

PLANNING ACT 2008
INFRASTRUCTURE PLANNING (EXAMINATION PROCEDURE)
RULES 2010

PROPOSED PORT TERMINAL AT
FORMER TILBURY POWER STATION

TILBURY2

TR030003

DEADLINE 6 NOISE RESUME PAPER

TILBURY2 DOCUMENT REF:
POTLL/T2/EX/196



1.0 INTRODUCTION

- 1.1 This document sets out the Applicant's position on the noise issues that are currently outstanding within the Tilbury2 Examination.
- 1.2 It deals first with the Examining Authority's request that the Applicant considers a new DCO requirement dealing with the setting of noise limits, and explains the Applicant's submission and evidenced reasoning in regard to this, including cross-references to the Applicant's previous application and Examination submissions where appropriate.
- 1.3 Secondly, it rebuts directly the submissions of Gravesham Borough Council (GBC) made at Deadline 5.

2.0 RESPONSE TO EXAMINING AUTHORITY

- 2.1 PoTLL notes the ExA's view, at page 11 of its Response to the dDCO v 4, in respect of Requirement 10, that "noise limits should also be set once further monitoring has been undertaken" and the recommendation that the requirement should be modified to make reference to noise limits being agreed at monitoring locations.
- 2.2 The Applicant repeats its view that a requirement in those terms would fail the relevant tests, since it would be unreasonable and unenforceable. The representations against that position came solely from GBC. They were not informed by any expert evidence, but rather from a number of references to other developments which are not comparable to the application proposals. The Applicant called expert evidence on this issue, and the ExA is referred to Mr Thornely-Taylor's oral evidence and to the written summary of it (see the Noise Resume Paper (REP5-030)). This was also supported by Thurrock Council. In the absence of any contrary expert evidence, the ExA is invited to accept the Applicant's case.
- 2.3 Noise limits on the port operations are unreasonable since they are not required to deliver acceptable noise conditions for any sensitive receptor. The proposed scheme (i.e. the Operational Management Plan (PoTLL/T2/EX/181) and Requirement 10) by which noise is proposed to be addressed is comprehensive, and reflects good practice. There will be ongoing monitoring, together with a management plan which addresses the actual operations at the site. Were there to be any significant effects at receptors arising from the scheme, mitigation will be provided. There will be significant control by the local authorities in relation to both the management and mitigation of noise. This builds on the existing position for the operation of the Port of Tilbury.
- 2.4 GBC has not identified a precedent for its proposed "at receptor" noise limits in respect of English (UK) port operations. Certainly there is no precedent from DCOs relating to port development. It is likely that "at receptor" noise limits will unreasonably restrict port operations as it could lead to the stopping or restriction of port activities which will mean that it will not be able to properly serve the needs of its customers or fulfil its functions as a port of serving the just in time economy. The concerns expressed in relation to a proposed time limit on operations in the 24/7 Working Note (Appendix B to PoTLL's Response to Relevant Representations (AS-049)) would equally apply to such a restriction.
- 2.5 Further, and importantly, noise limits at receptors are not enforceable. That is because the receptors concerned here are subject to noise from a large variety of sources. GBC has not provided any evidence to counter the Applicant's evidence that it will not, in practice, be possible to dissociate noise from the proposed CMAT from the existing or future noise environment at receptor locations. There are a number of current and proposed important noise sources: river traffic; aggregates and similar operations in and around Gravesend; and the existing Port of Tilbury. Mr Thornely-Taylor's evidence was that in such an environment, a noise limit relating to the new port operations was simply not enforceable in practice. There is no contrary evidence from a suitably qualified expert.
- 2.6 Indeed it is noted that none of Gravesham's submissions on noise (whether oral or written) at this Examination have been made by a noise or environmental health expert, and that no evidence of a comparable noise limit being applied to the

operation of a port within the framework of English and UK noise and planning policy has been provided.

