

Thames Tideway Tunnel
Thames Water Utilities Limited



Application for Development Consent

Application Reference Number: WWO10001

Thames Water's Response to Local Impact Report from London Borough of Tower Hamlets

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**Thames
Tideway Tunnel**



Creating a cleaner, healthier River Thames

1 Response to London Borough of Tower Hamlets Local Impact Report

1.1 Introduction

- 1.1.1 This section responds to the points raised in the Local Impact Report (LIR) submitted by the London Borough of Tower Hamlets (LBTH) to the Examining Authority for the 4 November 2013 deadline. The response is split into three sections: Section 1.2 addresses general matters raised of a non-site-specific nature; Section 1.3 addresses matters raised with respect to the draft proposals at King Edward Memorial Park Foreshore; and Section 1.4 responds to matters raised with respect to the draft proposals at Bekesbourne Street. Each section contains a table arranged by topic, which sets out the comment from the LIR on the left and Thames Water’s (TWUL) response on the right.
- 1.1.2 Our case for the use of King Edward Memorial Park Foreshore (KEMPF) and Bekesbourne Street is comprehensively set out in the application for development consent and in the recent responses to the first written questions. This response therefore does not address every matter raised in the LIR and does not extensively repeat material already submitted to the Examining Authority. However, we have responded where our case or assessments are challenged.
- 1.1.3 The signed Statement of Common Ground (SoCG) and Section 106 obligations are to be submitted on 13 January 2014. These documents will address the matters raised in the LIR and through ongoing discussions with LBTH, noting any outstanding matters between the parties.

1.2 General matters

Table 1.1 General matters

Ref	LIR para. ref	London Borough of Tower Hamlets comment	Our response
1.		<i>“This LIR identifies a number of instances where the Council disagrees with the conclusions of the ES for the proposed Thames Tideway Tunnel.”</i>	A response to this matter is provided on a case-by-case basis in Table 1.2 below.
2.		<i>“The LIR (supplemented by the Community Profiling Research Report) confirms the views expressed in the</i>	We recognise the value of the park to the local community. We have sought to minimise our effects on the park through site

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		<i>Relevant Representations submitted to the Planning Inspectorate in May 2013 that the current Thames Water proposals will have an unacceptable impact upon KEMP. The Community Profiling Research Report makes very clear that KEMP is highly valued by the local community.</i>	selection, design development and mitigation. We will continue to discuss and develop ways in which we can minimise our effects on the park and leave a lasting legacy.
3.		<i>“It is clear that the temporary impact of the construction works will have significant adverse effects upon the quality of KEMP and its usability, and the operational impacts will severely diminish the historic value of the Park and its riverside frontage. It is important to note that some of these effects even after mitigation will remain adverse.”</i>	As explained more fully in our response to Q5.29, we consider that the overall design, including improvements to the land based parts of the site, reinstatement of planting and valued townscape components including the memorial benches and bandstand, and the extension of the park into the river corridor, would result in a beneficial effect on the townscape and historic character of King Edward Memorial Park. Further, the design principles, which form part of the application, would ensure that operational infrastructure would lead to the minimum loss of amenity to the park and the surrounding Wapping Wall Conservation Area.
4.		<i>“It was for these reasons, that the Council put forward Heckford Street as a more suitable location as a worksite for connecting the North East Storm Relief CSO with the proposed Thames Tideway Tunnel. This will be discussed further in the formal Written Representations submitted with the LIR.”</i>	In LBTH’s written representation, the Council reiterates its preference for the Heckford Street option. Our response to first written question 14.09 provides a detailed comparison between the KEMPF proposal and the Heckford Street and park option. The comparison supports the site selection decisions that were taken and the application. It is clear that the balanced consideration of the options undertaken at the time was appropriate and this is now reinforced by the new comparative analysis. While there is understandable concern regarding the impact of the project on the park, the CSO runs through the park and direct intervention of the CSO within the park is an essential component of any solution. Consistent with the analysis undertaken after phase one consultation, the decision to prefer KEMPF over the Heckford Street and park option has been

