

**From:** [Holt, Rachel](#)  
**To:** [silvertowntunnel](#)  
**Subject:** Silvertown Tunnel - ASD Limited (Kloeckner Metals UK)  
**Date:** 11 April 2017 22:16:31  
**Attachments:** [Appendix 1 - email from TfL's solicitors stating completion will be postponed.msg](#)  
[Appendix 2 - Email exchange between TfL's and ASD's solicitors.msg](#)  
**Importance:** High

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Dear Sirs

ASD and Transport for London ("**TfL**") have been negotiating a settlement agreement relating to the application for development consent in respect of the Silvertown Tunnel (the "**Scheme**").

The agreement makes provision for a number of essential mitigation measures to enable ASD to continue operating during the construction phase of the Scheme and to restore the site's access once construction is complete. This includes (but is not limited to):

- The provision of a temporary access road prior to the closure of ASD's existing site access;
- The construction of a fence between the site and the works relating to the Scheme;
- The provision of a permanent access road when the temporary access road (referred to above) is closed; and
- The agreement of operational matters to enable continued working by ASD.

(the "**Agreement**").

ASD and TfL agreed a position statement which set out the intention of both parties to complete the Agreement before the close of the Examination. The position statement was submitted to the Examining Authority by TfL as part of Deadline 7 on 10 April 2017.

The Agreement is now in an agreed form. However, despite considerable effort made to get the Agreement in an agreed form (which included ASD re-arranging a number of meetings and re-scheduling flights), TfL's solicitors sent an email later this afternoon confirming that no further action should be taken by ASD in relation to the execution of the Agreement. TfL's solicitors confirmed that due to "*administrative reasons*" TfL would not be in a position to complete the Agreement today, as the relevant signatories were unavailable until Tuesday 18 April 2017 in light of the Easter weekend. However, the email confirmed that "*TfL [did] still have a desire to get the Agreement completed as soon as is feasible*". Please see exchange of emails between TfL's solicitors attached (**Appendix 1 and Appendix 2**).

This is very disappointing as our client has engaged significant resources and time to get the Agreement in an agreed form, as required by TfL. We are surprised that as the promoters of the Scheme, and in light of the closure of the Examination today, that TfL would take this position.

That said, ASD is prepared to execute the Agreement in the form agreed today on 18 April 2017, as suggested by TfL. However, if the Agreement is not executed, ASD's objections to the Scheme should remain and be taken into account in determining whether to grant development consent for the Scheme.

Please acknowledge safe receipt.

Kind regards

Rachel

**Rachel Holt**

Associate

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**From:** [Holt, Rachel](#)  
**To:** [Holt, Rachel](#)  
**Subject:** Appendix 1 - email from TfL's solicitors stating completion will be postponed  
**Date:** 11 April 2017 21:08:09

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**From:** FOX Matthew [<mailto:Matthew.Fox@pinsentmasons.com>]  
**Sent:** 11 April 2017 16:39  
**To:** Holt, Rachel; GUPTA Raj  
**Cc:** Kaur, Dalee  
**Subject:** RE: ASD - Silvertown - Actions from call 10 April [DLAP-UKMATTERS.FID3996713] [PM-AC.FID1593100]

Rachel,

As just discussed, unfortunately we are not going to be able to complete this today as TfL have been unable to get sign off from the relevant people in time.

I understand that this is purely for administrative reasons but that TfL does still have a desire to get the Agreement completed as soon as is feasible.

However, as discussed, due to leave and Easter, unfortunately this will be unable to be done until next Tuesday.

Many thanks

Matt

**Matthew Fox**  
Solicitor  
for Pinsent Masons LLP

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**From:** [Holt, Rachel](#)  
**To:** [Holt, Rachel](#)  
**Subject:** Appendix 2 - Email exchange between TfL's and ASD's solicitors  
**Date:** 11 April 2017 21:07:36

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**From:** FOX Matthew [<mailto:Matthew.Fox@pinsentmasons.com>]  
**Sent:** 11 April 2017 18:17  
**To:** Holt, Rachel; GUPTA Raj  
**Cc:** Bassford, Howard; Kaur, Dalee; [REDACTED]  
**Subject:** RE: Silvertown - ASD - execution of agreement [DLAP-UKMATTERS.FID3996713]

Rachel,

I acknowledge your email and your voice message, however I am not going to be able to receive instructions on its contents until tomorrow morning.

Regards

Matt

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for Pinsent Masons LLP

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**From:** [Holt, Rachel](#)  
**Sent:** 11 April 2017 17:21  
**To:** [FOX Matthew](#); [GUPTA Raj](#)  
**Cc:** [Bassford, Howard](#); [Kaur, Dalee](#); [REDACTED]  
**Subject:** Silvertown - ASD - execution of agreement [DLAP-UKMATTERS.FID3996713]

Matt, Raj

Further to our call and your email (attached), we are concerned that, through no fault of our client, ASD, the completion of the attached agreement (the "**Agreement**") is being delayed due to the lack of available signatories at TfL. We understand that the Agreement is in an agreed form and note that our client's signatories are ready to sign the Agreement today. As the delay is purely administrative, we request that you provide our client with some comfort by confirming that the Agreement is in an agreed form and providing an undertaking that the Agreement will be signed on Tuesday 18 April 2017.

In addition, we request that you write to the Examining Authority confirming:

- the Agreement is in an agreed form;
- completion is being delayed due to administrative reasons resulting in a lack of available signatories at TfL; and
- that ASD's signatories were ready and available to sign the Agreement when it was agreed today (11 April).

We would like to see and approve the draft of the email to the Examining Authority and be copied into the correspondence when sent.

It is very disappointing that this cannot be signed today, given that everyone has tried so hard to get this over the line (including our client re-arranging meetings and delaying flights). We find it hard to believe given this process that TfL doesn't have signatories around, as they must be dealing with a number of similar agreements. We did not encounter this in our previous experience with TfL.

In any event, we have incurred significant costs negotiating this agreement and we would like an undertaking that our costs will be paid, regardless if TfL decides not to sign the Agreement by no fault of ASD.

Kind regards

Rachel

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