- 2.7 The Examining Authority will also be fully aware of the site context set out in the Noise Resume Paper, and as had been previously stated orally by Mr Ward at the April 2018 hearings. There have been no records of noise complaints from Gravesham for the existing Port of Tilbury. Furthermore, there are a number of similar operations on the Gravesham side of the river with vessels discharging aggregates that have been permitted to operate 24 hours a day, 7 days a week, with no noise limit requirement imposed upon them. GBC have not submitted any evidence to indicate that any complaints have been received in respect of those operations.
- 2.8 The Applicant also notes that the position adopted by GBC is entirely contradicted by Thurrock Council, through their EHO (i.e. an expert), both in the oral submissions given at the Issue Specific Hearings in April and June 2018, but also as recorded in their SoCG where at item 4.4.9 it is confirmed that 'the approach to operational mitigation set out in the noise ES chapter is agreed' (REP5-017). Given that the proposed development is in Thurrock Council's administrative area, their view on this issue should prevail over that of GBC. Moreover it is an expert, rather than a non-expert, view.
- 2.9 If a requirement in the form suggested were to be imposed, requiring agreement at a later stage, it is unlikely that agreement could be reached on suitable noise limits at receptors. That is reflected in the position adopted by GBC to date, where no agreement has been reached on these issues. The requirement would therefore not be practicable as it would lead to an impasse and the likely use of the DCO dispute resolution procedures. This is unprecedented under the Planning Act 2008 regime and would delay the implementation of this nationally significant infrastructure project. By way of demonstration of this, appended at **Appendix 1** is the email correspondence between the parties since Deadline 5.
- 2.10 If noise limits are to be imposed, the only enforceable way to do so would be to impose those limits at a suitable location on site or at the site boundary, where the proposed port could be determined to be the dominant noise source. Such limits would not be reasonable for the reasons already articulated, but they might be enforceable in practice.
- 2.11 On that basis, and without prejudice to its position that such a requirement is unreasonable and unnecessary, the Applicant has proposed wording for a requirement which would result in the imposition of source-based noise limits. This requirement, the wording of which follows this paragraph, would sit alongside requirement 10 and the Operational Management Plan. For the avoidance of doubt, however, the imposition of such a requirement is considered unreasonable and unnecessary and so is firmly resisted by the Applicant.

Draft Requirement

Operational noise limits and management (source-based)

Setting operational noise limits

9A.—(1) No later than two months after first commencing operation of any of Work Nos 1 to 8, the Company must—

- (a) submit to the relevant planning authority the results of noise monitoring relating to the operation of those works, which must have been carried out—
 - (i) at any time between the periods set out in columns (1) and (2) of Table 1 below for the length of time set out in column (3) of Table 1—

Table 1

<i>Days on which monitoring is to be carried out</i> (1)	<i>Period within which monitoring is to be carried out</i> (2)	<i>Length of time for monitoring to be carried out</i> (3)
Monday to Friday	07.00 to 19.00	Continuous one hour period
Monday to Friday	19.00 to 07.00	Continuous 15 minute period
Saturday or Sunday	07.00 to 19.00	Continuous one hour period
Saturday or Sunday	19.00 to 07.00	Continuous 15 minute period

- (ii) and at the following locations—

Table 2

<i>Work number(s)</i> (1)	<i>Noise monitoring location</i> (2)
8D (iii)	Within each processing facility that is constructed
1, 2, 8B (iv)	A reasonably practicable location adjacent to the final location of each work
3, 6, 8C (ii), 8D (ii)	A reasonably practicable location where the measured noise level is reasonably representative of the combined contribution of the sources located within each work

and

- (b) having regard to these results, propose for agreement by the relevant planning authority, in consultation with Gravesham Borough Council, source-based noise limits relating to the operation of Work Nos 1 to 8 at each of the monitoring locations set out in Table 2 above (or at any additional or substituted monitoring locations agreed between the Company and the relevant planning authority) for the following time periods—
 - (i) 07.00 – 19.00; and
 - (ii) 19.00 – 07.00.
- (2) The noise limits agreed under sub-paragraph (1)(b)—
- (a) must be capable of being achieved by operating plant, machinery and apparatus, and by carrying out activities, of the same nature as the plant, machinery, apparatus and activities and their associated source noise levels set out in Table 17.13 of the environmental statement; and
 - (b) must relate to the periods set out in column (3) of Table 1 above.

Management of noise limit exceedances

(3) In the event that the operation of any of Work Nos 1 to 8 results in any of the noise limits agreed under sub-paragraph (1)(b) being exceeded at any noise monitoring location set out in Table 2 above, the Company must investigate the source of the exceedance.

(4) Following the investigation carried out under sub-paragraph (3), if the Company determines that the source of the exceedance is plant, machinery, apparatus or any other activity under the Company's control, the Company must, as soon as reasonably practicable—

- (a) take remedial action to reduce noise emissions from that plant, machinery, apparatus or activity to a level within the applicable limit agreed under sub-paragraph (1)(b); and
- (b) take all reasonable action to prevent any further exceedance of that limit by the plant, machinery, apparatus or activity that has caused the exceedance.

