

From: [Jenny Bates](#)
To: [silvertowntunnel](#)
Subject: FW: Updates for Silvertown Tunnel
Date: 18 September 2017 15:10:59

Dear DfT, via PINS,

Please confirm receipt and acceptance of our comments, made as soon as possible after the deadline of the end of last Friday 15th – being just a few hours into the next working day, we trust that this will be ok.

Thank you for your consultation letter of 1st September, with the opportunity to comment on the Applicant's, TfL's, document (<https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/TR010021/TR010021-002074-Transport%20for%20London%202023082017.pdf>) which was produced in response to your earlier request to them of 9th August.

We wish to make the following points, further to our submission following your 9th August letter (<https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/TR010021/TR010021-002077-Friends%20of%20the%20Earth%2023082017.pdf>):

1. TfL's methodology

TfL state in their August document, that the compliance assessment can be reviewed using their original modelling results, based on their Updated Air Quality and Health Assessment (REP2-041), added to Defra's new data following the final AQ Plan:

- 1.1.3 The UK Air Quality Plan provides updated future predicted roadside pollution levels but it is important to note that it does not provide new air quality modelling tools (such as emission factors) or guidance that would impact on the air quality modelling for the Silvertown Tunnel¹. Therefore, there is no requirement to undertake any additional air quality modelling in order to determine what implications (if any) the UK Air Quality plan has for the applicant's compliance risk assessment. The implications of the new Plan can be understood by utilising the applicant's original modelling results (as set out in the *Updated Air Quality and Health Assessment* - REP2-041), added to the updated data released by Defra with the UK Air Quality Plan.

The new Defra AQ Plan information is based on new EFT (version 8, as we understand it), based on COPERT 5.

TfL make the case (in their note 1 of their August document, linked from the above section) that they've already uplifted their assessment (which had been based on EFT 7), based on IAN 170/12v3, as per their document REP3-028, and so COPERT 5 doesn't affect their assessment:

- 1 While the UK Air Quality Plan uses updated emission factors from COPERT 5, that incorporate real-world emissions from diesel vehicles, this does not affect the assessment undertaken by the applicant and presented in the ES and during the DCO Examination. This is because the future year assessment undertaken by the applicant used the approach advocated in IAN 170/12v3 which uplifts the modelled predictions for future years to account for the real-world emission from these vehicles. Please see the applicant's written submission - REP3-028.

However, this assumes that their uplift approach was adequate.

Their REP3-028 looked at a doubling of the Conformity Factor from 2.8 to (we presume) 5.6 – ie more than that of 5 used as a sensitivity test by the Defra 2015 AQ Plan.

However, as we understand it, COPERT 5 is based on a Conformity Factor of 6, and that is

the basis the AQ Plan, and the EFT v8.

It was also, we understand, the average found by DfT in their own analysis

<https://www.gov.uk/government/publications/vehicle-emissions-testing-programme-conclusions>.

Further, TfL's consultants on this scheme, Air Quality Consultants, produced (back in August 2016) a tool (CURED v2A) to allow more realistic assessments.

Air Quality Consultants set out on their website (<http://www.aqconsultants.co.uk/News/July-2017/CURED-V2A-compared-to-COPERT-5-0.aspx>) how this is still robust in relation to COPERT 5, until the new EFT (v8) becomes widely available:

Defra has incorporated COPERT 5.0 emission factors into the Emission Factor Toolkit (EFT) that it is using to develop the Air Quality Plan for the UK.

However, this new EFT has not yet (as of 10 July 2017) been made available to the air quality community. Some of the emission factors for diesel cars and vans in COPERT 5.0 are higher than those incorporated in the currently available EFT v7.

Air Quality Consultants Ltd previously produced the CURED V2A spreadsheet tool (August 2016 version available [here](#)) to address the deficiencies of the EFT v7.

Air Quality Consultants Ltd has now carried out a high-level comparison of the CURED V2A tool against the emissions from COPERT 5.0 (available [here](#)).

This shows, in broad terms, that CURED V2A still provides a robust sensitivity test of future vehicle emissions.

The continued use of CURED V2A will be further reviewed once Defra publishes its new EFT based on COPERT 5.0 emissions.

Thus it is unclear why Air Quality Consultants did not use this, their own tool, for TfL's assessment - it would perhaps have resulted in a more realistic assessment than TfL's uplift assessment, if comparable (or more comparable) to COPERT 5 and a CF of 6.

It is also not clear (since it has been known EFTv8 has been used in the AQ Plan) whether TfL requested EFTv8 so that they could update their assessment, or requested it but were refused.

