

**From:** [Grange, Sam](#)  
**To:** [silvertowntunnel](#)  
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**Subject:** Silvertown Tunnel (ref. TR010021): Brenntag UK Limited - Deadline 5 Written Submissions (20.03.17)  
**Date:** 20 March 2017 22:46:30

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Dear Sirs,

As you will be aware, we are instructed to act on behalf of Brenntag UK Limited (also representing the interests of Brenntag Inorganic Chemicals Limited).

Our client has been reviewing the written submissions made at Deadline 4 and notes, in particular, the further representations made by Nathaniel Lichfield & Partners (NLP) on behalf of the U and I Group Plc (dated 16 February 2017) (REP4-006). At this stage, there are two key points which our client would like to make in response to part 1 of those representations – *the safety issues arising from the continuing existence of COMAH zones around Brenntag's chemicals depot*.

1. Firstly, in the main body of their representation, NLP refer to the imposition of a condition which would restrict the storage of hydrofluoric acid at our client's Tunnel Avenue site to individual containers of up to 24kg and at a maximum concentration of 60%. The basis for such a condition is unclear and our client has not been provided with any technical evidence that may have been submitted to support it. Furthermore, as the representation notes, the Health & Safety Executive (HSE) has declined to advise the imposition of such a condition. We would also draw the Examining Authority's attention to our client's Deadline 3 Submissions (REP3-049) and the position of our client, as stated within those submissions, regarding the imposition of an operational restriction in the form sought (whether by attaching a condition to our client's 2012 hazardous substances consent application or through a development consent order requirement). Our client's position has not changed in this regard and remains as previously stated.
2. Secondly, in their letters to the Royal Borough of Greenwich and the HSE, both dated 7 February 2017, Gowling WLG (UK) LLP state that prior to granting the hazardous substances consent application submitted by Brenntag in 2012, the HSE should be re-consulted as the COMAH competent authority to re-evaluate its advice on whether the application should be consented and/or the conditions that should be imposed. Gowling WLG (UK) LLP go on to assert that proceeding to grant the hazardous substances consent without taking this step would make the grant of the consent challengeable by way of judicial review. The Statement of Common Ground between Transport for London and the HSE (SoCG 023) (REP3-013 – page 15; paragraph 3.1.3) states that "*November 2016: HSE have recently had liaison with the Royal Borough of Greenwich on the conditions in relation to the application to amend Brenntag's HSC (application number 12/1247/H Consent for the storage of hazardous substances).*" It is clear from this statement that such re-consultation has taken place.

Should U and I Group Plc choose to make further written submissions at any point during the remainder of the Examination or should the Royal Borough of Greenwich and/or the HSE respond to the above-mentioned representations, we reserve our client's right to comment further in respect of any matters concerning (and with the potential to impact upon) the operation (whether current or future) of its Tunnel Avenue site.

Please acknowledge safe receipt of this email.

**Samantha Grange**  
Senior Associate

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