

## Silvertown Tunnel Development Consent Order

### London Borough of Hackney

# Update and comments on the updated draft Development Consent Order

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<b>PINS Reference</b>		
<b>Document Number</b>	LBH 09	
<b>Authors</b>	LB Hackney, Project Centre, GVA	
<b>Revision</b>	<b>Date</b>	<b>Description</b>
0	March 2017	Deadline 4 Version

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### 1. INTRODUCTION

- 1.1 The Examination into the Silvertown Tunnel draft Development Consent Order (DCO) began in October 2016 and is on-going. The London Borough of Hackney (“LB Hackney”), as a “neighbouring borough” for the purposes of the scheme, has serious concerns with the DCO and is participating in the examination.
- 1.2 LB Hackney has already set out written submissions on the DCO and has attended a number of the Issue Specific Hearings to make oral representations. In particular the following documents set out LB Hackney’s concerns with the wording of the dDCO and should be read alongside this submission.
- LB Hackney’s Written Representation (document reference: REP1-019)
  - LB Hackney’s Wording of the DCO (document reference REP2-14)
  - LB Hackney’s post hearing submissions on the DCO (document reference REP3-038).
- 1.3 Whilst TfL provided an updated draft DCO at Deadline 3 (document reference REP3-003), the amendments in the dDCO do not adequately address LB Hackney’s concerns. LB Hackney’s concerns, as set out LB Hackney’s previous submission document and at the ISHs therefore remain.
- 1.4 This document provides an update to the ExA on LB Hackney’s;

- Discussions with TfL post Deadline 3.
- Comments provided to TfL on the updated draft documents shared by TfL between Deadlines 3 and 4.
- Remaining key concerns with the wording of the dDCO.

1.5 It is being submitted alongside LB Hackney's response to the ExA's SWQ (LB Hackney reference number: LBH 08).

1.6 It should be noted that comments were made on the updated draft documents circulated by TfL on 28 February and many comments relate to the lack of proposed monitoring sites within the borough. TfL circulated a revised plan of monitoring sites late on 2 March which indicates additional monitoring within the borough. Whilst additional monitoring sites are welcomed the borough has not had the opportunity to review this in detail and will provide further comments after Deadline 4 and discussions with TfL. For information this revised plan and information is set out in Appendix A of this submission.

## **2. DISCUSSIONS WITH TFL**

2.1 LB Hackney has met with TfL since attending the hearings in January; twice in relation to traffic, and once at an air quality meeting represented by Phlorum.

2.2 It has been useful to discuss the proposals with officers. TfL have yet to circulate notes of the meetings so the following points are a summary of the key points for the borough;

- Monitoring and triggers
- Silvertown Tunnel Implementation Group (STIG)
- Commitment to bus services
- General response to air quality concerns.

### **2.3 Monitoring and triggers**

- LB Hackney requires monitoring of the borough's roads as well as the A12 as set out previously in written representations and at Issue Specific Hearings. These roads are; Wick Road, Kenworthy Road, Cassland Road and Victoria Park Road.
- LB Hackney considers that the assessed case levels are not exceeded as no greater level has been assessed or mitigation considered.
- LB Hackney is concerned that the monitoring allows for 1% background growth on the network and through the tunnels. This conflicts with TfL's previous assertions that the tunnel is not a capacity scheme but is to alleviate existing problems.
- Trigger points are beginning to crystallise but further information is needed on the levels and there are also metrics requested for journey time reliability on local roads, junction delay on local roads and road safety on borough roads. LB Hackney look forward to reviewing the information promised by TfL.

## **2.4 STIG**

- LB Hackney is concerned that the dilution of STIG and the lack of voting will lead to the boroughs views being marginalised.
- LB Hackney requests an independent chair of STIG.

## **2.5 Commitment to bus services**

- The bus strategy should commit at least to a minimum level of service matching the assessed case.
- A dedicated link should be provided between Hackney Wick and Greenwich town centre

## **2.6 Air quality**

2.7 LB Hackney is concerned that TfL has so far failed to address their air quality concerns. The following are those issues where LB Hackney is not yet satisfied with TfL's responses.

- The use of DMRB/IAN screening and significance criteria is not a robust nor reasonable approach to the air quality assessment and indicates that

TfL believes their scheme's impacts can be viewed less rigorously than any other traffic-generating development in a busy, central London location.

