



Peter Robottom
The Planning Inspectorate
3/18 Eagle Wing
Temple Quay House
2 The Square
Bristol
BS1 6PN
Via Email: Silvertowntunnel@pins.gsi.gov.uk

Deirdra Armsby
Director of Regeneration & Planning

1st Floor, West Wing
Newham Dockside
1000 Dockside Road
London
E16 2QU

PINS Ref: TR010021
LBN Ref: 16/02991/DCO

Date 6 March 2017

**Planning Act 2008 (as amended)
Infrastructure Planning (Examination Procedure) Rules 2010 (as amended)**

**Application by Transport for London (TfL) for an Order Granting Development Consent
for the proposed Silvertown Tunnel ('the Scheme')**

I write in response to your letter dated 18th October 2016, which set out the examination timetable, procedure and notification of hearings and requested information from the London Borough of Newham ('the Council') as an interested party.

In accordance with Item 20 of the Timetable for Examination of the application (Deadline 4) for 6th of March 2017, please find attached with this correspondence the following documents:

- London Borough of Newham – Responses to Second Written Questions
- London Borough of Newham – Silvertown Tunnel Issue Tracker

The views of the Council as presented within this correspondence are considered to be both "important" and "relevant" pursuant to the determination of the Secretary of State under the Planning Act 2008 (as amended).

Yours sincerely,

A solid black rectangular box redacting the signature of Deirdra Armsby.

Deirdra Armsby
Director of Regeneration & Planning

Encl.

Q No.	Question to:	Question:	Response:
DC	DCO Wording		
DC2.4	<i>Applicant, host and neighbouring Boroughs</i>	<p><i>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.</i></p> <p><i>A Revised copy of the Charging Policies and Procedures Document that would be certified under Schedule 14 should be supplied.</i></p>	<p>Article 52 (1) as currently drafted, requires TfL (or any transferee) to exercise its functions under this Part <i>in accordance with the policies and procedures set out in the charging policy.</i></p> <p>The “charging policy” is a defined term within Article 2, which; <i>means the document described as the charging policies and procedures set out in Schedule 14 certified by the Secretary of State as the charging policies and procedures for the purposes of this Order, or any revision of that document approved by the Mayor of London under article 52 (the charging policy).</i></p> <p>As such, the London Borough of Newham (LBN, “the Council”) considers that there is no doubt to which document Article 52 requires adherence.</p> <p>Of greater concern to the Council is that this Article would grant TfL (with the approval of the Mayor of London) the power to revise this certified document after consultation with <i>organisations it considers representative of regular users of the tunnels</i>, and STIG. The Council is accepting that there is merit in allowing provision for adaptability, however remains concerned that this power is such that TfL (or its transferee) could at any time</p>

Q No.	Question to:	Question:	Response:
			<p>re-write the certified document with new project objectives and new policies.</p> <p>Even in their current form, the Council remains concerned that the Policies only require the environmental effects of the changes to be considered when setting the initial charge, and not for subsequent variations. See Policy 7. The Council acknowledges that it may be inappropriate to tie the scheme to impacts assessed in the ES in perpetuity, but as a minimum, the Environmental Impacts should be a consideration.</p>
DC2.7	<p><i>Applicant, host and neighbouring Boroughs</i></p>	<p><i>Article 65: If possible bring forward agreed changes to this article to address widespread concerns over the composition, operation and powers of the STIG.</i></p> <p><i>Does LBN have a view on whether they should represent LCY or whether the airport should have direct representation as is proposed for HE.</i></p> <p><i>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.</i></p>	<p>The Council, together with the Royal Borough of Greenwich (RBG) and London Borough of Tower Hamlets has participated in discussion with TfL over the composition, operation and powers of STIG at meetings on the 2nd and 23rd February 2017.</p> <p>The intention to refine the roles within STIG, but to subsequently enhance the combined Monitoring Strategy and Traffic Mitigation Strategy is welcomed by the Council in principle. The Council has discussed the make-up of the Monitoring and Mitigation Strategy with TfL at a number of recent meetings. As a draft has only been provided to the LBN, the Council is not yet in a position to provide detailed comments, but expects to be in a position to do by Deadline 5, if there are remaining points of disagreement.</p>

Q No.	Question to:	Question:	Response:
			<p>With regard to the representations made by London City Airport, the Council maintains that it is the most appropriate body to represent Borough businesses and residents within STIG. The Council understands that this view is shared by RBG, wherein there are other private entities seeking to be directly represented within STIG.</p>
DC2.9a	<p><i>Applicant, Host Boroughs (including London Borough (LB) Tower Hamlets), other Boroughs, HSE, Historic England, MMO and EA</i></p>	<p><i>Schedule 2 Requirements: 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.</i></p>	<p>The approach to securing the bus strategy by means of a requirement is to be welcomed, but the bus strategy as currently proposed by TfL still falls short of what the Borough seeks in terms of surety of provision. The London Borough of Newham relies very heavily on the public transport services proposed to use the tunnel to gain any positive benefit from the Scheme and therefore feels that the strategy does not currently go far enough in ensuring that an equivalent quantum of services to those in the Assessed Case are delivered by the DCO. Without a greater degree of certainty over bus service provision, Newham cannot be sure to gain any benefit from the Scheme at all.</p> <p>With public transport provision being so critical in general terms to the benefits generated by the Scheme and consequently to the overall business case, the Borough does not consider it unreasonable to expect TfL to commit to an equivalent level of service provision in advance of tunnel opening. A broad quantum of services (with details over exact routings and frequencies to be agreed between TfL and the relevant</p>

