

Silvertown Tunnel Development Consent Order

London Borough of Southwark

Comments on TfL's Responses to Examining Authority's Second Written Questions & Deadline 4 Submissions

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1. INTRODUCTION

- 1.1 Transport for London ("TfL") submitted the application for the Silvertown Tunnel Development Consent Order ("DCO") in April 2016. The DCO Examination began in October 2016 and is on-going. The London Borough of Southwark ("LB Southwark"), as a 'neighbouring borough' for the purposes of the scheme, has serious concerns with the Silvertown Tunnel DCO and is participating in the Examination.
- 1.2 LB Southwark has submitted written submissions throughout the examination process and attended a number of Issue Specific Hearings to make oral representations.
- 1.3 LB Southwark's concerns remain as per those set out in their written submissions including their Written Representation (document reference: REP1-008) and their Local Impact Report (document reference: REP1-009). LB Southwark also provided written submissions on the Examining Authority's (ExA) first written questions (document reference: REP1-010) and comments on TfL's responses to the ExA's first written questions (document reference: REP2-013).
- 1.4 LB Southwark has also set out its concerns with the detail of the wording of the draft DCO and made oral representations on this at the Issue Specific Hearing (ISH) on 19 January 2017. The details of Southwark's concerns with the wording of the dDCO are set out in the following submissions; Written Representation (document reference: REP1-008), Comment on the draft DCO Revision 1 (document reference: REP2-013), Comments on the draft DCO Revision 2 (document reference: REP3-037) and Update and Comments on the updated draft Development Consent Order (document ref: REP4-018).

- 1.5 The ExA published the second written questions and requests for information on 10 February 2017 and TfL submitted its responses to those questions on 6 March 2017. This document sets out LB Southwark's comments on the Applicant's responses to the relevant questions within the following sections of the questions;
- GA. General (Document ref: REP4-051)
 - DC. DCO wording (Document ref: REP4-052)
 - TT. Traffic and transportation (Document ref: REP4-055)
 - AQ. Air quality (Document ref: REP4-056)
- 1.6 This document also provides LB Southwark's comments on the 'Charging Policies and Procedures', Revision 2 (document ref: REP4-039) submitted by TfL at Deadline 4.
- 1.7 It should also be noted that LB Southwark has met with TfL on three occasions since the January 2017 hearings to discuss traffic and transport, air quality, and monitoring and mitigation. TfL subsequently provided the neighbouring boroughs with 'working drafts' of three documents (the draft DCO, the combined Monitoring and Mitigation Strategy, and the revised Bus Strategy) by email on 28 February 2017. LB Southwark referred to these documents and to discussions from meetings with TfL in its submissions at Deadline 4: *Responses to the Examining Authority's Second Written Questions and Requests for Information* (document ref: REP4-017), and *Update and Comments on the updated draft Development Consent Order* (document ref: REP4-018).
- 1.8 LB Southwark notes that the following documents submitted by TfL at Deadline 4 were broadly similar to the draft versions provided to the Borough by TfL on 28 February 2017:
- draft DCO Revision 4 (Document ref: REP4-025)

- combined Monitoring and Mitigation Strategy (Document ref: REP4-046)
- revised Bus Strategy (Document ref: REP4-044)

1.9 In light of the above, LB Southwark's comments made at Deadline 4 (within document refs: REP4-017 and REP4-018) on the above documents remain.

2. LONDON BOROUGH OF SOUTHWARK'S COMMENTS ON THE APPLICANT'S RESPONSES TO THE SECOND WRITTEN QUESTIONS

QUESTION NUMBER	QUESTION TO	QUESTION	LONDON BOROUGH OF SOUTHWARK'S RESPONSE
GA2	General		
GA2.1	Applicant	<p>Distribution of Benefits: Given that the further analysis provided in REP3-024 still shows that the imposition of user charges would have a detrimental impact on low income users of private vehicles needing to commute through the tunnels:</p> <ol style="list-style-type: none"> 1. Please provide the DCO obligation or other means to give effect to the suggested waiving of the account registration fee for residents within the host boroughs or other defined local area and concessions for local users of the proposed new additional bus services to be provided through the tunnel. 2. Please also provide an update on the intended means for cyclists to cross the river economically at this point whether by a bus cycle shuttle and/or concessionary charges on the AirLine (or other means). The outcome of such a consideration would be another measure for inclusion in a DCO obligation. 	<p>LB Southwark notes that the Applicant is committing to a trial of a cycle shuttle service and that the results of this will be shared with the host boroughs.</p> <p>LB Southwark requests that a similar commitment is given to the neighbouring boroughs.</p>
GA2.7	Applicant	<p>Package of river crossings: A number of Boroughs and other IPs have commented that the Silvertown Tunnel must be seen as part of a</p>	<p>This question is of interest to LB Southwark, particularly as Southwark is supportive of the proposed Rotherhithe to Canary Wharf pedestrian and cycle</p>