Continuing noise monitoring

(5) If the final locations of the works referred to in column (1) of Table 2 above are adjusted as a result of on-going detailed design or changes in operational procedures, then the Company must move the noise monitoring locations mentioned in column (2) of Table 2 accordingly.

(6) Following submission of the monitoring results under sub-paragraph (1)(a), the Company must regularly carry out noise monitoring relating to the operation of Work Nos 1 to 8 in accordance with the requirements of sub-paragraph (1)(a).

Noise monitoring reports

(7) On (or as close as is reasonably practicable to) each anniversary of the date when the Company submitted to the relevant planning authority under sub-paragraph (1)(a) the results of noise monitoring relating to the operation of Work Nos 1 to 8, and until the fifth anniversary of that date, the Company must make available a report to the relevant planning authority which—

- (a) gives the results of monitoring undertaken by the Company under sub-paragraph (6) for the immediately preceding period of 12 months; and
- (b) explains, if any of the noise limits agreed under sub-paragraph (1)(b) were exceeded during that period, the actions that were carried out by the Company under sub-paragraph (4) and the results of those actions.

3.0 RESPONSE TO GRAVESHAM BOROUGH COUNCIL SUBMISSIONS

GBC Submission	PoTLL Response
GBC Post Hearing Submissions on Issue Specific Hearing on draft DCO	
<p>GBC view on 'options' for noise limit levels</p>	<p>Option one refers to national/international standards, highlighting the night time 40dB L_{Aeq} LOAEL value from the WHO guidelines that is already within the ES (described in Tables 17.2 and 17.16). It is noted that the night time baseline noise levels at all receptors exceeds 40dB L_{Aeq} (Table 17.27, where the lowest night time noise level is 46dB L_{Aeq} at receptors NSR7 and NSR8). This demonstrates that existing night time noise levels in Tilbury and Gravesend already give rise to some health effects for people living in this area, and that people already have to adapt their lives to live with noise at night.</p> <p>It is noted that LOAEL is the level above which observable health effects occur. It is the onset point for any adverse effect. Setting noise from the port at 40dB would be inappropriate because it is significantly lower than the existing ambient noise climate, and the aim of a condition should aim to prevent significant effects rather than prevent any effects.</p> <p>GBC note that 55dB is included in the WHO guidelines as an interim target, and this has been set for SOAEL in the ES and used as a limit value in the draft requirement 10. The WHO guidance notes that 55db is recommended in situations where 40db cannot be achieved, which includes this area. Although the WHO guidance notes that 55dB is not a health-based limit by itself, we are using it as SOAEL to avoid a sizeable proportion being highly annoyed and sleep disturbed and preventing the increased risk of cardiovascular problems.</p> <p>Noise levels between LOAEL and SOAEL are accepted as being adverse effects, and the overall mitigation strategy ensures that noise levels are minimised and adverse effects are mitigated.</p>

	<p>Option 2 suggests that <i>noise limits would be set once further modelling and assessment has been undertaken or the equipment specification and operational procedures are known, and an ongoing noise management plan adopted. It is suggested that should the re-evaluation show that significant adverse effects are shown further design measures will be investigated and implemented where practical to prevent those significant impacts. If those mitigation measures are shown not to reduce levels below SOAEL then at receptor mitigation would be implemented.</i></p> <p>In response to this, PoTLL would indicate that the second half of this option is required by the current proposed draft Requirement 10.</p> <p>However this suggestion suffers from the same fundamental problem of setting noise limits at receptors that are some distance from the noise creating location – it is unenforceable as background noise and distance will change the noise levels in a way that would mean that there is no direct connection between the port operations and the noise experienced at receptor and the limit that is sought to be imposed at that location.</p>
<p>Reference to potential use of Woodeaton Quarry condition as an example that could be used for Tilbury2</p>	<p>This example is not applicable to Tilbury2. Notwithstanding that it is referring to a quarry which is a specific type of aggregates operation and is in no way similar to an operational port, it is also not technically comparable.</p> <p>Appendix B of the OMP for that project identifies that ambient noise levels were measured in the range 38-49dB (Para 5), and that noise limits are set around the MPS2 guidance:</p> <ul style="list-style-type: none"> • Maximum 55dB L_{Aeq} • Site level should not exceed L_{A90} by more than 10 • Maximum can be increase to 70dB for 8 weeks.

