

SILVERTOWN TUNNEL

Volume 8

Development Consent Order Application

8.124 Response to ExA's Notification of Request for
Further Information (Rule 17)

The Infrastructure Planning (Examination Procedure)

Rules 2010

April 2017


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Silvertown Tunnel

Development Consent Order Application Response to ExA's Notification of Request for Further Information (Rule 17)

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Author: Transport for London

Rev.	Date	Approved By	Signature	Description
0	10/04/2017	David Rowe (TfL Lead Sponsor)		For Deadline 7

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INTRODUCTION

On 7 April the ExA issued a notification letter requesting further information under Rule 17 of the Infrastructure Planning (Examination Procedure) Rules 2010. This request was made in light of Transport for London (TfL) publishing the Mayoral Consultation on a draft Ultra Low Emissions Zone (ULEZ) to improve air quality.

The ExA requested that the applicant should formally submit all the newly published consultation documentation together with a note giving the applicant's view on how the proposals may affect the context for the DCO proposals and evidence or submissions made to date.

1. RULE 17 RFI

1.1 Question

On 4 April 2017, Transport for London (TfL) published the Mayoral Consultation on a draft Ultra Low Emissions Zone (ULEZ) to improve air quality. The ULEZ sets out an immediate Mayoral proposal to tackle air quality in London. Although it is proposed to cover the same area as the existing Congesting Charging Zone, applied 24 hours a day, every day of the year and requires all vehicles that do not meet specified NOx emissions standards to pay a daily charge to drive within the zone, depending on the timescale adopted for designation after the consultation, it would seem possible that the proposals would have a bearing on the current application under examination for the Silvertown Tunnel DCO.

Before we close the examination, we consider that the applicant should formally submit all the newly published consultation documentation together with a note giving the applicant's view on how the proposals may affect the context for the DCO proposals and evidence or submissions made to date as IPs will be aware of this consultation and may make comments to the Panel thereon before the close of the Examination.

While the ULEZ is on public record, we therefore formally request that the Applicant submit into the examination copies of the relevant documents as well as a note responding to the Panels request made above regarding the effect of this consultation on any evidence previously submitted by Deadline 7, 10 April 2017.

Response

- 1.1.1 It is the Applicant's view that the consultation in relation to the introduction of the proposed ULEZ in 2019 (eighteen months earlier than assumed) will have no impact on the conclusions reached in the submitted air quality assessment, which stated that the Scheme does not lead to a significant impact on air quality.
- 1.1.2 The reasoning behind this judgement is summarised in the following three key points;
1. The purpose of bringing forward the ULEZ is to improve air quality sooner than 2020 by reducing emissions as a result of encouraging the uptake of cleaner vehicles. The air quality

assessment for the scheme would therefore become even more conservative given that improvements in air quality are expected to occur sooner than anticipated in the current modelling tools used in the Applicant's assessment.

2. As set out in paragraph 17.2 of the Response to ExA's First Written Questions: 8.4 Principal Issue: Air Quality (REP1-151), the Emission Factor Toolkit (EFT) version 7, utilised in the updated air quality assessment (REP2-041) assumed that the ULEZ would be operational, as previously announced, in 2020. Therefore, the air quality modelling which has currently been undertaken for the assumed opening year of 2021 accounts for the impacts of ULEZ on the projected change in the fleet mix (as outlined in the Defra Emission Factor Toolkit v7.0 User Guide).
3. It should also be noted that the Applicant has utilised the advice in Interim Advice Note (IAN) 170/12v3 in relation to adjusting the modelled nitrogen dioxide concentrations to ensure that the predicted concentrations are not too optimistic. This is particularly important given the recent ClientEarth Judgement in which the emission factors from diesel vehicles were criticised for being too optimistic. Bringing forward the introduction of ULEZ does not change the approach taken by the applicant in applying the advice in IAN 170/12v3, although it is likely to make the approach even more conservative.

- 1.1.3 As a result of the above the Applicant considers that the ULEZ consultation does not have any bearing on the current application under examination for the Silvertown Tunnel DCO.
- 1.1.4 As requested, the applicant has appended the current ULEZ consultation material to this response.