

This paper will be considered in public

1 Summary

- 1.1 The Silvertown Tunnel is due to open in spring 2025. User charges will apply at both the Blackwall Tunnel and the Silvertown Tunnel once the latter opens and this report is a decision-making report for these new charges. Between 10 July and 3 September 2024, we consulted members of the Silvertown Tunnel Implementation Group (STIG), the public and other stakeholders on the proposed charge levels, discounts and exemptions. The user charges must be set out in a Statement of Charges which must be published at least 56 days in advance of the charges applying.
- 1.2 This paper seeks the Board's approval of the initial user charges and the publication of the Statement of Charges so that the initial user charges can apply when the Silvertown Tunnel opens, as well as approvals in relation to the process for future changes to charges. A report on the recent consultation and other relevant documents are appended as context to this decision. The process followed in developing the initial user charges is explained below, followed by an outline of how future reviews will be undertaken. Part of this process is that TfL will present its recommendations for the initial user charges to the Board for approval.

2 Recommendations

- 2.1 **The Board is asked to note the paper and:**
- (a) approve the initial user charges for the Silvertown and Blackwall tunnels as set out in the Statement of Charges at Appendix 1 (which has been updated following the consultation) after having considered:**
 - (i) the consultation report (at Appendix 2);**
 - (ii) whether the relevant policies of the Charging Policies and Procedures document (CPAP; at Appendix 3) have been met, in particular Policies 9 and 10, and Procedure 1 has been followed;**
 - (iii) the User Charge Assessment Framework (at Appendix 4);**
 - (iv) the equality impact assessment (at Appendix 5); and**
 - (v) the recommended changes to the Statement of Charges;**

- (b) approve for publication the Statement of Charges as updated post-consultation;**
- (c) authorise the Commissioner to make minor changes and corrections to the approved Statement of Charges, publish any amended Statement of Charges and do anything else they consider necessary or desirable to implement the user charges for the Silvertown and Blackwall tunnels; and**
- (d) delegate to the Finance Committee authority to approve:**
 - (i) any future proposed changes to the user charges and associated charges (such as penalty charges) for the Silvertown and Blackwall tunnels including but not limited to any changes to reflect inflationary increases; and**
 - (ii) the publication of any amended Statement of Charges which reflects such changes in line with Procedure 4 of the CPAP.**

3 Background

- 3.1 The Silvertown Tunnel is due to open in spring 2025 and will address the long-standing issues of chronic congestion, journey time delay and lack of network resilience and reliability at the Blackwall Tunnel. From its opening, user charges will apply at both the Silvertown Tunnel and the Blackwall Tunnel.
- 3.2 The Scheme (the construction of the Silvertown Tunnel and the introduction of user charges at the Silvertown and the Blackwall tunnels) will provide benefits in terms of better and more reliable journey times for river crossings and an increase in public transport capacity and connectivity. The package of the new crossing, user charge (including discounts and exemptions), cross-river bus network and proposed concessions will help manage traffic congestion and emissions, and support sustainable growth.
- 3.3 The Silvertown Tunnel was designated as a Nationally Significant Infrastructure Project in 2012. A Development Consent Order (DCO) provides the necessary consent for projects which have been classified as nationally significant. The Board approved the submission of the application for a DCO for the Scheme on 3 February 2016¹. Following an examination in public and recommendations from the Planning Inspectorate, the Secretary of State for Transport granted development consent in May 2018 by making the Silvertown Tunnel Order 2018 (the DCO).
- 3.4 The DCO enables TfL to charge motor vehicles for using the Silvertown Tunnel and the Blackwall Tunnel from the time the Silvertown Tunnel is first open for public use. It provides that we must exercise these powers in accordance with the Charging Policies and Procedures (the CPAP) as certified by the Secretary of State (as set out in Appendix 3). Policy 1 of the CPAP states that we must impose user charges at the Silvertown and Blackwall tunnels to the extent that it is necessary or expedient to achieve the Project Objectives:

