to note that it has fundamental concerns about the use of NEWT as a concept in this dDCO, especially in relation to any aspects of the proposed development that are in different locations, or new features that were not assessed in the ES, as these may not meet the Rochdale Envelope<sup>2</sup> requirements for DCOs. There is also the concern that impacts for individual receptors may change.</p> <p>The Panel is of the view that if the DCO is made, there would need to be guarantees written into the DCO and/ or certified documentation to ensure that the scheme remains consistent with that which has been assessed in the ES and complies with the public participation requirements under the Aarhus Convention<sup>3</sup>.</p>

<sup>2</sup> <https://infrastructure.planninginspectorate.gov.uk/wp-content/uploads/2013/05/Advice-note-9.-Rochdale-envelope-web.pdf>

<sup>3</sup> The Aarhus convention – <https://www.unece.org/fileadmin/DAM/env/pp/documents/cep43e.pdf>. What checks and measures would the Applicant implement for compliance with Aarhus at receptors likely to experience a change in effect, which may not change the overall conclusions of an assessment? And how will the applicant demonstrate they have had regard to responses?

Question number	Question to	Question
		However, it notes that this concept has been acceptable in some made DCOs, including the approach taken by the Applicant for the Thames Tideway (TT) in its CoCP. The ExA therefore asks the Applicant to consider the approach agreed to NEWT in the TT CoCP, including requiring details (and assessments) of any changes to be included in the CEMP (for approval by the Local Planning Authority), if the need for such an approach can be justified. See also Questions DC2.8 And DC2.9.
CL2.8	The Applicant, RBG, LBN, LBTH	Please can the Applicant and the host boroughs provide an update regarding whether there is yet agreement on the complaints procedure for the construction phase, if not, what matters remain outstanding?
CL2.9	The Applicant	The Panel notes the Applicant's reluctance to accept a requirement to cover the environmental aspects of decommissioning the temporary land-based construction works. Please can the Applicant address these matters, to the satisfaction of the host LPAs, in the next edition of the CoCP (or combined CoCP and CMS), due to be submitted at D4?
<b>TT</b>	<b>TRAFFIC AND TRANSPORTATION</b>	
TT2.1	The Applicant	<p>Regarding Action Point (AP) 1 from the Issue Specific Hearing held on the 17 January 2017, The Applicant was asked to provide <i>'a comprehensive note giving full borough distributions of car trips that are not suppressed but re-assigned for Deadline 3 (D3). This should include detailed estimates of the projected behaviour impacts'</i></p> <p>In relation to distribution of car trips that are not suppressed but reassigned, the information provided [REP3-025] does not address the issue of potential redistribution of trip origins and destinations. The Applicant notes that the assignment model does not have the capability of providing insights into this very important aspect of the spatial implications of the scheme for and the ability of selected population groups, in particular less well-off people, to avail of new opportunities. The Applicant is asked to revisit this request and exploit the capabilities of the overall model system including the demand model.</p>
TT2.2	The Applicant	<p>Regarding AP 2, the Applicant was requested to supply <i>'a comprehensive note showing the journey time and generalised cost impacts for those forecast to switch from car to bus for D3 (to include disaggregated data for population sub groups and also displayed in the form of maps'</i>.</p> <p>The information supplied [REP3-025] does not adequately address the question posed by the ExA; the Applicant is now asked to review the information supplied and fully address the request while acknowledging any limitations in the material supplied.</p>

