

Planning and Borough Development
Kensington Town Hall, Hornton Street, LONDON, W8 7NX

Executive Director Planning and Borough Development
Mr Jonathan Bore



THE ROYAL BOROUGH OF
**KENSINGTON
AND CHELSEA**

Jan Bessell
Lead Member of the Examining Authority
Planning Inspectorate
3/18 Eagle Wing
Temple Quay House
2 The Square
Bristol, BS1 6PN

Your reference: WW0100001
My reference: SP00027 / Written
representation and responses to
ExA's questions
Please ask for: Patricia Cuervo

1 November 2013

Dear Ms Bessell,

Thank you for your Rule 8 letter sent on the 26 September 2013. Please see enclosed the Council's written representation and responses to the panel's questions.

Please do not hesitate to contact my officer, Ms Patricia Cuervo if you have any queries regarding this matter.

Yours sincerely,

Jonathan Bore
Executive Director Planning and Borough Development

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The Royal Borough of Kensington and Chelsea written representation for the Examination of the Thames Tideway Tunnel

1. Development Consent Order

Implementation of the Development Consent Order (DCO)

- 1.1 It is understood that an infrastructure provider (IP) will be the beneficiary of the order. The infrastructure provided will be different to Thames Water and may not adhere to the same principles and visions/aspirations.
- 1.2 The definitions within the DCO of “infrastructure provider” and “undertaker” do not provide the clarity sought regarding implementation. The undertaker could be either Thames Water (enabling works) or the infrastructure provider or ‘any successor under a special administration order or otherwise’ (article 8). It is unclear if different companies could be implementing the DCO at the same time.
- 1.3 The IP will commission several main contracts for construction, usually involving a long list of sub-contractors. This will make enforcing measures and conditions difficult and gives scope for other impacts to arise during the construction phases. The relationship between Thames Water, the IP and contractors has to be clarified for local authorities, the wider public and businesses that will be affected by the project during construction.

Mitigation Measures

- 1.4 Most of the mitigation measures are included in the Code of Construction Practice (CoCP) and design principles. The requirements within the DCO refer to these two documents; however neither the CoCP, nor the design principles are part of the Order. In most cases, mitigation measures are left to the future design options included in the contractors’ methodologies. This increases uncertainty about their implementation. It could also lead to increasing costs for the Council once construction starts with the enforcement of the CoCP. All mitigation measures must be included in the Development Consent Order.
- 1.5 Under Work Provisions in the DCO, point 3 states that ‘subject to the provisions of this Order and to the requirements in Schedule 3 to this Order, the undertaker is granted ‘(a) development consent for the authorised development; and (b) consent for the ancillary works’. This could be modified to include the design principles and the CoCP after the reference to the requirements.

Statutory powers and dissipation of local legislation

- 1.6 Under definitions, the word ‘maintain’ as currently defined in the DCO may lead to implementation problems of street works (Street and traffic regulations, point 10 (d) and (g) of the DCO). The power to maintain is extremely broad. It would allow almost any sort of work to be carried out on the project under the guise of ‘maintenance’ at any point in the future, including even its demolition and replacement. Such work is not obviously subject to the detailed specifications and

requirements laid down by the DCO and the associated documentation in respect of the initial construction phase. Such an open-ended power is inappropriate. The power of maintenance should not authorise any future development which would otherwise require separate planning permission from the local authority, and should not be able to depart from the detailed specifications which will apply to the construction work. The words 'decommission', 'demolish', 'remove', 'clear', 'alter', 'remove', 'replace' should be removed from the definition.

1.7 The DCO proposal to dis-apply the Traffic Management Act (Traffic Regulation, point 18) is strongly objected, as the Council is best placed to decide in local traffic issues.

1.8 Many of the various statutory powers and exemptions are of unlimited duration, lasting beyond the initial construction phase of the project into its routine operation and maintenance. See, for instance, Article 10 (powers to carry out street works), Article 18 (powers to regulate traffic) and Articles 55 and 56 (disapplication of statutory provisions such as provisions in the Traffic Management Act 2004). Given the scale of the undertaking, some special approach to regulation may be required for the construction phase of the project. However, Thames Water and the IP should not be treated differently from any other statutory undertaker once the construction is complete and the project is being routinely operated and maintained. The powers claimed would be potentially disruptive and should not be countenanced on an open-ended basis unless very strong justification is shown. Moreover, most of the detailed regulation which will operate in place of the usual statutory controls during the period of construction will cease to apply once the construction is completed.