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		<p>package of new river crossings in East London. To demonstrate this in addition to the references in the initial Update Documents (AS-021), a copy of the latest December 2016 TfL business Plan has been submitted (REP3-026). In this the Silvertown Tunnel is shown with a specific capital provision, but there are only qualified textual references to the proposed Rotherhithe to Canary Wharf pedestrian and cycle bridge and the proposed DLR connection between Gallions Reach and Thamesmead on page 17 with a still lesser degree of commitment indicated for a possible ferry between North Greenwich and Canary wharf. Please indicate the degree of commitment to these other components of a cross river package and the dates by which construction is expected to commence and the links be open for use in comparison with the proposed Silvertown Tunnel.</p>	<p>bridge. The proposed bridge will provide a pedestrian and cycle link between the London Boroughs of Southwark and Tower Hamlets.</p> <p>As the ExA has picked up in this question, there is no actual commitment or funding by TfL for the proposed bridge. As set out in LB Southwark's responses to TfL's responses to FWQ PN2 (document reference: REP2-013), TfL notes within their response to the FWQ that there is no funding for the bridge. As set out already in LB Southwark's response, there is also no commitment to the proposed bridge within the DCO or elsewhere and thus LB Southwark remains unconvinced that the Silvertown Tunnel will contribute to improving walking and cycling.</p> <p>TfL's response to this question confirms Mayoral commitment to these schemes and states that budget for the pedestrian and cycle crossing between Rotherhithe and Canary Wharf has been allocated in TfL's latest Business Plan under the Healthy Streets portfolio. The response goes on to advise that work to procure a delivery team is underway and that construction is expected to start in 2020. Whilst this commitment is welcomed by LB Southwark, it does not address the Borough's concerns and the crossing must be secured or committed in a meaningful way through the DCO.</p>
DC	DCO WORDING		
DC2.4	Applicant,	Article 52: If possible bring forward any agreed	LB Southwark has concerns with Article 52 and the

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	host and neighbouring Boroughs	<p>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.</p> <p>A Revised copy of the Charging Policies and Procedures Document that would be certified under Schedule 14 should be supplied.</p>	<p>Charging Policies and Procedures Document.</p> <p>It is noted that TfL do not propose any amendments to Article 52 and as such LB Southwark is of the view that TfL's response to this question does not address its concerns. See LB Southwark's Update document submitted at Deadline 4 for further detail (document ref: REP4-018, section 4).</p> <p>LB Southwark has also reviewed the revised Charging Policies and Procedures submitted at Deadline 4 (document ref: REP4-039). LB Southwark notes that the document does state that TfL will keep user charges under review for the <i>'lifetime of the scheme'</i> (para. 5.1.1). However, this does not address LB Southwark's concern that it should be made clear either through the DCO or the Charging Policy that user charging will be required in perpetuity.</p>
DC2.5	Applicant	<p>Article 56: Although the Applicant has argued against making specific commitments to other river crossings, and while mitigation might be inferred as being covered under terms like 'operating', please explain why it would not be preferable to make mitigation a specific application for charges and, to the extent that additional cross river bus services are to be imposed as a requirement, why any funding requirements to guarantee such services should also not be explicitly referred to.</p>	<p>LB Southwark has already set out its concerns with Article 56 in its oral representations at the ISH on 19 January 2017 and within its written submissions. This includes LB Southwark's written representation (document reference: REP1-023), Wording of dDCO Revision 1 (document reference: REP2-012) and Wording of dDCO Revision 2 (REP3-037).</p> <p>TfL shared a working draft of its revised Article 56 with the neighbouring boroughs by email on 28 February 2017. LB Southwark's comments on this are set out in its Deadline 4 Update and comments on the dDCO (document reference: REP4-018). Further comments</p>

