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Subject: RBG's Responses to the Panel's Second Written Questions - D4 submission
Date: 01 March 2017 15:16:14
Attachments: [RBG D4 Submission - Response to SWQs.pdf](#)
[Silvertown Tunnel MM triggers RBG Comments.pdf](#)

Dear Sir/Madam,

Please find attached 2 documents:

- The first is a matrix containing RBG's responses to questions which are either addressed to the Borough, or which the Borough wishes to add comment on.
- The second is a response from RBG to TfL in relation to the development of triggers in the draft Monitoring and Mitigation strategy, and referenced in response AQ2.1

Could you please confirm receipt of the documents?

Best wishes

Kim

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Royal Borough of Greenwich: Deadline 4 Responses to Second Written Questions Silvertown Tunnel DCO			
GA2	General	RBG Response	
GA2.1	Applicant	<p>Distribution of Benefits: 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> <p>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.</p> <p>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.</p>	<p>In the Applicants Response to AP 1 and 2 from ISH on 17.01.17 the Figures which detail flow changes by income group validate the concerns RBG has detailed in its earlier submissions that the lower income groups are disproportionately negatively impacted by the charge. In addition to consideration of the waiving of the registration fee (which is welcomed) RBG is of the view that a further fund to help those less able to afford the charge, but not able to benefit from the modelled bus service, should be agreed. At a HB meeting on 23.2.17 TfL outlined thoughts on this and agreed to provide more detail prior to D4. An outline of how this could be achieved was sent to RBG on 27.2.17 for consideration, and discussions are ongoing. RBG is also of the view the (free to use) shuttle should be via Blackwall and in place until superseded with a cross river ferry service on and agreed (similar) alignment. The EAL should be free to use a further concessionary rate for cycle commuters should be agreed.</p>
GA2.2	Applicant	<p>Distribution of Benefits: 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>	<p>A Business support fund should be provided as an obligation one year prior to the Scheme's opening and for up to 5 years post scheme implementation. The fund should be designed to enable local SMEs to prepare form and where appropriate adapt their business model to manage the charge. At the same HB meeting on 23.2.17 TfL outlined thoughts on this, in a revised draft S106 (received 1.3.17) this has now been drafted as Schedule 7, and will be discussed with TfL prior to D5.</p>
GA2.7	Applicant	<p>Package of river crossings: 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.</p>	<p>RBG is clearly of the view that a package of river crossings are required to facilitate the growth in the east and south east of London. The severance of the Thames needs to be addressed by both public transport and road based crossings. The progression of public transport links has (and is) being addressed, however road crossings between Blackwall and Dartford are still constraining growth and concentrating congestion and the associated impacts in the A2/A102 Blackwall corridor.</p>
DC DCO WORDING			
DC2.4	Applicant, host and neighbouring Boroughs	<p>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.</p>	<p>Revised document required from TfL before RBG can comment</p>
DC2.5	Applicant	<p>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.</p>	<p>RBG is of the view that clarifying this on the face of the DCO would be helpful. A draft revised Bus Strategy was submitted to RBG prior to D4 (on 27th Feb) for comments, whilst the principles of the Strategy and the Commitments contained in it are generally welcomed, there is still concern that there is no commitment to the quantum of services modelled in the AC</p>
DC2.6	Applicant	<p>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?</p>	<p>Clarification would be welcomed by RBG</p>
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. 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>	<p>At a meeting with the HB on 23.2.17 TfL tabled amendments to Article 65 which address the majority of RBGs concerns. A revised draft was shared with HB on 1.3.17 and RBG will reserve the right to comment further on this if needed as part of its D5 responses to TfL's D4 submission. RBG is of the view that it is the role of the LA to represent businesses, organisations and residents of the Borough and that 3rd party organisations (such as LCY) should not form part of STIG. RBG has had sight of the revised draft Monitoring and Mitigation Strategy, and a document detailing how Woolwich ferry queues could be monitored, although talks are ongoing RBG still has a level of concern over the management of queueing at the Woolwich Ferry (south side). TfL have undertaken a study (which has been supplied to the ExA) on the vehicle waiting improvement areas, however the following written response was given to an Elected Member's query at RBG's January Public Transport Scrutiny meeting by TfL on the congestion caused by queueing traffic:</p> <p><i>"In respect of the traffic problems caused by traffic queueing to use the ferry, we completed a study to look at potential improvements to the waiting areas in April 2016, and this was shared with officers from RB Greenwich and LB Newham. The study identified a number of potential options for improving the waiting areas. However the options are unfunded and we are not in a position to take these forward. We are confident however that when the new ferries are introduced in 2019 these will increase the reliability and frequency of the service and hence reduce the impacts of the service on the roads in central Woolwich".</i></p> <p>Currently these waiting area improvements are not included as funded mitigations for Silvertown and RBG believe they need to be developed in consort with the ability of TfL to levy charges at the ferry (if required)</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>Requirement 1 – 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>Requirement 3 – 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>Requirement 4 – 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 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>R1 Yes, however the (to be certified) Bus Strategy would need to be agreed by RBG prior to the close of the Examination</p> <p>R3 RBG would wish TfL to suggest a redraft to be discussed and submitted at D4, however as yet no progress has been made on this.</p> <p>R4 RBG await the revised wording at D4</p>

