

The Planning Inspectorate
Temple Quay House (2 The Square) Temple
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Bristol
Avon
BS1 6PN

Our ref: SL/2016/115920/06-L01
Your ref: Silvertown Tunnel
Date: 10 April 2017

Dear Sir/Madam

**APPLICATION BY TRANSPORT FOR LONDON FOR AN ORDER GRANTING
DEVELOPMENT CONSENT FOR SILVERTOWN TUNNEL**

DEADLINE 7 SUBMISSION

Please find below our submission for deadline 7.

Protective Provisions

We are disappointed to report that despite further detailed discussions it has not been possible to reach agreement with the applicant (TfL) on the wording of the Protective Provisions. We therefore seek our preferred form of Protective Provisions, which we submitted to the Panel at deadline 6.

Since deadline 6, we have discussed alternative options with TfL, such as the possibility of using temporary flood defences in some instances. TfL has earlier today sent us a revised version of Protective Provisions which they have indicated they will be submitting today, however we do not consider that these clearly place TfL under an obligation to ensure a fit for purpose flood defence is in place during the period of disapplication.

We can however agree to one minor change proposed by TfL, namely that the definition of the statutory defence level means 5.18m AOD and therefore no plan showing the statutory defence levels is required.

Disapplication during the maintenance period following construction

The dDCO version submitted at deadline 4 included an addition to Article 3, allowing for the disapplication of the various legislation to continue for the maintenance period following the

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construction phase. This maintenance period is defined as 5 years by Article 30(14), leading to a total disapplication for approximately 9 years. We are concerned about the possible implications of disapplication for this extended period. Furthermore, we understand that in practice TfL is unlikely to need to use these powers during the maintenance period. We therefore do not consider it appropriate, or necessary for the disapplication to be extended to cover the maintenance period. As such we are not currently in a position to give s150 Planning Act 2008 consent in relation to the prescribed legislation within our remit for the maintenance period.

Other Matters within the DCO

We can confirm that subject to the inclusion of our preferred Protective Provisions, we are satisfied that all other matters which we have previously raised have now been mitigated, or appropriately secured through the DCO.

Please do not hesitate to contact me if you require any further information.

Yours faithfully

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