

Gravesham Borough Council's response to the Panel's Second Written Questions (FWQs) (deadline 22/05/2018)

2.1.1	Applicant, Gravesham Borough Council (GBC)	<p>In the SoCG between the Applicant and GBC at deadline 3 [REP3-028], the SoCG identifies various matters that are under discussion including site survey work for NOx and PM10, and shipping emissions.</p> <p>i. Would the Applicant and GBC update the Examination on the status of their discussions?</p>
<p>The Applicant submitted further material in relation to the matters raised by GBC prior to and during the ISH in their Written Submission of Case at ISH of 19th April [Document reference PoTLL/T2/EX/95] in response to the ExA's question 1.1 "Air quality common ground" (specifically study area, baseline, methodology, assessment of effects and mitigation measures).</p> <p>The material submitted in PoTLL/T2/EX/95 (REP3-030) included:</p> <ul style="list-style-type: none"> • a summary of supporting documentation including information contained in reports published by the UK Air Quality Expert Group (AQEG) on particulate matter, noting its sources, distribution and trends in concentrations • a document entitled Appendix 3: Shipping Emissions from Tilbury2 which describes a supplementary assessment undertaken by the Applicant to quantify shipping emissions of both NOx and PM2.5, based on information contained within the recently available Port of London Authority emission inventory. <p>This information was provided to GBC on 1 May 2018. A telephone conference was held on Tuesday 15 May 2018, attended by the Applicant and their consultants, Wendy Lane (GBC Assistant Director (planning)) and Deborah Wilders (GBC Senior Environmental Health Officer).</p> <p>From this telephone conversation:</p> <ul style="list-style-type: none"> • GBC accept that the additional monitoring carried out by the Applicant was intended to fill gaps in present knowledge in relation to the potential significant air quality impacts of the proposals, i.e. NOx traffic/rail emissions from the infrastructure corridor, close to sensitive receptors in Tilbury. GBC accepts that the ES has used the air quality information currently available in Gravesham and these data for (NO2 and PM10) were used appropriately within the ES and that further air quality survey work is not required for the consideration of this DCO. • GBC remains concerned that, unlike Thurrock, local air quality monitoring in its administrative area does not enable the continuous monitoring of concentrations of NO2, PM10, PM2.5 and SO2. As highlighted in our comments at the ISH and written submissions, whilst there are currently four Continuous Monitoring Stations (CMSs) sites within the borough of Thurrock, there are none in GBC. 		

- GBC has reviewed the information submitted at Deadline 3, specifically, Appendix 3 to PoTLL's Summary of Case at ISH of 19th April which included a detailed modelling assessment of shipping emissions of NO_x and PM_{2.5} associated with Tilbury2. The Applicant understands that GBC agrees with the conclusion of the report which is that the effect of shipping emissions on receptors in Gravesham is negligible and that the assessment considered a "reasonable worst case scenario". GBC appreciates that this additional work has been undertaken and provided to the examining authority.
- GBC has accepted that the measures in the CEMP are appropriate and we have been advised to consider the wording of the OMP.

As the PoTLL does not propose to undertake any air quality monitoring in Gravesham nor facilitate the monitoring of emissions which are not currently monitored, GBC is finding it difficult to suggest changes to the OMP and judge whether they are effective when no monitoring is proposed. In addition, whilst the PoTLL proposes to put in shore power infrastructure, it does not accept that a trigger for it being operational should be included and rather wants to leave it to market forces.

Today (22 May) DEFRA has published its draft Clean Air Strategy which outlines the Government's ambitions relating to reducing air pollution in the round. GBC notes that this includes that

“Environment will be a key theme of the Maritime 2050 Vision. As part of the vision, we will work with stakeholders to develop by spring 2019, the first UK Clean Maritime Plan setting out a number of policies to reduce greenhouse gases and pollutant emissions from shipping in parallel, and to underpin the long-term vision of zero emissions shipping.”

Obviously GBC would expect the DCO and all supporting authorised documents, such as the OMP, to reflect this need for measures to reduce emissions to be effective.