Q No.	Question to:	Question:	Response:
			<p>Boroughs in advance of scheme opening when the revised pre-Scheme modelling is undertaken) could be proposed now. The revised modelling could help refine the routes and frequencies, but a commitment to fund a certain level of overall bus service provision from user charge revenue for a fixed period after Scheme opening (say 2 years) could be made now. After that period, services could be reviewed as appropriate.</p> <p>Financial agreements between TfL and developers over the securing of uplifted bus service provision to new developments for a fixed period are common, and the Council considers that a similar model could be applied here, except with TfL being the financial guarantor for the uplifted services, which can be readily funded from user charge revenue.</p> <p>The Council believes that an operating schedule for a shuttle for cyclists could also be secured for a fixed operating period after Scheme opening by a similar mechanism funded from Scheme revenue, but the Council remains to be convinced that this option is the best solution for sustainable trips.</p> <p>The Council would therefore also wish to see more firm commitments from the Applicant in relation to the Emirates Air Line and its pricing strategy than those currently proposed.</p>
<i>DC2.9b</i>	<i>Applicant, Host</i>	<i>Requirement 3 – The Applicant has to date resisted</i>	The Council understands that TfL proposes, at

Q No.	Question to:	Question:	Response:
	<p><i>Boroughs (including London Borough (LB) Tower Hamlets), other Boroughs, HSE, Historic England, MMO and EA</i></p>	<p><i>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.</i></p>	<p>Deadline 4, to amend the wording of Requirement 3 to the following;</p> <p><i>3.—(1) The authorised development must be designed and implemented—</i></p> <p><i>(a) in accordance with the design principles; and</i></p> <p><i>(b) in general accordance with the general arrangement plans.</i></p> <p><i>(2) TfL must consult with—</i></p> <p><i>(a) the Silvertown Tunnel Design Review Panel; and</i></p> <p><i>(b) the Silvertown Tunnel Stakeholder Design Consultation Group,</i></p> <p><i>during the detailed design of the authorised development and in the manner provided for by the design principles and have regard to the responses received.</i></p> <p>This wording has been reviewed by LBN and is considered to be acceptable.</p>
DC2.9c	<p><i>Applicant, Host Boroughs (including London Borough (LB) Tower Hamlets), other Boroughs, HSE, Historic England, MMO and EA</i></p>	<p><i>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).</i></p>	<p>The Council has set out it's position at Deadline 3 that the scope of works which are covered by Requirement 4 are inappropriately limited. The Council maintains that the detailed design of all permanent above ground buildings and structures that would normally be subject to planning control (excluding works that would normally be Permitted Development for a local highway authority) should be subject to the approval of the</p>

Q No.	Question to:	Question:	Response:
			<p>relevant planning authority.</p> <p>Since the DCO hearing on the 19th of January the Council has engaged in positive discussions with TfL on the matter, and is hopeful that agreement can be reached as to the necessary amendments to this requirement.</p>
DC2.9d	<p><i>Applicant, Host Boroughs (including London Borough (LB) Tower Hamlets), other Boroughs, HSE, Historic England, MMO and EA</i></p>	<p><i>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.</i></p> <p><i>Please also provide further justification for the absence of a draft CEMP before the Examination when such documents have been provided to</i></p>	<p>Discussions with TfL are continuing with respect to the CoCP broadly, as well as the scope, content and approval mechanisms for its subsidiary documents.</p> <p>It is now accepted by the Council that the Construction Environmental Management Plan and Site Waste Management Plan are intended manage the relationship between TfL and its Contractor(s). The challenge then, is to ensure that details normally contained within documents with these titles are picked up elsewhere with the CoCP and are acceptable to Council standards.</p> <p>The Council is mindful that its usual role as local planning authority typically includes the approval of such documents where they may be reserved by Condition. This role provides for the LPA to act as an arbitrator in the event of disagreements between the applicant and consultees both internal and external. This role as arbitrator can particularly important in applying planning judgement to remain cognisant of what the condition (Requirement in this case) seeks to achieve, and whether the details provided are</p>

Q No.	Question to:	Question:	Response:
		<p>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>suitably enforceable.</p> <p>Ultimately, the Council's position in relation to the contents of the Emergency Plan, Fire Plan, and Lighting Management Plan will be dependant on the level of surety provided within the COCP document itself, which would be certified should the order be made.</p>
DC2.9e	<p>Applicant, Host Boroughs (including London Borough (LB) Tower Hamlets), other Boroughs, HSE, Historic England, MMO and EA</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>The Council is satisfied with the wording of Requirement 6(5).</p> <p>The London Borough of Newham employs Tree Officers who regularly assist the Planning Team and have the expertise to advise on these matters. The wording is particularly robust in that in the event of a disagreement, the local planning authority expertise prevails.</p>
DC2.9f	<p>Applicant, Host Boroughs (including London Borough (LB) Tower Hamlets), other Boroughs, HSE, Historic England, MMO and EA</p>	<p>Requirement 12 – Please consider whether response to Question NV2.2 would require amendment to the wording of this requirement.</p>	<p>Please see response to SWQ NV2.2</p>
DC2.9g	<p>Applicant, Host Boroughs (including</p>	<p>Requirement 13 – Are the Boroughs content that securing the new additional bus services through the</p>	<p>Please see response to SWQ DC2.9a</p>