¹<https://content.tfl.gov.uk/board-160203-item11-silvertown-tunnel.pdf>

- (a) PO1: to improve the resilience of the river crossings in the highway network in east and southeast London to cope with planned and unplanned events and incidents;
 - (b) PO2: to improve the road network performance of the Blackwall Tunnel and its approach roads;
 - (c) PO3: to support economic and population growth, in particular in east and southeast London by providing improved cross-river transport links;
 - (d) PO4: to integrate with local and strategic land use policies;
 - (e) PO5: to minimise any adverse impacts of any proposals on communities, health, safety and the environment;
 - (f) PO6: to ensure where possible that any proposals are acceptable in principle to key stakeholders, including affected boroughs; and
 - (g) PO7: to achieve value for money and, through road user charging, to manage congestion.
- 3.5 The primary purpose of the user charges is to manage traffic demand for the river crossings. By managing this traffic demand, the other impacts - principally environmental and social impacts - of the Scheme can be effectively managed and its Project Objectives met. A secondary reason for the user charges is to provide a means of helping to pay for the design and construction of the Silvertown Tunnel and the ongoing operation and maintenance of both Silvertown and Blackwall tunnels.
- 3.6 The DCO application in May 2016 was based on an 'Assessed Case' which set out a scenario of proposed charges, discounts and exemptions which would enable the Project Objectives to be met. However, it would not have been appropriate at that time - some nine years in advance of the tunnel opening - to specify the initial user charges, given that there was likely to be changes in circumstances (such as travel behaviour) during that period. Instead, the approach was to put in place a set of documents certified by the Secretary of State which provide a framework for preparing for and operating the Scheme. The suite of documents comprises the Monitoring and Mitigation Strategy (MMS), the Bus Strategy and the CPAP.²
- 3.7 The DCO and the CPAP set out how we must develop the initial user charges. This includes the need to refresh the assumptions in the Assessed Case using more up-to-date data relating to the vehicle fleet, population, employment and other factors including a policy review (the Refreshed Assessment). This Refreshed Assessment (a process begun in 2021 and completed prior to the recent consultation) has also been used to inform local highway mitigations and

² All three documents are available on our website:
<https://tfl.gov.uk/corporate/publications-and-reports/silvertown-tunnel-permission#:~:text=Timeline-.Permission%20for%20the%20tunnel,of%20State%20in%20May%202018>.

the cross-river bus network in the opening year, in line with the MMS and the Bus Strategy.

- 3.8 The Silvertown Tunnel Implementation Group (STIG) was established by the DCO and has had a role in the development of the user charges and will continue to be involved in the operation of the Scheme with regard to the user charges and local traffic mitigations. It comprises representatives from the following stakeholders in east and southeast London: the London Borough (LB) of Barking and Dagenham, LB of Bexley, LB of Bromley, City of London Corporation, the Royal Borough of Greenwich, LB of Hackney, LB of Lewisham, LB of Newham, LB of Redbridge, LB of Southwark, LB of Tower Hamlets, LB of Waltham Forest, as well as the Greater London Authority (GLA), TfL and National Highways.

4 The procedure for setting and varying the proposed initial user charges

- 4.1 As set out in policies 1- 4 of the CPAP, we must have regard to a number of factors when setting and varying the user charges (including the charge levels, the hours charged, the vehicle charges, discounts and exemptions and other factors related to user charging). Policy 1 was described in Section 3 above; Policy 2 sets out that we must ensure the user charges are fair, justified and will not undermine the Project Objectives; Policy 3 sets out that we must use the user charges to help fulfil our wider Network Management Duty under the Traffic Management Act 2004³ to manage traffic demand at the Silvertown and Blackwall tunnels and make efficient use of the road network including other river crossings and reduce congestion. Policy 4 is described in Section 6 below.
- 4.2 Additionally, specific requirements apply to setting the initial user charges. These are set out in Procedure 1 below, which in turn refers to Policy 9: The extent to which the user charges will assist in achieving the Project Objectives is the primary consideration which TfL will have regard to when setting the initial user charges and Policy 10: TfL will set the initial charges at a level and subject to conditions so that the Scheme in operation is not likely to give rise to materially new or materially different environmental effects to those reported in the Environmental Statement.
- 4.3 Procedure 1 of the CPAP provides:
- TfL will propose the initial user charges for the Scheme, having regard to the factors set out in 3.2 [of the CPAP] above. TfL will follow the process set out below:
- (a) TfL will re-run the strategic traffic model (using up-to-date data);
 - (b) TfL will use the outputs of this model run to undertake a re-assessment of the significant likely effects of the proposed initial user charges on air

³ TfL's network management duty under the Traffic Management Act 2004 requires it to make sure road networks are managed effectively to minimise congestion and disruption to vehicles and pedestrians

quality, noise, socio-economic effects, in accordance with the approach adopted in the Environmental Statement;