2.16.1	Gravesham Borough Council (GBC)	<p>Monitoring at Mark Lane. The ExA notes that the Applicant agrees that further monitoring at Mark Lane (under Requirement 10) will be undertaken.</p> <p>i. Does GBC require any additional information at this stage, and if so what specifically?</p>
<p>The applicant's intention to undertake monitoring at the residential properties in Mark Lane was discussed during the telephone conference held on Tuesday 15 May 2018. GBC was also advised, on 21 May, that the applicant is approaching property owners in Mark Lane about the installation of noise monitoring equipment in order to provide the additional baseline information for this location that GBC has requested.</p>		
2.16.3	Gravesham Borough Council (GBC)	<p>Adequacy of OMP. Ref GBC responses to the ISH on 18 April 2018 [REP3-040], page 4 hierarchy of avoidance and mitigation, the second row refers to adding attenuators, controlling</p>

		<p>speed of conveyors etc. These specific measures are not detailed in the Operations Management Plan (OMP).</p> <p>i. Is GBC suggesting that the OMP is inadequate and needs refining?</p>
<p>During the telephone conference held on Tuesday 15 May 2018, the applicant advised that, as a rated conveyor, the speed of the conveyor is not controllable albeit its noise is affected by the load i.e. it runs quieter when full. Equally the maintenance of the equipment does affect its operational noise.</p> <p>In the applicant's view, GBC needs to explicitly state how the OMP needs to change as they assert that the CMAT will be built to the latest industry standards with noise limiting equipment as the norm. The problem that GBC has with the applicant's approach is that it has no experience of operating a CMAT in a port and therefore it is difficult for us to identify how operational noise can be reduced.</p> <p>From a Development Management perspective, if we were looking at noise conditions GBC would:</p> <ul style="list-style-type: none"> • Require compliance with a standard • Specify noise limit conditions/design constraints • Specify days/hours restrictions (this is our preference in our hierarchy of avoidance and mitigation) • Prohibit or restrict certain activities <p>Whilst this is a port proposal, the CMAT is a minerals operation and the Government, in its guidance of minerals https://www.gov.uk/guidance/minerals includes "What are the appropriate noise standards for mineral operators for normal operations?" which states:</p> <p style="padding-left: 40px;"><i>Mineral planning authorities should aim to establish a noise limit, through a planning condition, at the noise-sensitive property that does not exceed the background noise level (LA90, 1h) by more than 10dB(A) during normal working hours (0700-1900). ... In any event, the total noise from the operations should not exceed 55dB(A) LAeq, 1h (free field). For operations during the evening (1900-2200) the noise limits should not exceed the background noise level (LA90, 1h) by more than 10dB(A) and should not exceed 55dB(A) LAeq, 1h (free field). For any operations during the period 22.00 – 07.00 noise limits should be set to reduce to a minimum any adverse impacts.... In any event the noise limit should not exceed 42dB(A) LAeq, 1h (free field) at a noise sensitive property.</i></p> <p>Therefore the Government guidance defines a night noise limit.</p> <p>Further research on mineral operations in the UK and overseas indicates that defining Noise Limit Levels which should not be exceeded is common practice.</p>		

The planning permission for the proposed importation of inert waste materials to restore Woodeaton Quarry in Woodeaton, Oxfordshire, required the following:

Condition 9 No development shall commence until a detailed noise monitoring scheme has been submitted to the Waste Planning Authority and approved in writing. The scheme shall include details of noise monitoring locations, noise limits at those locations, the method and frequency of noise monitoring and provisions for keeping records of noise monitoring and supplying these to the Waste Planning Authority. Any scheme that is approved shall be implemented in full for the duration of the development. Noise levels shall not exceed those specified in the approved scheme. Reason: To ensure that the development does not cause a noise nuisance to residents of Woodeaton (OMWLP W7) https://consult.environment-agency.gov.uk/psc/ox3-9tj-mckenna-environmental-limited/supporting_documents/Operational%20management%20plan.pdf

A range of mineral operations have published noise management plans. Such plans define noise limits –

All noise associated with the Trio Underground Mine Project shall be over the periods specified below, and shall not exceed the Noise Level limits specified below:

Time Period	Noise Limits	
	L ₁₀	L _{max}
Monday – Friday 0700-2100	55	NA
Saturday 0700-1200	55	NA
On all nights 2100-0700 (the following day)	NA	70
All other times	40	NA

and when noise is elevated, complaints are received, or monitoring demonstrates that relevant noise limits are being exceeded, immediate mitigation action is taken. This might include a Noise Mitigation Action Process – see page 49 of <https://www.waihiGold.co.nz/wp-content/uploads/2017/08/Noise-Management-Plan-2017.pdf> - which specifies Yellow Status Actions or Red Status Actions that need to be undertaken. Red Status Actions have to take place within 1 hr and are mandatory (see pages 47 & 48). The value of setting a limit for which actions need to be undertaken to get it under that ceiling is that the operator knows their equipment and what can achieve the greatest reduction in noise with the least disruption to their operations.

