

## **Application by Transport for London for an Order Granting Development Consent for the Silvertown Tunnel Project**

### **Agenda for the Issue Specific Hearing on any Other Outstanding Issues including Environmental matters**

This document sets out the agenda for the issue specific hearing on any other outstanding issues including Environmental matters that was notified by the Examining Authority (the Panel) on 10 February 2017.

As per the notification letter, we would like to remind Interested Parties (IPs) to please confirm to the Silvertown Tunnel Case Team by 12 noon, Tuesday 21 March 2017, whether they intend to attend this Issue Specific Hearing (ISH). It would greatly assist in the organisation of this hearing if you inform us if you plan to attend, even if you do not wish to speak.

**Date:** Tuesday 28 March 2017  
**Time:** 10:00am, room opens from 09:30am  
**Venue:** Intercontinental London, The O2, 1 Waterview Drive, London, SE10 0TW.  
**Access and Parking:** By Underground to North Greenwich Station. Paid parking available at venue and fully disabled accessible. A map to the venue can be viewed [here](#).

### **Purpose of the Issue Specific Hearing**

- I. To obtain updates and progress reports on environmental, technical socio-economic and commercial matters from the Applicant and IPs regarding issues that remain unresolved at the time of the preparation of the agenda;
- II. To assist the Panel in understanding which environmental, technical, socio-economic and commercial matters are unlikely to be resolved by the end of the Examination.

### *Participation, conduct and management of hearing*

All IPs are invited to attend the hearing. Each IP is entitled to make oral representations at the hearing. However, this is subject to the Panel's power to control the hearing.

The Panel would particularly welcome the participation of the following IPs at this Issue Specific Hearing: the Applicant, the host authorities, the neighbouring authorities, Port of London Authority (PLA), Health and Safety Executive (HSE), the Environment Agency (EA), Natural England (NE) and the Marine Management Organisation (MMO).

Guidance under the Planning Act 2008 (PA 2008) and the Infrastructure Planning (Examination Procedure) Rules 2010 provide that at hearings it is the Panel that will probe, test and assess the evidence through direct questioning of persons making oral representations. Questioning at the hearing will therefore be led by a member of the Panel, supported by other Panel members. For most matters the Panel will conduct the hearing in a round table format.

Cross-questioning of the person giving evidence by another person will only be permitted if the Panel decides it is necessary to ensure representations are adequately tested or that a person has had a fair chance to put their case. The hearing will run until all IPs have made their representations and responded to the Panel's exploration of the matters in accordance with the agenda set.

Please note that the following agenda is indicative and may be amended by the Panel at the start of the hearing session. Furthermore, the Panel may wish to raise other matters arising from submissions, and pursue lines of inquiry in the course of the discussion which are not on the agenda.

## **Agenda**

- 1. Welcome, introductions and arrangements for this Issue Specific Hearing**
  
- 2. Traffic and Transportation**
  - 2.1 The Panel intends to examine in depth the responses the Applicant has made and the observations offered by IPs to matters of concern raised by the Panel under **Traffic and Transportation** and **Socio-economic Issues** contained in its Second Written Questions (SWQs) published on 10 February 2017 [REP4-055]. In some cases these questions and answers to them straddle both topics as set out below.
  
  - 2.2 **Regarding SWQ TT2.1** under which the Applicant was asked to revisit its response to Action Point (AP1) from the ISH (17 January 2017) in providing '*a comprehensive note giving full thorough distributions of car trips that are not suppressed but re-assigned - to include estimates of behaviour impacts*'. The Panel will explore in depth responses and observations made by IP's in relation to the question. A particular issue for close inspection relates to the behavioural and associated implications for lower income groups as referred to below. See also Agenda item 3.4 (below) regarding Socio-economic Issues question TT2.7.
  