		<p>Requirement 5 – 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. Please provide an updated CoCP, preferably agreed with the relevant Boroughs and the PLA, in the form that would be certified.</p> <p>Requirement 6 – 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>	<p>R5 RBG agrees that sub section 2 and 3 should be combined and be subject to LA approvals.</p> <p>R6 Yes - RBG has a street tree officer who undertakes this role</p>
		<p>Requirement 7 – Please amend wording in the light of the intended merger of the two subsidiary documents. 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>Requirement 12 – Please consider whether response to Question NV2.2 would require amendment to the wording of this requirement.</p> <p>Requirement 13 – 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>Requirement 16 – Are the relevant Boroughs content with the revised wording of this requirement bearing in mind the representation of LBTH (REP3-034)?</p> <p>Possible Additional Requirements:</p> <p>It has been suggested by the Applicant that contaminated land 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 COMAH concerns of HSE. 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 safeguarding, maintenance and enhancement of the river flood walls has been agreed within finalised Protective Provisions with the Environment Agency or provide agreed wording of an appropriate requirement.</p> <p>Bearing in mind the mandatory requirements of the Air Quality 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>Archaeology – 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>	<p>R7 RBG would be happy to see this amendment.</p> <p>R13 RBG is content with the wording of the Requirement, however this is still predicated on an agreed revised Bus Strategy which commits to the service levels of the Assessed Case model (see also comments above re DC2.5)</p> <p>R16 Although the principle of 16 (3) is agreed the wording applied here does not appear to clarify the process.</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	The noise barriers at Seibert Road are currently subject to the drafting of a S106 requirement. The enhancements to Cycling and walking adjacent to the portal on Tunnel Ave and Boord St are within the LOD of the Scheme and subject to on going design meetings with RBG and TfL.
TE	TERRESTRIAL ECOLOGY		
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.	A meeting was held on 2.2.17 between RBG and TfL officers, progress was made in relation to discussion of the S106 in relation to both agreeing both the sum for the off set and about the resources the Borough would require to effectively manage this. We are now awaiting a response/form of words from TfL to progress this
TE2.2	RBG, Natural England (NE)	Given the Applicant’s response to the Panel’s FWQ DC98 (at paragraph 98.8) [REPI-177], which states, “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 powers of temporary possession.” 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?	This was also progressed positively at the above meeting and RBG is awaiting a response from TfL
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.	At the meeting on 2nd Feb the D4 revision of the BAP was discussed and TfL confirmed that the inclusion that consultation with RBG over the suitability of planting mix with be contained in the revised BAP