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			are also provided in section 3 of this submission document.
DC2.7	Applicant, host and neighbouring Boroughs	<p>Article 65: If possible bring forward agreed changes to this article to address widespread concerns over the composition, operation and powers of the STIG.</p> <p>Does LBN have a view on whether they should represent LCY or whether the airport should have direct representation as is proposed for HE.</p> <p>A copy of the revised combined Monitoring Strategy and Traffic Mitigation strategy should also be forwarded, again preferably in a form agreed with the Boroughs. It should include agreed monitoring thresholds relating to all roads that are of concern and direct monitoring of environmental effects as well as of traffic flows, so that there is local authority support for what will be a certified document under Schedule 14.</p>	<p>LB Southwark has met with TfL three times since the January 2017 hearings to discuss outstanding issues in relation to traffic/transport and air quality. Mitigation, monitoring and STIG were the focus of much of the discussions. LB Southwark's update document at Deadline 4 (document reference: REP4-018) provides further information on the meetings between LB Southwark and TfL.</p> <p>TfL provided LB Southwark with working drafts of the dDCO (including an amended Article 65), the combined monitoring and mitigation strategy, and the revised bus strategy on 28 February 2017. LB Southwark provided some initial comments to TfL at their deadline on 2 March 2017.</p> <p>TfL provided LB Southwark with working drafts of the dDCO (including an amended Article 65), the combined monitoring and mitigation strategy, and the revised bus strategy on 28 February 2017. LB Southwark provided some initial comments to TfL prior to Deadline 4, but note that no changes (from the draft issued on 28 February 2017) have been made to the draft DCO (Revision 4) submitted at Deadline 4. .</p> <p>LB Southwark provided comments on STIG in its Deadline 4 submission document 'Update and comments on the updated draft Development Consent</p>

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			<p>Order’ (document reference REP4-018). These comments remain relevant.</p> <p><u>Monitoring and Mitigation</u> LB Southwark has provided further comments on the combined monitoring and mitigation strategy document submitted at deadline 4 in Section 3 of this written submission</p>
DC2.9	Applicant, Host Boroughs (including London Borough (LB) Tower Hamlets), other Boroughs, HSE, Historic England, MMO and EA	<p>Schedule 2 Requirements:</p> <p>Requirement 1 – Are the Boroughs content with the approach of securing the bus services through the tunnel by means of a requirement relating to a separate certified document? Please provide an updated (and preferably agreed version of the Bus strategy Document that would be certified under Schedule 14.</p> <p>Requirement 3 – The Applicant has to date resisted suggestions for tying the design to the submitted DAS and General Arrangement drawings, yet at least one Borough has suggested that ‘have regard to’ would still be insufficient to ensure that the worked up scheme reflected what has been presented in the application and considered in the ES. Please give further consideration to the wording of Requirement 3(1) in the light of continuing concern both by the ExA and Boroughs.</p> <p>Requirement 4 – In the light of the discussions during the DCO Hearing held on the 19 January</p>	<p><u>Bus services and cycle provision</u> Whilst LB Southwark notes that the Deadline 3 TfL dDCO (document reference REP3-003) includes an updated requirement 13 on Cross-river bus services and required TfL to implement and act in accordance with the bus strategy, LB Southwark provided comments on the draft revised Bus Strategy to TfL on 3 March as described above. LB Southwark has provided further comments on the bus strategy document submitted at deadline 4 in Section 3 of this written submission.</p> <p><u>Monitoring and mitigation</u> LB Southwark has provided further comments on the combined monitoring and mitigation strategy document submitted at deadline 4 in Section 3 of this written submission</p> <p><u>Air quality</u> LB Southwark’s responses in their Deadline 4 submission remain, as they have not been satisfactorily addressed by TfL’s recent submissions.</p>

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		<p>2017, please give further consideration to the wording of Requirement 4(3) to ensure that the detailed design of all works that would normally be subject to planning control would be subject to the approval of the relevant planning authority (i.e. excluding only those works that would normally be Permitted Development for a local highway authority).</p> <p>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)</p>	