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			<p>demonstrated to be entirely appropriate. Design development has significantly reduced the footprint and impact of the KEMPF proposals on the park and that impact would be reduced further with the refinements to the <i>Code of Construction Practice (CoCP)</i> and the Section 106 Heads of Terms. Whilst it does result in residual short-term impacts, the KEMPF option offers significant long-term enhancements to the park. By contrast, the Heckford Street and park option would involve a comparable level of impact on the park as well as option-specific community, planning and amenity impacts. The option has no inherent physical legacy benefits.</p>
5.		<p><i>“If the Council’s alternative site is not accepted it is hoped that the need for substantial mitigation to compensate the temporary and permanent adverse environmental impacts resulting from the implementation of the DCO will be appropriately recognised.”</i></p>	<p>As an overarching principle, Thames Water has actively sought to prevent/avoid, reduce or offset adverse environmental effects and to consider beneficial effects. This has been done through the design and assessment process and would continue as part of the delivery of the project. We are committed to mitigating the temporary effects of our works as much as possible and will continue to work with LBTH and other stakeholders in this respect.</p> <p>Further mitigation for the temporary loss of open space (including new landscaping, improvements to facilities within the site and elsewhere in the park and possible suitable off-site improvements) has been discussed with LBTH since the submission of the application and will be included in the Section 106 agreement.</p>

1.3 King Edward Memorial Park Foreshore

1.3.1 Comments from the LIR relating to King Edward Memorial Park Foreshore are set out in Table 1.2 below.

Table 1.2 Matters relating to King Edward Memorial Park Foreshore

Ref	LIR para. ref	London Borough of Tower Hamlets comment	Our response
6.		<i>“The Thames Tideway Tunnel works will adversely affect the sports facilities within KEMP by significantly reducing the size of some of the facilities available and detrimentally impacting on the physical environment in which those sports are played.”</i>	None of the existing sports facilities would be significantly reduced in size by our construction or permanent works. The sports pitch adjacent to Glamis Road which is predominantly (though infrequently) used for football would require some reconfiguration to accommodate the proposed temporary and permanent access off Glamis Road. These works would be undertaken prior to commencement of the construction works at this site to provide improved multi-use games area (MUGA) facilities as set out in our response provided on 4 November to Question 15.25 .
7.		<i>“The loss of local sports facilities for up to four years will have a negative effect on the health of children and young people, in particular, who have no other places locally to participate in the physical activity required to a maintain healthy lifestyle.”</i>	There would be no loss of sports facilities as a result of our proposed construction and permanent works. We have agreed in principle with LBTH a range of improvements to the sports facilities, and the provision of new facilities which would be secured through a section 106 agreement as set out in our response to Question 15.25 on the 4 November.
8.		<i>“Volume 2 (Section 4, paragraph 4.5.18), notes the use of AAQuIRE for the construction traffic assessment. AAQuIRE is based on the CALINE4 dispersion model, which uses now-outdated methods of parameterising the boundary layer. Results from AAQuIRE cannot be expected to be as robust as those from next-generation dispersion models over the range of meteorological conditions that would be expected for a year of meteorological data. However, provided that this</i>	The air quality assessment for the project was carried out using the AAQuIRE dispersion model, which is a steady-state Gaussian-plume model. The model uses CALINE4 algorithms for assessing road traffic emissions. Over the years, our air quality specialists have undertaken numerous model validation studies to assess the model’s performance and it has been accepted by Department for Environment, Food and Rural Affairs (Defra) for local authority technical work. The model was deemed suitable for road traffic predictions. For the project,