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.	RBG would be happy to have sight of an outline EMP as part of the DCO process
CL CONSTRUCTION (On Land)			
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?	TBC
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.	RBG was given sight of the revisions made to the CoCP D4 draft on 24th February, and have provided the following comments to TfL: 1.4.2 - The obligation for the contractor to produce the CEMP remains in the document. This is contrary to the ExamA request and the wishes of the LPA. RBG, as a minimum, would wish to see a framework CEMP agreed as part of the DCO. 1.4.9 - The process of assessment that the contractor will deploy has not been fully defined. The LHA will need to understand and agree the metrics to be used in the assessment and how it is to be comparable to the ES. Table 1.1 item 4 The CTMP is to be approved by the LPA. This will also include the lorry routes, traffic incident management and the Contractor WTP. This needs to reference Para 3.1.7 where the agreed principle lorry routes are defined. 2.3.4 The changes confirm that a considerable number of work streams, including HGV movements, could be exempt from RBGs agreed working hours (shown in Para 2.3.1) and that working will effectively be 24/7. The full impact and quantum needs to be defined and safeguards agreed. 2.4.7 This should state '24hr Helpline...' 2.5.1 Although detailed in Section 11, for completeness the advanced works should include noise surveys. 2.6.2 The temporary replacement parking for the 02 should be agreed with the LHA/LPA. This was agreed as part of the developments permissions and forms part of the monitored Travel Plan. Any replacement parking should not exceed the permitted quantum. 3.1.1 Only the principle routes have been agreed (3.1.7), the full access routes to the worksites will need to be agreed with the LHA/LPA. This needs to be included in this paragraph. 3.1.7 Principal HGV routes are defined here, however RBG would wish to see safeguards for the north south routes which run parallel to the A102 between (and including) Maze Hill and Charlton Lane (including Westcombe Hill) specifically excluded from route options in this paragraph. 3.2.4 Point 2 It is proposed materials re used on site are counted as deemed to have been transported by river. RBG has concern that this could considerably reduce the use of river and instead would wish to see a clause which requires 55% of all (suitable) materials entering or leaving the worksites to be transported by river. 3.2.4 Point 3 (1) Because of the meander of the Thames at this point RBG does not agree a 4km radius is appropriate and would wish Brewery Wharf (which requires a considerable transfer of materials along residential roads) to be excluded. The wharf should be within an agreed road haulage distance. 4.1.4 The inclusion of a central complaints system is welcome. 5.4.2 The baseline air quality monitoring results should be shared with the LPA Section 7 comments to be added by SO, however 7.1.2 has reference to pre-construction surveys being undertaken has been removed, please clarify why. 10.2.2 The defect surveys that will be undertaken by TfL do not include any consultation or agreement of outcomes with the LPA. Should this be revised? Section 11 – comments still to be added by EHO – however 11.2.1 there is no reference to consultation and agreement of the NVMP with the LPA. Would we not need this to take place? 12.2.1 The LMP - was it not agreed that this should be agreed with the LPA, currently the LPA is only a consultate. Should be amended? 13.2.1 We note that the reference to having a logistics hub has been removed in this version of the document. Can this be explained please? 14.3.1 The document now states that the proposed mitigation has to be deemed necessary by the contractor in consultation with the LPA and the CTMP. RBG requires a level of surety that the mitigation measures will be implemented when required and not left to the discretion of the contractor.
CL2.7	Applicant	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 ² requirements for DCOs. There is also the concern that impacts for individual receptors may change. 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 ³ . 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	RBG takes the view that the Scheme, if approved, should be required to be in conformity with outputs contained in the Environmental Statement. The consequences of the scheme should result in the monitoring and mitigation strategy maintaining conditions which are equal to (or better than) those of the ES.
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?	This has now been included in the revised draft of the CoCP shared with RBG on 27th Feb.
TT TRAFFIC AND TRANSPORTATION			
TT2.1	The Applicant	Regarding Action Point (AP) 1 from the Issue Specific Hearing held on the 17 January 2017, The Applicant was asked to provide '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' 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.	RBG would be interested to have the opportunity to analyse this data
TT2.2	The Applicant	Regarding AP 2, the Applicant was requested to supply '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'. 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.	RBG would be interested to have the opportunity to analyse this data