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		<p>after appropriate consultation.</p> <p>Please also provide further justification for the absence of a draft CEMP before the Examination when such documents have been provided to accompany many made DCOs and the CoCP is itself intended to be a certified document. While it may be referred to in the CoCP, why does Requirement 5 not specify that the CoCP must secure no lesser mitigation than assumed in the ES? The issue of ensuring that materially different or worse environmental effects do not arise under the provisions of the CoCP is raised in question CL2.6 under the heading of Construction on land. Amendment to Requirement 5 and to the CoCP may be required.</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>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</p>	

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		<p>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>Requirement 7 – Please amend wording in the light of the intended merger of the two subsidiary documents.</p> <p>Please provide a copy, preferably on an agreed basis with relevant Boroughs of the composite monitoring and mitigation strategy document. Roads subject to monitoring should include all those sought by host and adjoining Boroughs and/or raised by other IPs.</p> <p>Requirement 12 – Please consider whether response to Question NV2.2 would require amendment to the wording of this requirement.</p> <p>Requirement 13 – Are the Boroughs content that securing the new additional bus services through the tunnel is achieved through this requirement and a separate Bus Strategy document? Please provide a copy of the updated Bus Strategy, preferably in a form agreed with relevant Boroughs, This should commit TfL to the provision of the assessed number of through Silvertown tunnel bus routes and services (as a minimum), as well as provision for the through-</p>	

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		<p>tunnel shuttle service for cyclists (or other means to facilitate economical cross-river transport for cyclists). See also SWQ GA2.1.</p> <p>Requirement 16 – Are the relevant Boroughs content with the revised wording of this requirement bearing in mind the representation of LBTH (REP3-034)?</p> <p>Possible Additional Requirements:</p> <p>It has been suggested by the Applicant that contaminated land issues would be addressed by the CoCP rather than as often provided for by a separate requirement. Please explain how the CoCP would address this matter or provide an additional requirement.</p> <p>In REP3-017 it is suggested by the Applicant that it would be unlikely that the SoS would accept Grampian-style requirements to address the COMAH concerns of HSE. Please provide evidence for this assertion and also provide the text of a modified Grampian-style requirement to address the separate major hazard concerns over the storage of Hydro-fluoric Acid and other chemicals on the Brenntag site and the SGN gas-holder.</p> <p>Please either confirm that the issue of safeguarding, maintenance and</p>	

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		<p>enhancement of the river flood walls has been agreed within finalised Protective Provisions with the Environment Agency or provide agreed wording of an appropriate requirement.</p> <p>Bearing in mind the mandatory requirements of the Air Quality Directive, and the issue of uncertainty inherent in forecasting, please consider the desirability of including a requirement that would pick up elements of the M4 Requirement to which the ExA drew attention that would not be covered by Requirement 7 and the related certified Document in order to provide certainty that Directive requirements would not be breached. See also question AQ2.2.</p> <p>Archaeology – Are all Boroughs, Historic England and the MMO content that the Written Scheme of Investigation is addressed under the CoCP rather than requiring a separate requirement (and dDML condition). See also question HT2.1</p>	
TT TRAFFIC AND TRANSPORTATION			
TT2.1	The Applicant	Regarding Action Point (AP) 1 from the Issue Specific Hearing held on the 17 January 2017, The Applicant was asked to provide <i>'a comprehensive note giving full borough distributions of car trips that are not suppressed but re-assigned for Deadline 3 (D3). This should include detailed estimates of the</i>	LB Southwark has no further comments to make on TfL's response to this question.

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		<p><i>projected behaviour impacts'</i></p> <p>In relation to distribution of car trips that are not suppressed but reassigned, the information provided [REP3-025] does not address the issue of potential redistribution of trip origins and destinations. The Applicant notes that the assignment model does not have the capability of providing insights into this very important aspect of the spatial implications of the scheme for and the ability of selected population groups, in particular less well-off people, to avail of new opportunities. The Applicant is asked to revisit this request and exploit the capabilities of the overall model system including the demand model.</p>	
TT2.2	The Applicant	<p>Regarding AP 2, the Applicant was requested to supply '<i>a comprehensive note showing the journey time and generalised cost impacts for those forecast to switch from car to bus for D3 (to include disaggregated data for population sub groups and also displayed in the form of maps'</i></p> <p>The information supplied [REP3-025] does not adequately address the question posed by the ExA; the Applicant is now asked to review the information supplied and fully address the request while acknowledging any limitations in the material supplied.</p>	LB Southwark is concerned that the Bus Strategy does not contain sufficient commitment to the level of service nor any proposed routes. As such any benefits cannot be guaranteed.
TT2.3	The Applicant	Regarding AP 7, the Applicant was asked	In its response to the ExA's Second Written Questions