- (c) TfL will populate the [User Charging Assessment Framework] with its impact assessment; and
 - (d) TfL will consult with members of STIG on the proposed charges for the opening year, and present the completed UCAF. STIG members may make recommendations or representations to TfL in response to these, and the views of STIG's members will be recorded under PO6 of the UCAF. TfL will then submit the proposed charges, including setting out the recommendations and representations of STIG members, to the TfL Board for approval. When deciding whether or not to approve the proposed charges the TfL Board must: in accordance with article 65 of the DCO have regard to any recommendations or representations made by members of STIG; and only approve the charges if it is satisfied that Policies 9 and 10 are met.
- 4.4 Procedure 1 refers to the User Charging Assessment Framework (UCAF). The UCAF was developed in order to assess the user charges and other mitigations (such as the local highway mitigations) against the Project Objectives and other measures. A template UCAF was appended to the CPAP considered during the DCO examination and certified by the Secretary of State. In addition, and prior to the recent consultation on the proposed charge levels, discounts and exemptions, we consulted with STIG on the metrics⁴ to be used in the UCAF for determining the extent to which a Project Objective is met.
- 4.5 Procedure 1 and Policy 8 of the CPAP provide that, before setting the initial user charges, we will update our modelling using up-to-date inputs, and the outputs of this modelling and analysis will be used to determine whether any changes to the Assessed Case user charges are required to more effectively deliver the Project Objectives.
- 4.6 To make this determination, we refreshed the assumptions in the Assessed Case (the Refreshed Assessment), as set out in paragraph 3.7 above. We also updated the Assessed Case user charges by inflation since 2015. The output of this Refreshed Assessment indicated that the updated Assessed Case user charges continued to provide optimal performance when looking across a range of key metrics, as set out in the UCAF.
- 4.7 A completed draft UCAF formed part of the consultation materials. We have now updated this draft and produced a final version of the UCAF (as set out in Appendix 4) which reflects the minor changes to the user charges that we are recommending following the consultation, describes how these user charges continue to provide optimal performance and refers to where the responses from STIG to the consultation can be found.

⁴ Please see notes of meetings on 27 January 2022, 16 June 2022 and 23 February 2023 on the STIG webpage: <https://tfl.gov.uk/travel-information/improvements-and-projects/silvertown-tunnel-implementation-group>

- 4.8 With regard to the specific requirement of Policy 10, the UCAF records (in relation to PO5) that, with the proposed opening year user charge levels, the Scheme in operation at this charge level is not forecast to give rise to materially new or materially different environmental effects to those reported in the Environmental Statement. In the section 'Compliance with Air Quality Mitigation', the UCAF also notes that the user charges are forecast not to cause any exceedances of national air quality objectives and not worsen emissions overall. We will continue to monitor air quality against the national air quality objectives in accordance with the DCO requirements.

5 The proposed initial user charges

- 5.1 The proposed initial user charges are set out in the Statement of Charges. For ease of reference, Table 1 below shows the charge levels as they were consulted on. We are not proposing any changes to the charge levels in response to the consultation (although it is recommended that the classifications of 'car and small vans' and 'large vans' are amended to better accommodate electric vans as described in Section 8 below).

Table 1: summary of charge levels consulted on and now recommended for approval

Silvertown and Blackwall tunnels user charges – 06:00 to 22:00				
	Charges paid via Auto Pay			Charges paid via other channels
	Standard off-peak charges	Peak charges Mon-Fri only Northbound 06:00 - 10:00 Southbound 16:00 - 19:00		At all times
Motorcycle, moped, motor tricycle	£1.50	£2.50		£2.50
Car and small van	£1.50	£4.00		£4.00
Large van	£2.50	£6.50		£6.50
Heavy Goods Vehicles	£5.00	£10.00		£10.00
Penalty Charge Notice for non-payment - £180 (Reduced to £90 if paid within two weeks)				