	<p>It is noted that the limit where action is taken to minimise noise from the site is set at 55dB at the monitoring locations (Para 24).</p> <p>Applying the MPS guidance to Tilbury2 would remove the BS4142 acoustic feature correction of 6dB (ES Table 17.14).</p> <p>In this case the assessment already shows that the noise from Tilbury2 is less than 55dB and less than 10dB above background at receptors in Gravesend (but not in Tilbury). As such, the situations are not comparable.</p>
<p>Reference to NoMEPorts Good Practice Guide</p>	<p>It is noted that this guide was developed to aid in the production of strategic noise maps and action plans under the EC Environmental Noise Directive, and therefore deals with the assessment of existing ports rather than the planning of new ports.</p> <p>The good practice guide only deals in L_{Aeq} based metrics. The guidelines do not use L_{A90} background levels or the BS4142 approach.</p> <p>A reference is made to a “spot 4” from the port of Livorno, where predicted noise impacts are due to a combination of berthed ships and road traffic noise. The document does not offer solutions for situations where multiple sources are present. It is noted that the UK does not have the referred to Italian noise limits in legislation.</p> <p>The good practice guide contains in its section 4 many examples of noise mitigation, and outlines a preferred approach which has been followed for Tilbury2 – noise mapping to identify the issue, defining appropriate mitigation, and using an action plan to control.</p> <p>The selective extracts set out in Gravesham’s representation submissions are simply a matter of fact and are not relevant to (and nor have they been applied by Gravesham to) Tilbury 2.</p>
<p>Reference to New Zealand Napier Port</p>	<p>The approach at this port in Gravesham's submission is similar to the</p>

	<p>current Tilbury2 approach of monitoring and management.</p> <p>It should be noted that the approach at Napier Port does not refer to a noise limit save that noise insulation would be provided when noise levels exceed 65dB L_{DN,5day}, which although referring to a different figure is a similar approach to Requirement 10.</p> <p>It is also noted that the 65dB limit referred to applies to all sources except transport (see District plan chapter 57.9 https://www.napier.govt.nz/assets/Document-Library/District-Plan/Part-8-District-Wide/ch57.pdf) so it is not clear how this noise level requirement would transfer to an area such as Thurrock and Gravesham where road traffic noise is an important existing contributor.</p>
Reference to River Humber Project	The requirement referred to here refers to construction not operational noise limits. Construction noise is assessed and is dealt with in policy and statutory terms in a different manner to operational noise (e.g. section 61 consents), so this can not be considered applicable to Tilbury2.
GBC Post Hearing Submissions on Issue Specific Hearing on Outstanding Environmental Matters	
Response to 3.16.2: Amendments to Operational Management Plan	<p>The Applicant would re-state its submissions in the Noise Resume Paper on this question but also notes that the OMP was updated at Deadline 5 (latest version PoTLL/T2/EX/181) for information to be shared with GBC as to the detail of the measures required by the OMP that are being put in place to reduce noise through management – GBC will therefore be able to directly see whether there has been compliance with the OMP.</p> <p>The references to ‘where practicable’ do not refer to a choice made by PoTLL but in recognition of the fact that operation of the port will change on a day to day basis, and that in some cases low noise equipment may just not be available. It should also be seen in the context of the reference to ‘Best Practicable Means’ in section 6.4 of the OMP - PoTLL’s compliance with the OMP will therefore be judged to that standard.</p>

<p>Response to 3.16.4: Use of BS4142:</p> <p>1. Concern that there is an inability to directly attribute noise level to the port, noting that that it appears PoTLL did this for the Canal Basin development.</p> <p>2. Reference to Newhaven Port</p>	<p>1. The Applicant would re-state its submissions in the Noise Resume Paper on this question as to the inappropriateness of BS4142 at Tilbury2. In respect of the Canal Basin, it should be noted that the baseline noise levels measured at Canal Basin were slightly higher in 2018 than in 2016, and the increase in noise has been attributed to the Serato drill ship which was present and audible in 2018 and which was not present in 2016. Other noise sources were noted as being similar.</p> <p>The noise levels measured in Canal Basin are ambient noise levels which include all noise sources which were present during the measurements, they do not report the noise level solely of the Serato drill ship.</p> <p>It is not possible to determine from these measurements if the noise solely from the Serato drillship exceeded any particular noise level within the overall range of measured values.</p> <p>2. This is a selective quote from the 'scope of the noise assessment'. The reference to a noise limit in that document is about setting limits within an assessment methodology by way of reference to the relevant British Standards; not the development of limits for that port itself. It is noted that the mitigation proposed in the conclusions of the noise assessment for that development do not include the imposition of a noise limit.</p> <p>In any event, this location is of limited relevance as it refers to one use within an operational port, rather than an operational port in totality.</p>
--	---