Question number	Question to	Question
TT2.3	The Applicant	<p>Regarding AP 7, the Applicant was asked to provide <i>'a comprehensive note on the uncertainty and associated level of confidence that can be afforded to the traffic forecasts that feed into the environmental assessments, whether numerically or in qualitative terms for D3'</i>.</p> <p>The response [REP3-027] is a comprehensive description of the matters of interest. However, the ExA requests that the Applicant quantifies the potential compounding effect of uncertainties in inputs, specification errors and parameter estimates for the scale of uncertainty in the transport model system. The Applicant is also asked to provide estimates of the implications of this effect for uncertainty in the inputs feeding into the environmental assessments.</p>
TT2.4	The Applicant	<p>Regarding AP 12, the Applicant was requested to supply <i>'a detailed analysis of projected Net Present Value (NPV) without implementation of bus strategy for D3'</i>.</p> <p>Can the Applicant expand on the material supplied [REP3-029], in particular taking account of the likely behavioural implications of such a scenario and the implications of those effects on the ultimate NPV.</p>
TT2.5	The Applicant	<p>Re. AP 13, the Applicant was asked to provide <i>'a BCR for the scheme assuming without implementation of bus strategy and scheme funded publicly (not PPP) for D3'</i>.</p> <p>The claim in the Applicant's response [REP3- 029] <i>'A BCR calculation is not appropriate for the Scheme as it has a negative cost...'</i> needs further clarification given the question concerns alternative funding mechanisms and scope of measures. The matter of hypothecation of any revenue and economic benefits to users and non-users should be taken into consideration in addressing this request. Can the Applicant revisit its response to this question?</p>
TT2.6	The Applicant	<p>Regarding AP 14, the Applicant was asked to provide economic assessments <i>'of any alternatives* that were taken through to comparative assessment for D3 to include monetary valuation of costs and benefits (*to include performance of preferred scheme at comparable stage of scheme development)'</i></p> <p>The detailed response [REP3-030] is comprehensive in its description of alternatives considered/assessed. In line with the HMT's Five Case Model Guidelines, can the Applicant provide quantitative estimates of the economic impacts of these alternatives, encompassing both costs and benefits, including any estimates of wider economic benefits?</p>
TT2.7	The Applicant	<p>Regarding AP 16, the Applicant was requested to supply <i>'a comprehensive note explaining the intended local benefits/enhancements to offset the dis-benefits to some low income groups within</i></p>

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		<p><i>the host or nearby boroughs for D3. This should include detailed figures by socio-economic group by borough and also displayed in map form'.</i></p> <p>The material supplied is comprehensive [REP3-024]. The Applicant is however asked to enhance the quantitative information supplied to differentiate between lower income car users and existing public transport users in its description of impacts of the scheme. It is also noted that Figure 3-4 illustrates the trip origins of low income groups.</p> <p>Can the Applicant review this information and data for other scenarios in the light of its response to AP 1 (TT1).</p>
TT2.8	The Applicant	<p>Regarding AP 17, the Applicant was asked to provide '<i>a note to explain the modelling undertaken of categories proposed for exemption from charge for D3.</i>' The extent of exemptions is noted [REP3-015]. The Applicant is asked to comment on the potential implications of these exemptions for the efficient operation of the scheme.</p> <p>Can the Applicant provide an assessment of the implications of permitting lower income groups in the host boroughs to avail of a discount scheme or exemption from the charge. See also questions GA2.1 and GA2.4.</p>
TT2.9	The Applicant	<p>Regarding AP 18, the Applicant was requested to provide '<i>an update on progress towards securing a commitment to the enhanced bus routes strategy in the DCO (including procurement/tendering arrangements) for D3</i>'.</p> <p>The Applicant has outlined its commitment to the bus enhancements and its intentions to provide a commitment to securing its implementation [REP3-014] The Applicant is asked to provide more details on outline net costs of supplying the enhancement and the tendering and procurement arrangements for securing this goal. See also questions GA2.1 and DC2.9.</p>
<b>AQ</b>	<b>AIR QUALITY</b>	
AQ2.1	Applicant and host LPAs	<p>The Panel notes the Applicant's commitment to merge the Mitigation Strategy and the Traffic Impacts Mitigation Strategy (TIMS) documents for D4. The Panel urges the Applicant to ensure that the triggers for mitigation in the TIMS document must reflect the levels of traffic that have been assessed in the ES chapters for noise and air quality, and clear environmental triggers (for air quality and noise) which indicate the point at which mitigation has to be implemented, must also be included in this document, and agree these with the host LPAs prior to D4.</p>