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		<p>to provide <i>'a comprehensive note on the uncertainty and associated level of confidence that can be afforded to the traffic forecasts that feed into the environmental assessments, whether numerically or in qualitative terms for D3'</i>.</p> <p>The response [REP3-027] is a comprehensive description of the matters of interest. However, the ExA requests that the Applicant quantifies the potential compounding effect of uncertainties in inputs, specification errors and parameter estimates for the scale of uncertainty in the transport model system. The Applicant is also asked to provide estimates of the implications of this effect for uncertainty in the inputs feeding into the environmental assessments.</p>	<p>[REP4-055], TfL has provided some explanation of traffic model uncertainty. However, no discussion or testing of how this uncertainty might increase the inaccuracy of air dispersion modelling outputs in the air quality assessment has been provided.</p> <p>LB Southwark remains concerned that there has been no sensitivity testing of air quality impacts, based on the uncertainty of the various model input parameters. As noted in LB Southwark's Deadline 4 submissions [REP4-017], the issue of uncertainty and transparency has the potential to undermine the entire air quality assessment.</p>
TT2.4	The Applicant	<p>Regarding AP 12, the Applicant was requested to supply <i>'a detailed analysis of projected Net Present Value (NPV) without implementation of bus strategy for D3'</i>.</p> <p>Can the Applicant expand on the material supplied [REP3-029], in particular taking account of the likely behavioural implications of such a scenario and the implications of those effects on the ultimate NPV.</p>	<p>It is clear that economic benefits are significantly reduced without the bus services. LB Southwark is concerned that the Bus Strategy does not contain sufficient commitment to the level of service nor any proposed routes. As such benefits cannot be guaranteed and brings in to question the economic benefits of the scheme.</p>
TT2.5	The Applicant	<p>Re. AP 13, the Applicant was asked to provide <i>'a BCR for the scheme assuming without implementation of bus strategy and scheme</i></p>	<p>LB Southwark has no further comments to make on TfL's response to this question.</p>

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		<p><i>funded publicly (not PPP) for D3'.</i></p> <p>The claim in the Applicant's response [REP3-029] '<i>A BCR calculation is not appropriate for the Scheme as it has a negative cost...</i>' needs further clarification given the question concerns alternative funding mechanisms and scope of measures. The matter of hypothecation of any revenue and economic benefits to users and non-users should be taken into consideration in addressing this request. Can the Applicant revisit its response to this question?</p>	
TT2.6	The Applicant	<p>Regarding AP 14, the Applicant was asked to provide economic assessments '<i>of any alternatives* that were taken through to comparative assessment for D3 to include monetary valuation of costs and benefits (*to include performance of preferred scheme at comparable stage of scheme development)</i>'</p> <p>The detailed response [REP3-030] is comprehensive in its description of alternatives considered/assessed. In line with the HMT's Five Case Model Guidelines, can the Applicant provide quantitative estimates of the economic impacts of these alternatives, encompassing both costs and benefits, including any estimates of wider economic benefits?</p>	<p>LB Southwark has reviewed the technical note supplied by TfL "Silvertown Tunnel – Public Transport Benefits in Southwark" dated 27th February 2017.</p> <p>The note explains that the benefits are "marginal" and will be brought about mainly by reducing demand on rail services to London Bridge.</p> <p>These benefits will only be realised if the bus services are provided as part of the Scheme and as there is no commitment to the level of bus services, the already 'marginal' benefit cannot be guaranteed by the scheme.</p>
TT2.7	The Applicant	Regarding AP 16, the Applicant was requested to supply ' <i>a comprehensive note explaining the intended local benefits/enhancements to offset</i>	It can be seen that there are disbenefits to low income highway users. The benefits to low income public transport users are only realised if the bus routes are

