

From: [Jenny Bates](#)
To: [silvertowntunnel](#)
Subject: Further information-Silvertown: New, material and important information
Date: 23 August 2017 23:57:29

Dear DfT, via PINS,

I am writing following your published letter to the applicant, Transport for London, requesting information following the publication on 26 July of the Government's final UK plan for tackling roadside Nitrogen Dioxide concentrations:

A [second consultation letter on behalf of the Department for Transport](#) to the applicant has been published. *09 August 2017*

This email is further to my email below of 1st July which drew the draft of the UK NO2 Plan, and the draft Mayor's Transport Strategy, to the attention of the Inspectors.

There is further information which I now consider to be new, material and important in the final UK NO2 Plan, and related to that in the Mayor's draft London Environment Strategy (LES): <https://www.london.gov.uk/what-we-do/environment/draft-london-environment-strategy-have-your-say>

The final Plan now expects, without further action, that the London Air Quality Zone would be compliant by 2028 (Technical Report, 2.1.3, under 'new policies'), which is earlier than the draft NO2 Plan's expectation of some time after 2030 - but notably only due to the Mayor's ULEZ plans being incorporated in the final Plan, when they were not in the draft (also Technical Report, 2.1.3, under 'new policies').

"The final Plan baseline includes the effects of certain measures that were not included in the draft Plan projections. Most notable is the progress that has been made introducing the Ultra Low Emission Zone (ULEZ) in central London. This means that the UK is now projected to reach compliance by 2028 in the baseline scenario (Figure 2.1)."

However, the date expected for compliance of the London AQ Zone is now not until 2026, under the main "CAZ scenario" (Technical Report, Figure 3.6/EX.2) - later than by 2025 cited in the draft Plan, and previously assumed. Thus air pollution is expected to be worse for longer than previously assumed, which affects TfL's assumptions and assessments for meeting Limit Values and Objectives.

Only under the "CAZ plus additional actions scenario" would London still be expected to comply by 2025 (Technical Report, Figure 3.6/EX.2) - only by including a Zero Emission Zone (ZEZ) in modelling (it has been newly proposed in the draft MTS, and is slated to come in in 2025) (Technical Report 3.1.4).

"The Mayor of London has proposed implementing a Zero Emission Zone (ZEZ) in central London in 2025.⁴⁸ This proposal is at an embryonic stage, thus there are few details as to what it would entail. It is expected to be similar to a CAZ with charges levied on vehicles that are not zero-emission capable. Purely for the purposes of this analysis, an indicative policy has been modelled to estimate the potential impacts of a ZEZ. However, this should not be taken as a guide to the eventual policy design. Instead, it should be treated as an indication of the potential air quality improvements that such a policy could make."

Thus the ZEZ is still very unclear and uncertain, and overall the Plan states that this scenario "additionally includes actions which may be possible but for which assessment is highly uncertain" (Technical Report 3.2).

Indeed the Technical Report sets out many reasons for uncertainty in the final AQ Plan (section 4) – air pollution could be considerably worse than the Government main assumptions.

The final NO2 Plan now uses updated information compared to the draft Plan (Technical Report 2.1.3) including using 2015 as the base year.

The Plan uses COPERT 5 emissions factors (with EFT Version 8, as I understand it), while the 2015 Plan was based on COPERT 4.11 (EFT Version 7). It was the use of v4.11 in the 2015 NO2 Plan which underestimated levels of air pollution and required the court to order more realistic assumptions to be used.

It is imperative that the latest emissions factors are used for all parts of the Silvertown assessments. TfL's local modelling contribution to the project's overall modelling must be based on the latest factors. Relying on out of date assumptions for TfL's work on Silvertown would lead to underestimates of pollution levels.

I have previously referred to the need for TfL to re-do their local work using updated Defra background levels: **Summary of oral evidence given on 18th January 2017 on Air Quality as part of Environmental ISH** (<https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/TR010021/TR010021-001242-Friends%20of%20the%20Earth.pdf>), paras 17 and 18.

Further, London is going to have to drive down air pollution further (which we welcome). In the draft LES the Mayor proposes to move to World Health Organisation standards by 2030:

“establishing and achieving new, tighter air quality targets for a cleaner London, meeting World Health Organisation (WHO) health-based guidelines by 2030 by transitioning to a zero emission London” (Chapter 4 on Air Quality, in the introduction)

While the WHO recommended level for NO2 is currently the same as the EU's annual Limit Value for NO2 (the 40 micrograms/m³ level), the WHO have found health effects below the 40 level (as I previously highlighted), and thus plan to revise their recommended level:

“A new AQG is also recommended for nitrogen dioxide (NO₂), a toxic gas produced by the combustion process in heating, power generation and especially vehicle engines. New studies have associated short- and long-term exposure to NO₂ with mortality, hospital admissions, and respiratory symptoms at concentrations at or below the current EU limit values (which are set at the same level as the AQGs).”

<http://www.euro.who.int/en/media-centre/sections/press-releases/2013/01/newly-found-health-effects-of-air-pollution-call-for-stronger-european-union-air-policies>

Thus levels of NO2 will have to be taken down below the 40 level.

Further, the WHO standards are currently twice as stringent on Particle Matter (PM) air pollution as EU standards. The draft MTS's intention to reduce traffic levels will indeed be essential to achieve the higher standards, and the ULEZ consultation has proposed including PM air pollution as well as NO2.

The Silvertown road tunnel would be putting these policies at risk and taking things in the wrong direction.

