



# Department for Transport

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To named interested parties

Date:

31 July 2017

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Dear Sir/Madam

## **Planning Act 2008 (as amended)**

**Application by Transport for London (TfL) ("the Applicant") for an Order granting Development Consent for the Silvertown Tunnel.**

**REQUEST FOR COMMENTS FROM THE APPLICANT, LONDON BOROUGH OF NEWHAM, LONDON BOROUGH OF TOWER HAMLETS, ROYAL BOROUGH OF GREENWICH AND THE HEALTH AND SAFETY EXECUTIVE ("HSE")**

The Examining Authority submitted on 11 July 2017 a Report and Recommendations in respect of its findings on the above application to the Secretary of State for Transport ("the Secretary of State"). In accordance with section 107 of the Planning Act 2008, the Secretary of State has until 11 October 2017 to make a decision on the application. I am writing in relation to some outstanding matters at the end of Examination on which we would appreciate updated information before determining the application.

### **Legal Agreements**

The Secretary of State notes that at the close of the examination, agreements on a number of matters between the Applicant and three of the London Boroughs had still to be confirmed and signed.

1 Please could the Applicant and the London Borough of Newham provide an update in respect of the discussions relating to the legal agreement / s106 agreement and in particular the following matters:

- transitional business support provisions;
- a cross river cycle shuttle bus provision; and
- a scheme of ventilation at the Hoola building.

2 Please could the Applicant and the Royal Borough of Greenwich provide an update in respect of the discussions relating to the legal agreement and in particular the following matters:

- provision of noise barriers in Seibert Road and Westcombe Hill;
- the biodiversity offsetting contribution;
- transitional business support provisions; and
- a cross river cycle shuttle bus provision.

3 Please could the Applicant and the London Borough of Tower Hamlets provide an update in respect of the discussions relating to the legal agreement and in particular the following matters:

- transitional business support provisions; and
- a cross river cycle shuttle bus provision.

### **Hazardous Substances Consent**

4 Please could HSE clarify its position following its post examination correspondence of 21 June 2017 at annex A. Please confirm whether in relation to paragraph 6 and 7 of your letter, you no longer consider that a Grampian condition is required in relation to the Brenntag hazardous substance consent and Works No. 12 and that a Grampian condition relating to the Brenntag hazardous substance consent is not required in relation to any other works.

### **The deadline for any response is 14 August 2017**

Responses to the matters outlined in this letter should be submitted by email to [silvertowntunnel@pins.gsi.gov.uk](mailto:silvertowntunnel@pins.gsi.gov.uk). Please send any hard copy response to the Silvertown Tunnel Case Team, The Planning Inspectorate, Eagle Wing 3/18, Temple Quay House, Temple Quay, Bristol, BS1 6PN. If you will have difficulty in submitting a response by the consultation deadline, please inform the Project Team.

Your response will be published on the project page for the Silvertown Project Planning Portal website as soon as possible after 14 August at:

<https://infrastructure.planninginspectorate.gov.uk/projects/London/Silvertown-Tunnel/>

This letter is without prejudice to the Secretary of State's decision whether or not to grant development consent for the Silvertown Project, and nothing in this letter is to be taken to imply what that decision might be.

Yours faithfully

Natasha Kopala



Lead Member of the Examining Panel  
The Planning Inspectorate,  
3D Eagle,  
Temple Quay House,  
Temple Quay,  
Bristol,  
BS1 6PN

**FAO: Mr Peter Robottom**

Date: 21<sup>st</sup> June 2017

HSE Ref. 4.2.1.4173.  
Exam Ref. SILV-354  
Your Ref. TR010021

Dear Mr Robottom

**THE PLANNING ACT 2008 (AS AMENDED)  
APPLICATION BY TRANSPORT FOR LONDON (TFL) FOR AN ORDER GRANTING  
DEVELOPMENT CONSENT FOR THE PROPOSED SILVERTOWN TUNNEL**

**Applicant: Transport for London**

1. HSE acknowledges that the Silvertown Tunnel examination has closed but wishes to update the Examining Authority (ExA) on the position regarding our proposed Grampian requirements as a result of our initial assessment of the re-consultation on the 2012 Brenntag Inorganic Chemicals Ltd (Brenntag) consent application.
2. The hazardous substances consent for Brenntag that was deemed to have been granted in 1999 is the only consent for hazardous substances that currently exists for the Brenntag site; and is the basis of HSE's advice and Grampian requirement on the proposed Silvertown tunnel.
3. In February 2017 HSE was formally re-consulted by the Royal Borough of Greenwich Council (RBG) on the 2012 hazardous substances consent application submitted by Brenntag but which remained undetermined. HSE's first task was to re-assess the 1999 deemed consent using up to date methods to establish a baseline against which HSE could provide RBG public safety advice on the 2012 application. The outcome of this stage was a revised set of consultation zones; the revised zones comprise a single inner zone with both the middle zone and outer zone boundaries coterminous with it, and a copy of the new zone map is also provided as an attachment to this letter.
4. Since the Examination has closed HSE has been in discussion with Brenntag and requested further information from them; Brenntag took some time to respond, when they did, towards the end of May 2017, they raised a number of further questions which did not help HSE complete its assessment.
5. There is ongoing uncertainty over the timescale for completing the assessment of the 2012 re-consultation; and under these circumstances HSE are of the view that it would be appropriate to update the notified consultation zones on the basis of the most recent assessment of the existing consent for the Brenntag site, the 1999 deemed consent.