Q No.	Question to:	Question:	Response:
	<i>London Borough (LB) Tower Hamlets), other Boroughs, HSE, Historic England, MMO and EA</i>	<p><i>tunnel is achieved through this requirement and a separate Bus Strategy document?</i></p> <p><i>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.</i></p>	
DC2.9h	<i>Applicant, Host Boroughs (including London Borough (LB) Tower Hamlets), other Boroughs, HSE, Historic England, MMO and EA</i>	<i>Requirement 16 – Are the relevant Boroughs content with the revised wording of this requirement bearing in mind the representation of LBTH (REP3-034)?</i>	<p>The Council understands that TfL proposes, at Deadline 4, to amend the wording of Requirement 16(5) to the following;</p> <p><i>the Council of the London Borough of Newham must not give notice to TfL of its decision until the Council of the London Borough of Newham has consulted the Council of the London Borough of Tower Hamlets in respect of that application for a period of not less than 21 days, and considered any representations made by the Council of the London Borough of Tower Hamlets on the application received within that time.</i></p> <p>This wording has been reviewed by LBN and is considered to be acceptable.</p>
DC2.9i	<i>Applicant & relevant Boroughs</i>	<p>Possible Additional Requirements: <i>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</i></p>	Acknowledging that the requirement for remediation is set out within Chapter 9 of the CoCP, the Council remains concern that there is no mechanism for the Local Planning Authorities to approve a remediation statement or verification

Q No.	Question to:	Question:	Response:
		<i>address this matter or provide an additional requirement.</i>	report. It appears, in its current format that TfL and its contractor would be the solely in control of these documents. The Council considers this to be inadequate and supports RBG's view that a remediation statement needs to be submitted and approved prior to works commencing, and a verification report to be approved prior to the relevant part of the scheme becoming operation. This has been raised through discussions with TfL.
DC2.9j	<i>Applicant & relevant Boroughs</i>	Possible Additional Requirements: <i>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.</i>	See response to SWQ AQ2.2
DC2.9k	<i>Applicant & relevant Boroughs</i>	Archaeology <i>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).</i>	The London Borough of Newham has no objection in principle for the Archaeological Written Scheme of Investigation (AWSI) to be secured as sub-document of the CoCP (Requirement 5) rather than as a separate, stand-alone requirement. It is noted that the Requirement 5 as it currently drafted secures the preparation of the AWSI in consultation with Historic England, to be approved by the Local Planning Authority.

Q No.	Question to:	Question:	Response:
			Accordingly, the Council wishes only to stress the importance that the scope of information and level of detail required by the AWSI, as is set out in CoCP, has been agreed with GLAAS.
CL	Construction on Land		
CL2.4	London Borough of Newham (LBN)	<i>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?</i>	<p>The Council has sought assurances from TfL on this matter, and that all plans demonstrate that there will be no impact on the available space on site for the storage and processing of excavated material prior to shipping.</p> <p>Figures 2.1 in both of the new environmental appraisals reflect the assurances given by TfL, and provide comfort for the Council, as they would form part of the certified Environmental Statement if the order is made.</p> <p>With regards to the other environmental concerns, related to these operations, the Council would wish to seek assurances from the applicant that the character of any noise produced during the concrete segment manufacturing process has been considered and effects of any identified characteristics can be mitigated at source. This is particularly pertinent as the proposed operations would be 24/7.</p>
CL2.6	RBG, LBN, London Borough of Tower Hamlets (LBTH), Natural England (NE) and the	<i>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</i>	The Council is not satisfied with the content and arrangements specified within the CoCP at the current time. Discussions are continuing with TfL on a number of detailed points. A sample of the

Q No.	Question to:	Question:	Response:
	<i>Environment Agency (EA)</i>	<i>matters are outstanding and how would they wish them to be addressed? See also question DC2.9.</i>	<p>types of concerns that LBN have which remain under discussion as a follows;</p> <ul style="list-style-type: none"> • Definitions are required for “materially different”, “materially worse than”, etc. • Lorry routing is not yet agreed • Materials re-used on site should not count towards materials transported by river • There is no approval process for the remediation strategy and subsequent verification report • Further security is sought for noise mitigations and rehousing triggers <p>Discussions in relation to these matters, among others, are continuing, and the Council anticipates providing a further update at Deadline 5.</p>
CL2.8	<i>The Applicant, RBG, LBN, LBTH</i>	<i>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?</i>	<p>This matter remains under discussion between TfL and the Host Boroughs.</p> <p>The Council has advised TfL of its wish to seek 24 hour reporting capabilities as opposite to a voicemail service outside of working hours. In addition to the helpline, the Council is seeking to secure that all vehicles associated with the site are appropriately signed and easily identifiable.</p> <p>The Council is mindful that these types of details would be secured through the Community Engagement Plan, which comes to the Local Planning Authority for approval, as per the current wording of Requirement 5, but is seeking in-principle commitments through the CoCP.</p>