Appendix 1

Correspondence with GBC since June ISH

Set out below are the email exchanges with Gravesham that have taken place since Deadline 5, as summarised in the table below. This has been presented in reverse chronological order as it has involved one email chain.

Date	Content
11 July 2018	Email from Martin Friend (V&G for PoTLL) to Wendy Lane (GBC) at requesting a meeting to discuss D5 noise submissions
17 July 2018	Email from Peter Ward (PoTLL) chasing for potential dates for a meeting
20 July 2018	Email from Wendy Lane (GBC) to Martin Friend (V&G for PoTLL) setting out her views and suggesting that meeting is not needed
24 July 2018	Email from Martin Friend (V&G for PoTLL) to Wendy Lane (GBC) suggesting a meeting with the EHO present would still be useful.
27 July 2018	Email from Martin Friend (V&G for PoTLL) to Wendy Lane (GBC) chasing for meeting
30 July 2018	Email from Wendy Lane (GBC) to Martin Friend (V&G for PoTLL) indicating that EHO was unavailable and then on leave and setting out her views as to the form of a requirement to control noise "used for other ports"
31 July 2018	Email from Martin Friend (V&G for PoTLL) to Wendy Lane (GBC) requesting more information as to which Ports have this restriction
3 August 2018	Email from Peter Ward (PoTLL) to Wendy Lane (GBC) setting out PoTLL approach to Deadline 6.

From: Peter Ward

Sent: 03 August 2018 14:59

To: 'wendy.lane@gravesham.gov.uk' <wendy.lane@gravesham.gov.uk>; 'martin.friend@vincent-gorbing.co.uk' <martin.friend@vincent-gorbing.co.uk>

Subject: Suggested Requirement 9A.PDF

Dear Wendy,

Thank you for your email of the 30th, and I know Martin has responded with a question regarding your reference to other UK ports to which we still await your response. As you know, we had hoped that we could have met and discussed along with yourself and Alan this week but clearly this has not been possible from your side.

As you will likely appreciate, PoTLL will at Deadline 6 be making submissions by way of an update to the Noise Resumé Paper submitted at Deadline 5 to re-state that:

- the controls in the Operational Management Plan and Requirements 9 and 10 are considered sufficient to deal with the noise impacts of Tilbury2 and that it would be unnecessary in planning terms to impose another requirement;
- a requirement which provides for the setting of noise limits at receptors would be unenforceable due to the likelihood of background noise levels distorting noise arising from Tilbury2, and the technical difficulties of assigning the breaching of such noise limits to Tilbury2;
- no evidence has been submitted that could lead to a conclusion that 'on the evidence' a receptor noise limit should be imposed;
- on the contrary, we have submitted oral and written evidence to demonstrate why it should not be imposed and fails the relevant planning tests; and that
- as such we object in the strongest terms to an additional requirement being imposed, which would be completely contrary to established national planning policy.

However, in an acknowledgement of the ExA's currently-stated position, we will at Deadline 6 be putting forward a draft additional requirement on the basis that if the ExA and Secretary of State still consider that a noise limit requirement is necessary as well, this would be our preferred wording. As you will appreciate this has taken some thought within our team to develop.

This draft requirement is attached, and is, you will note, a requirement based on source based noise limits, as these are measureable and enforceable. We believe that this requirement meets the objectives you wish to achieve. I have below this email set out the relevant cross-references within this requirement to enable you to easily consider it.

It has been discussed and in principle agreed with Thurrock Council, given their status as host authority responsible for enforcement. Their status as host authority for the works which will be interacting with the noise limits is also why the requirement refers to approval of matters by them in consultation with you, rather than approval by both Gravesham Borough Council and Thurrock Council. The circumstances are different to those in Requirement 10, where approval by both local authorities is considered appropriate.

We hope that the wording of this possible additional requirement is an acceptable way forward to you in the event that the ExA and Secretary of State determine that a noise limit requirement is necessary in addition to Requirements 9 and 10, but if you have any comments on it before Deadline 6 or in reasonable time before Deadline 7, we will gladly consider them.