Expectation that defined limit levels do not exceed the minimum background level plus 5dB as per BS4142:2014 under the overarching night parameter highlighted above.

Accessing noise monitoring information

A Rail Freight Facility at the Cricklewood Railway Yard in Barnet has recently been approved, subject to no Mayoral call-in. The proposed

development is for the construction, operation and use of the land as an aggregate and construction (inert, non-putrescible) waste transfer facility to enable the transfer of the aforementioned materials between road and rail. As part of its proposal DB Cargo (UK) Limited has committed to a real time monitoring scheme with a website so that residents are able to view air-quality and noise data. The supporting management plan – available via https://publicaccess.barnet.gov.uk/online-applications/files/5B5962C32D8699692FBFF3391CBF0053/pdf/17_5761_EIA-REVISED_MANAGEMENT_PLAN-3933387.pdf - explains that Noise mitigation measures include that:

- o Noise monitoring equipment will be installed at internal and external locations as agreed with the Council
- o Noise level records will be kept and shared with stakeholders and residents
- o The positioning of the monitoring station will be advised by specialist, subject to agreement and residents will be consulted accordingly
- o Maintenance of monitoring equipment will be in line with manufacturers recommended schedule of maintenance

GBC suggests that such a transparent and open approach to the data, if replicated here, would help public understanding of the noise impacts of this NSIP.

Brett Aggregates and ABP are very proud of their recent rail freight industry award - see <http://www.brett.co.uk/aggregates/news-and-community/brett-aggregates/rail-freight-industry-award-for-brett-aggregates-and-abp>. The press release advises that Brett Aggregates operates a terminal within the Port of Ipswich where marine-dredged aggregates arrive by ship from East Coast UK offshore sites. Material is stored and processed on site for delivery to customers by road, rail or sea. Between January 2016 and May 2017, Brett Aggregates landed over 485,000 tonnes of various aggregate and base construction materials for use in concrete production and other building activity from sustainable reserves around the UK, with no community impact in terms of noise, visual intrusion or road congestion.

2.16.5	Applicant, Gravesham Borough Council (GBC)	<p>Criteria for Noise Mitigation. Regarding discussions between the Applicant and GBC, GBC responses to the ISH on 18 April 2018, question 16.1 (iii) [REP3-040] on which criteria to use for noise mitigation:</p> <p>i. If the requirements of the NPSE are to be used can the parties suggest a revised condition which would satisfy GBC's concerns?</p> <p>ii. The DCO does not specify criteria for defining significant effects. Can the parties agree a criterion to include in the DCO requirement that will ensure these criteria are used?</p>
---------------	---	--

(SEE ABOVE COMMENTS)

BS4142 describes a method of determining the level of noise of an industrial nature, together with the procedures for assessing whether

the noise in question is likely to give rise to complaints from persons living in the vicinity using the difference between the measured 'background sound level' without the influence of any industrial noise source, and the 'rating level' of the industrial source, at the receiver location. The likelihood of complaints in response to a noise depends on various factors and so BS4142 assesses the likelihood of complaints by considering the margin by which the noise in question exceeds the background noise level.

The BS4142 standard placed above covering the whole site would be the best control. This has a best practical means element to it (which is a high standard) and is referred to in OMP document but not in the noise assessment where the weaker phrase, 'mitigation would be included in the scheme where it is shown to be both practical and cost effective.' Is used (17.95 and 17.96).

2.17.1	Applicant, Essex County Council (GBC)	Skills and Employment Strategy. In the SoCG between the Applicant and GBC at deadline 3 [REP3-028], the SoCG identifies the Skills and Employment Strategy as a document that is under discussion. ii. Would the Applicant and ECC update the Examination on the status of their discussions?
--------	--	--

GBC has no update to provide