Q No.	Question to:	Question:	Response:
			<p>It is anticipated that through further discussions with TfL these matters can be resolved, and the Council expects to provide a further update at Deadline 5.</p>
AQ	AIR QUALITY		
AQ2.1	Applicant and host LPAs	<p><i>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.</i></p> <p><i>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.</i></p>	<p>The Council welcomes the revised and simplified structure of the combined Monitoring and Mitigation Strategy (M&MS) document but due to the late issue of this draft document by the Applicant prior to Deadline 4 it is not possible to provide detailed comments on the document at this time. However, it is clear to the Council that this document evolving positively, and the definition of appropriate triggers has improved markedly from the initial iterations of the document.</p> <p>Notwithstanding, while the Council believes that the triggers for traffic, air quality and noise are evolving towards consensus and will ensure that mitigation processes are activated when levels indicated in the Assessed Case are exceeded, the monitoring methods, metrics and possible mitigations for other potential impacts of the Scheme remain less well-developed.</p> <p>The potential for the mitigation of adverse impacts on low income groups and small businesses has only just been offered by the Applicant, so while this is very much welcomed by the Council, more work by the Applicant is needed to develop the</p>

Q No.	Question to:	Question:	Response:
			<p>socio-economic monitoring, metrics, triggers and potential packages for mitigation.</p> <p>As the socio-economic modelling presented in the Assessed Case remains not agreed, and is unlikely to be, the measurement and mitigation of the socio-economic impacts of the Scheme as defined in the M&MS are critical in an agreement being reached between the Applicant and the Borough.</p>
AQ2.2	Applicant and RBG, LBN, LBTH	<p><i>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.</i></p> <p><i>The Applicant does not appear to have accepted this in the D3 DCO; the Panel now urges the Applicant</i></p>	<p>The Council shares and welcomes the concerns of the ExA regarding the ability of the Order in its current form to implement timely essential mitigations in the manner assessed in the ES.</p> <p>In seeking a resolution to these concerns, the Council considers that either;</p> <ol style="list-style-type: none"> 1. It is necessary to have a R26 style condition or; 2. It is necessary for the combined M&MS to be substantially robust, to replicate the security that such a requirement should provide. <p>Given that TfL is solely in control of the M&MS, the Council's preference would be that such a requirement is imposed. This view is formed with particular consideration to the Applicant's continued rebuttal that even the Assessed Case impacts indicate that there is a need to provide mitigation for those Newham residents at the</p>

Q No.	Question to:	Question:	Response:
		<p><i>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.</i></p>	<p>Hoola Building, who would receive significant impacts.</p> <p>The Council would welcome the comfort that a mitigation scheme would be prepared if an appointed firm of experts found that the Scheme has materially worsened air quality where there are exceedances of national air quality objectives.</p> <p>Noting the ExAs comments with regards to monitoring locations in the ES, the Council considers that the following requirement could be imposed, which has been adapted from R26 of the M4 DCO.</p> <p><i>Air quality monitoring and management</i> <i>(1) No part of the authorised development is to commence until the undertaker has prepared a monitoring scheme for Nitrogen Dioxide ("NO2"). The monitoring scheme must—</i></p> <ol style="list-style-type: none"> <i>1. (a) be prepared in consultation with the relevant local authorities ("the air quality authorities") for those areas in which the authorised development is located where both an increase level in nitrogen dioxide is predicted in the environmental statement, and where annual mean concentrations are above the national air quality objective value;</i> <i>2. (b) set out the location and specification for operation and data provision for any monitors to be installed in line with guidance on air quality monitoring issued by the Department for Environment, Food and Rural Affairs.</i>

Q No.	Question to:	Question:	Response:
			<p><i>and</i></p> <p><i>3. (c) provide for the monitors to—</i></p> <p><i>(i) be installed during the construction period of the authorised development;</i></p> <p><i>(ii) be operated from the opening of the authorised development for public use; and</i></p> <p><i>(iii) remain in place for a period of 5 years or until in the view of the appointed air quality experts that there is a negligible risk of exceedance of the annual national air quality objective for the NO2 monitored, whichever is the longer.</i></p> <p><i>(2) During the monitoring period, the undertaker must make all data obtained from the monitors available to the air quality authorities on a monthly basis.</i></p> <p><i>(3) The monitoring data, accompanied by a review undertaken by a firm of air quality experts appointed by the undertaker in consultation with the air quality authorities shall be submitted at 12-monthly(calendar year) intervals during the monitoring period. If any such review demonstrates in the opinion of the appointed firm of experts that the authorised development has materially worsened air quality where there are exceedances of national air quality objectives, the undertaker must—</i></p> <p><i>1. (a) consult with the air quality authorities on a scheme of mitigation (including a programme for its implementation) within 6 months of the data review, taking into consideration any local air quality action plans adopted by each air quality authority as part of its local air quality</i></p>