Many thanks

Peter

Works References

1 and 2: the RoRo and CMAT berths
 3: the Ro-Ro terminal
 6: the general storage areas
 8B(iv): conveyor
 8C(ii) and 8D(ii): aggregate storage yard
 8D(iii): aggregates processing buildings

Tables 17.13 of the ES

Table 17.13 Noise Source Levels Site Activity	Number of plant	Source level	Source of information
Reach stacker & tug	10	80 dB LAeq,T at 10m	On site measurement
RoRo loading activities	-	80 dB LAeq,T at 10m	On site measurement
Wheeled loader (CMAT)	10	82 dB LAeq,T at 10m	On site measurement
Wheeled loader (General Storage Area - Daytime only)	2	82 dB LAeq,T at 10m	On site measurement
Aggregates conveyor	1	87 dB LWa/m	Assumed level
Aggregate screeners	2	90 dB LAeq,T at 10m	Assumed level based on BS5228-1 source levels
Aggregate process buildings	-	Internal level of 85 dB LAeq,T	Assumed level based on similar developments ³⁹²
RoRo workshop building	-	Internal level of 85 dB LAeq,T	Assumed level based on
Vessel in-berth – Generator	1	66 dB LAeq,T at 2m	On site measurement

Peter Ward
 Commercial Director
 Port Of Tilbury London Limited

From: Martin Friend [mailto:martin.friend@vincent-gorbing.co.uk]
Sent: 31 July 2018 13:41
To: Lane, Wendy
Cc: Glasson, Allan; 'Rupert Thornely-Taylor'; 'Peter Ward'
Subject: RE: Tilbury2

Wendy

Thanks for this. You mention that the table you have inserted is used for Ports elsewhere in the UK. Could you advise which ports have this restriction in place ?

Regards

Martin Friend
 Director

T: +44 (0) 1438 316 331
 M: +44 (0) 7900 000 060

E: martin.friend@vincent-gorbing.co.uk
vincent-gorbing.co.uk

Vincent and Gorbing Limited
 Sterling Court, Norton Road
 Stevenage, Hertfordshire SG1 2JY

Please consider the environment before printing this email.
 The information in this e-mail (including any files transmitted with it) is confidential and may also be legally privileged. It is intended for the addressee only and access to it by others is unauthorised. If you have received this e-mail in error please notify us immediately, destroy any copies and delete it from your computer system.
 Copyright in this e-mail and any transmitted files will remain vested in us and will not be transferred to recipients.
 Registered in England No. 1942616.

From: Lane, Wendy <wendy.lane@gravesham.gov.uk>
Sent: 30 July 2018 18:23
To: Martin Friend <martin.friend@vincent-gorbing.co.uk>
Cc: Glasson, Allan <allan.glasson@gravesham.gov.uk>; 'Rupert Thornely-Taylor' <rmtt@ruperttaylor.com>; 'Peter Ward' <Peter.Ward@potll.com>
Subject: RE: Tilbury2

Dear Martin,

Allan is on leave from next week and is therefore having to focus on tasks that need to be completed before then and wouldn't be available this week. I am in the midst of trying to recruit some additional staff whilst covering for other staff who are on leave, and so my time is also limited.

I notice that you haven't advised if you are or are not now minded to accept that ExA's changes to R10.

On the basis that you are minded to accept the ExA's changes, we would be happy to propose the following:

- The ExA has advised that noise limits should also be set once further monitoring has been undertaken. GBC recognises the advantage of setting levels in this way as all parties will have the advantage of knowing what the CMAT operations and equipment will be thereby allowing the noise model to be more accurate. Noise levels cannot be defined now – apart from potential L_{Amax}
- The detailed noise monitoring scheme will cover:
 - the supply, installation and maintenance of a monitoring system at the specified noise monitoring locations – in the first instance we would anticipate these being the same short-term and long-term locations as set in the ES. We assume that this will include locations identified for the measurement of background noise for a period of not less than six months ending not later than the time when construction at the site commences
 - noise limits at those locations – we would expect these to be set for day, evening and night with agreement on what time periods these relate to. Our suggestion would be that used for ports elsewhere in the UK in respect to time periods as indicated below

