

Silvertown Tunnel s106 Agreement: London Borough of Newham

Heads of Terms

Development Consent Planning obligations (s1061A of the Town and Country Planning Act 1990)

Term	Description	Justification	Discussions
Business Transitional Support Contribution	£1,000,000 contribution (Indexed) to be paid on Commencement to provide a package of financial support to be applied by the Council to assist businesses located within the vicinity of the DCO.	Disruption will occur to local businesses as a direct result of the construction and operation of the Silvertown Tunnel and additionally from the introduction of the proposed user charging on both the Blackwell Tunnel and the Silvertown Tunnel. The inclusion of a support package to enable the Council to implement measures to assist the business community located within the vicinity of the DCO is considered as acceptable to mitigate an effect arising as a direct result of the DCO. The financial package will be used by the Council to assist local businesses to adapt to differing operational, employee and business supply expenditure, logistical and transport planning advice and employee travel planning support and any other resultant displacement during construction and operation of the DCO and as a result of the introduction of user charging.	Agreed in Principle
Employment & Training	Apprenticeship & Trainee and other local employment opportunities for works undertaken as a direct result of the DCO and located within the geographical area of the Council (Part 2 of the Second Schedule).	As one of the most deprived Boroughs in the United Kingdom the Council seek that 25% of roles created through the construction of any development located in the borough are fulfilled by local residents. The construction phase of the DCO is expected to generate new employment opportunities across the DCO which the Council economic employment team expect to equate to approximately 8,400 jobs. The Council is seeking to secure through the s106 agreement 25% of these roles be for residents living in the geographical area of the Council. The contribution is requested to secure the support for unemployed and underemployed persons in the borough and considered a balance to these people who will be affected by the user charging in perpetuity. The use of	Agreed in Principle

		the term reasonable endeavours is included within the s106 agreement in respect of provisions that relate to young people.	
Environmental Works	To use Reasonable Endeavours on Operation to implement a scheme of ventilation at the Hoola building, to reduce exposure of first floor residential accommodation to nitrogen oxide	The proposed works to the Hoola building are requested by the Council and have been since the beginning of the ExA process. The works proposed are discussed within the Deadline 7 submission and it is not proposed to repeat the reasoning here. However, in the absence of a finalised Assessed Case and lack of inclusion of the Hoola building works within the Monitoring and Mitigation Strategy. Accordingly the environmental works are considered reasonable as necessary to make the DCO application acceptable and the works relate directly to the vicinity of the DCO. The use of the term reasonable endeavours within the s106 agreement recognises that agreed access is required.	Agreed in Principle
DLR Victoria Road Bridge Contribution	£192,100 contribution (Indexed) to be paid on Commencement and to be applied by the Council to improve to improve accessibility of the bridge over the DLR for pedestrians and cyclists that includes: <ul style="list-style-type: none"> • Cycle guide rail / cycle wheel ramp: • LED hand rail lighting: • Corduroy hazard paving slabs • Allowance for additional maintenance (based on water proofing of deck slabs, surfacing and step nosings) 	The Applicant and the Council have agreed the inclusion of the DLR Victoria Road Bridge works. In the circumstances the contribution to implement the DLR Victoria Road Bridge highways works is considered reasonable, and necessary to make the DCO acceptable in planning terms. The DLR Victoria Road Bridge highways works relate directly to the area within the local vicinity of the DCO to benefit the wider strategic network. It is considered that the DLR Victoria Road Bridge highways works will enhance levels of connectivity in the immediately vicinity of the Silvertown Tunnel including the extent to which the EAL is integrated into its context and hence aiding cross-river travel for those living north of the DLR line.	Agreed in Principle – discussing sum
North Woolwich Road off-cycle Carriageway Contribution	£540,000 contribution (Indexed) to be paid on Commencement and to be applied by the Council for the provision of an off cycle carriageway cycle way along the lower part of North Woolwich Road between Dock Road and West DLR Silvertown Station	The Applicant and Council have agreed the inclusion of the North Woolwich Road off- cycle highway works. In the circumstances the contribution to implement the North Woolwich Road off- cycle highway works is considered reasonable, and necessary to make the DCO acceptable in planning terms. The North Woolwich Road off- cycle highway works relate directly to the area within the local vicinity of the	Agreed in Principle – discussing sum