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		<p><i>the dis-benefits to some low income groups within the host or nearby boroughs for D3. This should include detailed figures by socio-economic group by borough and also displayed in map form'.</i></p> <p>The material supplied is comprehensive [REP3-024]. The Applicant is however asked to enhance the quantitative information supplied to differentiate between lower income car users and existing public transport users in its description of impacts of the scheme. It is also noted that Figure 3-4 illustrates the trip origins of low income groups.</p> <p>Can the Applicant review this information and data for other scenarios in the light of its response to AP 1 (TT1).</p>	<p>implemented. LB Southwark is concerned that the Bus Strategy does not contain sufficient commitment to the level of service nor any proposed routes. As such these benefits cannot be guaranteed.</p>
AQ AIR QUALITY			
AQ2.1	Applicant and host LPAs	<p>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</p>	<p>The revised M&MS [REP4-046] rejects absolute air quality trigger metrics and places reliance on the opinions of an expert appointed by TfL, in consultation with STIG members.</p> <p>LB Southwark is concerned that this is not prescriptive enough. It potentially leaves too much uncertainty with regards to what might be considered an impact that could be significantly different to that assessed in the ES and for which mitigation might need to be applied. There is also no indication of how the expert's opinion</p>

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		<p>document, and agree these with the host LPAs prior to D4.</p> <p>The Applicant’s written summary of Oral Case for the ISH on 17 January 2017, stated that “<i>consideration will be given to setting separate triggers for the Blackwall and Silvertown Tunnel</i>”, 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.</p>	<p>could be scrutinised and, if need be, challenged by STIG members.</p> <p>TfL also states in the M&MS that mitigation measures will only be proposed if there is shown by the expert to be a “<i>material worsening in air quality as a result of the scheme</i>”. Any proposed mitigation would then need to be approved by the Mayor. LB Southwark is concerned that TfL has not defined what a material worsening of air quality means and how this would be determined from the results of the assessed case. In their deadline 4 submission [REP4-017] LB Southwark requested that TfL explain how “<i>Not Materially Worse Than</i>” differs from “<i>Not Environmentally Worse Than</i>”.</p> <p>TfL also states in their M&MS that they engaged with the London boroughs, including Southwark, and took their views into account in preparing the document. LB Southwark does not feel that its views have been taken into account, particularly as monitoring has not been proposed in key areas where it has requested it.</p>
AQ2.2	Applicant and RBG, LBN, LBTH	<p>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</p>	<p>LB Southwark’s response to this question in their Deadline 4 submission [REP4-017] has not changed since submission of the latest version of TfL’s M&MS [REP4-046].</p>

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		<p>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.</p> <p>The Applicant does not appear to have accepted this in the D3 DCO; the Panel now urges the Applicant and host authorities to consider drafting such a requirement, otherwise it is likely that the Panel will do so in its draft recommended DCO at D5, unless all matters related to STIG and TIMS are resolved to the satisfaction of the Panel and the host authorities. In any event the Panel reserves its right to propose modifications and additions to the Applicant’s dDCO at D5. See also question DC2.9.</p>	
AQ2.4	London Borough of Lewisham (LBL), London Borough of	Please can LBL and LBS provide their views on the additional modelling work recently undertaken by the Applicant, in relation to their concerns about the potential impacts on receptors along local roads in their boroughs that would be subjected to the highest levels of	As stated in LB Southwark’s deadline 4 submission response to this question [REP4-017], LB Southwark remains concerned that the air quality assessment is not robust. If this is held to be the case, then it follows that the conclusions drawn from the air quality assessment, and hence the requirements for

QUESTION NUMBER	QUESTION TO	QUESTION	LONDON BOROUGH OF SOUTHWARK'S RESPONSE
	Southwark (LBS)	<p>traffic changes arising from the scheme (this information is provided as [REP3-016], item 4.12, and [REP3-032], Appendix 8).</p> <p>Please can the neighbouring authorities also provide the Examination with an update on their views as to whether the proposed development would impact their ability to achieve EU limit values, on the basis of this new information?</p>	<p>monitoring and/or mitigation, could be unsound. LB Southwark has therefore not changed its view from previous submissions that the scheme could adversely affect their LAQM and EU responsibilities.</p>