  - 2.3 **Regarding SWQ TT2.2** under which the Applicant was asked to address shortcomings in its response to the Panel's AP2, the Panel will consider the revised information supplied by the Applicant in relation to the further request by the Panel for it to address shortcomings in its original response by providing '*a comprehensive note showing the journey time and generalised cost impacts for those forecast to switch from car to bus*' [REP4-055]. The observations offered by IP's will also be examined and additional information sought where deemed necessary. The implications for selected socio-economic groups will also be examined under Socio-economic Issues.

- 2.4 **Regarding SWQ TT2.3** the Applicant was asked to quantify the potential compounding effect of uncertainties in inputs, specification errors and parameter estimates for the scale of uncertainty in the transport model system and to provide estimates of the implications of this effect for uncertainty in the inputs feeding into the environmental assessments. The Panel will examine the information proffered by the Applicant in supporting the conclusions presented in its document '*Response to ExA's Second Written Questions: 8.94 Principal Issue: Traffic and Transportation*' (March 2017) [REP4-055], and request further clarification and information. The Panel will seek to establish greater precision in estimates of uncertainty attributable to the model system and inputs to environmental assessments.
- 2.5 **Regarding SWQ TT2.8 Part 1** following on from AP17, the Applicant was asked to comment on the potential implications of user charge exemptions for the efficient operation of the scheme. The evidence on the assessment of the effect of exemptions on operation of the scheme as well as observations from other IP's will be discussed further at the hearing and clarification sought where appropriate to ensure all points are addressed.
- 2.6 **Regarding SWQ TT2.8 Part 2:** (see below under Socio economic Issues)

### 3. Socio-economic Issues

- 3.1 **Regarding SWQ TT2.4:** Under this question the Applicant was requested to expand on the material supplied in response to AP12 relating to the projected Net Present Value (NPV) without implementation of the proposed bus strategy. The Panel will examine the Applicant's assessment of and the implications for, the efficacy of the Silvertown scheme under such a scenario, together with any observations from IP's.
- 3.2 **Regarding SWQ TT2.5:** Under AP13, the Applicant had been asked to provide '*a Benefit Cost Ratio (BCR) for the scheme assuming without implementation of bus strategy and scheme funded publicly (not PPP)*'. The Panel had indicated under TT2.5 that the Applicant's reply to AP13 was insufficient and required an enhanced response. The Panel will explore and examine the Applicant's response under SWQ TT2.5.
- 3.3 In the context of Her Majesty's Treasury's (HMT) Five Case Model under **SWQ TT2.6**, the Panel requested from the Applicant, quantitative estimates of the economic impacts of alternatives to the preferred scheme assessed by the Applicant, encompassing both costs and benefits, including wider economic benefits. At the hearing the Panel will examine and review the response of the Applicant to this request within the framework of HMT's Five Case Model Guidelines.
- 3.4 **Regarding SWQ TT2.7:** Following on from AP16, under which the Applicant was requested to supply '*a comprehensive note explaining the intended local benefits/enhancements to offset the dis-benefits to some low income groups within the host or nearby boroughs*', the Applicant was asked to enhance the quantitative information supplied to differentiate between impacts for lower income car users and existing public transport

users attributable to the scheme. The Panel will explore and examine the material provided by the Applicant and its adequacy in addressing what was requested by the Panel. These tasks will be undertaken in conjunction with agenda item 2.2 relating to SWQ TT2.1.

- 3.5 **Regarding SWQ TT2.8 Part 1:** (see above under Traffic and Transportation).
- 3.6 **Regarding SWQ TT2.8 Part 2:** Under the second part of this question the Applicant was asked to assess the implications of permitting lower income groups in the host boroughs to avail of a discount scheme or exemption from the charge. The Panel will review the evidence provided by the Applicant and the provision offered in the draft s106 agreements [Appendix A to REP4-052] as well as contributions from other IPs.
- 3.7 **Regarding SWQ TT2.9:** Under AP18 the Applicant was requested to provide '*an update on progress towards securing a commitment to the enhanced bus routes strategy in the DCO (including procurement/tendering arrangements)*'. Under SWQ TT2.9 the Applicant was asked to provide more details on outline net costs of supplying the enhancement and the tendering and procurement arrangements for securing this goal. The hearing will review the information provided by the Applicant on this matter [REP4-055], together with IP contributions with a view to informing an assessment of the level of confidence that can be placed in the delivery of the enhanced bus strategy. The Panel will examine and expect clarification of the provisions arising from and period over which the commitment of £2m revenue support is intended to apply.

