

**Gravesham Borough Council's Post hearing Written Submissions - Issue Specific Hearing on outstanding Environmental, Planning Policy and Socio-economic issues (DEADLINE 5 – 06/07/2018)**

<p><b>3.1.1 Applicant, Gravesham Borough Council (GBC)</b></p>	<p><b>Air Quality</b></p> <p>Operational Management Plan (OMP) and Clean Air Strategy. With reference to the Applicant's and GBC's responses at deadline 4 [REP4-020, REP4-013] to ExA's SWQs [PD-010], Q2.1.1 ...</p> <p>i. Would the Applicant and GBC update the Examination on their discussions with regard to the wording of the OMP, potential air quality monitoring to be undertaken in GBC's administrative area once the facility is operational, and any other outstanding matters?</p> <p>ii. Would the Applicant state its position on DEFRA's Clean Air Strategy, published in May 2018 and cited by GBC, and in particular the Maritime 2050 Vision and the first UK Clean Maritime Plan, and how the Applicant's proposals for shore power infrastructure will be impacted by the Clean Air Strategy?</p>
<p><b>i. Would the Applicant and GBC update the Examination on their discussions with regard to the wording of the OMP, potential air quality monitoring to be undertaken in GBC's administrative area once the facility is operational, and any other outstanding matters?</b></p> <p>As explained at the hearings, a very helpful meeting took place on 12 June 2018 between the PoTLL, supported by their air quality and planning consultants, and GBC Officers from Planning and Environmental Health. During this meeting we discussed our concerns, primarily with the air quality monitoring proposed by the PoTLL. As a result of these discussions we agreed the wording to be included in the revised SoCG which was submitted to the ExA on 18 June.</p> <p>We understand from the hearings, that Thurrock has agreed that the additions to the Operational Management Plan (OMP) in respect to the air quality monitoring procedures as discussed on 12 June. Therefore, the revised OMP, to be submitted by the PoTLL for deadline 5 will incorporate these amendments.</p>	
<p><b>3.16.1 Applicant</b></p>	<p><b>Noise and Vibration</b></p> <p>Noise Monitoring at Mark Lane. In the Applicant's response to ExA's SWQ [PD-010] Q2.16.1, the ExA notes that the Applicant is currently arranging to undertake noise monitoring at Mark Lane as requested by Gravesham Borough Council (GBC) [REP4-013].</p>

	<p>Would the Applicant confirm that the monitoring referred to is that required under requirement 10 - or is there any other work being undertaken at this stage, and if so for what purpose?</p>
<p>Please see statement in deadline 5 SoCG</p>	
<p><b>3.16.2. Applicant</b></p>	<p><b>Noise and Vibration</b></p> <p>Adequacy of Operational Management Plan (OMP). In response to the ExA's SWQ [PD-010] Q2.16.3 regarding adequacy of the OMP, GBC puts forward [REP4-013] a number of suggestions for how to limit noise, including:</p> <ul style="list-style-type: none"> <li>• Require compliance with a standard;</li> <li>• Specify noise limit conditions/design constraints;</li> <li>• Specify days/hours restrictions (GBC preference in hierarchy of avoidance and mitigation);</li> <li>• Prohibit or restrict certain activities.</li> </ul> <p>GBC also refers to government guidance on minerals operations (<a href="https://www.gov.uk/guidance/minerals">https://www.gov.uk/guidance/minerals</a> ) and states that mineral planning authorities should aim to establish a noise limit, through a planning condition, also providing suggested limits and examples of other schemes.</p> <p>Would the Applicant state its response to these proposals?</p>
<p>At the hearing sessions, the Examining Authority was advised by the applicant, that GBC had erred to making reference to the government guidance on minerals operations as the National Policy Statement for Ports was the policy of relevance and that Tilbury is not a minerals operation. As GBC explained at the hearings, through its involvement with the Kent Minerals and Waste Local Plan, we recognise the importance that the wharfs, railheads and other transport infrastructure. The PPG has an explicit heading of "Why should planning authorities safeguard existing, planned and potential storage, handling and transport sites?" and aggregate wharves are explicitly included within this PPG.</p> <p>The Examining Authority's Report of Findings and Conclusions for The York Potash Harbour Facilities Order is highlighted because considers local minerals plans as well as conformity with national policy statements and the NPPF.</p> <p>Reference was made to The Able Marine Energy Park Development Consent Order 2014. We have looked and so that requirement 27 in schedule 11 states:</p>	

*Control of noise during operation*

27.—(1) The authorised development must not be brought into use until a written scheme for noise management during operation has been submitted to and approved by the relevant planning authority.

