



3D  
Temple Quay House  
2 The Square  
Bristol, BS1 6PN

Customer Services: 0303 444 5000  
e-mail: [silvertowntunnel@pins.gsi.gov.uk](mailto:silvertowntunnel@pins.gsi.gov.uk)

---

Your Ref:

Our Ref: TR010021

Date: 28 March 2017

---

Dear Sir/Madam

## **Planning Act 2008 (as amended) – Section 89 and the Infrastructure Planning (Examination Procedure) Rules 2010**

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

#### **ExA Decision on the acceptance of the 5 proposed NMCs**

The Panel has given careful consideration in the light of government guidance<sup>1</sup> to the 5 proposed changes to application for a DCO for the Silvertown Tunnel that were submitted on 12 January and 3 February 2017 and the Applicant's report on the response to the additional publicity and consultations that we requested in our procedural decision on 1 February 2017, this being Document 8.104 [Examination Library Reference REP5-003].

The Panel had already accepted that the Infrastructure Planning (Compulsory Acquisition) regulations 2010 [SI 2010/104] were not engaged as all additional land take is for temporary possession only rather than for Compulsory Acquisition of land or rights.

Having regard to the nature of the 5 proposed changes and the very limited response to the Applicant's own initial consultations and which demonstrated general support for the changes from those with interests in land affected by the changes and the absence of specific comment arising from the extensive additional publicity and consultations that we requested, the Panel accepts that each of the 5 proposed changes can be regarded individually as non-material and that cumulatively the changes can also be regarded as non-material because:

1. The application as changed would remain materially the same project as applied for and the application remains of sufficient standard for examination;

---

<sup>1</sup> Planning Act 2008: Guidance for the examination of applications for development consent. March 2015 DCLG

2. Having regard to the principles of the Wheatcroft judgement<sup>2</sup>, we are satisfied that anyone who might be affected by the changes has had sufficient opportunity to have their views heard and taken into account; and
3. All procedural requirements have been met.

The Panel therefore confirms that the 5 proposed changes are accepted into the Examination which will therefore be completed on the basis that application to be reported upon is as changed by NMC1, NMC2, NMC3, NMC5 and NMC6.

Yours faithfully

*Peter Robottom*

**Peter Robottom**

**Lead Member of the Panel of Examining Inspectors**

Advice may be given about applying for an order granting development consent or making representations about an application (or a proposed application). This communication does not however constitute legal advice upon which you can rely and you should obtain your own legal advice and professional advice as required.

A record of the advice which is provided will be recorded on the National Infrastructure Planning website together with the name of the person or organisation who asked for the advice. The privacy of any other personal information will be protected in accordance with our Information Charter which you should view before sending information to the Planning Inspectorate.