3. LONDON BOROUGH OF SOUTHWARK'S COMMENTS ON THE APPLICANT'S DEADLINE 4 SUBMISSIONS

- 3.1 This section of the submission provides LB Southwark's comments on the following written submissions made by TfL at Deadline 4:
- draft DCO Revision 4 (Document ref: REP4-025)
 - combined Monitoring and Mitigation Strategy (Document ref: REP4-046)
 - revised Bus Strategy (Document ref: REP4-044)
 - Charging Policies and Procedures (Revision 2) (Document Ref: REP4-039)
- 3.2 Draft versions of the above documents (with the exception of the Charging Policies) were provided by TfL to LB Southwark and the neighbouring boroughs on Tuesday 28 February 2017, requesting comments no later than Thursday 2 March 2017. Comments were provided to TfL on 2nd March 2017, and copies of these were appended to LB Southwark's written submissions at Deadline 4 (Document refs: REP4-017 and REP4-018).
- 3.3 LB Southwark note that the submitted documents are broadly similar to those provided in draft on 28th February 2017. In light of this, the written submissions made by LB Southwark at Deadline 4 (in document references: REP4-017 and REP4-018) remain relevant and continue to stand. Where there are differences between the draft and submitted documents, further comments are made below.

Monitoring and Mitigation Strategy.

- 3.4 LB Southwark welcomes a simplified merged document and the inclusion of traffic monitoring on the A200 within LB Southwark, albeit there is more that can be done.

Monitoring locations

- 3.5 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 Southwark has identified areas that require monitoring and whilst traffic monitoring on the A200 in the borough have now been added, the full list of monitoring requests has not been included in the submitted document. This lack of willingness from TfL at this stage gives no confidence for future changes to the monitoring in future as suggested in the latest submission.
- 3.6 The traffic and air quality monitoring proposed within the borough now includes the A200 but does not include other key routes identified by the Borough throughout the process, most recently in the Deadline 4 submission; these are Old Kent Road and New Kent Road.

Air Quality

- 3.7 With regard to air quality effects, LB Southwark notes that air quality monitoring points have now been included within the Borough along and close to the A200. LB Southwark welcomes this. However, it is disappointing that the other key corridors in the borough, listed above, are excluded. Significant concern also remains about how data from this monitoring will be effectively used to mitigate any adverse air quality impacts from tunnel traffic.

3.8 LB Southwark also makes the following comments

- 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

3.9 The M&MS states the triggers will cover the 'Area of Influence' (AOI). The coverage of the AOI was contested as not extending far enough to the south. Concern remains that the monitoring / effect of the triggers does not extend far enough away from the scheme.

3.10 The proposed trigger points are yet to be agreed by LB Southwark and there is concern that they may become watered down. There is some lack of clarity around the triggers and despite TfL advising that the Deadline 4 Submission will describe how triggers have been developed it does not contain this information

3.11 LB Southwark has previously raised and reiterates the need for additional triggers for the following;

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

3.12 The need for Secretary of State approval of post-opening traffic mitigation measures seems onerous and LB Southwark is concerned that the process could lead to additional delay, cost and scrutiny of mitigation measures.

Draft DCO (Revision 4).

- 3.13 LB Southwark's most recent comments on the dDCO are set out in the 'Post-hearing submissions on the DCO', submitted at Deadline 3, and the Update document submitted at Deadline 4 (REP4-018). LB Southwark note that many of their concerns are not addressed through the revised draft DCO (Revision 4) submitted by the Applicant at Deadline 4 and as such, these concerns remain and this document should be read in conjunction with those submitted by LBS at Deadline 4.

Article 52: The charging policy

- 3.14 TfL propose minor wording amendments to this article but these do not address LB Southwark's concerns. The proposed wording states that TfL must have "had regard to the response to consultation", but the decision on user charges remains with TfL and the Mayor. Reference to 'had regard to' is insufficient because this just means TfL need to lightly consider the response. Instead, TfL must be able to demonstrate that they have properly engaged with and taken into account the representation that has been made.

Article 53: Power to charge for use of the tunnels

- 3.15 Comments made in Section 4 of document reference REP4-018 are maintained.

Article 56: Application by TfL of charges levied

- 3.16 LB Southwark has already set out its concerns with Article 56 in its oral representations at the ISH on 19th January 2017 and within its written submissions. This includes LB Southwark's written representation (document reference: REP1-023), Wording of dDCO Revision 1 (document reference: REP2-012) and Wording of dDCO Revision 2 (REP3-037).

