

From: [Connolly, Niall](#)
To: [silvertowntunnel](#)
Subject: FW: Deadline 4 submission
Date: 06 March 2017 16:13:59
Attachments: [Silvertown EA Response to ExA Second Written Questions.pdf](#)
[land contamination requirement wording.pdf](#)

Dear case officer,

Please find attached deadline 4 submission on behalf of the Environment Agency.

Kind regards

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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.

Question number	Question to	Question	
DC	DCO WORDING		EA response
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.	TfL has shared further assessment work with us, in the form of a River Walls Structural Assessment. This report discusses these matters, and we understand TfL intends to submit a summary of the report to the examination. We are satisfied that these matters are capable of being addressed through the protective provisions rather than by additional submissions to the examination. However, the protective provisions are still the subject of discussion and not yet agreed.
DC2.9	Applicant, Host Boroughs (including London Borough (LB) Tower Hamlets), other Boroughs, HSE, Historic England, MMO and EA	<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>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>TfL have provided some suggested wording to cover contaminated land issues in the CoCP in lieu of a specific requirement but we have some concerns over this wording. Therefore we are attaching wording for a requirement which in our view would adequately protect against risks from land contamination but we are continuing to discuss this issue with TfL</p> <p>We consider that the protective provisions are the appropriate place to deal with this issue rather than a requirement. However the protective provisions are still the subject of discussion and the issue of safeguarding, maintenance and enhancement of the river flood walls is not yet agreed.</p>

Question number	Question to	Question	
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.	The protective provisions are still the subject of discussion and not yet agreed.
CL CONSTRUCTION (On Land)			
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.	We are satisfied with the CoCP though please note our response DC2.9.
GS GEOLOGY, SOILS AND CONTAMINATED LAND			
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?	We consider that it is sufficient for the CoCP to commit to following the measures outlined in the EMS, including the associated codes of practice. Details on relevant permitting requirements are held within these documents and therefore we do not consider it necessary to repeat them in the CoCP.
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	Please see our response to DC2.9

Question number	Question to	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.	We understand that these measures are proposed to mitigate the risk of groundwater damming effects from underground structures. We are satisfied that this is secured within requirement 5, which specifies that a Groundwater Monitoring and Verification Plan must be submitted for approval.
ME	MARINE ECOLOGY		
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 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?	TfL provided the EA with a report on 24 February which considers the likely ecological impacts of the NAABSA refurbishment works. We are currently reviewing this report and will provide our comments to the ExA and TfL in due course.
DN	DREDGING AND NAVIGATION		
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?	This report did not assess the cumulative impacts of all of the potential activities that could result in scour. However, a subsequent report carried out by TfL (the River Walls Structural Assessment) looked at the stability of the walls. If the foreshore were reduced by 0.5m, in the majority of cases the walls would remain stable. It is therefore reasonable to assume that any loss of foreshore less than 0.5m

Question number	Question to	Question	
			<p>would not result in unacceptable impacts on these walls. Nevertheless, it is good practice to avoid unnecessarily strain on the walls. We would therefore wish for TfL to commit to a maximum length of dredge excavation at any given time to minimise effects, and placing the crushed stone before moving to the next dredged section. This could be dealt with in the DML.</p> <p>It should be possible to minimise the impacts on wall stability by adjusting the method of dredging.</p> <p>Please note, there were 3 walls (zones 2, 6 & 7) where engineering calculation could not prove stability even with today's foreshore level. Further investigation will be required at these walls if TfL proposes to load them in any manner, or reduce their stability in another way, for example by lowering the foreshore. It is these 3 walls that may require strengthening works to make them fit for purpose and or to allow TfL to carry the construction.</p>
SW	SURFACE WATER, FLOOD RISK ASSESSMENT		
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	The protective provisions are still the subject of discussion and not yet agreed – see response to DC2.9.

Question number	Question to	Question	
		agreed? See also question DC2.9.	
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?	<p>From our discussions with TfL, and from the River Wall Structural Assessment, TfL acknowledges that the installation of large embedded piles post construction of the tunnel will be more difficult.</p> <p>However we are satisfied that methods exist for zone 12 to be rebuilt post tunnel construction without the need for large piles.</p> <p>These solutions would require the flood defence crest line to be moved landwards compared to its current position. We would support the crest line of defence being moved landward.</p> <p>However, the riparian owner may wish to comment on this, as setting back the defences may restrict future land uses at the site.</p> <p>We are currently in discussion with the riparian owner regarding improvements to the wall which need to be carried out. We hope that improvements to zone 12 will be undertaken before TfL takes possession of the site. We are strongly encouraging all parties to come to a mutually agreeable position, to enable this wall to be entirely replaced prior to commencement of construction of the Silvertown tunnel.</p> <p>Please note, a short section of zone 12 wall -</p>

Question number	Question to	Question	
			approximately 4m wide and directly eastwards from the tunnelling route -has been excluded from the River Wall Structural Assessment. This information will need to be provided at a future date.
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.	The protective provisions are still the subject of discussion and not yet agreed. The Environment Agency is therefore not in a position to give consent to disapplication of the legislation within its remit which the Applicant seeks to disapply. The issue of safeguarding, maintenance and enhancement of the river flood walls is not yet agreed.

Requirement

No part of the authorised development may commence until a scheme that includes the following components to deal with the risks associated with contamination of the Order Land has been submitted to and approved by the local planning authority:

1) A preliminary risk assessment which has identified:

- (i) all previous uses
- (ii) potential contaminants associated with those uses
- (iii) a conceptual model of the Order Land indicating sources, pathways and receptors
- (iv) potentially unacceptable risks arising from contamination of the Order Land.

2) A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those outside the Order Land.

3) The results of the site investigation and detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

The scheme shall be implemented as approved.

Requirement

Prior to the operation of the Silvertown tunnel a verification report demonstrating the completion of works set out in the approved remediation strategy and the effectiveness of the remediation must be submitted to and approved by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met.