1.9 Some of the statutory powers are of excessive geographical scope. For instance, Article 10 would allow street works to be carried out on any street, whether or not specified in the relevant Schedule and whether or not within the Order limits. It is our view that Thames Water should be able to specify in advance the streets or areas in which they will have to carry out work. Failing this, any work carried out beyond the scheduled streets or Order limits should require the consent of the relevant street authority.

1.10 The disapplication of local legislation (Article 56) is very sweeping. It would mean in effect that the project (including not only its construction but its subsequent operation and maintenance) could be carried out with no regard whatever to any provision of local legislation (including the London Local Authorities Acts). It is incumbent on Thames Water to identify the specific provisions of legislation which it is necessary to disapply, and why. Failing this, local legislation should cease to apply only where it would substantially impede the viable completion or operation of the project, or where it would prevent work from being carried out in a particular manner which is authorised by the DCO.

Plans/Proposals

1.11 The height of the ventilation columns (6m) is higher than necessary in most cases. The height should be reduced further.

2. Code of Construction Practice (CoCP) and construction issues

- 2.1 Experience with other major infrastructure projects show that changes during construction may lead to necessary changes in the CoCP. Requirement PW6 within the DCO reflects the possibility of site specific amendments through the approval of a revised Code of Construction Practice (Part B). Changes in the CoCP may lead to changes in the design principles. It is important that a protocol or guidelines to agree changes is in place. As the IP will be using contractors and subcontractors to deliver the construction of the project, opportunities to achieve best practice and integrate the construction of the Thames Tideway Tunnel with other projects may be reduced.
- 2.2 The body implementing the DCO should coordinate works with third parties and ensure that tendering and securing consents are done with plenty of time. It is important to coordinate utility works to minimise disruption. Local authorities should be consulted of any unexpected utilities diversions and upgrades.
- 2.3 Information about what parameters the contractors need to abide to should be passed to local authorities and adjoining boroughs should be informed of any decisions taken.
- 2.4 Monitoring could be difficult to standardize when more contractors and subcontractors are appointed. Contractors need to be properly trained. Monitoring variations and dispensations of S61 may be difficult to control by the IP and Thames Water. Complaints monitorization is important and the reports should be shared with the local authorities.
- 2.5 In case when dewatering is necessary, it should be subject to the controls set out in the CoCP. As the dewatering process can be very disruptive, prior consultation should take place with local authorities and other stakeholders.

Cumulative impacts

- 2.6 Several projects will be under construction at the same time as the Thames Tideway Tunnel is being built which could lead to significant cumulative impacts. Although these projects are intending to co-operate and co-ordinate during construction, they are under different drivers so the scope for that co-ordination not taking place is there. It is paramount that there is a robust coordination in place.

3. Performance bond / planning performance agreement / Memorandum o Understanding (MoU)

- 3.1 One of the aims of the Water Industry Regulations 2013 is to minimise total final project costs and benefit customers of undertakers. However our residents will suffer both, the impacts of the project and the costs.
- 3.2 Furthermore, discharging the requirements and controlling and enforcing the CoCP will lead to increase costs for the local authorities. A performance bond/ planning performance agreement/MoU should be signed to ensure the extra costs (on top of the fees to discharge requirements) for local authorities are covered and the IP or undertaker manages the delivery of the DCO properly. The agreement should include a contingency budget for unexpected works.

4. Impact in the Royal Borough of Kensington and Chelsea

4.1 The impacts of the project in our Borough have been detailed in the Local Impact Report included as part of our representation. The Council would like assurance that:

- the planned maintenance work to the vents and drop shaft head houses, every two to three months, will not be intrusive and should be undertaken only during daytime hours;
 - the quality of the public realm created will not be affected if the costs of the engineering project escalate;
 - the construction of the tunnel on Cremorne Wharf will not prejudice the future redevelopment of the site; and,
 - the vision or identity of the Chelsea Embankment as a whole will be reflected better in the design principles.
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Examination of the Thames Tideway Tunnel

First round of questions

1. Air Quality and Emissions

Air quality and dust

The environmental assessment methodology for air quality and odour gives the Environmental Health Officer forum Position Paper and the consultation comments and responses (Doc 6.2.02, appendix B1).

