

Gravesham Borough Council's Post hearing Written Submissions - Issue Specific Hearing on Planning Policy and Environmental Matters (DEADLINE 3 – 30/04/2018)

0.2	<p>Head of Terms for Section 106 Agreement</p> <p>With reference to the Head of Terms for Section 106 Agreement between the Applicant and Thurrock Council (TC) (doc ref 5.3) [APP-029]:</p> <p>i. Would the Applicant and TC state the current position with the development of the Head of Terms for the Section 106 agreement, and the obligations that are currently envisaged to be included within it?</p> <p>ii. Can the Applicant confirm that the s106 agreement will be agreed and signed off prior to the close of the examination?</p>
<p>Head of Terms for Section 106 Agreement</p> <p>At the hearing, the PoTLL advises that discussions are still ongoing mainly with Thurrock Council but also with GBC and English Heritage.</p> <p>The PoTLL and Thurrock Council explained that 5 matters are to be covered in the s106:</p> <ol style="list-style-type: none">1. Delivery of measures in the active travel strategy2. Ferry enhancements3. Skills & Employment Strategy4. Financial contribution to Tilbury Fort5. Financial contribution to heritage south of the River <p>In respect to Skills & Employment Strategy, the PoTLL's consultant (Arup) advised at the hearing that GBC are being included in this strategy and we welcomed this explicit addition.</p> <p>Whilst we do accept the PoTLL view as set out in REP2-007 that "The Active Travel Strategy provides for improvements to facilities for pedestrians and cyclist connections to and from Tilbury2.... The enhancements include links with the Ferry terminal which would benefit those travelling to and from Gravesend", our Members consider that a Sunday Ferry Service is something that we need to continue to encourage.</p> <p>In respect to the intended financial contribution to heritage south of the river, GBC has informally discuss with Thurrock Council officers what they would need to give them the required reassurance of the agreed scope of the heritage financial contributions. At the moment, it is anticipated that a broad schedule of likely heritage mitigation will be agreed with the PoTLL.</p>	

16.1	<p>Noise Mitigation</p> <p>i. Can the local authorities confirm, or otherwise, if the definition of which properties, or properties not yet built, which will be assessed for mitigation is adequate?</p> <p>ii. Ref FWQ 1.16.6 and PoTLL’s Response to Written Representations, Local Impact Reports and Interested Parties’ Responses to First Written Questions [REP2-007], is Gravesham Borough Council (GBC) satisfied that the noise sensitive receptors proposed are now representative and suitable for the re-assessment required under Requirement 10 – noise monitoring and mitigation? If not, what changes would GBC require?</p> <p>iii. GBC (LIR page 17) [REP1-056] has asked for more information on the PoTLL expectations about the on-going monitoring and mitigation regime and how acceptable noise levels will be agreed. Additionally, in SoCG update report 2; TC, 5.2.3 [REP1-021] “Receptor based mitigation - it is not defined who would become eligible / receive an assessment and the geographical boundaries of this - more information is required on this and how this will be funded. Clarification on this issue will be provided by PoTLL but in the first instance would refer to Schedule 2 of the DCO.”</p> <ul style="list-style-type: none"> • Please would the local authorities and the Applicant comment on progress with these discussions? • In the light of these discussions are changes required to the wording of requirement 10, and if so what? <p>iv. Ref FWQ 1.16.13, ES para. 17.196 [APP-031] refers to properties in Dock Road and Calcutta Road for which ‘... there will be a perceptible increase in noise, giving rise to short term significant effect at these properties. The effect is negligible in the long term and the overall assessment is considered not to be significant.’ The Applicant’s answer at deadline 1 [REP2-008] does not appear to accord with what is written in the ES which states ‘short term significant effect’. Would the Applicant please re-consider its answer to the original question?</p> <p>v. Dimensions of piles in ES Chapter 5 [APP-031] do not accord with underwater noise assessment in Chapter 17. Updated Chapter 5 provides different dimensions of piles, although it is unclear what each dimension represents. Would the Applicant state whether the assessment in the ES is still valid, as it assesses 610mm piles, but updated Chapter 5 refers to piles of 1.22m or 0.914m?</p>
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It is accepted by GBC that the predicted noise levels at Heritage Quay, and Chantry Court will be similar to those identified at NSR 7 (Clarendon road, Gravesend) and NSR 8 (Committed Development, Gravesend) but it is GBC's view that the residences at Mark Lane need further work so it can be understood whether the noise climate at that location is sufficiently different from other Gravesham receptors, particularly at night, to justify it being a separate monitoring location.

iii. GBC (LIR page 17) [REP1-056] has asked for more information on the PoTLL expectations about the on-going monitoring and mitigation regime and how acceptable noise levels will be agreed. Additionally, in SoCG update report 2; TC, 5.2.3 [REP1-021] "Receptor based mitigation - it is not defined who would become eligible / receive an assessment and the geographical boundaries of this - more information is required on this and how this will be funded. Clarification on this issue will be provided by PoTLL but in the first instance would refer to Schedule 2 of the DCO."

• Please would the local authorities and the Applicant comment on progress with these discussions?