- 5.2 The same user charges will apply at both the Blackwall and Silvertown tunnels, which is a fair approach, is easily understandable by the customer and enables us to ensure the benefits of the scheme are fully realised. The proposed charging hours are 06:00 to 22:00 every day, with an uncharged period when demand is lowest. No user charges will apply on Christmas Day. On other public or bank holidays, customers registered for Auto Pay would be charged off-peak rates within charging hours irrespective of the time of travel with customers who are not registered for Auto Pay charged the peak rate.
- 5.3 The user charges differ according to a number of variables, which enable us to fairly manage demand for the tunnels and ensure the Scheme in operation helps to achieve the relevant Project Objectives. These variables are: time of day and direction of travel; day of the week; vehicle type; the payment method used by the customer (customers using Auto Pay will be charged off-peak or peak charges depending on the time of travel; customers not registered for Auto Pay will always pay peak charges during charging hours); and whether the customer qualifies for a discount or exemption.
- 5.4 Having peak and off-peak charges will enable us to effectively manage demand and thereby achieve the Project Objectives, for example, by having a higher charge when demand is expected to be at its highest (at certain times on weekdays); and a directional flow aspect - with higher charges northbound in the morning peak and southbound in the evening peak. The charging hours and the variations between weekdays and weekends are also a reflection of the differing levels of demand which we need to manage. There is no charge at night between 22:00 and 06:00 as demand will be low. Demand is higher on weekdays in the period 06:00 to 10:00 northbound and 16:00 to 19:00 southbound so a peak charge will be applied, while in the periods of lower demand outside these hours on weekdays, and on weekends, an off-peak charge will apply.
- 5.5 The proposed user charges were developed so that they best meet the criteria as set out in the CPAP including the achievement of the Project Objectives, the equality impacts and other relevant considerations. The starting point for this was the Assessed Case user charges, and the process for updating and assessing this against the Project Objectives using the UCAF is explained in Section 4. We have sought to strike a balance between setting the charges too low – which could lead to an undermining of the Scheme benefits by attracting additional traffic to the crossing – and setting them too high, which could lead to diversions to alternative crossings.
- 5.6 Because all motorised vehicles contribute to congestion and have environmental impacts, all vehicle types are in scope for charging. Differential charging by vehicle type means that we can recognise that the impact on achievement of the Project Objectives and behavioural response to charges differs by vehicle type. In addition, all motorists will benefit from reduced congestion and journey times at the tunnels, so it is fair that everyone using the Silvertown and Blackwall tunnels pays, unless they are eligible for a discount or an exemption or are travelling by public transport.
- 5.7 We expect over 75 per cent of user charges to be paid via Auto Pay (based on our experience with the Congestion Charge and ULEZ), which has advantages for the customer in terms of removing the risk of incurring a penalty charge for non-

payment. In the Assessed Case, it was assumed that customers would be incentivised to register for Auto Pay by being charged £1 less than customers who were not registered. However, given changing circumstances in the period since the DCO examination – most user charge customers now use Auto Pay, a registration fee for signing up for Auto Pay no longer applies and an Auto Pay discount no longer applies for the Congestion Charge – a different approach to incentivising the use of Auto Pay for the tunnels user charges has been proposed. Customers registered for Auto Pay will pay off-peak charges outside peak charging hours, while customers not registered for Auto Pay will pay the peak charge rate during all charging hours irrespective of when they make their journeys. There are over 1.4 million people registered for Auto Pay at present and we expect this number to rise with the introduction of user charges at these tunnels.

- 5.8 Charges can be paid in advance and customers who are already registered for Auto Pay in respect of our existing road user charging schemes will not need to re-register. For customers who are not registered for Auto Pay, Penalty Charge Notices (PCNs) will be issued for non-payment, with a maximum of one PCN issued per charging day rather than per trip. For the initial user charges, the penalty charge level will be set at £180 (reduced to £90 if paid within two weeks); like the user charges, the penalty charge level may be varied in future subject to the policies and procedures set out in the CPAP.
- 5.9 We are also proposing to offer discounts and exemptions, as set out at Appendix 6, to certain people, vehicle types and journeys. Included within these is a low-income residents' discount and a discount for eligible small businesses, sole traders and charities registered in the host boroughs.
- 5.10 Policy 6 of the CPAP provides for concessions for eligible residents in the three host boroughs on a low income for the duration of the monitoring period. The Statement of Charges contains an east London low-income residents' discount of 50 per cent for eligible residents in 13 east London boroughs, for a minimum of three years. This complies with - and would be available to more people than - the commitment set out in Policy 6. We also proposed a business discount of £1 discount on off-peak user charges for at least 12 months. It will be available to eligible small businesses, sole traders and charities registered in the host boroughs. This discount was developed with regard to Requirement 21 of the DCO to provide businesses with transitional support and also the impact of a discount on the Project Objectives, in particular PO2 and PO3.