(2) The authorised development must be operated in accordance with the approved operational noise management scheme.

GBC doesn't believe that would be sufficient and more detail is required – please see our separate submission on requirement 10 of the draft DCO.

GBC was advised at the hearing that this representation should include whether amendments can be suggested to the OMP. As GBC explained our concern is that, as currently written so long as the PoTLL has “tried its best” - we understand that as an approved document, the PoTLL will prove this effort – that is sufficient irrespective of the levels of noise that are actually imposed on sensitive receptors. We don't think that this should be the case and hence our insistence that location specific noise levels are set for day, evening and night in the approved noise monitoring scheme and the requirement in the DCO states that noise from Tilbury2 shall not exceed that specified in the approved scheme.

Section 6 of the operational management plan is concerned with noise. It begins with the following:

**6.1 NOISE MANAGEMENT GOALS**

Tilbury2 will operate 363 days per year 24 hours per day with plant and production facilities in operation within 500m of residential areas. As part of the operation of Tilbury2 PoTLL is committed to ensuring that both its own and its tenant's operations reach the following goals to minimize impact on the local community:

- To operate within the noise limits of the existing Port estate, and lower them where possible;
- To adopt practical noise control techniques; and
- To work towards continual improvement methods to improve noise control

So it is recognised that the port's currently level of noise can be defined but it is not clear if the level within which the Port should operate is for the whole port or by location – some locations may have much higher levels but if no sensitive receptor, this is clearly less of an issue.

The document includes phrases such as “where practicable, procure equipment which will cause low noise impacts”. We consider that 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).

**3.16.4.  
Applicant**

**Noise and Vibration**

BS4142. In Gravesham Borough Council (GBC)'s response [REP4-013] to the ExA's SWQ [PD-010] Q2.16.5, GBC has proposed the method detailed in BS4142 (Method for Rating Industrial Noise Affecting Mixed Residential and Industrial Areas).  
 What is the Applicant's response to including the BS4142 standard for limiting the noise?

The ExA was advised at the hearings that it was unreasonable / impractical to consider noise limits for port activities because of the inability to directly attribute a change in noise level to the port. This is not accepted by GBC and it seems a strange position to take when the "Ambient noise measurements and assessment at Mark Lane - June 2018" produced by the PoTLL's noise consultant includes:

A comparison has been made between the 2018 measurements and the background noise levels measured in 2016 at the position ST5 reported in the ES, in Table 17.26.

**Table 5. Year to Year Comparison at Canal Basin**

	Time period	2016 dB L <sub>Aeq,T</sub> ST5	2016 dB L <sub>A90,T</sub> ST5	2018 dB L <sub>Aeq,T</sub> S2	2018 dB L <sub>A90,T</sub> S2
Range of noise levels –	Daytime	53-56	48-50	54-55	48-50
	Night-time	46-49	43-45	47-51	44-46

This comparison shows that daytime noise levels in Canal Basin have not changed between 2016 and 2018, whilst the night-time noise levels are 1-2dB higher in 2018 than they were in 2016. It is considered that the higher night time noise levels are due to the Serato drill ship which was not present during the 2016 measurements. The drill ship is shown in Figure 1.

Overall, it is considered that the baseline noise climate in 2018 is comparable with the baseline noise climate in 2016. The presence of the Serato drill ship is part of the normal variation in noise levels that occur in this location, as a result of day to day variation in the number of movements and types of vessels using the river. .

So clearly it is reasonable to monitor a location on a, at least, annual basis and see if the values are the same or similar and see why – in this case the higher night time noise levels are attributed by the PoTLL's noise consultants to the Serato drill ship.

The October 2017 Noise Assessment Report for the Proposed aggregate importation and processing and the preparation and manufacture of value added products at Fisher's Wharf East Quay Newhaven Port. The scope of the noise assessment included

Where necessary, barriers or additional mitigation will be explored to demonstrate compliance by way of calculation with appropriate noise limits for the proposed daytime hours of operation (typically 07:00 to 18:00 hours on weekdays) and for potential night-time hours of operation for the self-discharging vessel.

Again, there is an expectation of noise limits for receptors relating to the noise from a minerals operation in a port setting. The suggested site noise limit for each dwelling, for this assessment, was set at 5 dB(A) above the average background sound level.