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		<i>limitation is taken into account by the modeller, it should not make a material difference to any conclusions made.”</i>	predictions made according to the model were compared to measured data in the study area to account for any uncertainties. A verification factor was then derived to adjust model predictions accordingly. It should be noted that all dispersion models, including next-generation dispersion models, have their own uncertainties and limitations; therefore verification checks have to be undertaken to assess the model’s performance.
9.		<i>“The AERMOD model has been used to model emissions from tugs and construction plant, separately from AAQulRE road emissions. The cumulative impact of changes in road vehicles and the addition of tugs are not, therefore, assessed directly. However, this is unlikely to make a material difference to any conclusions made.”</i>	The air quality assessment for the project considered emissions from road traffic, construction plant and river tugs. These three emission sources were treated differently in two different dispersion models. The emissions from road traffic sources were modelled using the AAQulRE model as line sources. Emissions from construction plant and river tugs were modelled using the AERMOD model as area sources to cover the potential area where emissions could occur. Emissions from road traffic, construction plant and river tugs were assessed on the same basis, ie, same pollutants, receptors and averaging periods so that any combined effects of the project could be determined. Thus, the project effects shown in the Environmental Statement (ES) (Doc ref: 6.2.01) relate to the total impact from road traffic, construction plant and river tugs.
10.		<i>“Volume 21 (Appendix B, paragraph B.1.3) indicates a factor of 3.12 was used for adjusting road NOx construction emissions, derived from plotting modelled road NOx concentrations against calculated road NOx concentrations. Assuming that background concentrations are correct, this represents an under-prediction by the model of more than a factor of three. This level of under-prediction relative to measurements might occur if:</i>	Model verification was undertaken in accordance with Defra’s guidance LAQM.TG(09). The guidance recommends undertaking verification checks to ensure that there are no systematic under or over predictions in the study area; that predictions show good correlation at monitoring sites where concentrations are close to the air quality objectives; and that the majority of the predictions are within 25 per cent of measured concentrations. Model verification for King Edward Memorial Park Foreshore and Bekesbourne Street, as described

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		<ul style="list-style-type: none"> • “contributions from road traffic were significantly underestimated by the model (either from errors in vehicle emission estimates or from shortcomings in the dispersion model); • “assumed background concentrations were significantly below true background levels; or • “both road traffic concentration and background concentrations were incorrect. <p>“Although the regression line between adjusted modelled and measured concentrations appears reasonable, an adjustment factor of greater than three suggests that modelled outputs may not be reliable. As such, less confidence can be attributed to absolute concentrations provided by the model than for an assessment showing greater agreement with measurements.”</p>	<p>in the ES, met these criteria.</p>
11.		<p>“In addition, Volume 21 (Section 4, Table 4.4.7) shows that background pollutant concentrations are assumed, in line with Defra modelled background data, to reduce between 2010 and the peak construction year. Reductions in NO₂ levels nationwide that were predicted by Defra a decade or more ago have failed to materialise. Whilst NO₂ levels are expected to reduce in future, official estimates of the expected reductions may be over-estimates.”</p>	<p>The air quality assessment was completed in 2012 based on background data provided by Defra at the time (August 2012). It is agreed that using these data may lead to an underestimation at some sites. Sensitivity analysis was subsequently carried out to adjust future year nitrogen dioxide (NO₂) concentrations based on trends from monitoring data. The analysis demonstrates that the magnitude of impact of the project and the associated significance are unlikely to be affected, although annual mean NO₂ concentrations would be higher than those presented in the ES. The predictions for NO₂ using the alternative method indicated higher concentrations compared with the Defra method at sensitive receptors.</p>
12.		<p>“Notwithstanding the above uncertainties in absolute</p>	<p>Agreed. The assessment findings would remain as described in</p>