At the hearing sessions, GBC advised that the PoTLL have stated they will discuss this with GBC as the detailed design progresses.

• In the light of these discussions are changes required to the wording of requirement 10, and if so what?

At the hearing session, GBC mentioned that it had investigated how this issue is dealt with in operations which have similar impacts, such as quarrying. GBC found that in some cases such developments have including planning conditions to control noise from the mechanical plant so as the rating level does not exceed a defined level. When this was suggested to the PoTLL, they advised that this wasn't acceptable to them as an alternative.

As a result of further work on the Statement of Common Ground with the PoTLL on noise and vibration post ISH and the PoTLL's approach in their Operational Management Plan, it was agreed that GBC should table for the examining authority its hierarchy of avoidance and mitigation for noise and vibration and this is given below:

GBC hierarchy of avoidance and mitigation



GBC Preference	Type	Options	Source
1st	Avoidance	No working at night-time (restricted hours)	
2nd	Avoidance	The use of best practical means to ensure noise impacts are mitigated as far as reasonably practicable. This to include, but not be limited to, low noise plant and equipment on the Tilbury2 site, including conveyor systems and aggregate screeners; locating doors on the aggregates processing buildings that will limit noise breakout in the direction of the nearest Noise Sensitive Receptor and noise barriers (NB. Recognise that post-installation there can be opportunities to make equipment even quieter by adding attenuators, controlling speed of conveyors etc)	ES 17.137 advises "An Operational Management Plan, secured by the DCO, which will secure a number of management measures to reduce noise arising from day to day operation of the site"
3rd	Avoidance	Planning requirement to control noise from mechanical plant so as the rating level does not exceed the measured minimum background noise level plus 5db as per BS4142:2014	Suggested by GBC at ISH
4th	Mitigation	<p>Following re-assessment of the noise</p> <p>Package of mitigation for any receptor (For example, HS2 offers a package of noise insulation including:</p> <ul style="list-style-type: none"> • secondary glazing for living room and bedroom windows on eligible facades, plus supplementary ventilation if required; • blinds on facades where there is a need to control solar gain; • insulation treatment for external doors on eligible facades. <p>Revised requirement 10 in DCO says: 10(2) Following the re-assessment carried out under sub-paragraph (1), if external noise is predicted to be above the Significant Observed Adverse Effect Level (SOAEL) at any receptor, the Company must offer that receptor a package of mitigation.</p> <p>GBC would like to understand the reasonable steps being undertaken to minimise adverse effects on receptors with noise levels between LOAEL and SOAEL in line with Noise Policy Statement for England (NPSE)]</p>	

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Government's Planning Practice Guidance on noise (PPG) <https://www.gov.uk/guidance/noise--2> provides guidance on the effects of noise exposure, relating these to people's perception of noise, and linking them to the NOEL and, as exposure increases, the LOAEL and SOAEL.

The Noise Policy Statement for England (NPSE) advises that if impact is between LOAEL (Lowest Observed Adverse Effect Level) and SOAEL (Significant Observed Adverse Effect Level), all reasonable steps should be taken to minimise adverse effects on health and quality of life while also taking into account the guiding principles of sustainable development. As the exposure increases above the LOAEL, the noise begins to have an adverse effect and consideration needs to be given to mitigating and minimising those effects, taking account of the economic and social benefits being derived from the activity causing the noise. As the noise exposure increases, it will then at some point cross the SOAEL boundary.

In the tracked changes DCO published by the PoTLL (REP1-004), the PoTLL is only proposing that the mitigation package will be provided to any receptor above the SOAEL. GBC is concerned that this won't address the impacts on receptors who could be suffering impacts above between LOAEL (Lowest Observed Adverse Effect Level) but below the SOAEL (Significant Observed Adverse Effect Level).

Changes in noise levels of less than 3 dBA are not perceptible under normal conditions whilst changes of 10dBA are equivalent to a doubling of loudness. GBC considers that LOAEL + 5dBA would be a more acceptable level.

Noise monitoring and mitigation

10.—(1) Prior to the ~~opening~~ commencement of first operational use of any of Work Nos. 1 to 8 the Company must carry out a re-assessment of the predicted noise impacts arising from the finalised detail design and operational procedures to be implemented for those works.

(2) Following the re-assessment carried out under sub-paragraph (1), if ~~a significant effect external noise~~ is predicted ~~for to be above the Significant Observed Adverse Effect Level (SOAEL) at~~ any receptor, the Company must offer that receptor a ~~scheme~~ package of mitigation ~~that~~. The package must include at that receptor the installation of triple glazing, or such other form of noise insulation or triple glazing at that receptor, the effect of which is an improvement in the overall noise insulation of the building by a margin calculated to be not less than the amount by which the external noise level is predicted to exceed SOAEL.

(3) No part of Work Nos. 1 to 8 can be ~~opened for public~~ brought into operational use until a written noise monitoring and mitigation scheme for the operation of those works based on the results of the re-assessment carried out under sub-paragraph (1) is agreed with the relevant planning authority and Gravesham Borough Council and is implemented in accordance with the terms of the agreed written scheme.

