

By E-Mail

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31 January 2018

Dear Ms Kopala

**PLANNING ACT 2008
APPLICATION FOR DEVELOPMENT CONSENT FOR THE SILVERTOWN TUNNEL**

We write on behalf of Transport for London (TfL) to update you on the updated air quality assessment requested in your letter of 14 November 2017, and on other matters relating to the above application.

Updated air quality assessment

As noted in our letter of 17 November 2017 TfL required additional technical information and guidance from Defra and Highways England before it could update the air quality modelling using the new emissions factor toolkit. Following liaison between TfL and Defra this technical information was provided by Defra on 19 January 2018 and TfL is currently carrying out the updated assessment.

Your letter of 4 December 2017 requested that TfL provide indicative timescales for when the results of the updated assessment will be submitted. TfL currently anticipates that it will be in a position to submit the results to the DfT by 9 March 2018 and will endeavour to provide them earlier than this if possible.

Hazardous substances consent application for Brenntag site

We wish to update you on the status of the application by Brenntag Inorganic Chemicals Limited for hazardous substances consent for its site adjacent to the A102 in Greenwich. The application, which was originally submitted to the local authority in 2012, remained undetermined at the close of the Silvertown Tunnel DCO examination.

Brenntag's 2012 application remains undetermined.

Submissions were made by TfL and the Health and Safety Executive (HSE) during the DCO examination which indicated that the determination of Brenntag's 2012 application (and the conditions attached to the consent) may have the effect of reducing the extent of the inner consultation zone which is drawn around the Brenntag site such that the HSE may be able to remove its advice against the Silvertown Tunnel. This is explained in paragraphs 1.4.7 to 1.4.10



of the joint Statement of Common Ground submitted by TfL and HSE in January 2017 ([REP3-013](#)).

Following further discussions with the HSE, TfL now understands that the determination of Brenntag's 2012 application is unlikely to have this effect.

This has very significant implications for the Silvertown Tunnel in view of the HSE's request that a Grampian-style requirement be included in the DCO which would prevent the tunnel from opening until the hazardous substance consent for the Brenntag site has been revoked or modified in a way that enables the HSE to remove its advice against the scheme.

It now appears unlikely that the hazardous substance consent for the Brenntag site will be modified to enable the HSE to remove its advice against the scheme. Consequently, the inclusion in the DCO of any such Grampian-style requirement in respect of the Brenntag site would present a critical risk to the project and its procurement. TfL is proposing to let a PFI contract for the design, build, and operation of the scheme, and TfL will not be in a position to let the contract if there is a risk that the tunnel will not be able to open.

Accordingly, TfL reiterates its objection to the inclusion in the DCO of any form of Grampian-style requirement which makes the opening of the tunnel contingent on the HSE's advice. The basis for this objection is set out in the following examination submissions:

- [Update Note \(March 2017\) \(REP5-004\) paragraphs 4.1.15 to 4.1.18](#)
- [Summary of the Issue Specific Hearing 28 March 2017 \(REP6—073\) section 8.2, page 37](#)
- [Assessment of Risk and Changes to Exposure Levels arising from the Proposed Extension to the Existing A102 Blackwall Tunnel Southern Approach \(April 2017\) \(REP6-079\)](#)
- [Closing Statement \(April 2017\) \(REP7-035\) section 7.10](#)

TfL's position was summarised in our [letter to the DfT of 14 August 2017](#) which makes the following points:

- TfL considers that the HSE's position is based on an overly-restrictive methodology which is being applied too narrowly in the context of the Silvertown Tunnel.
- The HSE's advice against the Silvertown Tunnel is based on a methodology which inappropriately treats the realignment works to the existing A102 as if they were the construction of major new highway.
- The report submitted by TfL at Deadline 6 (REP6-079) shows that the tunnel will not increase the population exposed to risk at the Brenntag site and will significantly reduce the risk of stationary traffic in this location compared to a scenario without the Silvertown Tunnel.
- The report also suggests rule 4b of the HSE's *Land Use Planning Methodology* should have been applied to the proposed modifications to the A102 as these effectively constitute an extension to an existing development of the same type, rather than a new highway. The application of rule 4b would have avoided the HSE advising against the scheme.

TfL considers the evidence and analysis it submitted during the examination provide sufficient grounds for the Secretary of State to override the HSE's advice when determining the DCO application. TfL believes a Grampian-style requirement is unnecessary and disproportionate in response to the risks associated with the Brenntag site and the modified A102.



A Grampian-style requirement, even in the alternative form provided by TfL (see requirement 16 of the draft DCO submitted by TfL on 10 April 2017- [REP7-027](#)), which would prevent the tunnel from opening, would present a critical risk to the project and its procurement. Accordingly, TfL submits in the strongest terms that such a Grampian-style requirement should not be included in the DCO.

Agreements with local authorities

The current status of each of the agreements with the local authorities is set out below.

Royal Borough of Greenwich

The terms of the agreement have been settled and the parties are now completing the execution formalities. As previously noted, the agreement secures the following commitments, several of which apply across the area of the three host local authorities:

- Commitment in respect the use of local labour and training. This includes a commitment to use reasonable endeavours to recruit at least 25% of the total construction workforce from Greenwich, Newham or Tower Hamlets residents.
- Delivery of the Siebert Road noise barrier.
- A financial contribution in respect of biodiversity offsetting.
- Payments in respect of the discharge of DCO requirements.
- A financial contribution to road safety measures and school crossing patrols during construction.
- The trial of a cycle shuttle bus through the tunnel.
- A business transitional support package to mitigate impacts of the user charge on local businesses, including a £1million support fund for small businesses based in Greenwich, Newham or Tower Hamlets.
- A financial contribution for neighbourhood enhancement measures in Greenwich.

We will provide the DfT with confirmation once the agreement has completed.

London Borough of Tower Hamlets

The terms of the agreement have now been settled and the agreement is currently being executed by the parties. The agreement secures the following:

- Commitment in respect the use of local labour and training. This includes a commitment to use reasonable endeavours to recruit at least 25% of the total construction workforce from Tower Hamlets, Greenwich, or Newham.
- The trial of a cycle shuttle bus through the tunnel.
- A business transitional support package to mitigate impacts of the user charge on local businesses, including a £1million support fund for small businesses based in Tower Hamlets, Greenwich, or Newham.

We will provide the DfT with confirmation once the agreement has completed.

London Borough of Newham



TfL continues to hold discussions with LB Newham but agreement has not yet been reached.

We note that the agreements with RB Greenwich and LB Tower Hamlets secure a number of measures which also apply to Newham; specifically the commitment in respect of local labour, the cycle shuttle through the tunnel and the local business transition support package.

As TfL made clear during the examination, none of the additional obligations which LB Newham is requesting is necessary to make the Silvertown Tunnel acceptable in planning terms.

We will provide the DfT with a further update prior to the deadline for determination of the DCO.

Yours sincerely



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