Q No.	Question to:	Question:	Response:
			<p><i>management duties;</i></p> <p><i>2. (b) submit the scheme of mitigation to the Secretary of State for approval within 1 month of concluding its consultation with the air quality authorities; and</i></p> <p><i>3. (c) implement the scheme of mitigation in accordance with the programme contained in the scheme of mitigation following approval by the Secretary of State.</i></p> <p><i>(4) Before considering whether to approve the scheme of mitigation, the Secretary of State must consult the air quality authorities and take into consideration any local air quality action plans adopted by an air quality authority as part of its local air quality management duties.</i></p>
AQ2.3	Applicant, RBG, LBN	<p><i>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?</i></p> <p><i>If not, what matters are likely to remain unresolved and how would the host authorities suggest that these should be addressed?</i></p>	<p>Realistically, no agreement on the Assessed Case modelling is likely before the end of the Examination. The Council remains of the opinion that the modelling work has not undertaken sufficient local calibration of the socio-economic factors in the sub-region, and that the supplementary information on stated preference and values of time provided by the Applicant at Deadline 2 has only increased this concern. Indeed, the Council considers that the information provided on value of time clearly shows that the National Value is much higher than that identified to apply in the sub-region from the survey work.</p> <p>If the Secretary of State were to confirm the Development Consent Order despite these failings in the modelling work, the Council</p>

Q No.	Question to:	Question:	Response:
			<p>considers that through the imposition of the following measures, the importance of reaching agreement of the Assessed Case is somewhat diminished:</p> <p><u>Pre-Scheme Modelling</u> – The Applicant has made commitments to re-running the modelling work in full prior to Scheme opening, with a further commitment made to mitigating any identified impacts back to the level in the Reference Case before the Scheme is implemented.</p> <p>Commitments have also emerged regarding the local modelling, and an appropriate iterative approach being deployed, which is one of the failings of the existing work on local highway impacts to date.</p> <p>If the Applicant could make further commitments to undertake refreshed O-D surveys, stated preference surveys and value of time validation work, for example, when the pre-Scheme modelling is undertaken, it would address the existing concerns the Boroughs have in these areas and go some way towards the production of an agreed modelling output prior to Scheme opening.</p> <p><u>M&MS</u> - If a fully effective Monitoring and Mitigation strategy can be developed which can deal with any adverse impacts of the Scheme as they arise, then the importance of the Assessed Case modelling lies largely in its ability to identify</p>

Q No.	Question to:	Question:	Response:
			<p>a series of impact 'values' across a range of criteria which will trigger mitigation processes if exceeded.</p> <p>The Borough was always confident that agreement could be reached on the traffic and environmental triggers, although the effective mitigation of every possible likelihood remains an area of concern (eg no ability to charge for the Woolwich Ferry). However, a greater area of concern was always the potential socio-economic impacts of the Scheme and the very limited means by which they could be mitigated, based on the Applicant's original opposition to any form of discount or concession to low income groups.</p> <p>Thankfully, the Applicant has been encouraged to review their position on this, and the emerging proposal for concessions for low income groups and some support for small businesses is welcomed by the Council as start towards mitigation for socio-economic groups. It is only regrettable that this has emerged so late in the Examination and that it will now be very challenging to develop an appropriate, fully worked strategy for low income concessions and small business support prior to Deadline 6. However it is hoped that significant progress can be made with the Applicant.</p> <p>Subject to much improved pre-scheme modelling and the development of an effective M&MS which not only deals effectively with traffic and environmental impacts but also with socio-</p>

Q No.	Question to:	Question:	Response:
			<p>economic effects, (with effective means of mitigating these socio-economic impacts identified), the Council believes that the agreement of the Assessed Case modelling is diminished. The purpose of the Assessed Case model will then simply become a means of identifying the 'planning consent thresholds' which will trigger the requirement for a mitigation process, if exceeded. It is separately for the ExA and Secretary of State to consider if a Development Consent Order should be granted for a scheme wherein clear failings in the modelling provided at the application stage can be offset satisfactorily by a post-Scheme mitigation strategy.</p>
AQ2.6	LBN	<p><i>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 exceedance of the annual mean objective for NO2 when the scheme would open in 2023, please could LBN provide its views on these matters?</i></p>	<p>The Council continues to hold the view that the modelling indicates a significant AQ impact at the Hoola development and as such, in accordance with NPPF it should be mitigated.</p> <p>There are outstanding questions over the accuracy of the Air Quality models which would mean that Air Quality could be worse (or better) than predicted. It therefore does not appear to be disproportionate to provide protection to the effected properties (6 flats).</p> <p>If the project was subject to significant delays clearly there is a point at sometime in the future where such mitigation would not be necessary but this date is subject to a range of uncertainties and there are no controls proposed that specify an</p>