6 Achievement of the Project Objectives and wider policy context

- 6.1 As set out in the CPAP, the achievement of the Project Objectives is critical to the setting of the user charges. The Project Objectives for the Scheme were developed as part of the DCO process. They are included in the CPAP which was certified by the Secretary of State and are reproduced in paragraph 3.4 above.
- 6.2 As noted in Section 4, the UCAF (at Appendix 4) describes how the proposed initial user charges meet each of the Project Objectives. In summary, the provision of the new Silvertown Tunnel in isolation (without user charging at both tunnels) would not solve the severe and long-standing problems of congestion, closures and lack of resilience at the Blackwall Tunnel. While the new tunnel does

bring additional capacity (as well as improved reliability and resilience), without user charges at both Silvertown and Blackwall tunnels the benefits would be short-lived. The consequential induced demand for the crossing brought about by this new capacity would lead to the undermining of these benefits. As more and more vehicles use the crossings, congestion and delay would quickly return (undermining PO1, PO2 and PO3).

- 6.3 Furthermore, without a user charge, the social and environmental impacts (air pollution from vehicles, for example) would not be managed (PO5 and PO6). User charges enable us to manage demand and the associated impacts so that the benefits of the new crossing endure over time, and support economic and population growth (PO3), which is also a benefit of the new cross-river bus routes. Finally, the user charges provide a stable and long-term means of paying for the costs of constructing the Silvertown Tunnel and of maintaining and operating both tunnels (PO7).

Wider policy context: Mayor's Transport Strategy (MTS), Traffic Management Act 2004, Equalities Act 2010 and other relevant legislation

- 6.4 Policy 4 of the CPAP states that we must set and vary the user charges in accordance with applicable legislation, the MTS and other relevant policies. This has guided our approach to developing the user charges including the discounts and exemptions.
- 6.5 A Health and Equality Impact Assessment was submitted as part of the DCO application. As part of the updating of the proposed user charges and in line with our statutory Public Sector Equality Duty (PSED), in 2024 we undertook an Equality Impact Assessment (EqIA) which was available as one of the consultation documents. This has now been updated taking into account responses received in the consultation and is at Appendix 5, with a summary at Section 9 below.
- 6.6 With regard to the MTS, Proposal 93 is most relevant: The Mayor, through TfL, will continue to support the construction and operation of the Silvertown Tunnel, together with the introduction of user charges on the Blackwall and Silvertown tunnels (once the latter is opened), to address the problems of traffic congestion and associated air pollution, frequent closures and consequential delays, and the lack of network resilience and reliability at the Blackwall Crossing.
- 6.7 As set out in the UCAF, the total number of cross-river trips through both tunnels combined is not forecast to change significantly with the Scheme owing to the introduction of the user charges; we have also put in place public transport concessions and improved bus services as part of the Scheme, which means that there will be an increase in public transport trips, with improved reliability and journey time savings for customers. The user charges enable us to manage the traffic and environmental impacts of the Scheme in the long-term and, as described in Section 11, we will keep them under review and may propose changes from time to time. In this way, the proposals align with the traffic reduction and sustainable mode share aims of the MTS and, by providing better access to jobs, education and leisure opportunities, they also align with the Good Growth agenda in the MTS.

- 6.8 As part of the assessment of the user charges against the Project Objectives, the UCAF records the impacts on our other duties, including network management duties under the Traffic Management Act 2004, the PSED, and compliance with the air quality mitigation requirements of the DCO.

7 The consultation

- 7.1 As noted above, between 10 July and 3 September 2024, we consulted members of the STIG, the public and other stakeholders on the proposed charge levels, discounts and exemptions. The Consultation Report is included at Appendix 2. Appendix A of that report, Response to Issues Raised, provides our response to the issues raised by consultees.
- 7.2 The consultation materials, including the table of proposed user charges, discounts and exemptions, the populated draft UCAF (draft because it was subject to consultation), the Supplementary Information and the proposed Statement of Charges, were available on our consultation portal⁵.
- 7.3 In total, we received 5,361 responses to the consultation, including 98 stakeholder responses, eleven STIG responses, 5,045 responses from the public, and three sets of organised campaign responses (comprising 207 individual responses). The following members of STIG made a response to the consultation: City of London; LB of Bexley; LB of Hackney; LB of Lewisham; LB of Newham; LB of Redbridge; LB of Southwark; LB of Tower Hamlets; LB of Waltham Forest, the Royal Borough of Greenwich and National Highways. No response was received from: the LB of Barking and Dagenham and the LB of Bromley. Chapter 4 of the Consultation Report summarises the STIG responses.
- 7.4 The Scheme was previously subject to a statutory consultation in 2015 and an examination in public by the Planning Inspectorate in 2016-2017, which considered the response to this statutory consultation. This was preceded by several non-statutory consultations.