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		<i>concentrations provided by the assessment, predicted changes in concentrations are well below the level at effects would be considered significant, and the Council does not consider it likely that potential inaccuracies in the absolute magnitude of concentrations would affect the overall conclusions regarding significance of effects.”</i>	the ES.
13.		<i>“Volume 2 (Section 4, paragraph 4.6.2) notes that the odour assessment is based on an assessment using typical rainfall levels. Qualitative consideration is made as to whether the effect on air quality would change in a “frequent use” year. No further information is given to support this qualitative consideration or explain the method used to compare typical and frequent-use years.”</i>	Dispersion modelling was carried out to assess odour concentrations during a typical use year and a frequent use year. A qualitative comment was made in the ES (Doc Ref 6.2.02 - Volume 2 Section 4 Para 4.6.2) regarding the impact during a frequent use year. The methodology used to assess the impact during the frequent use year was the same as for the typical use year, the only differences were the meteorological data and emission rate data used, which were specific to the frequent use year (October 2000 to September 2001). The highest number of hours with odour above 1.5ouE/m ³ at the worst affected location in the King Edward Memorial Park study area was eight in the typical use year and 13 in the frequent use year. Both figures are well within the Environment Agency benchmark of 175 hours per year. No odour concentrations greater than 1.5ouE/m ³ were predicted at any buildings (including Free Trade Wharf) in either the typical use or frequent use years.
14.		<i>“Thames Water is proposing the use of passive below ground carbon filters that will remove possible odour before air leaves the ventilation equipment (Volume 21, Section 4, paragraph 4.2.16). It is well-established that activated carbon (used in carbon filters) does not adsorb odours effectively at high humidity. It is important, therefore, that odour control units are</i>	The performance checks for the carbon filters are described in the Air Management Plan , (Doc ref: 7.14, Section 4.3), which is the subject-matter of requirement PW8 in the draft DCO. H ₂ S concentrations would be measured in the exhaust air before and after passing through the carbon filter at all passive and active ventilation sites. This data would be analysed quarterly to determine the effectiveness of odour removal and the remaining

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		<p><i>monitored (for example, to identify when the carbon filter is fully saturated or the chemical oxidation component of the media has been depleted) to enable any components to be replaced as soon as they no longer function correctly.”</i></p>	<p>life of the filter. If the removal efficiency decreased or the system did not perform as intended, remedial action would be taken to improve efficiency. The filters are expected to last for up to ten years for passive filters and more than three years for filters at actively ventilated plant. It is expected that all filters would be replaced every three years.</p> <p>The predicted odour concentrations during the typical use year are described in the ES, (Doc ref: 6.2.21, Table 4.6.1), Vol 21 King Edward Memorial Park Foreshore. The frequent use year results are discussed qualitatively in para. 4.6.3. The predicted 98th percentile of hourly concentrations at the location with the highest concentrations was zero for both the typical and frequent use scenarios, which is well within the Environment Agency benchmark of 1.5 ouE/m³. The numbers of hours with an odour concentration above 1.5 ouE/m³ per year were eight for the typical and 13 for the frequent use years at the worst-affected location. No hours would have concentrations above 1.5 ouE/m³ for either scenario at buildings. The significance of the odour impact would therefore be negligible.</p>
15.		<p><i>“Without further information on how the KEMP foreshore would operate in ‘typical’ and ‘frequent use’ weather years, it is not clear on what basis the qualitative conclusions on the likely effects in frequent-use weather years have been made and how robust they are.</i></p> <p><i>“Nonetheless, the conclusions reached in the ES on the significance of odour emissions from operation appear reasonable.”</i></p>	<p>Agreed; the assessment findings would remain as described in the ES.</p>
16.		<p><i>“The small ornamental pond (noted in table 6.4.1 of the ES) is not included in the evaluation of baseline habitats in the ES, presumably because it was not thought it</i></p>	<p>The pond is outside the limits of land to be acquired or used and is not part of our proposals. The discussion regarding moving it was triggered by post-submission Section 106 discussions with</p>