Q1.1 Can the statutory consultees on matters relevant to air quality and odour detail the extent of agreements reached, noting any areas where the base data is disputed and/or considered insufficient or where the authority disagrees with the conclusions reached in the Environmental Statement (ES).

Response to Q.1.1 The Council considers that some of the data used within the Air Quality Assessment in the ES is not entirely appropriate to assess the impact of the construction works within the Borough. Thames Water has provided explanations and detailed responses to some concerns. In a number of cases the issues have been resolved. However, in other cases we have agreed to disagree as reported in the Statement of Common Ground. The wording of the Code of Construction Practice (CoCP) Part A and B (Section 7) is disputed as it is not explicit in requiring the Mayor's Best Practice Guidance for the Control of Dust and Emissions (or most recent version of the document) to be followed by the contractors.

The specific areas that are disputed are detailed below:

Construction dust and emissions – CoCP Part A

The Council does not agree with the wording of the CoCP Part A. The Construction Environmental Management Plan (CEMP) requirement in the CoCP Part A does not explicitly set out what air quality mitigation measures should be included. There is nowhere within the CoCP Part A, a list of minimum mitigation measures. The wording within Section 7 of the CoCP is too vague and does not explicitly state that the Mayor's Best Practice Guidance for the Control of Dust and Emissions, should be followed to reduce both plant and vehicle emissions and dust derived PM₁₀.

It should be noted that the Best Practice Guidance will be replaced by The Control of Dust and Emissions During Construction and Demolition Supplementary Planning Guidance.

The air quality management plan included in Section 7.4.1 should include all the emission control measures, including the vehicle and plant emission. The following mitigation measures are not included in the vehicle and plant emissions Section 7.2.1:

- ultra low sulphur diesel;
- NRMM with output over 37kw -560kw will be required to meet the standards set out in the Mayor's SPG for emissions standards, i.e. Stage IIIB of the EU Directive 97/68/EC and other requirements;
- well maintained plant;
- locate plant away from boundaries; and,
- avoid the use of petrol or diesel generators if possible.

In Section 7.4.4, the measures listed are not specific. Individual measures should be listed to enable contractors producing the CEMPs to select the most appropriate

measures for their site. For example, locating machinery away from receptors, installing solid screens or barriers, covering stockpiles, implementing logistics/traffic management plans etc, covering vehicles, wheel washing, cleaning haul routes, etc... In Section 7.5, the heading should make it clear that the term 'monitoring' also refers to particulate monitoring.

CoCP – Part B

Details of the alert system for the particulate monitoring should be specified either within Part A or Part B as currently it does not contain enough detail. Specific action levels must be specified. The following text should be included within Part B of the CoCP for Cremorne Wharf:

- setting of an alert level of $200\mu\text{g}/\text{m}^3$ and an action level of $250\mu\text{g}/\text{m}^3$ as 15 minute mean values;
- setting the level of $200\mu\text{g}/\text{m}^3$ as the initial alert value for a 15 minute average. Ensure an automatic alert system is put in place which informs the site's Environmental Manager (or other appropriate person) in the form of SMS text when the level has been exceeded;
- set the upper limit action level of $250\mu\text{g}/\text{m}^3$ for a 15 minute average. If upper limit reached, works will cease to rectify immediately;
- if the upper limit is reached more than 5 times in a day, an e-mail should be sent to the Council's air quality inbox airqualitymonitoring@rbkc.gov.uk, to report the occurrence, and the remedial actions taken; and,
- weekly/monthly summary reports (to be agreed) setting out the times the exceedences occurred, the actual PM10 level recorded, the activity that was occurring and the action taken to stop the exceedence and prevent re-occurrence (monitoring data should also be supplied in spreadsheet format). This is in addition to information that is made available to residents.

The following issues apply to both the air quality assessments for Chelsea Embankment and Cremorne Wharf:

- The assessment has been based on the assumption that 90% of arisings will be removed from each site by barge. Any deviation from this in reality will mean that the results of the assessment will be incorrect. Thames Water has confirmed that the Transport Strategy sets out this commitment and either a Section 106 agreement or a DCO requirement will ensure that this element of the strategy is adhered to.
- More detailed information about the receptor locations chosen for the assessment is required, in order for the Council to be confident that the results of the assessment are as accurate as possible. Thames Water has agreed to provide more detailed information, however this issue is unlikely to be resolved and we have agreed to disagree.
- The Council is of the opinion that the modelled baseline concentrations (without development) of NO_2 for both sites are not accurate. Thames Water is predicting that concentrations of NO_2 will be significantly lower than current concentrations, by the construction years of 2017 and 2018. The Council holds no data to show that concentrations are declining at such a rate and therefore the use of this data is disputed.
- Thames Water has carried out sensitivity analysis using observed long-term trends of NO_2 at roadside monitoring locations to adjust the predictions of the model following the Council's comments. Using this alternative method the absolute values of annual mean NO_2 have increased. However, this does not change the overall

conclusion of the ES (that there is predicted to be a small or negligible impact on concentrations). It is not considered that the most appropriate baseline concentrations have been used within the assessment. Thames Water has carried out the assessment based on guidance from DEFRA. It is generally acknowledged that emissions factors (even the latest ones used) do not reflect real world vehicle emissions) and therefore the overall significance of the impact remains uncertain. Even though sensitivity analysis has been undertaken, this has only been used for the baseline and has not been undertaken for the predicted changes due to the construction.

- The traffic data used within the air quality assessment does not match the predicted number of daily vehicle movements during the peak month of construction that is quoted elsewhere in the Environmental Statement. Further explanation should be provided by Thames Water in order to show how the different numbers of vehicles quoted in separate sections of the Environmental Statement relate to each other. This is to ensure that the assessment is as accurate as possible.

The predicted increase in traffic from present day up until the construction years (approximately 9%), does not correlate with the predicted decrease in concentrations of NO₂ and PM₁₀ in the air quality assessment. Thames Water has explained that this is due to very optimistic emission factors within the Transport Assessment. The Council does not require Thames Water to make any changes to the assessment as they have used the emission factors that are currently available to them. However, it should be noted that this approach may not provide the most realistic assessment of the impacts.

Regarding odour, the Council wishes to restrict vent height for visual reasons. The assessment of odour and concentrations of H₂S is based on:

- concentrations of H₂S after passing through the carbon filtration chamber at both sites;
- the dispersal to atmosphere; and,
- the number of and the duration of events throughout the year when air will be expelled through the vent as a result of combined effluent rising up the drop shaft.

The Council does not disagree with the conclusions of the ES.

Chelsea Embankment Foreshore

The Heritage Statement identifies the Monument Walk axis as a distinctive element in the setting of the Royal Hospital Chelsea (F.3.11). The photomontage shows the ventilation columns offset from the line of the axial view (ES Volume 13, plate 11.6.4). Design principle CHEEF.05 refers to siting the ventilation columns away from the axial view. However, the representation from the Royal Borough of Kensington and Chelsea comments that the parameter plan would allow for ventilation columns up to 8m in height in positions which would disrupt the axial view.

Q5.17 How can parameters be set which would protect the Monument Walk view, and the setting of the Bull Ring Gate, whatever the final design solution?

Response to Q5.17 A zone of visual influence can be drawn from the central point of the Monument Walk, on the south side within the new public space, to ensure that there is no obstruction to the view.

Q5.18 Would design principle CHEEF.05 provide sufficient protection for the Monument Walk view?

Response to Q5.18 The Council and Thames Water have agreed changes to the design principle CHEEF 05 (included in the Statement of Common Ground) which will allow for sufficient protection. The final wording is as follows:

CHEEF 05	The proposed signature design ventilation columns, electrical and control kiosks, and trees shall be located beyond the width of Monument Walk to maintain clear views along Monument Walk to and from the river, as well as to and from the Royal Hospital Chelsea.
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6. Development Consent Order Drafting and Related Matters

The draft Development Consent Order (DCO) (Doc 3.1) is provided in accordance with s37 of the Planning Act 2008 (as amended) (PA 2008). The powers sought are under s120 and s122 and the DCO is made in the form of a statutory instrument as required by s117. The following questions raise some matters of drafting and other matters about content and take the order of the Parts, articles, requirements and schedules.

To set the scene we request consideration by all Parties of the overall parameters of the DCO.

Q6.1 Is there a consensus between all Parties that the definition and description as currently drafted encompasses the fundamental parameters, structure, approach and limitations of the consents sought?

b) if no please set out what is required and why. All necessary matters and works in a form that allows all parties to understand.

Response to Q6.1 The Council does not agree with the height of the ventilation columns (up to 6m) especially in Chelsea Embankment. This is set out in the Statement of Common Ground.