- The issue of uncertainty with traffic data and its compounding within air pollution modelling results was discussed with TfL but it was indicated that they do not intend to provide further assessment of this in answer to the ExA's 2<sup>nd</sup> Written Questions on this issue. This therefore remains a fundamental concern of LB Hackney, which has the potential to undermine the entire air quality assessment.
- LB Hackney reiterates that it requires air quality monitoring along its road corridors of key concern (i.e. Wick Road, Kenworthy Road, Cassland Road, Victoria Park Road and the A12). LB Hackney hopes that their concerns will be addressed in the final version of TfL's Monitoring and Mitigation Strategy, which will be reviewed in due course.
- As part of the monitoring strategy, TfL is placing significant weight on the appointment of an expert consultant to annually review air quality monitoring and, potentially, modelling data, in order to advise them on potential mitigation requirements. LB Hackney is extremely concerned that any appointment should be rigorously transparent and completely impartial; particularly as TfL's and LB Hackney's current experts have so far agreed on few points.
- In their draft Monitoring and Mitigation Strategy, TfL presents a range of air quality mitigation measures. However, LB Hackney is concerned that the measures are largely untenable. They include signal and geometry changes to roads, which LB Hackney considers might not be possible in the air pollution hotspot areas that are of greatest concern to them. The mitigation would also, of course, be dependent on monitoring being in place. While TfL has indicated a welcome shift on Hackney's requests for local monitoring sites, the borough has not yet had the chance to review the detail of these. Given the uncertainties implicit in the traffic and air dispersion modelling data, it seems unreasonable to LB Hackney that the relative low cost of monitoring should be offered to address their

concerns. If TfL is confident in their data, the monitoring requested is surely a small price to pay to reassure the borough.

- Once air quality effects on Hackney can be robustly assessed, LB Hackney would welcome a feasibility assessment of the practicality of TfL's proposed mitigation measures where they might be needed in the borough's air pollution hotspots.
- The neighbouring boroughs have raised the issue that impacts from the scheme should not be worse than those predicted in the ES. LB Hackney is therefore concerned that TfL has indicated that they intend to rely on the principal of "*Not Materially Worse Than*" with regard to actual impacts compared to those predicted. LB Hackney therefore requests that TfL make it clear how this principal relates to and is different from "*Not Environmentally Worse Than*".

### **3. COMMENTS PROVIDED TO TFL ON THE DRAFT VERSIONS OF THE DCO, MONITORING AND MITIGATION STRATEGY, AND THE BUS STRATEGY**

- 3.1 TfL provided LB Hackney and the other neighbouring boroughs with their current draft versions of three key documents on Tuesday 28 February 2017, requesting comments no later than Thursday 2 March 2017. Current drafts of the following were shared with Hackney;
- Draft combined Monitoring and Mitigation Strategy.
  - Draft Deadline 4 DCO.
  - Draft Bus Strategy.
- 3.2 It is understood that these documents were all still subject to change prior to Deadline 4, with the final versions of each document to be submitted by TfL at Deadline 4 on 6 March 2017.
- 3.3 LB Hackney has carried out an initial review of these draft documents to see if their concerns are now addressed, and provided TfL with the following comments, as set out in Appendix B, on 3 March 2017.
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- 3.4 As can be seen from LB Hackney's comments, many of LB Hackney's concerns are not addressed through these revised documents.

#### **4. FURTHER COMMENTS ON THE UPDATED DRAFT DEVELOPMENT CONSENT ORDER**

- 4.1 It is understood from discussions with TfL and from the Applicant's Update Note (REP3-014) that TfL will be updating/preparing the following for Deadline 4;
- A combined Monitoring and Mitigation Strategy.
  - A revised Bus Strategy which will also provide for the consultation arrangements with STIG and the London boroughs.
  - A revised Charging Policies and Procedures document.
  - An updated Article 65: STIG.
- 4.2 As set out in section 3, LB Hackney has had sight of and provided comments on TfL's working drafts of three of these documents. The revised Charging Policies and Procedures document has not been circulated to LB Hackney.
- 4.3 LB Hackney reserves the right and looks forward to commenting on TfL's documents once they are all formally submitted to the Examination at Deadline 4.
- 4.4 Notwithstanding the forthcoming updated documents, LB Hackney wishes to re-emphasise its existing key concerns on the wording of the dDCO which have not yet been adequately addressed by TfL. These concerns have already been set out in detail and summarised in LB Hackney's post hearing submissions on the DCO (document reference: REP3-038).

