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London ██████████

7 November 2019

Dear Mayor Khan,

We are writing to let you know that if you allow TfL to sign the Silvertown Tunnel contract we intend to ask for a judicial review of this decision.

Following legal advice we have received we will ask for this review on the basis that the decision to allow the contract to be signed will have been based on information that you and TfL know is insufficient to make a well-informed decision in the best interest of London's residents, and that is partially incorrect.

To be specific:

1. You and TfL have repeatedly claimed, in consultations on the scheme, at the public inquiry, and in responses to Assembly Members and to us, that TfL has made a thorough and detailed assessment of all feasible options at Blackwall and Silvertown; and that tolling the Blackwall Tunnel alone cannot provide the same congestion reduction and public transport improvements as you claim for the assessed scheme. You have used these claims as a key justification for moving ahead with the Silvertown scheme, most recently in responses to Caroline Pidgeon's questions. You know that neither of these claims are true.

- You know that TfL has never made a detailed comparison against the assessed scheme of the economic benefits and environmental, traffic and public transport effects of any of these credible alternative options:

- a scheme that tolls Blackwall at levels to fully relieve congestion,
- a wider road pricing scheme that would also fully decongest Blackwall.
- a single bore tunnel at Silvertown reversible in the direction of tidal flow, with a bike/e-cargo bike route/escape/fire access under the roadway.

- In particular, you know that in all the analysis that they did of alternative options TfL completely failed to account for the key fact that if toll/pricing income is not spent on building the Silvertown Tunnel, it can be spent on other infrastructure or public transport services that can both mitigate the negative effects of pricing, such as traffic redirection, and provide significant economic and environmental benefits in itself.

- You also know that, in its comparison of economic benefits of options, TfL has so far only given an economic value to reductions in congestion, and failed to give any economic value to reductions in carbon emissions, or reductions in local air pollution. The latter is particularly salient given new information about the health costs of toxic air that has emerged recently. You are aware that to give a correct economic value to the scheme, TfL will need to include these factors, but you have not asked them to do this analysis.

2. You have declared a climate emergency, and set targets for carbon reduction for London. In practice, as we explained in detail in our letter and annex of 15 August, the carbon targets will need to be toughened considerably if London is to meet its contribution to the IPCC's target of keeping global heating to 1.5 degrees. If even the existing targets are to be met in Surface Transport, which, as you know, is the one area where the Mayor has the powers necessary to achieve significant

reductions without depending on actions by other administrations, then you will need to sharply reduce individual heavy motor vehicle trips, and replace them with trips by public transport, cycling, walking and micro-EVs. However you achieve this, whether by regulation or by pricing, that action will sharply reduce demand and congestion at the Greenwich/Newham river crossing. This will both affect the business case for the tunnel, and the mechanism for repayments of the construction debt, which have both been established on the basis of a forecast that heavy traffic levels will remain roughly the same into the foreseeable future.

It would not be responsible to move ahead without asking TfL to re-evaluate both the business case for the scheme and the financial risk they face in signing the contract, to account for a scenario where London hits either the current or future, tighter carbon emissions targets that you have set in the Mayor's Transport Strategy, and also the targets for national emissions in Labour's election manifesto, which we expect any future Labour devolved administration would also be bound to.

3. Even in the assessed case, congestion and pollution will rise sharply on and around already polluted feeder roads due to the release of queued traffic at the tunnel itself. The level of toll, which holds that traffic in check, is, as is made clear in the DCO, a political decision for future mayors. Despite our repeated requests. TfL has done no analysis at all of the consequences for air quality if a future Mayor decides, for political reasons, and against TfL's advice, to reduce or remove the toll and allow traffic to ramp up unchecked. This is not an unlikely future scenario and any decision to move forward should be made with a full understanding of the consequences if it comes about.

We very much hope that rather than taking the severe risk of wasting public money moving forward with a scheme that will be very expensive to cancel once the constructors start work, you will instead ask TfL to provide the full analysis that they should have done years ago, and review the scheme on the basis of complete and up-to-date information.

We would remind you that the initial analysis of options for this scheme was managed under your predecessor, and by the same team that managed the initial assessment of options, and put together the business case and business plan for the Garden Bridge. Your predecessor was and is notorious for pushing ahead with projects with little regard to real costs and benefits, or to the truth. You have rightly condemned his headlong pursuit of Brexit, and his reckless decision to allow the construction contract for the Garden Bridge to be signed before money or permission was in place. We hope you will be able to be as sceptical about the justification for this project.

Finally, we would note that the worst thing to do in a climate emergency is to build new infrastructure that locks in carbon emissions into the future. The Silvertown Tunnel is exactly that. The success of the scheme depends on TfL maintaining existing levels of heavy motor traffic across the river, in order to pay off the construction loan. If they don't do that, they end up sitting on a £1bn debt, and eye-wateringly expensive new road capacity that will remain essentially unused.

We hope that, even at this late stage, you will have the courage to pause the project, ask TfL to correct the several fatal errors in their analysis, and think again.

Yours sincerely,

Stop the Silvertown Tunnel Coalition represented by

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