#### 4. Construction on Land

- 4.1 The Panel understands from various deadline 4 (D4) representations that parts of the revised updated Code of Construction Practice (CoCP), revision 3 [REP4-036], are still not agreed with IPs, including Port of London Authority (PLA); London Borough (LB) of Newham, LB of Tower Hamlets and Royal Borough (RB) of Greenwich.
- Please can those IPs that raised issues regarding the updated CoCP at D4 give a short update to the Panel on whether the CoCP matters identified are now resolved, or are likely to be resolved before the end of the Examination?
  - Please can the Applicant also provide an update on how it intends to address outstanding matters?
- 4.2 Further to the Applicant's response to SWQ CL2.7 regarding the use of the concept 'Not Environmentally Worse Than' (NEWT) [REP4-054], please could the host authorities provide their views on the Applicant's response to this SWQ? In particular, the Applicant states that the Contractor would assess the likely significance of any change which would be approved by the Applicant and details of these changes would be included in the CoCP, which itself would be secured by Requirement (R)5 of the draft DCO (dDCO).

- 4.3 In relation to the Applicant's details on NEWT, please can the Applicant provide its views on RB of Greenwich's proposed wording, that *the consequences of the scheme should result in the monitoring and mitigation strategy maintaining conditions which are equal to/or better than those forecast in the ES* (The Panel has modified the proposed wording slightly for clarity). If the Applicant does not agree with this wording, what is its reasoning?
- 4.4 LB of Southwark [REP4-017] and LB of Hackney [REP4-019] raise concerns about what is the difference between the terms '*not materially worse than*' and '*not environmentally worse than*'. Please can the Applicant provide clarification on this point?
- 4.5 Further to the response from LB of Newham in relation to SWQ CL2.4 [REP4-012], regarding the two new environmental appraisals submitted at D3, please can the Applicant respond to LB of Newham's concerns about the character of any noise produced during the concrete segment manufacturing process and whether this has been considered? In addition, please can the Applicant explain whether effects of any identified characteristics could be mitigated at source? This is particularly important given the aspiration to work 24/7 at this facility.

## 5. Air Quality

- 5.1 Without discussing detailed drafting of various parts of the requirement (which can be considered at the DCO Hearing on Wednesday 29 March), please can the host authorities provide a summary of their views on new R7 in the dDCO [REP4-026] (as far as they address air quality impacts arising from traffic and air quality monitoring and mitigation)?
- 5.2 Please can the neighbouring authorities provide their views on the updated/combined Monitoring and Mitigation Strategy [REP4-046], initially in relation to whether the proposed monitoring locations now cover all of the areas that they have raised as being of concern, including Old Kent Road, New Kent Road and Tower Bridge (LB of Southwark); Wick Road, Kenworthy Road, Cassland Road, Victoria Park Road as well as the A12 (LB of Hackney); B218, A21, A2212 (LB of Lewisham).
- 5.3 Please could the Applicant and LB of Southwark provide an update to the Panel explaining whether LB of Southwark's concerns that Chapter 2 of the draft Monitoring and Mitigation Strategy [REP4-046], which includes a feasibility study for the pre-opening mitigation measures would be expanded to include the area which is of concern to the LB of Southwark (along the A200)?
- 5.4 Please can the neighbouring authorities (LBs of Southwark; Hackney; Lewisham and Bexley), provide an update to the Panel regarding whether there is agreement over the additional modelling work provided by the Applicant, which was the subject of the Panel's SWQ AQ2.4, in respect of whether the new information provides any comfort in relation to whether the proposed development would impact their ability to achieve EU Limit

Values? LBs of Southwark and Lewisham stated at D4 that the scheme would affect their LAQM and EU responsibilities.