#### **Article 52: The charging policy**

- 4.5 It is understood from TfL's Summary of applicant's submissions document for the 19/01/2017 ISH (document reference: REP3-016) that TfL proposed to make no changes to this article. In TfL's summary document, TfL set out, in relation to a point made by the LB Lewisham at the ISH, that they do not think the article needs to be amended to require the user charge in perpetuity. TfL's response refers to the Charging Policies and Procedures certified document as instead dealing with this point.
- 4.6 LB Hackney share LB Lewisham's concern that the article should require the user charging in perpetuity as this is crucial to manage demand for the crossings. Detail on this point is set out in paragraphs 4.1 and 4.2 of LB Hackney's post hearing submissions (document reference REP3-038).
- 4.7 Hackney now note minor changes proposed to this article within TfL's working draft of the dDCO provided to the boroughs on 28 February 2017. These do not address Hackney's concerns.
- 4.8 LB Hackney is of the view that TfL has not responded adequately to this point. If the intention is for the user charge to be imposed in perpetuity, LB Hackney can see no reason why this should not be specified in the dDCO or in the certified document. At present, LB Hackney are not aware of it being specified anywhere, including not within the Charging and Policies Procedures certified document. LB Hackney requests that it be included within either the DCO or the Charging Policies and Procedures document.

**Article 56: Application by TfL of charges levied**

- 4.9 LB Hackney raised at the ISH, and within its written representation that there should be amendments to this article. These are summaries in paragraphs 5.1 to 5.3 of Hackney's post hearing submissions (document reference REP3-036).
- 4.10 At the ISH it was understood that TfL would be reviewing this article in light of points raised at the ISH and as required by the ExA's Action Point 8. From TfL's

Summary of applicant's submissions document (document reference: REP3-016) it is understood that TfL proposed no amendments and the document sets out that the "Applicants is still of the view that the wording of article 56 is appropriate in its current form" (page 19). However, the working draft of the article provided to the boroughs on 28 February 2017 proposed an amendment to Article 56(a) to include "the implementation of necessary mitigation."

- 4.11 Whilst this appears to be a slight improvement on the previous Deadline 3 Article 56, this does still not address Hackney's concerns as set out in Hackney's post hearing submission. In summary, there should be a hierarchy for spending the charges levied and there should be an additional bullet point to make provision for payments to go into a dedicated fund for a package of crossings and sustainable transport measures.

#### **Article 65: Silvertown Tunnel Implementation Group**

- 4.12 As set out section 2 of this document and also within LB Hackney's responses to the ExA's SWQ (LB Hackney reference number: LBH 08), LB Hackney has met with TfL to discuss STIG. LB Hackney is still concerned with the proposed revised wording, as per the detail set out in these documents
- 4.13 LB Hackney has continued to discuss STIG with TfL and will respond to the proposed STIG article in full once it is published at Deadline 4 as we are still contemplating the proposed changes. Initial comments on the updated draft are;
- Article 65(5) sets out the matters on which TfL must consult members of STIG. It now removes what was Article 65(5)(e) on consulting STIG on proposals for cross-river bus services. This is concerning at the revised Bus Strategy seems to refer to consulting STIG and STIG being key to considering bus service provision, but yet this is no longer specified in the article on STIG?
  - There is still no requirement for STIG's recommendations on user charges to be binding on TfL/the Mayor.

- TfL appear to still chair the STIG meeting, unless agreed otherwise by STIG? Is this correct? We understood from the meetings with TfL that there would not be any meetings? Our concerns with TfL chairing any meeting remains. Hackney requires that there should be an independent chair of STIG.
- LB Hackney is concerned that the amendments dilute STIG and the lack of voting will lead to the borough's views being marginalised.
- Welcome the inclusion in Article 65(11) that TfL must publish some documents relating to the operation of STIG.

4.14 It is understood that TfL is still revising the proposed wording for article 65, and LB Hackney reserves the right to comment further once this is submitted at Deadline 4.

### **Requirements**

4.15 LB Hackney still has concerns with how some of the commitments made through the DCO process will actually be delivered such as adequate bus service provision. LB Hackney sets out more information on this in relation to the ExA's SWQ DC2.9.

4.16 It is understood that TfL is carrying out further work on the requirements for Deadline 4 and LB Hackney reserves the right to comment further at Deadline 5.