Q No.	Question to:	Question:	Response:
			earliest open date.
AQ2.7	LBN	<i>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?</i>	The Council remains of the view that an extension of the Air Quality Management Area (AQMA) would be required should the Order be made, as the Environmental Statement predicts levels above objective levels, as a result of the Scheme. The Council is obliged to declare an area as an AQMA if it considers it is likely that the area is subject to levels exceeding objective levels. These terms are not tightly defined in guidance but the general view is that there should be some level of precaution such that it would not lead to an area being undeclared that exceeds air quality objectives.
NV	Noise and Vibration		
NV2.1	<i>The Applicant and LBN</i>	<i>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?</i>	The Council and TfL are in agreement that further monitoring will have to be undertaken by the contractor prior to the commencement of works, however the details of this monitoring, including when and how this will be undertaken remains an outstanding issue for resolution within the CoCP. Similarly, details on noise insulation and rehousing triggers are still being formed and yet to be agreed as part of the CoCP. It is understood that these triggers are now included in a 'Construction Noise and Vibration Mitigation Scheme' which would form Appendix H of the CoCP. The Council considers that further clarity is

Q No.	Question to:	Question:	Response:
			<p>needed as to how the CoCP document fits together with this new proposed scheme being introduced, as well as its relationship to the commitments in Chapter 11 of the CoCP (queries raised about this) and the NVMMS, which itself is already a requirement of the CoCP.</p> <p>This matter, like those listed within the response to SWQ CL2.6 remain under discussion, and it is anticipated that a further response can be provided at Deadline 5.</p>
NV2.2	<i>The Host Authorities</i>	<p><i>(a) Are the host authorities satisfied with the revised wording of R12?</i></p> <p><i>(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?</i></p>	<p>The Council considers that it is appropriate to maintain that all possible noise mitigation options are available for this development so there should be no restriction on what is usable on the operational scheme, whether brought about by new legislation or from improvements made in technology. Notwithstanding this point, the Council would welcome further definition for the terms 'materially new' and 'materially worse adverse' for the avoidance of doubt.</p>
SW	Surface Water, Flood Risk Assessment		
SW2.4	<i>The host authorities</i>	<p><i>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.</i></p>	<p>The Council is in discussion with TfL regarding the flood risk. The scheme does not currently meet the Council's standards and is therefore not adequately dealt with; it is considered however that further dialogue with TfL should provide an acceptable solution.</p>

