

SILVERTOWN TUNNEL

Development Consent Order Application

Applicant's Response to Request from the DfT for Comments
on Air Quality (dated 1 September 2017)

13 September 2017

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Development Consent Order Application Applicant's Response to Request from DfT for Comments on Air Quality

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Rev.	Date	Approved By	Signature	Description
0	12/09/2017	David Rowe (TfL Lead Sponsor)		For Submission

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1 REQUEST FOR COMMENTS

1.1 The DfT's letter of 1 September 2017 contains the following request:

REQUEST FOR COMMENTS FROM THE APPLICANT, THE LONDON BOROUGH OF SOUTHWARK, FRIENDS OF THE EARTH AND INTERESTED PARTIES

Following my letters of 9 August 2017, all responses have been published on the Planning Portal website and can be accessed by following this link:

<https://infrastructure.planninginspectorate.gov.uk/projects/london/silvertown-tunnel/?ipcsection=docs>

The Secretary of State would like to invite any comments on these responses from the Applicant, the London Borough of Southwark, Friends of the Earth and any other interested party.

Applicant's Response

- 1.1.1 Transport for London ('the Applicant') welcomes the opportunity to comment on the points made by Friends of the Earth and the London Borough of Southwark in response to the Secretary of State's request for additional information related to the publication of the final UK Plan for tackling roadside nitrogen dioxide (NO₂) concentrations - July 2017 ('the UK Air Quality Plan').

Friends of the Earth

- 1.1.2 In relation to the points raised by Friends of the Earth in its email of 23rd August 2017 the Applicant responds as follows:
- 1.1.3 Friends of the Earth has drawn attention to the new projections that have been released as part of the UK Air Quality Plan and suggested, amongst other things, that the examination should be "re-opened" to enable scrutiny of TfL's new information provided in response to the DfT's letter.
- 1.1.4 It is understood that Friends of the Earth had not actually seen the Applicant's response to the Secretary of State's Consultation letter of the 9th August 2017 when it made its own response. The Applicant's response (dated 23rd August) contained an updated EU Air Quality Directive Compliance Risk Assessment in accordance with Interim Advice Note (IAN) 175/13. The Applicant's response indicates that, whilst some of the detailed

assessment numbers change as a result of the new UK Air Quality Action Plan projections, the overall conclusions of the Compliance Risk Assessment reported in the *Updated Air Quality and Health Assessment* (REP2-041) submitted to the Silvertown Tunnel examination do not change as a result of the updated Defra projections, regardless of which set of projections are used (Baseline, With CAZ or CAZ plus additional measures projections). The response also confirms that no other part of the Applicant's air quality assessment reported in REP2-041 is affected by the new projections released as part of the UK Air Quality Action Plan.

- 1.1.5 Friends of the Earth has also requested the Applicant's air quality assessment be updated as a result of the release of the COPERT 5 Emission factors which are used in the Defra modelling to inform the UK Air Quality Plan. This point is based on a misunderstanding. As the Applicant explained at paragraph 1.1.3 and footnote 1 of its 23rd August 2017 response, Defra has not released updated iterations of the air quality modelling tools (including the Emission Factor Toolkit (EFT)) which would be required to undertake any updated air quality modelling. The *Updated Air Quality and Health Assessment* (REP2-041) therefore still utilises the latest published air quality modelling tools.
- 1.1.6 In addition, the Applicant explained that updating the EFT with COPERT 5 emissions would have no impact on the outcome of the air quality assessment the Applicant has submitted. This is because the air quality assessment was undertaken in accordance with the advice in IAN 170/12v3 which uplifts the modelled concentrations to ensure that the projections are not optimistic following the evidence of vehicles not performing to their emissions standards (particularly diesel vehicles). Analysis of this was undertaken in the Applicant's document '*Response to Action Point 8.2 from the ISH on 17 January 2017*' (REP3-028) which illustrated that doubling the contribution from all diesel cars and vans would not result in higher modelled concentrations than were published in the Applicant's *Updated Air Quality and Health Assessment* (REP2-041).
- 1.1.7 It is important to note, therefore, that the updated UK Air Quality Plan does not impact on achievement of compliance with the EU Air Quality Directive in the quickest time possible. As reiterated in previous responses, the Scheme improves air quality in areas of the highest NO₂ concentrations, that is, those in exceedance of the Air Quality Strategy Objectives/EU Limit Values. Additionally, in overall air quality terms it is still right to conclude that the Silvertown Tunnel remains beneficial.
- 1.1.8 Friends of the Earth's position that development consent should be refused because a few receptors experience a worsening of NO₂ levels above the

40µg/m³ 'limit value' is misguided as this would prevent an overall improvement in air quality for a greater number of receptors, including those with NO₂ levels above the 40µg/m³.

- 1.1.9 It is also right to record that the Scheme will not impact on the Mayor's wider aspirations of improving air quality such as the Ultra Low Emission Zone (ULEZ) or policy decisions in relation to establishing more stringent Air Quality Target concentrations as set out in the Draft for Public Consultation London Environment Strategy (August 2017, https://www.london.gov.uk/sites/default/files/les_full_version.pdf).

London Borough of Southwark

- 1.1.10 In response to the points raised by LB Southwark, the Applicant would like to respond as follows:
- 1.1.11 During the examination LB Southwark raised objections to the methodology that the Applicant adopted in assessing the air quality effects of the Scheme (detailed in paragraph 7.8 of REP1-009 '*LBS Local Impact Report*' and in paragraphs 4.17 to 4.24 of REP1-008 '*LBS Written Representation*'). The Applicant has consistently stated that the approach used in the assessment is fully compliant with the current guidance for the assessment of road schemes (fully detailed in paragraphs 7.1.4-7.1.9 of REP2-035 '*Comments on Borough Local Impacts and Written Representations*'). It is noticeable that LBS has not identified any alternative approved methodology for assessing air quality.
- 1.1.12 Furthermore, the adopted methodology in accordance with IAN 170/12v3 is more pessimistic than relying on the published Defra Air Quality Modelling tools alone. Indeed, as the Applicant has stated in its recent response to Secretary of State's consultation letter of 9th August 2017, there is no additional guidance that can be followed as a result of the publication of the UK Air Quality Plan.
- 1.1.13 With regard to the A200 corridor the Applicant provided additional information to LB Southwark as part of the examination which concluded that the impact of the Scheme on the A200 would be imperceptible (detailed in Appendix 8 of REP3-032 '*Appendices 7-13 to Written Summary for Environmental ISH 18 January 2017*') and would not impact on the local authority's action plan.
- 1.1.14 LB Southwark also raises an issue regarding the introduction of roadside emissions checks on lorries by the Driver and Vehicle Standards Agency (DVSA). The Applicant recognises and encourages the new plans for the

DVSA to undertake lorry emissions technology checks at the roadside. The Applicant understands that these emissions technology checks are now planned to be included as part of the DVSA's normal roadside checks. Roadside emission testing of lorries does not need to be performed at all locations on the road network in the UK and, indeed, there are health and safety requirements for both operatives and road users which mean that testing must be undertaken in a safe location. For this reason, such emissions testing would not take place within the Silvertown Tunnel (or, indeed, any other tunnel).

- 1.1.15 Within Greater London generally there will be many other locations on the existing road network which would be suitable to undertake roadside emissions testing. The Scheme does not, therefore, preclude the undertaking of roadside emissions testing of lorries, should either the DVSA or relevant Local Authority wish to do so. TfL works with the DVSA and local authorities on a regular basis to identify locations suitable to perform roadside checks on vehicles on the Transport for London Road Network (TLRN) and will continue to do so.