Green and fair package of concessions and discounts

- 7.5 Included within the consultation materials on the proposed charge levels and the discounts and exemptions for the initial user charges was information on the proposed green and fair package of concessions and discounts which complements the user charges. The package includes two user charge discounts: the east London low-income residents' discount and the business discount (available to eligible small businesses, sole traders and charities in the host boroughs, in respect of up to three vehicles) referred to in paragraph 5.10. They will be available for a minimum of three years and one year respectively. Additionally, the package includes elements for all Londoners: free pay as you go bus journeys for routes which cross the river using the tunnels (including the cycle shuttle-bus) and free pay as you go DLR journeys on certain cross-river routes for at least 12 months; and our longer-term plan to improve river crossings in east London.

⁵ <https://haveyoursay.tfl.gov.uk/tc-yourview>

- 7.6 The Board is asked to approve the east London low-income residents' discount and the business discount as part of the decision on setting the initial user charges and approving the Statement of Charges. The remainder of the green and fair package of concessions and discounts is being progressed separately. An update on the cross-river cycle shuttle-bus, new bus services and the bus and DLR concessions was provided to the Programmes and Investment Committee in October 2024.
- 7.7 In July 2024 we published a consultation report on the proposed cross-river cycle shuttle-bus service for the Silvertown Tunnel. This follows on from the consultation on the bus network proposals and report in March 2023, and both are available on our consultation webpage.

8 The Statement of Charges and the proposed final initial user charges

- 8.1 The DCO requires us to set out the user charges in a statement which must include various details associated with the imposition of charges such as the charging area, charging hours, vehicle categories, payment methods, discounts and exemptions and a summary of enforcement provisions. The proposed Statement of Charges was published with the consultation materials.
- 8.2 Having considered the responses from STIG, stakeholders and members of the public to the proposed charge levels, discounts and exemptions, we have updated the Statement of Charges for the initial charges at the Silvertown and Blackwall tunnels (as set out in Appendix 1). It is presented to the Board for approval and includes the following changes which are being suggested in response to issues raised in the consultation:
- (a) **User charges - re-classification of 'small van' and 'large van' user charges so that electric vans are within scope.** As originally drafted, the vehicle categories relied on in the Statement of Charges led to the unintentional effect that electric vans were either chargeable as large vans (but not small vans) or HGVs (rather than large vans) owing to the size and weight of the vehicle's battery. As a consequence, electric van owners would effectively have been penalised (by having to pay a higher charge) for choosing an electric van over a non-electric equivalent, making electric vans a less attractive option. To address this, the vehicle categories that small van and large van charges apply to have been expanded to expressly include specific electric vans.
 - (b) **Operational vehicle discount for host borough - inclusion of east London borough refuse vehicles.** Most vehicles that are within scope of this discount will not make cross-river trips. However, in recognition that some east London borough councils will have already entered into contracts for refuse services that use vehicles that do make these trips, we propose to change the eligibility for the existing public services discount to include vehicles used by east London borough councils for waste collection and disposal services.
- 8.3 Some other minor changes have also been made to the Statement of Charges including specifying that the charges will come into effect 56 days after the date

on which the Statement is published or when the Silvertown Tunnel opens for public use, whichever comes later. The version of the Statement of Charges that was consulted on provided for the date on which the charges would take effect to be specified in a London Gazette notice. As noted above, the user charges may only apply at the Silvertown and Blackwall tunnels from when the Silvertown Tunnel first opens for public use.