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		<i>would be affected by the works (but see Construction Impacts below). The pond supports breeding common frogs.”</i>	LBTH and the Council's desire to improve the park. Should park improvements associated with this the new park design require the pond, as indicated below, we undertake to move the pond. This would be undertaken in accordance with an agreed timetable. As the timing of the movement of the pond has not been agreed there may be no gap between the removal of the old pond and the provision of the new one. This is subject to ongoing discussions with the LBTH.
17.		<i>“Although the pond is outside the area directly affected by the construction works, it will be lost because of the need to mitigate the temporary loss of the children’s play area. This effect would be certain, permanent and moderate adverse due to the high impact and low-medium value of the receptor.”</i>	See our response to 16 above.
18.		<i>“To mitigate the loss of the pond, a new replacement pond needs to be created. However, as the new pond appears to be partly within the limits of land to be acquired or used (LLAU), it is assumed that it would be constructed after the Thames Tideway Tunnel works have finished. However, it is likely that the removal of the existing pond will be earlier i.e. to make room for mitigation. This will leave a gap of potentially several years where there is no pond.”</i>	See our response to 16 above.
19.		<i>“The construction will impact on trees resulting from their removal. A Helliwell or CAVAT survey has already been requested by LBTH. Thames Water has implied that there will be a one for one replacement, however LBTH believe this may be insufficient depending on the type of tree that is planted, it’s maturity etc.. The amenity value of the trees (using Helliwell or CAVAT) would provide a fair measurement of their monetary</i>	See our response to first written question 5.30 (para. 30.2.9).

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		<i>value and this could be used to assess the budget for tree planting.</i>	
20.		<i>“The bandstand in the ES is noted as ‘historic’ although the Council believe this to be a modern reproduction.”</i>	Noted.
21.		<i>“The methodology used by Thames Water in the ES for the assessment of impacts on the setting of above Ground Heritage Assets is robust and appropriate. It is noted that the significance of effects matrix differs from that in Thames Water’s general EIA methodology chapter. However, the approach adopted is robust except for the suggestion that a negligible magnitude of change can have a minor beneficial or adverse impact. If the magnitude of change is negligible then it is safe to ignore it.”</i>	We are pleased to note that the LBTH considers the methodology for the historic environment robust.
22.		<i>“Nothing is set out in detail in the ES about archaeological potential of specific visible assets on the Thames foreshore – which is high. For example, directly in front of KEMP on the foreshore is a wide setted ramp, some distance from the Listed structure, that requires full assessment of its archaeological importance; adequate archaeological assessment of the foreshore at low tide is a priority – section 7.23 is currently inadequate in this regard. Further assessment is required.</i>	Site visits were carried out in March and April 2011 to identify assets on or adjacent to the site, including the foreshore. All assets identified during these visits and from consulting a wide range of sources are detailed in the archaeological baseline in <i>Environmental Statement</i> , Vol 21, Section 7. They are also itemised in the gazetteer in Vol 21, Section 7, Appendix E , which itemises a number of findspots on the foreshore. For example, asset 1P, identified within the gazetteer, which is a wide cobbled slipway opposite the North East Storm Relief Sewer, has been identified as part of the baseline, and it is thought that this is the ‘wide setted ramp’ which LBTH refer to in their LIR. Vol 21, Section 7, para. 7.4.28 acknowledges that survival potential in the foreshore alluvium is likely to be high. We consider that the baseline and assessment in the ES are robust.
23.		<i>“With respect to paragraph 7.4.49 of the ES, LBTH would disagree that “modern development has</i>	The assessment of effects on the setting of heritage assets follows a well-defined methodology, in line with Historic

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		<i>degraded the park's setting". Development around the park both to the east and west has been clearly careful and contextual. The park's setting remains overall very good."</i>	Buildings and Monuments Commission for England (HBMCE) guidance <i>The Setting of Heritage Assets</i> (2011 and revision note June 2012). The value of heritage assets was determined in line with the criteria detailed in the environmental impact assessment methodology agreed with HBMCE, see ES, Vol 2 , (Doc ref: 6.2.02 Section 7, paras. 7.4.16 to 7.4.26. We consider the assessment in ES, Vol 21, Section 7 to be robust.
24.		<i>"With respect to paragraph 7.4.50 of the ES, the river wall being contemporary with the park and forming a continuous esplanade is not an historic asset of 'low significance'. It is an integral aspect of the park design and should be considered of high significance. The magnitude is also considered to be high and therefore the effect would therefore be major adverse based on Table 7.5.2 of the ES."</i>	See our response to 23 above.
25.		<i>"The Council does not agree with all the operational phase impacts identified in the ES."</i>	Please see our response to first written questions 5.29 (the effects on the park would be beneficial) and 5.30 (responds to specific relevant representations relating to the park).
26.		<i>"With respect to paragraph 7.4.53 of the ES, the understanding of the setting of the Listed slipway is flawed. This clearly has a foreshore setting which contributes to its significance."</i>	See comment in 21 and our response to 23 above.
27.		<i>"The river wall forms an integral part of the design for KEMP, creating a highly distinctive and uniform Edwardian esplanade of the river edge with significant views both east and west along the foreshore. It is the relationship between the upper terrace running parallel to the river, with at its focal point the memorial to King Edward VII, and the riverside esplanade on the south edge of the park, which is an integral element in its</i>	See comment in 21 and our response to 23 above.