TT2.3	The Applicant	Regarding AP 7, the Applicant was asked to provide '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'. 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.	The levels of uncertainty are something which RBG would also wish to have clarified, as data which would provide a higher level of confidence in the traffic forecasting is something we have been requiring since the Statutory (S42) consultation.
TT2.7	The Applicant	Regarding AP 16, the Applicant was requested to supply 'a comprehensive note explaining the intended local benefits/enhancements to offset the dis-benefits to some low income groups within the host or nearby boroughs for D3. This should include detailed figures by socio-economic group by borough and also displayed in map form'. 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. Can the Applicant review this information and data for other scenarios in the light of its response to AP 1 (TT1).	This relates to RBGs response to GA 2.1 and a clear understanding of this forms the basis of detailing any package of measure which may be required to of set the economic disadvantage of the charge
TT2.8	The Applicant	Regarding AP 17, the Applicant was asked to provide 'a note to explain the modelling undertaken of categories proposed for exemption from charge for D3.' 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. 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.	As above and GA2.4
TT2.9	The Applicant	Regarding AP 18, the Applicant was requested to provide 'an update on progress towards securing a commitment to the enhanced bus routes strategy in the DCO (including procurement/tendering arrangements) for D3'. 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.	The commitment by TfL of the provision of a bus service at the level assumed by the Assessed Case model has been a central part of RBG's support o the scheme. Clarity of how this would be secured through the DCO (and developed and agreed in detail closer to scheme opening) is something that the Bus Strategy should provided if it is it is to be agreed by the Council as a certified document
AQ	AIR QUALITY		
AQ2.1	Applicant and host LPAs	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.	Discussion with TfL are continuing, and agreeing appropriate triggers and timely mitigation have formed a central part of these. On 2nd Feb there was a discussion on Triggers at a TfL/HB meeting. TfL provided a note on this and RBG provided a written response to TfL on that. RBGs response is appended to this submission. RBG were provided with a draft Monitoring and Mitigation Strategy on 27th of Feb and asked for comments by 2nd March. RBG's comments from 2nd of Feb were not reflected in Section E.4 of the dM&MS received on 27th Feb. As well as the Community Impact mitigation for GTC outlined in HT2.2 as part of the M&MS RBG would look for the inclusion the of a trigger based Sustainable Transport Fund to be included in the M&MS offset the effects of additional traffic not managed by the charge to encourage mode shift along the A102/A2 corridor. Given the complexities of the dM&MS the Council has suggested that a specific workshop is required with TfL and HB to advance the document for D5. This has now been agreed for 9th March
		The Applicant's written summary of Oral Case for the ISH on 17 January 2017, stated that " consideration will be given to setting separate triggers for the Blackwall and Silvertown Tunnel ", 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.	The disaggregation of the monitoring, mitigation and triggers for the two tunnels is essential in RBGs view, and it is our understanding that TFL intends to clarify this in their revisions to TIMS
AQ2.2	Applicant and RBG, LBN, LBTH	The Panel notes the Applicant's intention to review the terms of reference and charring 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. 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.	RBG are of the view that such a requirement would provide a level of comfort, and going discussions between TfL and the HB over the wording of this requirement has taken place; the HB are now awaiting a draft of the latest version from TfL
AQ2.3	Applicant, RBG, LBN	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? If not, what matters are likely to remain unresolved and how would the host authorities suggest that these should be addressed?	The position of concen with the Assessed Case remains for RBG. As this has been under discussion since prior to the commencement of the DCO Examination it is RBGs view that this not likely to be resolved before the close of the Examination. Key issues remain regarding the Values of Time. On 27th February TfL provided a draft of a joint position statementbetween the HB and TfL for subission at D4 which in principle RBG will be minded to agree.
NV	NOISE AND VIBRATION		
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?	A) Yes we are content with the current revisions to the wording of R12 the wording of a S106 clause to secure the barriers is currently being drafted and discussed by RBG and TfL. B) It is the view of RBG that this should not be restricted

HT	HERITAGE		
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?	Currently there has not been progress on this. TfL appear to be maintaining the view that the impact on GTC will be negligible; RBG do not agree the outputs of the AC and contend that safeguards need to be put in place. RBG will seek to agree mitigation triggers set at a level which are not worse (and preferably better than) than those in the ES. We will also look to ensure that TfL use the real time AQ and Noise data which will be collected by RBG as part of it's Horizon 2020/Smarter City scheme as a data source and trigger indicator. In order to mitigate these and other unforeseen circumstances RBG would look for a trigger based fund similar to that set up as a Community Impact Mitigation fund in Schedule 3 of the S106 between the Local Authorities and EDF as part of the DCO for Hinkley, in order to offset the effects. This should be included in a revised M&MS and the fund detailed through S106
SW	SURFACE WATER, FLOOD RISK ASSESSMENT		
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.	<p>In general all the documents are acceptable and they are consistent in the message they put across, RBG is generally content with the proposed approach to manage surface water. However we have responded query ing some aspects with TfL including:</p> <ol style="list-style-type: none"> 1) Use of a petrol interceptor – I generally the use of these are questioned as an asset due to the maintenance regime needed to ensure they remain in a condition to be useful long term. RBG would suggest it is worth TfL considering looking at employing proprietary products, such as Downstream defenders, available on the market as possible secondary and tertiary points as fail safes; web are mindful that an ordinary watercourse and final discharge into the Thames there could be limited opportunity to manage pollution incidents or long term pollution due to lack of maintenance. 2) RBG has drawn TfL's consultants attention to did attenuation at the southern slip roads; whilst happy to accept the principle and proposed approach RBG would want to see more detail in the future, including calculations for the design events with a suitable maintenance plan. 3) Both during construction and operation TfL (and any contractor) should be obliged to sign up to flood warnings given the strategic importance of the tunnel, RBG has also required clarification from TfL that they have discussed with the London Fire Brigade the fact that the during a flood incident they would not have physical barriers to close the tunnel and would let the tunnel flood <p>In the technical note we have one query which has been referred back to TfL for comment: 3.1.1 Design Parameters</p> <p>We are happy with 40% and content with DMRB HD 33/06, however we have required clarification over the guidance quoted by TfL which sit under the national standards for SuDS under the Flood management Act 2010</p>
CA	COMPULSORY ACQUISITION		
CA1	Applicant, RBG and relevant APs	<p>Land at and around Studio 338 - 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"> 1. Please provide an update on this position. 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. 3. In such circumstances would the provisions of Article 27 be applicable to the Studio 338's land? 	RBG will respond to this item seperately