9 Equality implications

- 9.1 TfL is subject to an ongoing duty, under section 149 of the Equality Act 2010 (known as the public sector equality duty), to have due regard to the need to:
 - (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act;
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 9.2 The protected characteristics covered by section 149 of the Equality Act 2010 are: age, disability, gender reassignment, pregnancy and maternity, race, sex, religion or belief and sexual orientation, and in certain circumstances civil partnership or marriage. We have additionally considered the potential impacts on people who may be disadvantaged in London such as people on low incomes, carers, homeless people, and asylum seekers and refugees.
- 9.3 Our EqIA, which has been updated following the public consultation, is provided at Appendix 5. This identifies a number of potential negative impacts on people with protected characteristics and disadvantages which have been considered during the development of our proposed initial user charges. These impacts are considered to be minor requiring no further mitigations, or mitigated through the proposed discounts, exemptions and concessions proposed.
- 9.4 A potential disproportionate negative impact has been identified for Private Hire Vehicle (PHV) drivers on low incomes (a relatively high proportion of whom are of Asian ethnicity and Muslims) who do not own a Zero Emission Capable (ZEC) or wheelchair-accessible PHV. However, this impact is expected to diminish over time as vehicles are upgraded to ZEC vehicles to meet licensing requirements.
- 9.5 There is a risk that the user charges may impact on access to work and training for carers (voluntary, paid, informal and personal assistants) and care providers providing services cross-river. Changes to the provision of care could negatively impact disabled people, older people, homeless people, and asylum seekers and refugees. The proposed discounts, exemptions and concessions in addition to the improvements in cross-river accessibility are considered to mitigate this potential impact. However, we will ensure that any impacts on cross-river care provision are examined as part of our review of the user charges after opening as per policy 15 of the CPAP, described in Section 11 below.
- 9.6 People on low incomes may disproportionately experience a reduced ability to afford the user charges and associated change in travel patterns and social

networks created. However, the east London low-income residents' discount has been proposed, helping to offset the impact as well as the concessions provided as part of the green and fair package of concessions and discounts.

10 Financial Implications

10.1 Table 2 shows the latest operating account position with respect to the tunnels user charges.

Table 2: Operating account position for the Tunnels user charges⁶

	Income Statement (£m)	Prior years	24/25	25/26	26/27	27/28	28/29	29/30
A	Revenue	-	3.1	103.8	111.0	115.4	119.5	123.7
B	Operating Costs	(0.2)	(18.1)	(106.7)	(107.9)	(111.4)	(116.2)	(120.6)
C (A+ B)	Net Contribution before renewals	(0.2)	(14.9)	(2.9)	3.0	4.0	3.3	3.1
D	Silvertown Capital Renewals	(0.6)	(4.6)	(0.6)	-	-	-	-
E (C+ D)	Net contribution (excl. Project Costs)	(0.9)	(19.5)	(3.4)	3.0	4.0	3.3	3.1

10.2 The income captures revenue from user charges including net revenue from penalty charges. The income is adjusted by around six per cent to reflect discounted charges for vehicles and groups identified as part of the consultation⁷. Included within the operating costs are annual availability payments of around £70m per year due to our appointed contractor Riverlinx, and 2024/25 includes a £9m payment to them, agreed in 2020 and payable in January 2025, relating to the Safe Stop instruction during the pandemic.

10.3 In March 2021, the independent auditors Ernst & Young presented a report to our Audit and Assurance Committee⁸ of their review of the governance process, business case and contractual arrangements for the Scheme, which concluded that the business case was well constructed and had been through an extensive governance process.

⁶ The operating account reflects the working assumptions at the point of the draft submission of the GLA budget.

⁷ Not included above is a circa £4m-£5m impact in 25/26 with respect to the £1 user charge discount offered in the first 12 months to small businesses who register for the local business discount. The expectation is that this impact will be funded by the GLA as part of overall funding for the green and fair package.

⁸ [\(Public Pack\)Agenda Document for Audit and Assurance Committee, 17/03/2021 10:00 \(tfl.gov.uk\)](#)

11 Next Steps

The publication of the Statement of Charges

- 11.1 If the Board approves the initial user charges as set out in the Statement of Charges and its publication, the Statement of Charges will be published shortly after the Board's decision and not less than 56 days in advance of tunnel opening (in accordance with article 54 of the DCO and Procedure 3 of CPAP).
- 11.2 TfL will be implementing a comprehensive multi-channel public information and awareness-raising campaign from early January 2025 to help local residents, businesses and drivers prepare for the tunnel opening.
- 11.3 Advertising will raise awareness of the opening date, journey benefits and the improved public transport services the tunnel will enable, including new bus services such as the new Superloop SL4 and the cross-river cycle shuttle-bus service. It will also include information on the user charges and how to register for Auto Pay to benefit from the reduced off-peak charge, as well as the various discounts and exemptions open to eligible low-income residents, small businesses, sole traders and charities. The campaign will appear across video on demand, radio, posters, local and specialist press, social media, online video, petrol pump nozzles, and online search, and these will be supported by detailed information on our website. Information will also be available in leaflets distributed via a door drop to residents living in thirteen boroughs in east London, face to face leafleting at high footfall locations like shopping centres and direct mailed to businesses in the three host boroughs of Greenwich, Newham and Tower Hamlets. We will also be sending emails to customers registered on the TfL database. Information will also be available in alternative languages for download from our website.
- 11.4 Ahead of pre-registration opening for low-income residents and businesses, sole traders and charities eligible for the discounts described above, customers visiting our website will be able to sign up to our database so they can be contacted once pre-registration opens to receive information about the tunnel and the discounts. This will be supported by a comprehensive stakeholder engagement programme, press releases and use of our social media channels. Roadside signage will be installed ahead of the tunnel opening with some temporary messaging ahead of the permanent signage information, to help provide further advance notice to drivers.