		DCO to benefit the wider strategic network. It is considered that the North Woolwich Road off- cycle highway works will extend the cycle provision on Dock Road to meet the existing segregated cycle path at West Silvertown DLR Station that includes a 3m segregated two-way cycle track along North Woolwich Road (matching that proposed for Dock Road), on-street parking bays removed and carriageway narrowed to 6.0m	
Silvertown Way Underpass Contribution	<p>£280,220 contribution (Indexed) to be paid on Commencement and to be applied by the Council for the provision of improvements to the existing Silvertown Way Underpass between Dock Road and Royal Victoria Dock adjacent to the Waterfront Studios, to enhance the accessibility and public realm quality for pedestrians and cyclists that includes the following works:</p> <ul style="list-style-type: none"> • Replacement of granite paving: • Replacement of concrete flag paving: • Public art • Lighting • Furniture, planting and wayfinding • Bollards 	The Applicant and the Council have agreed the inclusion of the Silvertown Underpass contribution. In the circumstances the contribution to implement the Silvertown Underpass highway works is considered reasonable, and necessary to make the DCO acceptable in planning terms. The Silvertown Underpass highway works relate directly to the vicinity of the DCO to benefit the wider strategic walking and cycling network. It is considered that the Silvertown Underpass will enhance the accessibility and public realm quality for pedestrians and cyclists, and improve levels of connectivity in the immediately vicinity of the Silvertown Tunnel including the extent to which the EAL is integrated into its context and hence aiding cross-river travel. This improved connection will help offset the new severance created by the tunnel portals and associated highway infrastructure.	Agreed in Principle – discussing sum
Tidal Basin Road Contribution	<p>£405,000 contribution (Indexed) to be paid on Commencement and to be applied by the Council for the provision of improvements for pedestrians and cyclists from the Tidal Basin Road to Western Gateway to enhance the level of pedestrian and cycle provision on Tidal Basin Road to include addition of 3m shared footway/cycle track along the eastbound carriageway, reducing the</p>	The Applicant and the Council have agreed the inclusion of the Tidal Basin Road Highway works. In the circumstances the contribution to implement the Tidal Basin highway works is considered reasonable, and necessary to make the DCO acceptable in planning terms. The Tidal Basin highways works relate directly to the vicinity of the DCO to benefit the wider strategic cycling network. It is considered that the Tidal Basin highways works will enhance the cycle provision on Tidal Basin Road to a similar level as that proposed by TfL on Tidal Basin Roundabout as part of the DCO; and also as	Agreed in Principle – discussing sum

	width of the central reserve and reducing the width of all carriageway lanes.	proposed by the Council as part of the Leaway enhancements on the upper section of Tidal Road.	
Sustainable Transport Contribution	<p>£3,000,000 contribution (Indexed) to be paid on Commencement and provides for a range of further mitigations beyond those proposed in the M&MS to address any further unforeseen impacts not readily dealt with by more conventional mitigations, and could include;</p> <ul style="list-style-type: none"> a) Neighbourhood Enhancement Areas b) Low Emission Neighbourhoods; c) Low noise road surfacing; d) other environmental or other area enhancement as appropriate; and <p>to be applied by the Council towards serving the needs of neighbouring residential and commercial occupiers in the geographical area of the Council</p> <p>Where Neighbourhood Enhancement Areas are proposed as part of a package of measures to improve neighbourhood enhancement – Neighbourhood Enhancement Areas Strategy by ARUP. Whilst agreed in principle the Strategy is to be approved by the Council prior to Commencement.</p>	<p>The Sustainable Transport contribution enables the Council to implement the Neighbourhood Enhancement Areas put forward by TfL to the Council, not secured through any other mechanism; and to implement public works considered as necessary to mitigate the DCO. The Neighbourhood Enhancement Schemes allow for the development of mitigation to offset the direct impacts of the DCO on the local community. The Low Emission Neighbourhoods, low noise road surfacing, and environmental or other enhancements as are necessary to mitigate the DCO for the local community, arising as direct result of the DCO.</p> <p>In the circumstances the works included within the Sustainable Transport are considered reasonable to make the DCO acceptable in planning terms. The initiatives included within the Sustainable Transport fund relate directly to the vicinity of the DCO to benefit both the immediate local and the wider community.</p>	Agreed in Principle the Neighbourhood Enhancement areas. Not discussed the remainder.
DCO Officer Fee	£190,000 to be paid by TfL to the Council prior to completion of the deed to be used towards full-time senior level officer(s) employed by the Council whose responsibilities are principally designated to review compliance and ensuring approval of applications, plans and	In the event the DCO is confirmed the Council wish to assist the Contractor and TfL to deliver a world class infrastructure project. The DCO includes deemed consent provisions for the majority of the statutory consenting. Additionally the Council is required to agree and review unresolved construction and operational documents and attend STIG. The Council has undertaken an internal review of resources and expenditure	Not Agreed - TfL have not expressed an opinion.