## **6. Geology, Soils and Contaminated Land**

- 6.1 The host authorities and the EA consider that the approval by the Local Planning Authorities (LPAs), of a remediation statement prior to commencing construction should be the subject of a requirement, as well as the approval of a verification report prior to the various parts of the proposed development becoming operational. The EA have proposed draft wording for the requirement. The Panel notes the reasons why the Applicant has not included it in its D4 dDCO [REP4-026], as provided in [REP4-057], but notes that the agreement of the EA to include these details within the CoCP/Protective Provisions had not been obtained by D4. Has agreement been obtained? The Panel notes also the view of host boroughs that a specific requirement would be preferable so that they can be sure that verification requirements are met. For the avoidance of doubt, the Panel has included a suggested requirement based upon the EA's wording for the remediation statement and verification report in its recommended DCO being published at D5.

## **7. Noise and Vibration**

- 7.1 Please can the host authorities provide their views on the draft noise and vibration mitigation scheme, Appendix H of the updated CoCP [REP4-036]?
- 7.2 Further to the Applicant's report on the 520 Overheight Vehicles (OHV) Scenario Noise Impacts [REP4-047], please can the Applicant explain where the dwellings that would experience a minor increase in night-time road traffic noise and the dwellings that would experience a minor increase in night-time noise are located? Is any mitigation being proposed in the event that this higher number of Heavy Good Vehicles (HGVs) does indeed travel northbound through the proposed development, should the Order be made?
- 7.3 Please can the Applicant define the terms used in R12(5) "*materially new*" and "*materially worse adverse environmental effects*" in the Interpretation (Requirement 1)? There are various terms (including these and those addressed in agenda items 4.3 and 4.4 above) that the Applicant is currently using in the dDCO and various schemes and plans and the Panel requires the terms to be standardised throughout, with explanations and clarification regarding why different terms are used in different contexts.
- 7.4 Please can the Applicant and LB of Newham provide an update to the Panel on whether there is agreement regarding the need for noise monitoring and mitigation for the potentially adversely affected flats at the Hoola Development? Are these flats likely to be the subject of the sound-proofing insulation schemes or re-housing mitigation proposed in the draft Construction Noise and Vibration Scheme?

## **8. Health, Safety and Security**

- 8.1 Please can RB of Greenwich provide an update on when the Brenntag application to modify its Hazardous Substances Consent (HSC) is likely to be determined?
- 8.2 Further to the Health and Safety Executive (HSE)'s response to the Panel's SWQs [REP4-002], please could the Applicant and HSE provide an update regarding whether there is yet agreement in respect of the draft wording for the Grampian style Requirements that would be required, in view of HSE's ongoing advice in respect of this application?
- 8.3 Please could HSE provide an update and clarification to the Panel on its advice to the LPA in respect of the Studio 338 application to re-build the night club, recommending that it is refused on public safety grounds?
- 8.4 Please could the Applicant and HSE provide an update in respect of the licensed explosive storage site at (or near) Thames Wharf. Has agreement now been obtained on this matter, in terms of whether the facility would have to cease operating during construction and/or whether it would be re-located?

## **9. Terrestrial Ecology**

- 9.1 Please can the Applicant and RB of Greenwich provide an update on progress regarding the proposed s106 agreement that would secure the funds required for providing the offsite ecological mitigation, including its maintenance and management? The Panel notes that the draft s106 was submitted by the Applicant as part of its responses to the Panel's SWQs on DCO matters [REP4-052].
- 9.2 Further to Natural England (NE)'s response to SWQ TE2.2 [REP4-011], please can the Applicant and NE provide an update regarding whether there is agreement on how ecological mitigation could be retained in-situ on land that is subject to temporary possession and/or off-site, in the long term?
- 9.3 Further to the Applicant's revised CoCP [REP4-036], please can the host boroughs and NE provide their views on the content and level of detail within the outline ecology management plan (Appendix G to this document)?