Review after a year of the user charges

- 11.5 After 12 months' operation of the Scheme, we will undertake a review of the user charges to check the Scheme is performing broadly in accordance with the updated traffic forecasts used in the refreshed assessment. Policy 15 of the CPAP states that we must complete this review not later than 15 months after Scheme opening. The approach for this review is set out in Procedure 5 of the CPAP. Our proposed response to the review will be subject to consultation with STIG. This review will be informed by data from the monitoring regime put in place by the MMS.

Occasional variations for inflation

- 11.6 The CPAP provides for occasional variations to the user charges to account for inflation, and Procedure 4 explains how this will be done. It is anticipated that the user charges will be varied from time to time for inflation based on a review which considers accepted indicators of inflation, the continued achievement of the Project Objectives and our other duties. The CPAP makes the relevant indicator of inflation the Retail Prices Index although it is being phased out and is expected to be replaced by the Consumer Price Index with Housing costs in 2030.
- 11.7 It is recommended that the Board authorises the Finance Committee to approve any future inflationary changes to the charge levels and associated charges (such as the penalty charge level).

Reviewing the user charges and future variations

- 11.8 From tunnel opening, we will continue to monitor the impacts – traffic, socio-economic, noise and air quality – and implement any mitigations required, as set out in the MMS. We will also continue to monitor and develop the bus network, as set out in the Bus Strategy. STIG will continue to have a role in the three-year monitoring period and in future variations of the user charges (except for the occasional adjustments for inflation).
- 11.9 We will keep the charges under review and may propose variations from time to time in order to achieve the Project Objectives. This aligns with Policy 11 of the CPAP: TfL must keep the user charges under review, and will make variations to charges where this is considered necessary to ensure the continued achievement of the Project Objectives. It also aligns with Proposal 20 of the MTS: The Mayor, through TfL, will keep existing and planned road user charging schemes, including the Congestion Charge, Low Emission Zone, Ultra Low Emission Zone and the Silvertown Tunnel schemes, under review to ensure they prove effective in furthering or delivering the policies and proposals of this strategy.
- 11.10 Procedure 2 of the CPAP describes how we will go about proposing variations to the user charges and how this entails the use of UCAF and consultation with STIG. Like the initial user charges, Procedure 2 states that the proposed variations will be submitted to the TfL Board for approval. It is recommended that the Board discharges its obligations in respect of variations to the user charges through the proposed delegation of authority to the Finance Committee.

List of appendices to this report:

- Appendix 1: Statement of Charges (updated)
- Appendix 2: Consultation Report
- Appendix 3: Charging Policies and Procedures (CPAP)
- Appendix 4: User Charging Assessment Framework (UCAF)
- Appendix 5: Equality Impact Assessment (EqIA)
- Appendix 6: Table of discounts and exemptions

List of background papers:

Our Consultation webpage: <https://haveyoursay.tfl.gov.uk/tc-yourview>

Webpage recording engagement and decisions of STIG: <https://tfl.gov.uk/travel-information/improvements-and-projects/silvertown-tunnel-implementation-group>

Consultation and report on cross-river bus network:
<https://haveyoursay.tfl.gov.uk/silvertown-tunnel-bus-network>

Consultation and report on cross-river cycling service:
<https://haveyoursay.tfl.gov.uk/silvertown-cycling-service>

Silvertown Tunnel Order: <https://www.legislation.gov.uk/uksi/2018/574/contents>

Selection of certified documents and other related information:
[Silvertown Tunnel permission - Transport for London \(tfl.gov.uk\)](#)

Certified documents held at the National Archive:
<https://webarchive.nationalarchives.gov.uk/ukgwa/20221201131919/https://infrastructure.planninginspectorate.gov.uk/projects/london/silvertown-tunnel/>

Contact Officer: Alex Williams, Chief Customer and Strategy Officer
Email: alexwilliams@tfl.gov.uk