Article 5 Maintenance of authorised project

The definition of maintain (in Article 2) includes: “maintain, inspect, repair, adjust, alter, remove, clear, refurbish, reconstruct, decommission, demolish, replace or improve the authorised project and “maintaining” and “maintenance” shall be construed accordingly”

Q6.9 In the light of the extent of the powers that apply to maintenance including outside the Order limits:

a) how is such a wide definition justified and why is it necessary?

b) how are matters that could amount to development in their own right justified as or differentiated from matters to be considered as maintenance?

c) how are works to be undertaken in accordance with this article and definition to be constrained to that which has been assessed within the scope of the Environmental Impact Assessment?

Response to Q6.9 The Council is uneasy about the broad definition of ‘maintenance’ as it could allow for almost any work to take place, including demolition and replacement at any point in the future. This is reported in our written representation (paragraph 1.6).

Article 18 Traffic regulations

Q6.21 Could the traffic authority advise if deemed consent set out at article 18(8) is reasonable or necessary? Does this provide adequate safeguards?

Response to Q6.21 Without prejudice to the Council's view that Article 18 in its entirety should be removed from the DCO (as only the local traffic authorities can balance competing demands on the highway at a given time), the Council's comments on Article 18(8) are as follows.

It is reasonable for the undertaker to expect prompt decision making from the traffic authority. As traffic authority, our duties are discharged both effectively and quickly. A deemed consent provision is not necessary as the Council would respond to any notice from the undertaker promptly.

It is not clear what would happen if the local traffic authority decided to withhold their consent for an order to be made. Accordingly, it is not considered that Article 18 provides adequate safeguards for the local traffic authority.

Article 25 Felling or lopping of trees

Q6.28 How does this article deal with any liability or consents particularly in relation to any protected tree or shrub lying outside the Order limits unless it expressly excludes these works in favour of article 26?

Response to Q6.28 Article 25 states "the undertaker may fell or lop any tree near any part of the (...)". The Council would prefer 'near' to be defined in some way as it is otherwise too loose a definition and too difficult to control.

Article 26 Trees subject to tree preservation orders

Q6.29 Should article 26 also make provision for trees and shrubs protected by virtue of a conservation area designation?

Response to Q6.29 Article 26 allows the works outlined in article 25 to be carried out to trees protected through Tree Protection Orders. Logically, this would be extended to trees in Conservation Areas. However, in both cases the Council would prefer to receive tree work application or at least be informed of the work.

Article 51 Safeguarding

Q6.51 Could each relevant planning authority provide any commentary on the terms of this article?

Response to Q6.51 Please see the Council's response to the questions below.

Q6.52 As drafted there is no automatic release if the undertaker does not respond to consultation. Should there be?

Response to Q6.52 The Council would support an automatic release if the undertaker does not respond to the consultation. This should, however, be supported by good communication with the undertaker to ensure the consultation is not missed.

Q6.53 Should article 51(5)(b) be 21 days from issue of notice rather than receipt which could be a very imprecise measure unless there is also a requirement to acknowledge receipt to determine and fix the time period?

Response to Q6.53 The Council agrees that, although a requirement to acknowledge receipt of the notice could be useful, the period of 21 days should be from the issue of notice. Otherwise, this could unduly delay the determination of planning applications.

Article 53 Discharge of requirements

Q6.54 Is deemed consent justified and reasonable? If so how and why?

Q6.55 Does it provide adequate safeguarding in relation to matters that are the subject of required mitigation particularly in relation to matters that have potential human, cultural, environmental and nuisance effects?

Response to Q6.54 and Q.6.55 The DCO only includes parameter plans for approval and all the details are included as illustrative plans. Therefore, it is likely that the applications for discharging requirements will be very complex and will require internal consultation with other colleagues from Environmental Health, Transport, etc. Given the fact that the applications for discharge of conditions have an eight-week timeframe it seems that 28 days, as currently drafted in the DCO, is unreasonable and unachievable. Furthermore, the fact that the application can be granted automatically if not response is received from the local planning authority within the 28 days, could mean that most of the requirements will be automatically discharged without proper consideration which will inevitably lead to an inability to mitigate impacts properly. This could also have a knock on effect on complaints by residents and increase in enforcement workload which is contrary to the collaboration between the Local Planning Authority and the applicant.

Article 57 Certification of plans

Q6.56 Should this be a prescribed list or are all Parties satisfied that there will be a clear understanding of what is to be covered in particular in relation to article 57(1)(f)?