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		<p>The Applicant's written summary of Oral Case for the ISH on 17 January 2017, stated that <i>"consideration will be given to setting separate triggers for the Blackwall and Silvertown Tunnel"</i>, however the Panel considers that this is essential, so that effective and timely mitigation can be implemented should the traffic levels using the Silvertown Tunnel vary significantly from those assessed. In addition, the Panel urges the Applicant to review and remove the hurdles that are proposed in TIMS, so that there is certainty that essential mitigation would be implemented if the assessed traffic levels are exceeded. Also see question DC2.7.</p>
AQ2.2	Applicant and RBG, LBN, LBTH	<p>The Panel notes the Applicant's intention to review the terms of reference and chairing of STIG. However, it wishes to make clear that if the Applicant remains the decision maker and STIG's role is only advisory, the Panel has no comfort that, should the Order be made, essential mitigation would be implemented in the manner assessed in the ES, or in a timely manner. Therefore, in this scenario a Requirement along the lines of R26 of the M4 DCO would be necessary on air quality matters, although the Panel also recognises that the application proposals, as currently drafted would include more monitoring locations than if the R26 M4 wording was to be used here. However, the Panel, in drawing attention to R26 of the M4 DCO, did not imply that any Silvertown Tunnel requirement for air quality would replicate the M4 requirement, merely that something "along the lines of" that requirement should be considered. It is not advocating less monitoring than that proposed in the ES.</p> <p>The Applicant does not appear to have accepted this in the D3 DCO; the Panel now urges the Applicant and host authorities to consider drafting such a requirement, otherwise it is likely that the Panel will do so in its draft recommended DCO at D5, unless all matters related to STIG and TIMS are resolved to the satisfaction of the Panel and the host authorities. In any event the Panel reserves its right to propose modifications and additions to the Applicant's dDCO at D5. See also question DC2.9.</p>
AQ2.3	Applicant, RBG, LBN	<p>Please can the Applicant and the host authorities provide an update in relation to discussions regarding the assessed case, and whether there is likely to be agreement on these matters before the close of the Examination?</p> <p>If not, what matters are likely to remain unresolved and how would the host authorities suggest that these should be addressed?</p>
AQ2.4	London Borough of Lewisham	<p>Please can LBL and LBS provide their views on the additional modelling work recently undertaken by the Applicant, in relation to their concerns about the potential impacts on receptors along local</p>

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	(LBL), London Borough of Southwark (LBS)	roads in their boroughs that would be subjected to the highest levels of traffic changes arising from the scheme (this information is provided as [REP3-016], item 4.12, and [REP3-032], Appendix 8).  Please can the neighbouring authorities also provide the Examination with an update on their views as to whether the proposed development would impact their ability to achieve EU limit values, on the basis of this new information?
AQ2.5	The Applicant and London Borough of Hackney (LBH)	Please can the Applicant and LBH provide an update at D4 regarding whether there is agreement over the addition of the proposed monitoring sites in LBH's D3 representation [REP3-038], including Wick Road, Kenworthy Road, Cassland Road and Victoria Park Road in the monitoring strategy for air quality? How would this be secured?
AQ2.6	LBN	Further to the Applicant's D3 technical note on Air Quality at the Hoola Development [REP3-031, Appendix 5], which concludes that additional mitigation such as changes to ventilation systems are not required or proportionate, as there would not be any flats in the Hoola development that would be expected to be in exceedence of the annual mean objective for NO <sub>2</sub> when the scheme would open in 2023, please could LBN provide its views on these matters?
AQ2.7	LBN	Please provide an update regarding whether LBN consider that the AQMA would need to be extended to include the Hoola development and other affected receptors?
<b>GS</b>	<b>GEOLOGY, SOILS AND CONTAMINATED LAND</b>	
GS2.1	The Environment Agency (EA)	Does the CoCP, in section 9.2, need to make reference to the need for a permit for temporary stockpiling of excavated materials that may be needed at Greenwich, under the terms of the Greenwich EMS for general earthworks?
GS2.2	The Applicant and the EA	Further to the EA's D3 submission [REP3-050], please can the Applicant and the EA agree the draft wording for the proposed requirement for groundwater protection and contamination, including risk assessment, remediation plan and verification of any necessary remediation that has been carried out?  If this is not agreed by D4, please can the EA provide a copy of their preferred wording for this requirement? See also question DC2.9.
GS2.3	The Applicant and the EA	Regarding the Applicant's response to FWQ GS7 [REP1-155], in relation to "passive groundwater level management and drainage control measures", what are these and are they now secured in the protective provision in favour of the EA, to the satisfaction of the EA, (they do not appear in paragraph 9.3.9 of updated CoCP [REP2-028]). See also question DC2.9 and DC2.13.