**APPENDIX A: Revised plan of monitoring locations, provided by TfL on 2  
March 2017**

## Squires, Alison (GVA)

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**From:** Alder Chris <ChrisAlder@tfl.gov.uk>  
**Sent:** 02 March 2017 18:11  
**To:** Squires, Alison (GVA)  
**Subject:** Most up to date monitoring locations

**Categories:** Silvertown tunnel

Hi Alison,

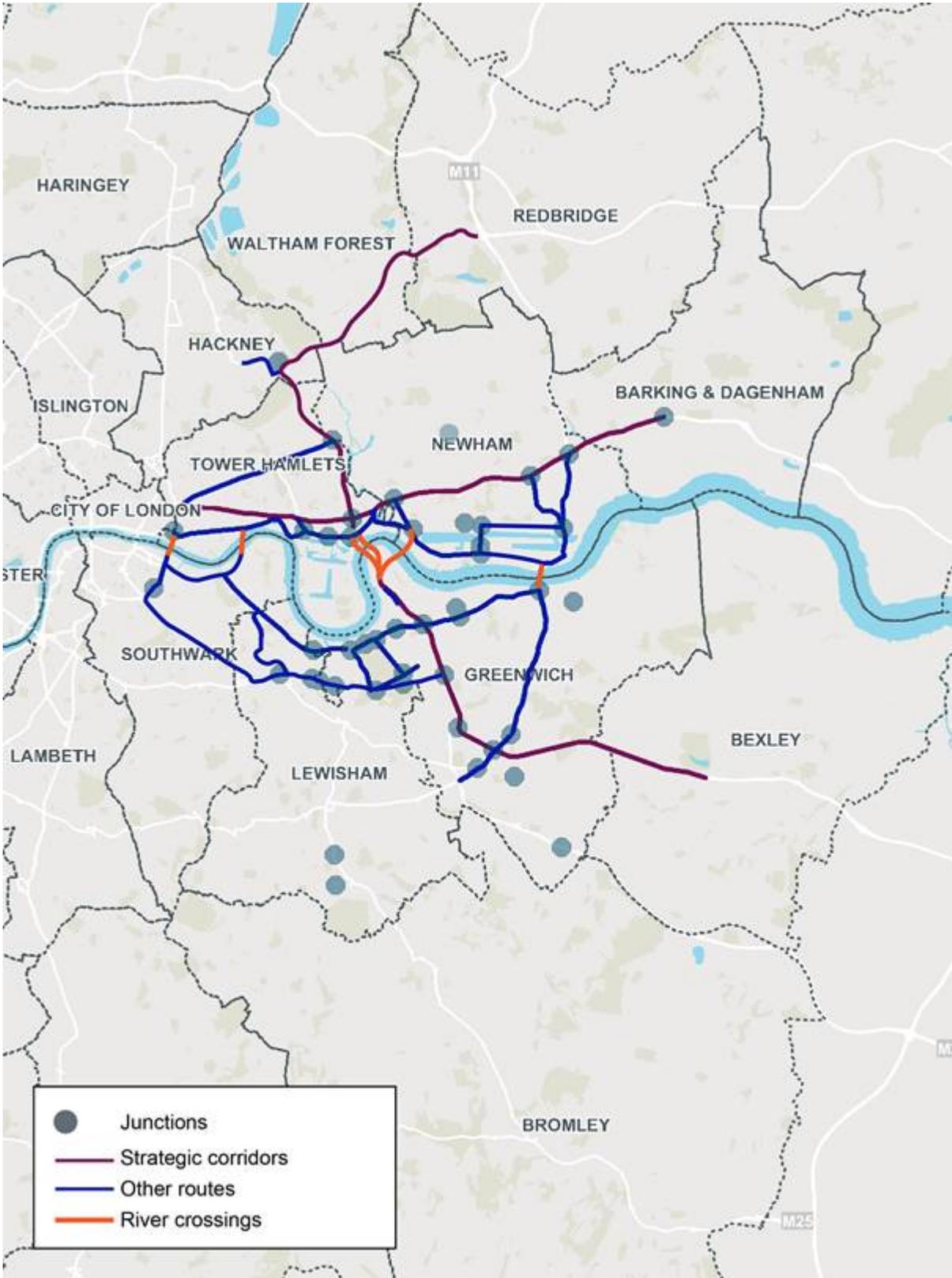
Thanks in advance for providing Southwark's comments this evening. Hopefully you will have sign-off for Hackney and Lewisham's tomorrow also

Following our conversation a moment ago I sought out the most up to date monitoring locations, as I know these have been reviewed again today.

Below is the current version of the traffic map below, which you will note show additional monitoring locations in Southwark, Lewisham and Hackney to that in the version circulated on Tuesday. The initial traffic monitoring plan table will also be updated to reflect these locations.

In addition we are also now proposing to undertake annual traffic counts at the four locations requested in Hackney (Cassland Road, Wick Road, Victoria Park Road and Kenworthy Road) as part of the monitoring programme

Hopefully this information is both welcome and helpful, and can be considered/'understood' as you finalise your D4 responses for submission to PINS.