Q6.57 Should direct reference be made to Schedule 2 Plans Part 1, 2, 3 and 4?

Response to Q6.56 and Q.57 The Council does not have any views.

Schedule 3 Requirements

At this stage we are not raising detailed drafting matters in relation to the requirements. These matters will be considered further once we have received full written submissions. However, there are some general questions that we raise now.

Q6.60 Are the identified bodies for discharge appropriate in all instances and does this provide an appropriate control and management framework?

Response to Q6.60 The Council has, in the past, raised concerns regarding this and reference can be seen in our Statement of Common Ground. Since then, Thames Water has submitted changes to requirements and included new bodies for discharging. Specific requirements to sign of assessments in relation to land contamination are currently under review.

Schedule 17 Procedure for Discharge of Requirements etc. and Appeals In relation to 1. and 2.

Q6.66 Schedule 17 1(3) sets out deemed consent. How and why is this reasonable or justified?

Response to Q6.66 Please refer to the Council's response to question Q.6.55. Deemed consent could mean that most of the requirements will be automatically discharged without proper consideration which will inevitably lead to an inability to mitigate impacts properly. This could also have a knock on effect on complaints by residents and increase in enforcement workload.

Q6.67 Could any of the discharging authorities respond on how reasonable the timescales set out are?

Response to Q6.67 The Council considers that the timescales should be set at a minimum of eight weeks in order to allow for internal consultation due to their potential complexity.

In relation to fees

Q6.69 Could any discharging authority comment on the adequacy of the charging schedule for discharge?

Response to Q6.69 The discharging fees are higher than the current fees for applications for discharging conditions. As currently drafted, they only take into account the amount of floor space created rather than the complexity of the application. The Council understands that it is difficult to set fees in relation to the complexity of the application but this should be looked into further.

Schedule 19 Miscellaneous Controls

Q6.72 In relation to dis-application of general legislation in Part 1 and local legislation in Part 2 what effect would these powers have on other duties such as the powers to maintain flood defences?

Response to Q6.72 The dis-application of the Flood and Water Management Act will have an impact on the performance of our duties as a Lead Local Flood Authority. It could potentially an impact on the maintenance of flood defences if the Council is not asked for consent before the alteration, removal or replacement of a designated flood risk management structure or feature.

Code of Construction Practice (Doc 7.19.1 and Doc 7.19.2)

The DCO Schedule 3 requires that the works be carried out in accordance with the CoCP, subject to site specific amendments, unless otherwise agreed with the relevant planning authority. A number of relevant representations have requested that the CoCP be secured by the DCO.

Q6.74 Can the relevant local authorities and other statutory consultees comment on the CoCP detailing any areas of disagreement and omission.

Response to Q6.74 Please note that the Council has responded to this issue in paragraph 1.5 and section 2 of the written representation.

Q6.78 In the noise and vibration section, the minimum acceptable control measures are not clearly defined. For example, generic and specific measures are only given as "may" include rather than "shall" include (paragraphs 6.4.1 and 6.4.2). Provide clear indication of the control measures.

Response to Q6.78 The Council considers that paragraph 6.4.1 should include a definition of 'BPM' (best practicable mean) as defined by Section 72 of the Control of Pollution Act 1974. Regarding paragraph 6.4.2, the Council agrees that 'may include' should be changed to 'shall include'. It is also considered that reference to BS5228 should be made to the 2009 version.

Some of the relevant representations refer to the need to secure compliance with the design principles. It appears that, whilst some of the design principles could be expressed in the form of requirements, others are insufficiently precise.

Q6.80 To what extent would the approach of referring to the design principles as a whole in Requirement PW7 provide an effective basis for ensuring that the design intentions set out in the application documents would be carried through into the detailed designs?

Response to Q6.80 The Council supports this question as it is very important that the design intentions set out in the application documents are carried through into the detailed design.

Q6.81 What would be the advantages and disadvantages of an approach whereby those design principles which are considered to be important and sufficiently precise would be incorporated into the DCO as requirements?

Response to Q6.81 The Council considers that including the design principles as requirements will increase certainty about their implementation.

Cremorne Wharf Depot

The Planning Statement refers to a planning application relating to this site (L.3.5).

Q9.7 Can the Royal Borough of Kensington and Chelsea (RBKC) provide a copy of any committee report relating to this application together with sufficient plans to describe and understand the broad outline of the proposals?