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<b>NV</b>	<b>NOISE AND VIBRATION</b>	
NV2.1	The Applicant and LBN	Please can the Applicant and LBN provide an update at D4 regarding whether there is agreement on the matters of noise monitoring and noise mitigation at the Hoola development (and other sensitive receptors in LBN which would be adversely affected by noise from the development), such as insulation and rehousing where necessary, and whether these have been incorporated into the updated CoCP?
NV2.2	The Host Authorities	(a) Are the host authorities satisfied with the revised wording of R12? (b) Should R12 (5) regarding different mitigation from that proposed in the ES regarding noise mitigation be restricted to that which relates to changes in legislation and/or that which relates to improvements in technology?
<b>HSS</b>	<b>HEALTH, SAFETY AND SECURITY</b>	
HSS2.1	The Applicant and the Health and Safety Executive	Please can the Applicant and HSE provide an update on their discussions regarding the Grampian style requirements proposed by HSE and whether the alternatives proposed by the Applicant in the draft updated SoCG [REP3-013] are acceptable to HSE? See also question DC2.9
<b>HT</b>	<b>HERITAGE</b>	
HT2.1	The Applicant, Marine Management Organisation (MMO) and Historic England (HE)	Please can the Applicant, the MMO and HE provide an update at D4 regarding the proposed condition within the DML for the archaeological written scheme of investigation (WSI)? See also question DC2.9.
HT2.2	The Applicant and RBG	Please can the Applicant and RBG provide an update at D4 regarding whether there is agreement in relation to possible (unforeseen) impacts at Greenwich Town Centre (including the Greenwich Maritime WHS), should traffic divert towards the Rotherhithe Tunnel, and how any mitigation that is needed, in this event, would be secured in the dDCO?
<b>ME</b>	<b>MARINE ECOLOGY</b>	
ME2.1	The Applicant and the EA	Further to the EA's D3 representation [REP3-050], please can the EA and the Applicant provide an update at D4 explaining whether there is agreement regarding the additional information required