Overall, to fulfil the High Court requirement to reduce exposure as quickly as possible - as the route to ensuring compliance in the shortest time possible – it cannot be compatible to allow air pollution to be worsened for some people, as the Silvertown tunnel would result in.

We respectfully request that the Inquiry is re-opened to enable scrutiny of TfL's new information provided in response to DfT's letter.

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From: Jenny Bates <jenny.bates@foe.co.uk>

Date: 1 July 2017 at 16:37:51 EEST

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Subject: **Silvertown: New, material and important information**

Dear Inspectors,

i am writing about new information which i consider to be material and important for your consideration of the Silvertown Tunnel proposals, and which i hope you will be able to consider in your deliberations.

The government has published its draft revised Air Quality Plan

<https://consult.defra.gov.uk/airquality/air-quality-plan-for-tackling-nitrogen-dioxide/>

The Plans included re-modelling of air pollution data based on more realistic assumptions, as required by the November 2016 Court ruling (although what is presented in these documents is not yet final), and has shown air pollution is in a worse state compared to what previous Plans assumed (as we expected would be shown). Indeed the true nature of the air pollution problem in London (and the wider UK) has effectively been hidden due to over-optimistic assumptions.

Under the more realistic assumptions, without further action, London is shown to be still having illegal air in 2030 (Table 1 of Annex L of the Draft AQ Plan itself), and the AQ Plans say that they expect the capital to get legal NO2 levels only in 2025 (Draft AQ Plan, para 88).

The new AQ Plan anyway required stronger measures to bring levels down sooner (as the previous Plans were deemed by the Court to be too weak), but these will now need to be even stronger still due to a worse starting point.

The Silvertown Tunnel is expected to worsen traffic and congestion and air pollution in some areas (it is irrelevant that some areas could benefit, or any supposed net effect), and that cannot be acceptable in terms of the requirement to achieve legal limits in the shortest time possible, via a route through which people's exposure is reduced as quickly as possible (as is required by the November 2016 Court ruling), especially under the increased imperative due to the worse baseline pollution levels.

The worse baseline fundamentally changes assumptions for the scheme - illegal levels of air pollution would be expected to persist longer / in more places, and so the scheme adding to the problem (due to traffic increases / congestion) could have worse and/or different effects.

It could result in more locations / those other than those previously identified going into non-compliance, and more locations / those other than previously identified worsening existing breaches.

It could result in new/different failed legal Limit Value compliance tests, and/or Objective tests.

Further, the Plans make clear that Clean Air Zones (CAZs) - to which the ULEZ

is similar - are the most effective tool in bringing down air pollution: "From the options considered, establishing Clean Air Zones (CAZs) is the most effective way to bring the UK into compliance with NO₂ concentration levels in the shortest possible time (Table Ex.3, Summary of results, Executive Summary, p9 and 11, also shown in Figure 10.1 - both of the Technical Report)."

Clearly the ULEZ is the most important tool the Mayor has in bringing down air pollution levels in the shortest time possible and reducing exposure as quickly as possible, as is required.

There are calls for a London-wide ULEZ i.e. that including all vehicle types including cars, from a number of organisations as well as ourselves, and having such a ULEZ is clearly a strong possibility (or London will not have demonstrated that illegal levels of air pollution are being dealt adequately as required), and thus has implications for the scheme.

We previously highlighted that a London-wide ULEZ would have implications for the charging differential the scheme currently proposes and relies on, or (to maintain a differential) for charging levels and thus social impacts.

Indeed there is another new, material and important document, the draft Mayor's Transport Strategy (MTS) <https://www.london.gov.uk/what-we-do/transport/our-vision-transport/draft-mayors-transport-strategy-2017>.

This proposes that "The Mayor will give consideration to the development of the next generation of road user charging systems..." (from the Summary), and indeed the main draft MTS states:

"An integrated 'per mile' charge could replace pre- existing schemes (Congestion Charge, Low Emission Zone, Ultra Low Emission Zone (ULEZ), Silvertown charge) with a single, unified scheme which takes into account both congestion and emissions objectives. Any such scheme would consider the likely impact on health, the economy, the environment, safety, fairness and social inclusion to deliver balanced outcomes for Londoners."

This hints at the problems and compromises which would result if a new London-wide charging system were introduced, and the effects on a Silvertown and Blackwall charge differential relied on.

The draft MTS does support the Silvertown Tunnel (proposal 88), but much is made of the potential for improved bus provision - however as we have previously said, bus provision could be improved on the existing Blackwall Tunnel, and more non-general traffic, bus/public transport only (perhaps with walking and cycling) provision could be instead prioritised as part of a comprehensive non-general traffic package, which should include measures to "throttle back" (as TfL have described it) the traffic causing the existing congestion at the Blackwall Tunnel approaches..

Further, the draft MTS refers to "A shift away from car use will help London's streets work more efficiently, reducing congestion so bus services can run reliably, and essential freight and business journeys can keep London operating. Working to achieve fuller vans and fewer missed deliveries, the Mayor aims to reduce freight traffic in the central London morning peak by 10 per cent by 2026. The Mayor also aims to reduce total traffic in the capital by 10-15 per cent by 2041, with London boroughs leading on reducing traffic in their areas."

This is an important change of emphasis, which should help address existing problems, and a welcome return to the sort of positive measures needed to address existing problems and provide for London's future in a sustainable way. It is also one in which we consider the Silvertown Tunnel has no place.

Jenny

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