

Silvertown Tunnel Case Team
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Chemicals, Explosives and
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Head of CEMHD5
Mr J Neilson

Date: 10 August 2017

HSE Ref. 4.2.1.6000.

By e-mail only

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")

Hazardous Substances Consent

1. Thank you for your letter dated 31 July 2017 on behalf of the Secretary of State for Transport (SoS), requesting clarification from the HSE.
2. In response to paragraph 4 of your letter (Hazardous Substances Consent) HSE offers the following clarification to post examination correspondence of 21 June 2017 (annex A of your letter).
3. I can confirm that HSE's current position is that we no longer advise that the draft Grampian requirement relating to the Brenntag Inorganic Chemicals Site ("Brenntag") should prevent occupation of the tunnel services buildings at the South Portal comprised in Work No. 12. Turning to the second part of the question, the new dual carriageway would still fall within HSE's revised consultation Inner Zone around Brenntag and, therefore, for the reasons set out in our Deadline 7 submission and paragraph 7 of our letter 21 June, we continue to advise that the draft requirement should prevent the opening of the tunnel for public use.
4. With reference to the related draft requirement in Examination Library document REP7-026 Draft Development Consent Order, Schedule 2 (Part 1), Requirement 16(2)(a), HSE's suggested wording is now:

'The Silvertown Tunnel must not be opened for use by the public until -

a) the hazardous substances consent for the Brenntag Inorganic Chemicals Ltd site has been revoked or modified in accordance with the Planning (Hazardous Substances) Act 1990, and in the case of a modification details of the relevant modifications have been submitted to the Health and Safety

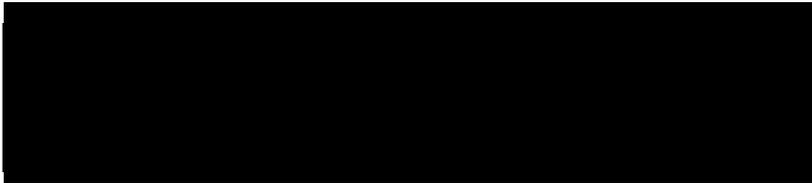
Executive, and the Health and Safety Executive has advised the Secretary of State in writing that it does not advise against the authorised development.'

5. I can also confirm that the change in our consultation zones around Brenntag do not affect the risk from the East Greenwich Gasholder Site and that, consequently, HSE's advice remains that the draft requirement 16(1) should prevent both the opening of the tunnel for public use and the occupation of the tunnel services buildings at the South Portal comprised in Work No. 12.

6. May I also take this opportunity to confirm that HSE's position with respect to part (b) of the applicant's draft requirements 16(1) and 16(2) remains unchanged from that in Examination Library document REP4-002, Item 2 Second Written Questions - HSS2.1. In summary, HSE does not accept the need for the second parts to the requirements. If the proposed assessment of risk is intended to challenge our advice then we will not support it and if not then it is unclear how it would be beneficial. However, if it is decided to adopt the second parts to the requirements then HSE would not wish to be consulted and we request the need for consultation with us is removed from the wording.

7. You may be aware that the Department of Communities and Local Government has recently revised again its Planning Practice Guidance document including the Hazardous Substances section (<https://www.gov.uk/guidance/hazardous-substances>) which HSE referred to in its Written Representation. I can confirm that the recent updates to the Hazardous Substances section do not affect HSE's advice for the proposed Silvertown Tunnel development.

Yours sincerely



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