(4) A scheme under sub-paragraph (2) ~~3~~ must include provision for the following matters—

(a) the nature and temporal length of monitoring;

48



(b) a trigger point at which the Company will be required to make an offer of mitigation to an affected receptor during such monitoring; and

(c) that any mitigation offered to an affected receptor must include the offer of the installation of noise insulation or triple glazing or such other form of noise insulation at that receptor.

iv. Ref FWQ 1.16.13, ES para. 17.196 [APP-031] refers to properties in Dock Road and Calcutta Road for which ‘... there will be a perceptible increase in noise, giving rise to short term significant effect at these properties. The effect is negligible in the long term and the overall assessment is considered not to be significant.’ The Applicant’s answer at deadline 1 [REP2-008] does not appear to accord with what is written in the ES which states ‘short term significant effect’. Would the Applicant please re-consider its answer to the original question?

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v. Dimensions of piles in ES Chapter 5 [APP-031] do not accord with underwater noise assessment in Chapter 17. Updated Chapter 5 provides different dimensions of piles, although it is unclear what each dimension represents. Would the Applicant state whether the assessment in the ES is still valid, as it assesses 610mm piles, but updated Chapter 5 refers to piles of 1.22m or 0.914m?

N/A

16.3

Construction Materials and Aggregate Terminal (CMAT)

i. Gravesham Council [RR-019] is concerned over 24 hour operation of the CMAT. The ES identifies major and significant effects from the CMAT at night time for receptors in Gravesend. Gravesham has requested the ExA to consider restricted hours of operation. The Applicant has argued that for commercial reasons the CMAT needs to be operated 24 hours, 7 days per week. What alternatives are there?

ii. Ref Thurrock Council (TC)’s response to FWQ 1.16.12. [REP1-092] “... a potential concern is the uncertainty that effective mitigation could be achieved following the noise reassessment and with the Operational Management Plan (paras. 17.225 & 17.226), without the necessity of improving the sound insulation of affected dwellings. While this may be an effective solution, noise control at source would be preferred wherever possible”. What proposals can the Applicant suggest for noise control at source?

iii. Ref PoTLL’s Response to Written Representations, Local Impact Reports and Interested Parties’ Responses to First Written Questions, p111[REP2-007]: “It is noted that there are similar 24 hour aggregate operations in Gravesham near to Mark Lane, with vessels discharging anytime of day”. Please would GBC comment on this response?

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See GBC's hierarchy of avoidance and mitigation

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See GBC's hierarchy of avoidance and mitigation which notes that as well as requiring low noise plant is installed, that post-installation there can be opportunities to make equipment even quieter by adding attenuators, controlling speed of conveyors etc

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During the Gravesend site visit, the GBC officer in attendance highlighted at 2 points of that visit - the start of Mark Lane and from the Windmill Hill viewpoint – how the industrial operations increased in scale and intensity as it moved away from the Canal Basin regeneration area and its adjacent residential development. It is this more peripheral location where the J Clubb Jetty And Premises Marine Works is located on Mark Lane.

Considerations South of the River

- i. Would the Applicant and Gravesham Borough Council (GBC) update the hearing on their discussions over the magnitude of the impact of the Proposed Development on the settings of the identified built heritage assets and the degree of harm or otherwise (re SoCG Applicant-GBC Appendix 2 of SOCG Update Report [REP1-021])?
- ii. Would the Applicant and GBC provide an update on their discussions on further mitigation and enhancement measures beyond those set out in the ES?
- iii. Would the Applicant and GBC provide an update on GBC's concern about the impact of lighting from the point of view of Gravesend?

i. Would the Applicant and Gravesham Borough Council (GBC) update the hearing on their discussions over the

magnitude of the impact of the Proposed Development on the settings of the identified built heritage assets and the degree of harm or otherwise (re SoCG Applicant-GBC Appendix 2 of SOCG Update Report [REP1-021])?

Intensification of the use in the area which would have historically been open marshland, in a baseline without the power station development, will impact on Gravesend as a riverside heritage town and particularly its inter-relationship with Tilbury Fort and the downstream forts. This impact does require mitigation. GBC agrees with the PoTLL that the harm is less than significant, and within the spectrum of harm, for south of the river, is at the lower end of that spectrum.

ii. Would the Applicant and GBC provide an update on their discussions on further mitigation and enhancement measures beyond those set out in the ES?

Discussions are on-going

iii. Would the Applicant and GBC provide an update on GBC's concern about the impact of lighting from the point of view of Gravesend?

As part of the "Port of Tilbury London Limited - Response to the Written Representations, Local Impact Reports and Interested Parties Responses to First Written Questions" (REP2-007), the PoTLL published Appendix B: Night-Time visualizations. The location of these visualizations (VP 36, 39, 44, 45 and 51) were agreed with the Council in November 2017.

As a result of the clarity of the likely impacts provided by these night-time visuals and GBC's explicit inclusion in the DCO requirements concerned with the future lighting strategy and the agreement of materials, Gravesham BC considers that the issue of lighting has been addressed to our satisfaction.