Q9.8 Can RBKC also provide an update on the current position with regard to any committee or Council resolutions, s106 Agreements, Directions or permissions granted?

Response to Q9.7 and Q9.8 The application at Cremorne Wharf was withdrawn by the applicant 2 May 2013. As such, the scheme was not heard at a committee or any report written. The documents that were submitted with the application can be found at the following address: www.rbkc.gov.uk/pp/12/02224.

11. Noise and Disturbance

Noise Survey

The ES methodology for noise and vibration gives the environmental health officers (EHO) forum Position Paper with regards to acoustics (Doc 6.2.02, appendix G1) and the consultation comments and responses (appendix G2).

Q11.2 Can the relevant Local Authorities:

- a) detail the extent of agreements reached, noting any areas where the base data is disputed and/or considered insufficient or where the authority disagrees with the conclusions reached in the ES;

Response to Q11.2 a) The noise monitoring methodology and the noise monitoring positions to establish base noise data were agreed in advance between Peter Brett Associates and the EHO.

- b) advise whether they consider that the dBLAeq, 15min ambient noise levels given in the ES, fully represent the ambient noise level in the areas affected by the works;

Response to Q11.2 b) The Council considers that the dBLAeq 15min ambient noise levels in the ES represent 'typical' ambient noise levels. To 'fully represent the ambient noise levels' in the area would require a very large number of monitoring locations over a long duration. Any noise survey will have a tolerance on repeatability of measurement. The Council considers that a variation of +/- 1.5dB is reasonable. The word 'fully' indicates no tolerance.

- c) provide full commentary on whether the information provided by the Applicant can be used as the base level for the assessment of the impact of noise on residential and other receptors.

Response to Q11.2 c) On the basis of the data in the ES which represents typical base noise levels, the Council considers the data is adequate to assess the noise impacts both during construction and operation. For construction noise, a s61 application will be submitted. The s61 application will include more detailed construction noise predictions.

Noise insulation and temporary re-housing policy (Doc 4.1)

Q11.26 Can the relevant local authorities provide a review of the adequacy of the Noise Insulation and Temporary Rehousing Policy with, if appropriate, suggested modifications.

Response to Q11.26 Thames Water's Noise Insulation and Temporary Re-housing Policy is exactly the same as the scheme agreed for Crossrail and, on this basis, it is acceptable for this project. As far as construction noise from the two sites in the Borough is concerned, it rarely exceeds the lower threshold of significance using the ABC Method of BS8233:2009 and the NI&TRP is therefore very unlikely to be triggered and applicable in the Borough.

In the Noise Insulation and Temporary Rehousing Policy, the noise insulation and temporary rehousing would only be allowed if the property complies with all the other

requirements of the Noise Insulation (Railways and Other Guided Systems) Regulations 1996. This requirement is not included in the example given in BS5228 Appendix E.4.

Thames Water should consult the Council before implementing their re-housing policy. This policy must incorporate an equality impact assessment.

Q11.27 What are the reasons for the inclusion of this criterion and the implications for affected properties which do not comply with the Regulations, but still suffer significant impact?

Response to Q11.27 The Council agrees that it is not clear why the Regulations pertaining to Railway construction are a criterion in this situation.

The ExA has timetabled two accompanied site visits. The first relates to works sites with no public access and the second is to inspect locations which have been referred to in the evidence, in particular any locations which cannot readily be seen from the public realm such as views from sample buildings.

Q12.5 Can all parties advise of any locations which they feel the ExA should visit during its accompanied site visit to aid understanding of the application and potential impacts.

Response to Q12.5 The Council would like the ExA to note how close to the listed pumping station the permanent structures could be located.

16. Traffic, Travel and Transportation

Local Highway Authorities

The ES and TA refer in several places to meetings between TfL and the local highway authorities and it is our understanding that the traffic and other data underpinning the ES/TA was sourced from the local highway authorities (or TfL) and/or collected in accordance with methodologies agreed with them.

Q16.5 Could each of the local highway authorities individually or collectively detail the extent of agreements reached, noting particularly any areas where the base data is disputed and/or considered insufficient or where the authority disagrees with the conclusions reached in the ES/TA.

Response to Q16.5 The agreements between the Council and Thames Water regarding the ES/TA are included in the RBKC Statement of Common Ground which will be submitted by Thames Water.