## **10. Marine Ecology**

- 10.1 Further to the EA's response to SWQ ME2.1 [REP4-001], please can the EA provide their views on the adequacy and conclusions of the TfL report that was submitted to them on 24 February 2017 regarding the likely ecological impacts of the NAABSA refurbishment works?
- 10.2 Further to NE's response to SWQ ME2.5 [REP4-001] regarding the recommended Marine Conservation Zone (rMCZ), please can the Applicant and NE provide an update regarding the matter of the surveys that would be conducted six months prior to construction commencing, in order to

determine the presence of potential suitable habitat for Lagoon Sea Slug?  
Have these matters now been agreed and if so where are they secured?

10.3 Please can the Applicant and the MMO provide an update on whether there would be a need for additional suspended sediment modelling and whether a scour and accretion monitoring and mitigation strategy would be necessary to be provided/agreed/secured?

## **11. Dredging and Navigation**

11.1 Further to the EA's response to SWQ DN1 [REP4-001], please can the Applicant and the EA provide an update regarding progress on committing to a maximum length of dredge excavation at any one time, and the placing of crushed stone on that section, before moving onto the next section? Where is this secured in the dDCO?

11.2 Please can the Applicant and the EA provide an update regarding whether the investigative work/strengthening work that may be required on the three sections of river wall (zones 3, 6 and 7) have been agreed and secured in the dDCO?

## **12. Surface Water and Flood Risk Assessment**

12.1 Further to the EA's response to SWQ SW2.2 [REP4-001], and the Applicant's responses to SWQs on Surface Water and Flood Risk [REP4-062], which included a summary note on the feasibility and concepts for raising the river walls, please can the EA/Applicant provide an update on whether discussions with the Riparian Owner of Zone 12 of the river wall have resolved issues in relation to the rebuilding of this zone prior to construction work commencing? If so, is this the responsibility of the Applicant or the Riparian Owner?

12.2 Please can the Applicant inform the Panel regarding when the assessment of the 4m stretch of this part of the river wall (that was missing from the river wall survey) will be carried out and made available to the Examination/the EA?

12.3 Further to LB of Newham's D4 response to SWQ SW2.4 [REP4-012], please can LB of Newham give an update to the Panel in respect of the Applicant's proposals in relation to flood risk that do not meet LB of Newham's standards? What matters are not agreed and is an acceptable solution likely to be agreed?

12.4 Further to RB of Greenwich's response to SWQ SW2.4 [REP4-014], regarding the flood risk documents within the ES, please can RB of Greenwich and the Applicant provide an update in respect of the matters that RB of Greenwich identified remained the subject of the queries identified?

12.4 Please can the Applicant and the EA provide an update in respect of outstanding flood risk matters that have not been agreed?

### **13. Heritage and Townscape**

13.1 Further to RB of Greenwich's response to SWQ HT2.2 [REP4-014], please can RB of Greenwich and the Applicant provide an update on progress regarding the agreement of mitigation triggers for Greenwich Town Centre (including the Greenwich Maritime World Heritage Site) in the event that traffic diverts to the free Rotherhithe tunnel. How would such unforeseen mitigation be funded?

### **14. Any Other Remaining Commercial Issues**

14.1 Further to the Applicant's report on wharves (Wharves Access Impact Technical Note) [REP4-048], please can the Applicant and the PLA provide an update to the Panel regarding which existing wharf operators/wharf-side businesses would be adversely affected by the proposed development, due to the expiry of their existing short term lease(s), with little or no prospect of being relocated onto a similar site with wharf facilities?

14.2 Further to PLA's D4 representations regarding Article 47, please can the Applicant/PLA provide an update on whether the matter of the potential for TfL to gain commercial benefits from the installation of other apparatus by third parties (such as wires or cables) through the tunnel, if the Order is made, has been resolved?

**Please note:** The agenda may be subject to change and elaboration at the discretion of the Panel. The Panel will arrange for comfort breaks and a lunch break. The hearing will close at the conclusion of business. Interested parties who have registered to speak in advance will be provided with a seat at the table and microphone access. Individuals who have not registered in advance may participate at the discretion of the Panel.