Chemicals, Explosives and  
Microbiological Hazards Division

**Mr John Birch**

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Head of CEMHD5  
Mr J Neilson

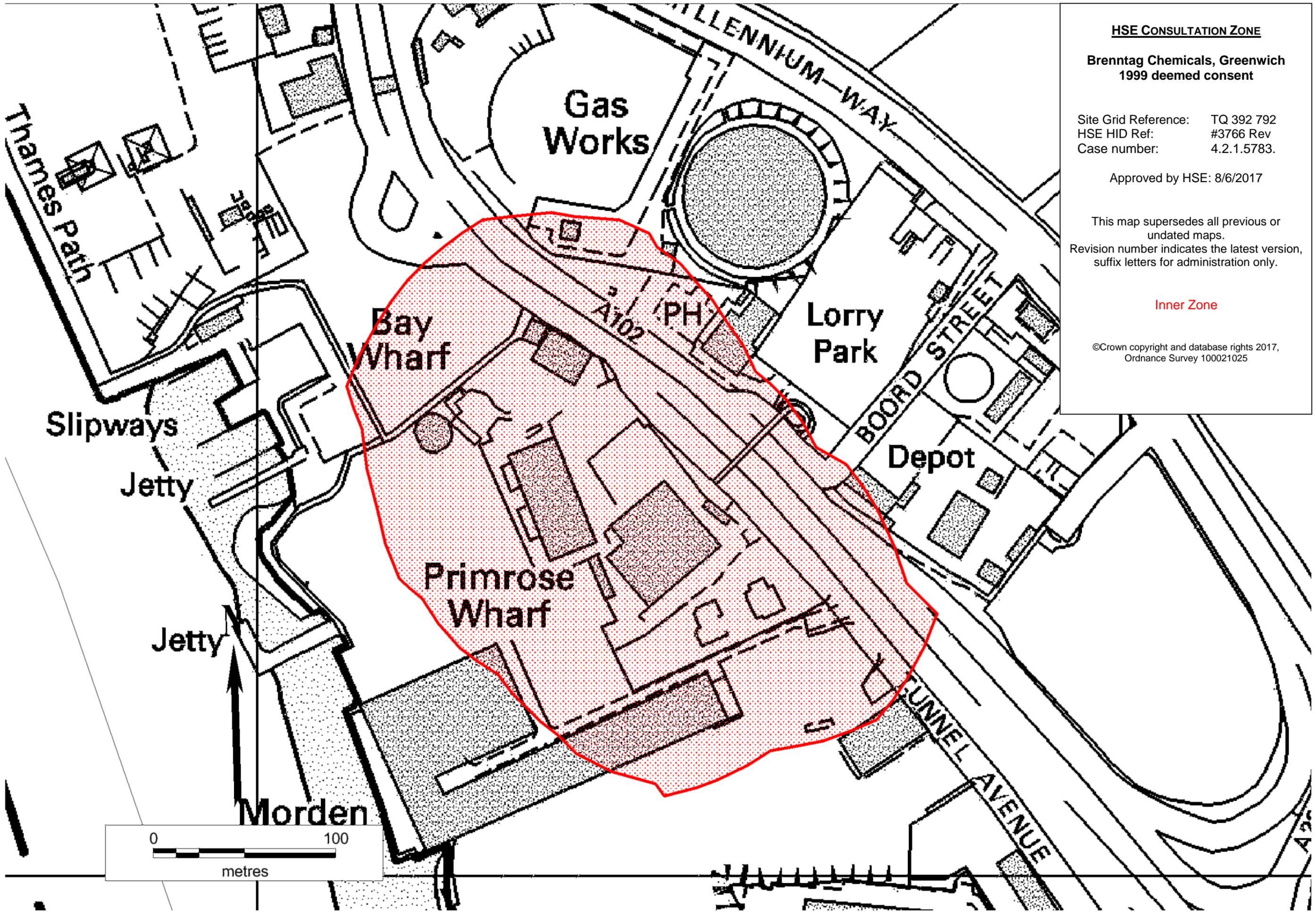
Accordingly we have notified RBG of the change in consultation zones and that we are not yet in a position to provide advice on the 2012 re-consultation.

6. HSE wishes to inform you that the assessment of the 1999 deemed consent has meant that the inner zone no longer extends as far as the proposed tunnel services buildings at the South Portal comprised in Work No. 12 and therefore with respects to the Brenntag site **only** HSE does not require this aspect in the Grampian requirement relating to the Brenntag hazardous substances consent.
7. HSE further notes that the existing dual carriage way within the new Inner Zone is proposed to be widened from 5 to 8 lanes. As we have previously informed the ExA, traffic modelling is not within our area of expertise but at face value the proposed new roadway is likely to increase significantly (>10%) the number of people exposed to risk which would confirm our advice against the Silvertown tunnel unless a Grampian requirement is applied.
8. For the avoidance of doubt, HSE's advice and our proposed Grampian requirement relating to the hazardous substances consent for East Greenwich Gasholder Site remains unchanged.

Yours sincerely



John Birch  
HM Principal Specialist Inspector of Health and Safety  
CEMHD5C  
Regulation Directorate  
Health and Safety Executive



**HSE CONSULTATION ZONE**

**Brenntag Chemicals, Greenwich  
1999 deemed consent**

Site Grid Reference: TQ 392 792  
HSE HID Ref: #3766 Rev  
Case number: 4.2.1.5783.

Approved by HSE: 8/6/2017

This map supersedes all previous or undated maps.  
Revision number indicates the latest version, suffix letters for administration only.

**Inner Zone**

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