It is crucial that any uplifted assessment is seen as the central case, not as a sensitivity or outlying case – indeed a further more realistic/pessimistic assumption should be done as a sensitivity test.

It should be noted that the PCM model is anyway widely seen as underestimating for various reasons, including due to not being required to include road junctions.

2. TfL's data

Even on the information presented in TfL's August document, it is clear that the scheme would have unacceptable effects.

As we highlighted could be the case – the new Defra data has revealed important changes.

TfL present information in 3 tables – Table 1 for their previous assessment, Table 2 being a re-assessment using 'With CAZ' projections, and Table 3 re-assessment using 'Baseline' projections.

Table 3, using the 'Baseline' projections from the AQ Plan, has much worse baseline levels than Table 1 - as would be expected, because the new AQ Plan was based on more realistic and less optimistic assumptions. This shows baseline levels worse (with more air pollution) than TfL's original Table, despite this scenario now including the Mayor's ULEZ

plans (as I highlighted in my document submitted on 23rd August).

Table 3 now also more clearly shows the scheme in this scenario worsening levels already over EU limits, including Receptor IDs 4119 and 40078 as highlighted in para 1.1.14 of TfL's document.

Table 2, using the 'with CAZ' projections, has baseline levels better (with less air pollution) than Table 3 - as it includes further measures than the Baseline scenario. This also shows baseline levels better than TfL's original Table 1 – but this will be due to the inclusion of the ULEZ in the Baseline scenario, and further measures in the 'with CAZ' scenario.

However Table 2 now also more clearly shows the scheme worsening levels already over EU limits, including Receptor ID 4119 as highlighted in para 1.1.12 of TfL's document.

TfL however are relying on the National Networks NPS test (para 5.13). It is referred to in paragraph 1.1.4 of their August document, and then paragraphs 1.1.14 and 1.1.12 refer to a NN NPS test - they state that there would be somewhere else in the AQ Zone (ie London) which would have worse air than the worst place impacted (to a relevant degree, in their view) by the scheme, and state the scheme would not impact on the overall compliance date for the Zone.

However, as we submitted for the Inquiry final deadline of April 2017 (<https://infrastructure.planninginspectorate.gov.uk/wp-content/uploads/projects/TR010021/TR010021-001693-FOE%20-%20Silvertown-FinalDeadline-April2017.pdf>), at para 6, the NN NPS tests cannot and should not be relied on. We set out in our April document how wider considerations of the need to reduce air pollution to within legal limits in the shortest time possible, via a route to reducing exposure as quickly as possible, as required by the courts, must be taken into account, and must be paramount. We set out the reasoning and support for this view from various sources, including the judgement of the Client Earth case from November 2016 and it's reference to the need to reduce exposure as quickly as possible (as per the Conclusion, para 95 i).

Related to this, TfL have tried to insist that it is relevant if the scheme would improve air quality in some places, also citing a supposed overall benefit to air quality. The support cited above, in paragraph 6 of our April document, also supports our view that having some areas with improved air pollution does not and cannot offset or be balanced against, or averaged with, areas getting worse air pollution (even if the number of places was more than those getting worse air pollution, or if in some way there was an overall improvement). For instance the clarification of EU law to Clean Air in London cited in our April document makes this clear (http://cleanair.london/legal/clean-air-in-london-obtains-qc-opinion-on-air-quality-law-including-at-heathrow/attachment/cal-304-letter-of-clarification-from-the-commission-190214_redacted-5/), and the Client Earth November 2016 ruling also makes that clear with the requirement (referred to above) to reduce exposure in the quickest time possible, as the route to bringing air within legal limits in the shortest time possible.

It must also be noted that TfL's reference to the scheme being supposedly beneficial was made during the Inquiry in relation to no other action, but this is a false comparison. The comparison should be to adopting an alternative strategy to invest only in non-general traffic schemes, which would cut traffic levels and improve air quality. It is these which would be consistent with the Mayor's draft Transport Strategy and Environment Strategy. This scheme would at very best be a massively expensive congestion re-distribution scheme, but which would unacceptably worsen air pollution for some.

Conclusion:

DfT should make EFTv8 available and require this to be used on this scheme, with sensitivity testing around that - then with further assessment of those results.

However we consider that as it stands on the current evidence TfL's reliance on the NN NPS, and its reliance on some areas getting improved air quality, are not robust and shows clearly that the scheme cannot be acceptable, and must be refused. It is not acceptable for any relevant place (and people) to get air pollution already over level limits further worsened as a result of the scheme (nor air pollution newly taken over the legal limit in any new place within a Zone).

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