

Silvertown Tunnel Case Team,  
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Head of CEMHD5  
Mr J Neilson

Date: 26 February 2018

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 HEALTH AND SAFETY EXECUTIVE ("HSE") AND THE APPLICANT**

**Request for comments from HSE**

1. Thank you for your letter of 12 February 2018 on behalf of the Secretary of State for Transport (SoS), requesting the extent to which TfL's letter of 31 January 2018 changes HSE's position as set out in our letter of 10 August 2017, if at all.
2. Having reviewed TfL's letter and the referenced submissions, I can confirm that HSE's position remains as at 10 August, which is summarised below for the SoS's convenience.
3. HSE advises there are sufficient safety grounds for refusal of the Development Consent Order (DCO) for the Silvertown Tunnel because of the levels of residual risk from the East Greenwich Gasholder Station (operated by SGN) and from Brenntag, Greenwich. However, we withdraw this advice against the project if certain Grampian-style requirements for both these major accident hazard sites are included in the DCO, if granted. In HSE's view the Grampian requirements are needed to ensure public safety until the hazardous substances consents that authorise the presence of hazardous substances at the gasholder station and at Brenntag have been formally revoked or modified to reduce the residual risk to users of the tunnel.
4. Our proposed wording for the two Grampian requirements continues to be that in TfL's Draft Development Consent Order, Revision 6 (Examination Library document REP7-026), Schedule 2 (Part 1), Requirement 16(1)(a) for the gasholder station, and Requirement 16(2)(a) as modified in our letter of 10 August 2017 for Brenntag, Greenwich. Our position regarding the second parts (the part (b)s) to the draft Requirements 16(1) and 16(2) remains, as confirmed in our letter of 10 August, that we do not accept a need for them. However because TfL, in their letter of 31 January, request that no Grampian requirement relating to Brenntag is included in any DCO granted, we take it they no longer support the second part of the requirements.

5. HSE's position regarding TfL's view of the residual risk to users of the tunnel remains as set out in our Deadline 7 submission to the Examining Authority (REP7-009). Furthermore, I can confirm that HSE's independent and impartial public safety advice has been provided in accordance with the planning framework for the control of proposed development in the vicinity of major accident hazard sites and pipelines. HSE's view remains that TfL has mis-applied 'Rule 4b' of our land use planning advice methodology. As described in paragraph 49 of our methodology guide (REP1-086), this rule should be applied only to a small extension of an existing facility, and we would not apply it to the proposed tunnel.

6. Whilst I can confirm that informal discussions continued between HSE and TfL after the Examination closed, we have never been in a position to advise them on the likely effect of the determination of Brenntag's 2012 consent application. Determination, including the imposition of any conditions if granted, has always rested with the Royal Borough of Greenwich (RBG), as the relevant Hazardous Substances Authority (HSA).

7. Although it does not change our advice on the Silvertown Tunnel, we should mention that since 10 August 2017 HSE has revised its assessment of the residual risk from Brenntag, Greenwich and, as a result of new information from RBG on existing surrounding development (not the tunnel), we have now advised the authority against the granting of the 2012 application. Our understanding is the same as TfL's in that the 2012 application remains undetermined by RBG. Furthermore, our understanding is that RBG, as the HSA, has not initiated any action, revocation or otherwise, with respect to the existing hazardous substances consent for East Greenwich Gasholder Station.

Yours sincerely



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