Table 1 Limits for Operating Noise

(1) Period	(2) Time	(3) Noise Limit	
Daytime: Monday—Friday Saturday	0700–1900 0900–1900	53 dB L _{Aeq} (1 hour)	
Evening: Monday—Saturday Daytime: Sunday and bank holidays	1900–2300 0900–1900	46 dB L _{Aeq} (1 hour)	
Night-time: Monday—Friday Friday—Sunday Sunday—Monday	2300–0700 2300–0900 1900–0700	44 dB L _{Aeq} (1 hour)	48 dB L _{Amax}

Deadline 6th

Document Reference: PoTLL/I2/EX/196

- the method and frequency of noise monitoring – ideally monitoring should be continuous and available in a location that GBC, Thurrock and the PoTLL can view at any point if it isn't going to be publicly accessible. In respect to the method, our suggestion would be that as used for ports elsewhere in the UK i.e. LAeq (1 hour) / LAmax. This will also cover issues such as wind speed.
- Once approved, the scheme shall be implemented in accordance with its terms
- Recognise that might require additional caveats such as:
 - In the event that noise levels at the specified locations exceed the limits in Table Y, subject to the provisos in Table Y on wind speed and background noise, the Port of Tilbury Limited shall undertake further measurements to investigate and such further measures as may be necessary to identify the cause, and insofar as the source of the noise is under their control, take remedial action to reduce noise emission from the site to within the limits in Table Y and take all reasonable action to prevent any repetition of a breach of the limits.

Is this the type of discussion you were anticipating?

Regards

Wendy

Wendy Lane (BSc Hons, MSc, MA, MRTPI)
Assistant Director (Planning)
Gravesham Borough Council
Tel: 01474 33 74 01
email: wendy.lane@gravesham.gov.uk
Gravesham Borough Council - Delivering for the Community

From: Martin Friend [<mailto:martin.friend@vincent-gorbing.co.uk>]
Sent: 27 July 2018 16:10
To: Lane, Wendy; 'Peter Ward'
Cc: Glasson, Allan; 'Rupert Thornely-Taylor'
Subject: RE: Tilbury2

Hi Wendy

Have you given any more thought to the possibility of a meeting ?

Have a good weekend.

Regards

Martin Friend

Director

T: +44 (0) 1438 316 331
M: +44 (0) 7900 000 060
E: martin.friend@vincent-gorbing.co.uk
vincent-gorbing.co.uk

Vincent and Gorbing Limited
Sterling Court, Norton Road
Stevenage, Hertfordshire SG1 2JY

Please consider the environment before printing this email.
The information in this e-mail (including any files transmitted with it) is confidential and may also be legally privileged. It is intended for the addressee only and access to it by others is unauthorised. If you have received this e-mail in error please notify us immediately, destroy any copies and delete it from your computer system.
Copyright in this e-mail and any transmitted files will remain vested in us and will not be transferred to recipients.
Registered in England No. 1942616.

From: Martin Friend
Sent: 24 July 2018 09:03
To: 'Lane, Wendy' <wendy.lane@gravesham.gov.uk>; 'Peter Ward' <Peter.Ward@potll.com>
Cc: Glasson, Allan <allan.glasson@gravesham.gov.uk>; 'Rupert Thornely-Taylor' <rmtt@ruperttaylor.com>
Subject: RE: Tilbury2

Good morning Wendy

Having discussed both your email and the response of the ExA we still feel it would be useful to meet with yourself and Allan to discuss the noise issue face to face in order seek a further degree of understanding of our mutual positions on this issue. I believe the meeting we held on air quality with our respective experts present was very helpful and we have not had such an opportunity on the noise issue.

If you are agreeable we can seek a mutually convenient time before deadline 6 in order to reflect any discussions in an updated SoCG.

Regards

Martin Friend

Director

T: +44 (0) 1438 316 331
M: +44 (0) 7900 000 060
E: martin.friend@vincent-gorbing.co.uk
vincent-gorbing.co.uk

Vincent and Gorbing Limited
Sterling Court, Norton Road
Stevenage, Hertfordshire SG1 2JY

Please consider the environment before printing this email.
The information in this e-mail (including any files transmitted with it) is confidential and may also be legally privileged. It is intended for the addressee only and access to it by others is unauthorised. If you have received this e-mail in error please notify us immediately, destroy any copies and delete it from your computer system.
Copyright in this e-mail and any transmitted files will remain vested in us and will not be transferred to recipients.
Registered in England No. 1942616.