LONDON BOROUGH OF NEWHAM - SILVERTOWN TUNNEL ISSUE TRACKER



LBN Issue	Action Required by TfL	Action required by LBN	Progress - live
Commitments to financial benefits should be provided for local residents, to address socioeconomic implications of local trips which would be suppressed by the imposition of a user charge. The Council maintains that local discounts and/or a Community Fund could address this issue.	TfL to consider how discounts or subsidies could be provided and administered.	LBN to provide input to TfL into the scheme, review proposals and seek to agree outcomes.	The Council welcomes TfL's intention, as reported in the Host Borough meeting on the 23rd of February, to prepare a discount scheme which would mitigate the impact of the Scheme on lower income users. It is noted that the particulars of such a scheme are not yet known, but the Council maintains that a resource should be provided to ensure that important socio-economic trips of lower income groups are not suppressed. This position is directly supported by Project Objective PO3 - To support economic and population growth, in particular in east and southeast London by providing improved cross-river transport links. This is also fundamental, from the perspective of LBN to Project Objection P06 - To ensure where possible that any proposals are acceptable in principle to key stakeholders, including affected boroughs.
Commitment to price reduction in the Emirates Air Line should be secured.	TfL to consider how discounts or subsidies could be provided and administered.	LBN to review and agree	TfL states in the Consultation Report (APP-108) that an Emirates Air Line Fare Strategy Document would be produced prior to scheme opening. LBN is seeking further commitment from TfL in the form of a legal agreement or a Requirement within the DCO that such a report should be made, and presented to the Mayor of London, prior to scheme opening. The Council considers that price reductions in the fare strategy are necessary in the context of the scheme to facilitate suppressed local vehicle trips via modal switch to active transport. That Council considers that making best use of existing infrastructure such as the airline should be prioritised over the provision of a cycle carrying bus service which would replicate the same route.
Pedestrian & Cycle Scheme improvements outside of order limits need a legal agreement.	TfL to draft	LBN to review and agree	This is agreed in principle, subject to detailed design proposals and legal agreement. The Council has no update at this time.
Public transport commitment should be known and should be not less than assumed in the Assessed Case. A Requirement is necessary for inclusion in the DCO.	TfL to draft Bus Strategy	LBN to review and agree	See response to DC2.9a
Lack of evidence from the strategic model to validate local traffic, economic, socio and environmental impacts.	Local modelling required in addition to the strategic modelling that has been carried out.	To assess and agree Local Models once provided by TfL	There is unlikely to be any agreement forthcoming on this issue, as the Applicant will not be able to complete compliant local modelling at this stage in the DCO process. However, the Applicant has subsequently given a full commitment to undertake detailed local modelling, using iterative processes as per guidance, during the pre-scheme modelling stage. As traffic, environmental and other impacts will be mitigated once identified by the application of the M&MS, the Council is content that could provide a mechanism to ease the Council's concerns. Detailed local modelling will eventually be available to inform the pre and post-Scheme mitigation processes. Further commitments to the pre-Scheme modelling scope as discussed in the subsequent section below will further assist with the resolution of this issue.
Lack of evidence from the strategic traffic model to reflect the socio economic characteristics in LBN, value of time, elasticity of demand etc	Further evidence required from TfL.	Evidence to be reviewed by LBN once received	There is unlikely to be any agreement forthcoming on this issue, as the Council remains of the view that the information provided by the Applicant on stated preference and value of time surveys only reinforces the view that the local socio-economic validation processes have been inadequate. While no socio-economic mitigation offer in terms of a concession or discount scheme was made by the Applicant, this issue had the potential for serious disagreement with the Host Boroughs. However, as a low income and small business support package, including discounted user charge has recently been offered by the Applicant, this needs to be reviewed by the Council and has the potential to offer a solution to the disagreements over values of time and elasticity. A suitable prescribed M&MS which can deal with socio-economic impacts and then deliver effective targeted mitigations will result in the agreement of the existing modelling outputs becoming less relevant in the process. In addition, if the Applicant can undertake to improve the local validation of socio-economic characteristics within the model with specific local data (eg revised OD surveys, stated preference surveys and value of time validation) during the pre-Scheme modelling, then this will go some way further to addressing these issues. As this is a major issue for all the Host Boroughs, the Applicant is urged to consider making this a serious commitment.
COCP Matters - Including FORS Gold, High Visibility Cabs, Lorry Routes, Receptor Site	To discuss in HB Meeting prior to Deadline 5	To discuss in HB Meeting prior to Deadline 5	See response to DC2.9d
Lack of local modelling of air quality and noise, identifying 2021 receptors. (committed schemes)	TfL to submit Monitoring & Mitigation Strategy at Deadline 4	LBN to review and agree	LBN to review the new combined Monitoring and Mitigation Strategy (M&MS) and provide further comments to TfL, with a view to providing an update on matters of disagreement at Deadline 5.
Lack of air and noise mitigation measures within the dDCO (Hoola and Western Beach in particular).	TfL to submit Monitoring & Mitigation Strategy at Deadline 4	LBN to review and agree	LBN to review the new combined Monitoring and Mitigation Strategy (M&MS) and provide further comments to TfL, with a view to providing an update on matters of disagreement at Deadline 5.
London Borough of Newham is seeking further commitment to local employment - which includes 25% local employment across all roles, and not limited to "non-specialist"	TfL to clarify	LBN to review and agree	Discussions are ongoing between LBN and TfL regarding obligations to local employment which would be secured via a legal agreement. The Council anticipates updating the ExA once an agreement is reached in-principle.
Landholdings - Agreement (in principle) to be reached regarding Waterfront studios, car parking issue.	TfL to clarify	LBN to review and agree	The Council met with TfL and its advisors on the 1st March 2017. TfL agreed to provide more detailed plans relating to the location and layout of the temporary and existing car parks together with specifications of the car parks. The Settlement of the terms of the related agreement is also still ongoing. The Council is not in a position to accept the proposals without clarity on these issues.
Lack of mitigation for the Woolwich Ferry impacts	TfL to update at Deadline 4	LBN to review and agree	While the Applicant has suggested some trigger metrics which will indicate when there is a defined adverse impact on the Woolwich Ferry, the means by which this could be mitigated remains unclear. It is understood that the Applicant will investigate the process of changing the existing Woolwich Ferry Act and report at Deadline 4 - although it is not clear what will be included in a revised DCO as a result.
Monitoring strategy to be revised to include triggers and included as a Requirement in the DCO. Need environmental related triggers.	Redrafting of the strategy by TfL.	LBN to review and agree	The Council broadly supports the decision to combine the Monitoring Strategy and TMS into one document known as the "The Monitoring and Mitigation Strategy", a draft of which has been sited by the Council. This document is currently under review, and the Council anticipates to be in the position to provide an assessment of this document by Deadline 5.
A Construction Method Statement incorporating a piling statement and strategy should be a Requirement and included in the DCO.	TfL to clarify	LBN to review and agree	The Council understands that TfL proposes to ensure control of piling impacts through the CoCP. The Council has concerns over the noise chapter of the CoCP and reserves its judgement on the suitability of TfL's suggested control method. Discussions on this matter are continuing and the Council anticipates providing a further update on this matter at upcoming Deadlines
Further clarification is required from the applicant as to how a land contamination remediation strategy is secured within the DCO.	TfL to advise	LBN to review and agree	See response to SWQ DC2.9i