CA	COMPULSORY ACQUISITION		
CAI	Applicant, RBG and relevant APs	<p>Land at and around Studio 338 - 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> <p>1. Please provide an update on this position.</p> <p>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.</p> <p>3. In such circumstances would the provisions of Article 27 be applicable to the Studio 338's land?</p> <p>4. Would Article 27 be applicable to severed portions of SGN/Birch Sites' land in relation to which objection has been made?</p>	<p>1. The current planning application for the re-instatement of the building on the Studio 338 site is still under consideration by RBG. The GLA Stage 1 response, which will include TfL's formal comments on the application in relation to the Silvertown Tunnel scheme has not been received yet and is expected on or after 13th March. The HSE has advised against the grant of planning permission on the grounds that the site falls within the EGGs and Brentnag CZ. They have suggested Grampian-style conditions to take account of the possibility of the CZ being reduced or removed. RBG is considering whether these would be acceptable.</p> <p>2, 3 & 4. No comment</p>

Silvertown Tunnel Mitigation Triggers Discussion Note 2 February 2017

These comments relate to the Host Borough meeting on 2 February 2017 where TfL presented a Mitigation triggers discussion note (referred to hereafter as the technical note). A number of key questions have been posed by TfL in order to steer the further development of the triggers, the comments below seek to confirm the points made by RBG at that meeting.

Q1 Is the stated intention of the triggers (i.e. as a useful aid to STIG, rather than a binary measure of the need for mitigation) supported?

The need for triggers arises from the current proposed approach to support the Monitoring strategy advocated by TfL. The evidence currently presented to the ExamA does not cite the need for mitigation on the current highway network, the need for mitigation is to be examined through monitoring data collected by TfL prior to and on scheme opening.

The triggers should be a binary measure that prompts the investigation for the need for mitigation and not simply a useful aid for STIG

Q2 Is the approach for taking account of scheme impacts suitable?

TfL proposal to update the RXHAM traffic model and develop a local traffic model three years prior to opening with a revised reference case and a revised assessed case is logical. However, there is concern that this proposed approach would be open to challenge by third parties as the impact assessment, analysis and outputs would be a departure from that evidence which has been examined through the current DCO process.

There are issues with the process of refreshing the RXHAM which needs to be agreed between the host boroughs and TfL. The inputs into the revised model and the local traffic model would need to be fully validated and should be agreed with the host boroughs and LB Tower Hamlets.

Given the current concern regarding the VOT that have been applied used then there should be consideration of a revised VOT agreed prior to the revised model being applied.

The application of triggers as described in paragraphs 6 - 9 of the technical note are considered appropriate.

Q3 Do the draft revised trigger thresholds set out in Appendix A seem appropriate?

With reference to the metrics we have the following comments:

- The traffic flow metric set for the joint Blackwall and Silvertown measurement amber alert of 0% seems not applicable.
- The metrics for Woolwich Ferry need to be revised as the baseline is currently over capacity and queuing onto the local network takes place. Queue length and triggers needs to be included as a metric.
- The separation of Blackwall and Silvertown triggers is agreed.
- The revised HGV trigger is deemed appropriate whereby any increase in HGV traffic at Blackwall OR Silvertown will activate a trigger.
- The locations for measurement as set out in the draft monitoring strategy should be maintained as a minimum and additional monitoring sites for air quality as requested in the Local Impact Reports should be included.
- Increases and worsening should be monitored. If betterment was experienced then potentially the charge could be reduced.

- The changes in traffic conditions need to relate to the VCR and the RFC on the corridors. If a link exceeds 85% then mitigation should be developed, where a RFC at a junction exceeds 85% or 90% for signals then mitigation should be applied. The % increase in change trigger should relate to these standards rather than the % applied in the revised Appendix A.

Q4 What is the most appropriate way to take variability and growth into account?

As discussed at the host borough meeting Method C as set out in the technical note is the preferred way of taking variability and growth into account.

Q5 Are the other proposed changes to the triggers (paragraph 15) supported?

Yes

Q6. Should consideration be given to simplifying the triggers? If so, how?

As set out in our comments above, the monitoring locations should not be simplified/reduced. The amber and red triggers both necessitate action and therefore this could be simplified to code any output from monitoring that is worse than that as reported in the ES will be acted upon.

Q7 Is the principle of an air quality trigger, similar to that of the M4 example, supported?

In principle yes this is supported.

END