From: Lane, Wendy <wendy.lane@gravesham.gov.uk>
Sent: 20 July 2018 17:49
To: 'Peter Ward' <Peter.Ward@potll.com>; Martin Friend <martin.friend@vincent-gorbing.co.uk>

Cc: Glasson, Allan <allan.glasson@gravesham.gov.uk>; 'Rupert Thornely-Taylor' <rmtt@ruperttaylor.com>; Baker, Geoff <geoff.baker@gravesham.gov.uk>
Subject: RE: Tilbury2

Dear Peter and Martin,

From our reading of the Examining Authority's Response to Revision 4 of the draft Development Consent Order 13 July 2018 statements on R10 Noise Monitoring and Mitigation, the ExA is minded to agree with GBC that noise limit levels should be set in the DCO. In our deadline 5 response, we suggested 2 options and the ExA is looking at the second option, namely that the DCO should be explicit that noise limits will be set once further modelling has been undertaken. Our suggested wording was:

- No development shall commence until a detailed noise monitoring scheme has been agreed with the relevant planning Authority and Gravesham Borough Council.
- 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 relevant planning Authority and Gravesham Borough Council.
- 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.

The ExA concludes this section by asking that, for deadline 6, would the Applicant and GBC state their positions on ExA's proposal above.

I have just spoken to Allan and we aren't sure that a meeting is needed:

1. If you are now minded to accept that ExA's changes to R10, some wording could hopefully be agreed via email exchange
2. If you are not minded to accept that ExA's changes to R10, the ExA expects you to explain why in your deadline 6 response. We, of course, will be supporting the ExA's proposed revisions.

On the S106, I have spoken to colleagues and they understand why the PoTLL would want to exclude the guided walk element. In relation to the fort repair, they still believe that this should be included because the works identified, which are a fraction of the total works required, explicitly relate to the upper level of the fort where – as you saw from the ExA visit – the views to Tilbury Fort are the most focused. Tilbury2 is impacting on the setting of Tilbury Fort and so being able to move around safely on that part of the fort does help to mitigate that change and without the repairs, that ability might be reduced.

Regards

Wendy

Wendy Lane (BSc Hons, MSc, MA, MRTPI)
Assistant Director (Planning)
Gravesham Borough Council
Tel: 01474 33 74 01

email: wendy.lane@gravesham.gov.uk

Gravesham Borough Council - *Delivering for the Community*

From: Peter Ward [<mailto:Peter.Ward@potll.com>]

Sent: 17 July 2018 17:34

To: Martin Friend; Lane, Wendy

Cc: Glasson, Allan; 'Rupert Thornely-Taylor'
Subject: RE: Tilbury2

Hi Wendy

Further to martins email of last week can you advise some potential dates as martin has suggested so we can have a further discussion on noise

Also keen to close of the S106 so any update on clarification would be useful

Regards

Peter

From: Martin Friend [<mailto:martin.friend@vincent-gorbing.co.uk>]
Sent: 11 July 2018 13:00
To: 'wendy.lane@gravesham.gov.uk' <wendy.lane@gravesham.gov.uk>
Cc: Peter Ward <Peter.Ward@potll.com>; Glasson, Allan (allan.glasson@gravesham.gov.uk) <allan.glasson@gravesham.gov.uk>
Subject: Tilbury2

Hi Wendy

We have reviewed your D5 submissions and no doubt you will be doing likewise with ours. I feel like it would still be useful to meet again with our respective noise experts in order to see whether in a more collaborative environment we can't get to a more (if not completely) agreed position on noise. If you are willing please could you and Allan offer some dates through Peter, as I am away on leave from today until 23 July.

Also could you possibly come back on the S106 contribution clarification as soon as you are able, again copy Peter in please.

Many thanks.

Regards

Martin Friend
Director

T: +44 (0) 1438 316 331
M: +44 (0) 7900 000 060
E: martin.friend@vincent-gorbing.co.uk
vincent-gorbing.co.uk

Vincent and Gorbing Limited
Sterling Court, Norton Road
Stevenage, Hertfordshire SG1 2JY

Please consider the environment before printing this email.
The information in this e-mail (including any files transmitted with it) is confidential and may also be legally privileged. It is intended for the addressee only and access to it by others is unauthorised. If you have received this e-mail in error please notify us immediately, destroy any copies and delete it from your computer system.
Copyright in this e-mail and any transmitted files will remain vested in us and will not be transferred to recipients.
Registered in England No. 1942616.