DCO Drafting

Article 12 – Agreements with street authorities	Discussed with TfL in meeting 1st March 2017 - TfL to update dDCO	LBN to review and agree	The Council previously advised of its opinion that 'A street authority and TfL may enter into agreements with respect to' should be reworded to 'In the event of undertaking any of the following, TfL must enter into agreements with the street authority'. The Council understands that at Deadline 4, TfL is proposing to include within the dDCO additional protective provisions for the London Borough of Newham and Royal Borough of Greenwich, which would seek to resolve this issue. The Council proposes to review and update its position at Deadline 5.
Article 29 (1) – Temporary use of land for carrying out the development. Could provide for ongoing operations and re-siting of northern portal uses during construction which result in effects greater than Assessed.	Discussed in TfL Meeting 13th Jan and 1st March 2017 - TfL to update dDCO	LBN to review and agree	TfL has provided the Council with draft amendments to the wording of this Article which have been agreed and would ease the Council's concerns in this regard. The Council awaits submission of this wording to the ExA at Deadline 4, and it is anticipated that this matter will be resolved by Deadline 5.
Part 4 and Part 5, Operational Provisions and User Charging	TfL to review and confirm.		Legal matters relating to user charging of the Blackwall Tunnel were outlined by Thomas Hill QC at the ISH on the wording of the DCO on the 19th of January 2017. A summary of this statement was submitted at Deadline 3.
Article 58 - Transfer of benefit of Order, etc	Discussed with TfL in meeting 1st March 2017 - TfL to update.	LBN to review and agree	The Council maintains a high level of concern with regard to the extent of the provisions of this Article. TfL, through the Charging Policies and Procedures Document (7.11) sets out its statutory duties to apply policies to promote and encourage safe, integrated, efficient and economic transport facilities and services to, from and within London. TfL also has statutory responsibilities to make sure road networks are managed effectively to minimise congestion and disruption to vehicles and pedestrians. These functions provide a level of security to the Council as to how the decisions of the TfL board can be made in respect to the user charge. It is a substantial concern then, that this Article allows TfL to transfer its role in setting the charge to a private entity. The Council is not convinced that there is adequate transparency and security within the user charging assessment framework to protect the public interest. The Council has sought further clarification from the Applicant on this matter, these discussions have not yet been resolved.
Article 65 – Silvertown Tunnel Implementation Group	Discussed in TfL Meeting 2nd, 23rd of February and 3rd of March - TfL to consider and respond. TfL have advised that that the make up and functions of STIG will be modified for Deadline 4	LBN to review and agree	See response to SWQ DC2.7
Requirement 4 - Scope of works attributed to this requirement is deficient.	TfL to propose revised wording	LBN to review and agree	Discussions in relation to appropriate scope and wording are evolving positively, and the Council welcomes TfL's intention to revisit the scope of this requirement. No agreement with LBN has been reached to date.
Article 68 – Deemed consent provisions	Discussed in TfL Meeting 13th Jan and 1st March 2017 - TfL to provide a note to the Council for consideration	LBN to review and agree	The Council remains concerned that deemed consent provisions are in some cases inadequate for the Council to discharge its public law duty. Discussions are continuing both with TfL on these matters and the Council anticipates making further representations.
Schedule 2, Part 1, Requirement 5	Wording to be provided by TfL	LBN to review and agree	See response to SWQ DC2.9d
Schedule 2, Part 2, Article 17 - Business days	Wording to be provided by TfL	LBN to review and agree	It is understood that this has been resolved in the Deadline 4 dDCO. LBN expects to provide formal confirmation at Deadline 5.

Resolved / No further action required

Limits of Deviation (horizontal) to be specified and included in the DCO	No further action	No further action	Resolved DC 35.9 or FWQ 8.19 Wording of DCO
The Emergency Plan is required to be submitted to the LPA for approval. This	No further action	No further action	Now included in Sch 2. part 5
The NVMP will need to be submitted to the LPA for approval prior to any works commencing on site. A Requirement on this	No further action	No further action	Now included
Proposed construction hours not acceptable. A Requirement is necessary within the DCO.	No further action	No further action	Amended and accepted
Compliance with the the Arboricultural Survey (ES Appendix 9.D) should be expressly demonstrated in any applications seeking LPA approval pursuant to Requirement 6 (Landscaping)	No further action	No further action	The requirement to submit a statement of compliance with obligations, as set out in Requirement 16 (3), resolves this concern.
Requirements 4(1) and 6(1) should clarify that the details to be submitted are those that are to be designed in accordance with the design principles as required under Requirement 3(1). This should also include specific reference to details of materials	No further action	No further action	The requirement to submit a statement of compliance with obligations, as set out in Requirement 16 (3), resolves this concern.
Schedule 2, Part 1, Requirement 13, Enforability of Euro VI busses.	No further action	No further action	TfL has provided additional information to the Council in relation to how this Requirement would be enforced. This has been accepted by the Council as appropriate.
Schedule 2, Part 2, Article 16 - Consultation of requirements with LBTH	No further action	No further action	The consultation process, as set out in Requirement 16 (5) now makes the clear the responsibilities of the Council
Schedule 2, Part 2, Article 17 - Business days	No further action	No further action	It is understood that this has been resolved in the Deadline 4 dDCO.
Requirement 12 - Low Noise Surfacing wording	No further action	No further action	The Council is satisfied with the wording of Requirement 12, with regard to low noise road surfacing. [12.(2)(b)]
Displacement and management of existing uses on the portal sites should be known. Relocation could cause more vehicle movements, reduce river usage.	No further action	No further action	It is now acknowledged that the Applicant has limited responsibility on this issue, given the nature of the lease arrangements and planning consents of the northern work-site occupiers and their dates of expiry. It is hoped that GLA can find suitable alternative locations for these operations that will ensure continued use of the river in preference to additional lorry movements. However, acknowledging this, the Applicant cannot also express lorry movements associated with the construction of the Scheme in terms of relative change, where the base figures include these existing lorry movements to and from these operational sites, where the consent for these sites expires prior to the commencement of scheme construction. All existing lorry movements associated with the current operational sites to be relocated by the Scheme worksite must not be included in any base traffic levels from which construction highway impacts of the Scheme are derived.