- 3.17 TfL shared a working draft of its revised Article 56 with the neighbouring boroughs by email on 28 February 2017. LB Southwark's comments on this are set out in its Deadline 4 Update and comments on the dDCO (Southwark reference number: REP4-018). LB Southwark note the Applicant's draft DCO (Revision 4) includes a minor update to Article 56 to include "*paying the costs and expenses incurred...in relation to the implementation of necessary mitigation*" within Article 56(a).
- 3.18 Whilst this appears to be a slight improvement on the version of Article 56 included in the draft DCO (Revision 3) (Ref: REP3-003), this does still not address LB Southwark's concerns as set out in its 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 60: Traffic Regulation Measures

- 3.19 Comments made in Section 4 of document reference REP4-018 are maintained. This article, as with article 52 (user charging), should specifically require TfL to consult each member of STIG individually. Reference to 'such persons as TfL considers necessary and appropriate' is unsuitable. Again, the provision should set out the timeframe for any consultation response to be made and impose an obligation on TfL to have 'due regard' to any such response.

Article 65: Silvertown Tunnel Implementation Group

- 3.20 The proposed wording for Article 65 submitted at Deadline 4 is the same as that provided to the LB Southwark in draft on 28 February 2017. As such, LB Southwark's comments on the revised Article 65 remain as per those submitted by the Borough at Deadline 4 in Section 4 of document reference REP4-018.

Requirement 7

- 3.21 Requirement 7 has been substantially revised in the dDCO Revision 4. LB Southwark welcomes the additional detailed provisions within the requirement and the clear relationship to the Monitoring and Mitigation Strategy. However, LB Southwark's concerns with the M&MS are also relevant to Requirement 7.
- 3.22 LB Southwark request that the requirement provides that TfL has to consult the members of STIG to identify the scope of the network to be assessed under R7(1). LB Southwark is concerned that the statement 'having regard to any consultation responses received from STIG members...' in R7(2), will still allow TfL to take the final decision on the content of the mitigation strategy. Instead, TfL must be able to demonstrate that they have properly engaged with and taken into account the representation that has been made.
- 3.23 LB Southwark notes that under R7, the scheme of post-opening traffic mitigation measures will be submitted to the Secretary of State for Transport (SoS) for approval. LB Southwark is concerned that the SoS may not want to perform this function and requests clarification from TfL that the approval process set out in R7 has been discussed and agreed with the SoS. There is also concern that the SoS may not be entirely familiar with the local concerns of, and impacts on, the neighbouring boroughs and will not be able to identify if any of these concerns have been marginalised by TfL when it prepared the scheme of mitigation.

Requirement 13: Cross-river Bus Services

- 3.24 Requirement 13 relates to the provision of cross-river bus services. LB Southwark has provided comments on this in its comments on the Bus Strategy which are set out below.

Bus Strategy

- 3.25 It is welcomed that there is now a commitment to the level of peak hour buses, however, this is significantly lower than in the Assessed Case. 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 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 submitted 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 (comments also relevant to Requirement 13(2))

- 3.26 The £2m funding for concessionary bus travel is only available for the host boroughs and not for residents of LB Southwark. Given the proximity of Southwark to the scheme and the potential impact of additional trips on the borough network this is unacceptable. LB Southwark requests that residents of the borough are also eligible.

Commitment 5 – TfL must secure the provision of not less than 20 buses per hour during peak periods in each direction through the tunnel (comments also relevant to Requirement 13(1))

- 3.27 LB Southwark is pleased to see there is now a commitment to a level of service, however, the commitment of 20 buses per hour is too low, being only just over half the level modelled in the Assessed Case. As previously stated by the borough, 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.

- 3.28 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 8 – services for Growth Boroughs to access employment.

- 3.29 The importance of the Growth Boroughs is understood but this excludes LB Southwark which is more directly affected by the proposals than many Growth Boroughs. As previously highlighted, LB Southwark contain very deprived wards, Commitment 6 needs to therefore include these boroughs specifically if it is to meet TfL's aspiration to ..."improve access in areas of deprivation." The definition would perhaps be better as STIG boroughs rather than Growth Boroughs.

Charging Policies and Procedures (Revision 2)

- 3.30 LB Southwark has serious concerns with Policy 6, the discount of 50% on the user charge for low income residents of the host boroughs. As highlighted throughout the process, LB Southwark has some of the most deprived wards in the country and is very close to the scheme. As such the residents of neighbouring boroughs who meet the criteria should also be eligible for the same discount as host boroughs. The methodology must be fair and not just based on borough boundaries.
- 3.31 LB Southwark is concerned that the effect of user charge discounts has not been assessed. The additional traffic this may generate could have a negative impact on the borough highway network.