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Neil Chester  
Transport for London

Our Ref: TR010021

By email

Date: 15 June 2016

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Dear Mr Chester

## **Planning Act 2008 (as amended) – Section 51**

### **Application by Transport for London for an Order Granting Development Consent for Silvertown Tunnel**

#### **Advice following issue of decision to accept the application for examination**

On 31 May 2016 the Secretary of State decided that the application for the proposed Silvertown Tunnel project satisfied the acceptance tests under section 55 of the Planning Act 2008 (PA2008). The Planning Inspectorate's acceptance checklist has been published and is available on the [project page](#) of our website.

In undertaking checks at the acceptance stage, the Planning Inspectorate did note some observations in relation to the application. This letter comprises advice to the applicant provided under section 51 of the PA2008. The applicant should pay attention to its content, and consider how appropriate action might be taken in response.

#### **Section 42(1)(a)**

As detailed in the published s55 checklist (section 2.3, s42(1)(a) persons prescribed), there are a number of potentially relevant bodies which, on the basis of the information provided by the Applicant do not appear to have been consulted at the pre-application stage. These are:

- Harlaxton Energy Networks Limited
- Peel Electricity Networks Limited
- UK Power Distribution Limited, and
- NATS En-Route Safeguarding

Unless there is a good reason in each case why the applicant considers that these bodies are not relevant to the proposed development, the applicant is advised to include these bodies, or their appropriate successors, in the notification process of the accepted application. This should highlight the opportunities to become involved in the examination of the application. In particular it should explain the process by which they may make relevant representations during the advertised period.

## **Section 42(1)(d)**

In order to establish whether all persons with an interest in land had been consulted under s42(1)(d), the Planning Inspectorate compared the information provided in the Book of Reference (BoR) to the evidence set out in the Applicant's Consultation Report and Appendices.

There appear to be six land interests referred to in the Consultation Report that have not been identified in the BoR, and eighteen land interests identified in the BoR, but with different correspondence addresses from those given in the Report. These land interest are detailed in the published s55 checklist (section 2.3, s42(1)(d) each person in one or more of s44 categories).

It is important that all persons with an interest in land, or who might be entitled to make a 'relevant claim', are able to participate in the process. To ensure this occurs we strongly advise that a full audit is carried out before you give notice of the deadline for the submission of relevant representations under s56 of PA2008, in order that there can be certainty that all relevant persons (including those within s56(2)(d)) have been notified and are afforded the opportunity to submit a relevant representation. The Examining authority may ask for the position to be clarified at or before the Preliminary Meeting.

## **Book of Reference**

It is noted in the section 55 checklist (part 3.3(d)) that there are some parties listed (against plots) in Part 3 of the Book of Reference that are not listed against the same plots in Part 1. Further guidance on this issue can be found in DCLG's Planning Act 2008 [Guidance related to procedures for the compulsory acquisition of land](#) (Annex D). The applicant is advised to carry out a full check of the Book of Reference to ensure all information provided is correct.

## **River Basin Management Plan**

Attention is drawn to section 3.3 (I)(iii) of the section 55 checklist. Regulation 5(2)(I)(iii) of the Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009, requires where applicable that an application be accompanied by a plan and information on any impacts on water bodies in a River Basin Management Plan together with an assessment of any effects.

It is noted that Table 10-1 of the Environmental Statement identifies the proposed development as falling within the South East River Basin District; however no plan accompanies the application documents in support of the assessment of effects on such sites. The applicant is advised to provide a plan in support of the assessment of effects on such a site.

## **Other Matters**

It is likely that any Examining Authority will require submission of full copies of the Mayor's Transport Strategy 2010, the London Plan March 2015 and TfL's 'Connecting the Capital, Our plan for new river crossings for London' 2015 in order that the context for the quotations or material summarised from these publications in the application documentation can be properly assessed during the examination. The

applicant is encouraged to take this request into consideration when preparing any updated documents for submission.

### **Submission of updated documents**

With regard to the issues identified above, it would be helpful and assist the examination process if any other information, clarification documents or amendments made to the application documents were submitted to the Planning Inspectorate no later than 10 working days before the Preliminary Meeting (PM), to enable them to be published on the project page of our website before the PM.

Please pay close attention to the advice set out in this letter and act on it accordingly. This will contribute towards a more efficient examination and give any future ExA comfort that the documentation is complete and accurate

We trust you find this advice helpful, however if you have any queries on these matters please do not hesitate to contact our office using the contact details at the head of this letter.

Yours Sincerely

*Emré Williams*

Emré Williams  
Case Manager  
Major Applications and Plans

Advice may be given about applying for an order granting development consent or making representations about an application (or a proposed application). This communication does not however constitute legal advice upon which you can rely and you should obtain your own legal advice and professional advice as required.

A record of the advice which is provided will be recorded on the Planning Inspectorate website together with the name of the person or organisation who asked for the advice. The privacy of any other personal information will be protected in accordance with our Information Charter which you should view before sending information to the Planning Inspectorate.