	schemes associated with implementation and operation of the DCO. External consultants costs are to be paid in circumstances where the Council are required to review documents submitted as part of the DCO application that are being revised such as the Assessed Case.	and will require additional resources to meet its obligations in the process. The payment is part assistance and considered to be the most appropriate way to ensure timely assistance to TfL. The payment is considered to fairly and reasonably relate to the development as it is necessary to enable the Council to assist with the DCO implementation.	
Environmental Officer Fee	£190,000 to be paid to the Council prior to completion of the deed to be used towards reviewing the environmental impacts associated with air quality, health and noise as a result of the DCO and shall include all costs towards the establishment and monitoring of receptors, and subsequent reporting as required by the Council and payment towards the salary costs and reasonable on-costs associated with costs of the environmental review and approval of applications, plans and schemes associated with the construction and operation of the DCO and to support the Council planning team in ensuring efficient approval of applications, plans and schemes associated with the DCO	In the event the DCO is confirmed the Council wish to assist the Contractor and TfL to deliver a world class infrastructure project. The DCO includes deemed consent provisions for the majority of the statutory consenting. Additionally the Council is required to agree and review unresolved construction and operational documents such as the remediation strategy, Code of Construction subsidiary documents and approve further applications such as pursuant to s61 of the Pollution Control Act 1974. The Council has undertaken an internal review of resources and expenditure and will require additional resources to meet its obligations in the process. The payment is part assistance and considered to be the most appropriate way to ensure timely assistance to TfL. The payment is considered to fairly and reasonably relate to the development as it is necessary to enable the Council to assist with the DCO implementation.	Not Agreed - TfL have not expressed an opinion.
Network Management Fee	£190,000 to be paid to the Council prior to completion of the deed to be used towards reviewing the highways impacts associated with the construction and operation of the DCO and shall include all costs towards the discharge of obligations under this Deed and the DCO such as street works, permits, licences and temporary closure orders, and subsequent co-ordination and reporting roles as required by the Council under its Network	In the event the DCO is confirmed the Council wish to assist the Contractor and TfL to deliver a world class infrastructure project. The DCO includes deemed consent provisions for the majority of the statutory consenting. Additionally the Council is required to agree and review unresolved construction and operational documents such as the Assessed Case. The Council has undertaken an internal review of resources and expenditure and will require additional resources to meet its obligations in the process. The payment is part assistance and considered to be the most appropriate way to ensure timely assistance to TfL. The payment is considered to fairly	Not Agreed - TfL have not expressed an opinion.

	Management Duty and payment towards the full salary costs and reasonable on-costs associated with the employment of a part-time the Highways DCO Officer	and reasonably relate to the development as it is necessary to enable the Council to assist with the DCO implementation and in undertaking its Network Management Duty.	
DCO Consultants Fee	The reimbursement of expenditure on external consultants to be paid by TfL or the Owner to the Council on request by the Council as is reasonable and to be used by the Council in circumstances where the Council are required to review documents submitted as part of the DCO application that are to be revised such as the Assessed Case	In the event the DCO is confirmed the Council wish to assist the Contractor and TfL to deliver a world class infrastructure project. The DCO includes unresolved construction and operational documents such as the Assessed Case and the remediation strategy. The Council has undertaken an internal review of resources and expenditure and will require additional external consultant resources to meet its obligations in the process. The payment is considered to be the most appropriate way to ensure timely assistance to TfL. The payment is considered to fairly and reasonably relate to the development as it is necessary to enable the Council to assist with the DCO implementation.	Not Agreed - TfL have not expressed an opinion.

Operational Provisions of the Deed

Commencement	means the carrying out of a material operation as defined in Section 56(4) of the Act pursuant to the DCO forming part of the authorised DCO other than operations consisting of environmental surveys and monitoring, investigations for the purpose of assessing ground conditions, erection of any temporary means of enclosure, the temporary display of site notices or advertisements	Commencement must exclude initial construction and piling as on assessment of the likely environmental impacts the Council consider these initial works will place undue pressure on the amenity of the local community in Silvertown, such as an increase in the number of lorry movements to the site .	Not Agreed - TfL have not expressed an opinion.
Operation	means first operation of the Silvertown Tunnel or introduction of the charging schedule on the Blackwell Tunnel	The current wording of the DCO in effect includes two points of operation and the definition is to reflect the current intent of the DCO provisions as proposed by TfL.	Not Agreed - TfL have not expressed an opinion.
Owner	Means the GLA who are the majority landowner of the land surrounding the tunnel entrance	The landowner is required to be a party to the deed to enable the Council an assurance that the deed will be registered. Registration, consequentially reflects directly on the ability of the Council to enforce provisions through the correctly available legal process. Section 1061A of the Town and Country Planning Act 1990 includes development consent obligations as planning obligations. To not do include the landowner in this case – the GLA - is considered as unreasonable and may place an unnecessary burden on already stretched Council resources. In an example is in the event of a complainant the Council may be forced into what may be lengthy civil procedures with a third party.	Not agreed.
Reasonable Endeavours	means that the party responsible for the performance must exert itself to take all those reasonable steps which a prudent and determined person acting in their own interests and anxious to achieve the desired objective would take and for the avoidance of doubt includes;	The term reasonable endeavours is used in respect of environmental works to the Hoola Building to enable TfL to mitigate a potential increase in NO2. The term reasonable endeavours recognises that should work be required then the implementation of these works may be outside the control of the Contractor or TfL.	Not Agreed - TfL have not expressed an opinion.

	<p>1.The ability to demonstrate that the relevant Party has taken serious and detailed consideration of its contractual commitment pursuant to this Deed; and</p> <p>2.Has utilised such methods as are likely to achieve the desired result and recognising that such performance is of material importance that the result is achieved</p>		
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