Kind regards

Chris

**Chris Alder**  
 Consultation & Engagement Specialist | Silvertown Tunnel

**APPENDIX B: LB HACKNEY'S INITIAL COMMENTS PROVIDED TO TFL 3  
MARCH 2017**

## **London Borough of Hackney comments on TfL documents circulated 28/2/17**

### **1. Combined Monitoring and Mitigation Strategy**

#### ***Monitoring locations***

Paragraph 3.11.2 sets out how any STIG members can request changes to the monitoring to enable the impacts of the scheme to be fully captured. Throughout the consultation LB Hackney have identified areas that require monitoring but these have not made it in to the current draft as set out below. This lack of willingness from TfL at this stage give no confidence for future changes to the monitoring in future as suggested in the latest draft.

The traffic and air quality monitoring proposed within the borough does not include key links identified by the Borough throughout the process, at the January ISH's and the oral submission. These are the key links to the A12 and will be affected if additional traffic is drawn to the new tunnel, these are; Wick Road, Kenworthy Road, Cassland Road and Victoria Park Road as well as the A12 in the borough.

#### ***Air Quality***

- Appointment of any air quality expert to review and advise on mitigation measures must be transparent and impartial.
- There is little faith that the mitigation measures proposed by TfL will be effectively deliverable.
- It is not clear what difference there is between TfL's use of "*Not Materially Worse Than*" compared to "*Not Environmentally Worse Than*" with regard to actual impacts compared to those that have been predicted in the ES.

#### ***Mitigation Triggers***

It is stated that the triggers will cover the 'Area of Influence' (AOI) but does not include a figure to illustrate this area. It was previously highlighted by the borough that the AOI had changed between recent documents so it is unclear what the current AOI covers. The coverage of the AOI was also contested as not extending far enough to the north. Concern remains that the monitoring does not extend far enough away from the scheme.

As previously suggested to TfL and raised at the ISH in January;

- road safety needs to be monitored on all routes not just the tunnels
- journey time reliability needed on local roads
- impacts need to be assessed for peak hours and compressed peak effects

### **2. Bus Strategy Comments**

There is general concern that the commitments in the strategy are not effective or binding and there is no commitment to a level of service or benefits that will match those presented elsewhere in other examination materials. The borough has made specific representation on these points and TfL has not adequately addressed these within the latest document and as such it cannot be agreed by

the Borough. It is disappointing that the proposed Bus Strategy emphasises the importance of bus services and the great opportunities that this scheme proposes to bus provision, but yet these benefits do not appear to be delivered.

Commitment 1 – residential concession. There is no detail as to who will be eligible and for how long this will be available for. There is concern that non host borough residents will not be eligible.

Commitment 2 – work with STIG to deliver change in cross river bus services. There is no detail of the routes or level of service, despite this being specifically requested by the boroughs throughout the process. A commitment to the level of bus services as within the Assessed Case is required as a minimum. This is what has been assessed with the ES and against which the benefits of the scheme have been assessed.

The proposed updated DCO Article 65 removes cross river bus services from one of the matters that STIG may consider. Therefore, it is unclear as to how STIG will actually be involved in the agreement of bus services where there appears to be no provision for their involvement within the DCO.

Commitment 6 – services for Growth Boroughs to access employment. LB Hackney is a Growth Borough; however, there is no specific commitment to bus services in the borough. LB Hackney has directly requested a route between Hackney Wick and Greenwich Town Centre and this is not included.

Commitment 11 – consulting STIG on bus proposals. See comments in relation to commitment 2.

### **3. Draft Development Consent Order Comments**

#### **LB Hackney**

LB Hackney's most recent comments on the dDCO are set out in the 'Post-hearing submissions on the DCO', submitted at Deadline 3. LB Hackney note that many of their concerns are not addressed and these concerns remain.

#### *Article 52: The charging policy*

TfL propose minor wording amendments to this article but these do not address LB Hackney's concerns. Concerns remain as per the post hearing submissions – that the Mayor should not have the final say on the Charging Policies and Procedures and user charge, and that the user charging should be required in perpetuity. The proposed wording refers to TfL must "had regard to the response to consultation", but the decision on user charges remains with TfL and the Mayor.

#### *Article 56: Application by TfL of charges levied*

Hackney note the proposed amended wording to include the "implementation of necessary mitigation" with Article 56(a).

Whilst this appears to be a slight improvement on the previous Deadline 3 Article 56, this does still not address Hackney's concerns as set out in Hackney's post hearing submission. In summary, there should be a hierarchy for spending the charges levied and there should be an additional bullet point

to make provision for payments to go into a dedicated fund for a package of crossings and sustainable transport measures.

*Article 65: Silvertown Tunnel Implementation Group*

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