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		by the EA in respect of ecological impacts caused by the proposed works at the NAABSA berth and whether the EA consider that a requirement is necessary to cover this matter, or whether it could be covered in the dDML?
ME2.2	The Applicant and MMO	Further to the MMO's D3 representation [REP3-045, paragraph 8.1], please can the MMO and the Applicant provide an update at D4 regarding the additional pre-construction sampling that the MMO requires, to corroborate the findings in the ES, and if the results are not corroborated, what are the next steps, such as mitigation to be secured in the DML?
ME2.3	The Applicant and MMO	Further to the MMO's D3 representation [REP3-045, paragraph 8.8-8.9], please can the MMO and the Applicant provide an update at D4 explaining whether the additional information sought by Cefas and the MMO in relation to potential behavioural impacts on fish from impact piling have been supplied, if so, please could they be also be provided to the Examination at D4?
ME2.4	The Applicant and the MMO	Has the method for securing/providing/agreeing the scour and accretion monitoring and mitigation strategy been agreed? If so, please could it be provided as a draft requirement or within the updated DML?
ME2.5	The Applicant and NE	Further to the Applicant's written summary of oral case for the ISH on the 18 Jan 2017 [REP3-016, section 8.2 and 8.3]: - 1. please could NE and the Applicant provide an update at D4 regarding whether any further assessments in relation to the proposed features of the recommended Marine Conservation Zone (rMCZ) are necessary and update the ExA on progress regarding their discussions/agreements in relation to matters related to the rMCZ; and 2. please could NE and the Applicant provide an update regarding whether there is agreement regarding the weight to be given to the rMCZ?
<b>DN</b>	<b>DREDGING AND NAVIGATION</b>	
DN1	The EA, Port of London Authority and MMO	Please can the EA, PLA and the MMO provide their views on the Applicant's technical appendix (Appendix 12 to [REP3-032] on jetty pile scour in the near-shore?
<b>SW</b>	<b>SURFACE WATER, FLOOD RISK ASSESSMENT</b>	
SW2.1	The Applicant and the EA	Please provide an update to confirm whether the matter of maintenance of the river walls has been resolved and whether the relevant wording within the protective provision in favour of the EA, regarding the safeguarding, maintenance and enhancement of the river walls is yet agreed? See also question DC2.9.

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SW2.2	The Applicant and the EA	Further to the ISH on the 18 January 2017, please can the EA and the Applicant provide an update regarding agenda item 11.5, (in respect of whether Zone 12 works would impact upon the river walls) has been resolved? The Applicant stated in its post hearing written summary [REP3-016] that it was preparing a technical note to outline feasibility, concepts and costings of future raising of the river wall above the proposed tunnel based on the reference design. Please could that technical note be submitted for D4?
SW2.3	The Applicant and the EA	Please provide an update to confirm whether all other matters related to flood risk have been agreed and the wording in the draft protective provision in favour of the EA reflects this agreement? If not, which flood risk matters remains outstanding at D4? See also question DC2.13.
SW2.4	The host authorities	As the lead local flood authority, are the host authorities content flood risk has been adequately dealt with? The applicant was incorrectly consulting the EA on drainage design, but the responsibility for surface water transferred to the LA's a year or so ago.
<b>CA COMPULSORY ACQUISITION</b>		
CA1	Applicant, RBG and relevant APs	<p><b>Land at and around Studio 338</b> - In the written summary of oral representations from the CAH on 20 January (REP3-018), it was conceded that it would be difficult to justify CA of Lidoka land (plot 01-58) for a replacement fire escape route for Studio 338 if no planning permission exists for its re-instatement to its form prior to the fire, nor any clear likelihood that such permission would be forthcoming.</p> <ol style="list-style-type: none"> <li>1. Please provide an update on this position.</li> <li>2. If this position is accepted in relation to Lidoka, does it not also apply to some at least of the land belonging to SGN/Birch sites or others (plots 01-058a, 058c etc) and some plots or parts of plots indicated for related temporary possession? If so please list the plots that this would apply to.</li> <li>3. In such circumstances would the provisions of Article 27 be applicable to the Studio 338's land?</li> <li>4. Would Article 27 be applicable to severed portions of SGN/Birch Sites' land in relation to which objection has been made?</li> </ol>
CA2	Applicant	Please provide a schedule concerning progress on securing agreement in relation to all plots subject to CA or temporary possession.
CA3	Applicant & Relevant Statutory Undertakers	Please provide a statement demonstrating that all outstanding issues with regard to plots in which SUs have interests have been resolved so that there will be no need to report the substance of objections to the SoS under the terms of s127 or s138.

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	(SUs)	If this cannot yet be produced please detail outstanding points of dispute.
CA4	Applicant & relevant Affected Persons	Please provide a detailed case justifying CA concerning any outstanding CA objections where it is not anticipated that agreement will be reached prior to the close of the Examination.
CA5	Applicant	Please provide updated Book of Reference, Statement of Reasons and Land Plans to reflect the DCO on the assumption that the proposed NMCs are accepted as part of the application.