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		<i>Beaux Arts plan and layout. The realignment of the wall is not as set out in paragraph 7.5.13 of the ES minor adverse, but major adverse.</i>	
28.		<i>“The Council disagrees that KEMP has ‘medium significance’ as stipulated in the ES – as an example of Edwardian landscaping and city planning as well as its clear association with Edward VII – the Council considers that it has a higher significance.”</i>	See comment in 21 and our response to 23 above.
29.		<i>“In respect to the impact upon KEMP the ‘spectacular river views’ and landscape features, riverside promenade and Rotherhithe Tunnel Vent Shaft will all become intervisible with the intrusive promontory and new infrastructure. This will be apparent not just from within KEMP where key vistas down to the river from the upper terrace and along the promenade will be interrupted by the new structures, but also across the Thames (ES View of Heritage Value 5) when viewed from the south towards KEMP.”</i>	See comment in 21 and our response to 23 above.
30.		<i>“Diminution of these vistas, together with reducing the visual impact of the rotunda by it being immediately intervisible with the new infrastructure, will have a harmful impact on both the park and the setting of the Listed building. Extending existing paths to the river edge and tree planting will not be adequate to offset this harmful impact.”</i>	See comment in 21 and our response to 23 above.
31.		<i>“The creation of a new promontory will be harmful to this important relationship and work against the symmetry of the park, introducing highly discordant elements on the river frontage and overall harming the symmetry of the park, one of its most distinctive design</i>	See our response to 23 above.

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		<i>features. Extending paths to the river edge will not mitigate this harmful effect.”</i>	
32.		<i>“It is not, therefore, accepted that during the operational phase there would be a beneficial impact on KEMP.”</i>	See comment in 21 and our response to 23 above.
33.		<i>“With respect to the beneficial assessment, this is based on the conclusion that: ‘The proposed operational phase would enhance the quality of the public realm by introducing a larger area of green space and net increase in the number of trees within the Park.’ (Volume 21, Section 7, paragraph 7.6.1)”</i>	See comment in 21 and our response to 23 above.
34.		<i>“Neither of these factors is significant as far as the historic value of the park is concerned. “The other reason given, for considering the improvements to be of medium magnitude, is that: ‘the projecting line of the river frontage would enhance views towards the historic frontage along Wapping Wall’ (Volume 21, Section 7, paragraph 7.6.1)”</i>	See comment in 21 and our response to 23 above.
35.		<i>“As this will be achieved as a result of a loss of the historic alignment of the river frontage the nature of the change should not be considered beneficial. This effect is considered to be an adverse by LBTH’s Conservation Officer.”</i>	See comment in 21 and our response to 23 above.
36.		<i>“The magnitude of change to the setting of the Rotherhithe Tunnel Air Shaft and to the Wapping Wall Conservation Area is considered to be negligible. This should equate to a negligible effect not a minor beneficial one.”</i>	See our response to 23 above.
37.		<i>“However, it is considered that there is potential for a minor beneficial effect on the setting of the Rotherhithe</i>	We are working with the LBTH to identify areas for improvement within the park and would seek to include this within discussions

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		<i>Tunnel Air Shaft; the seating area closest to the Rotherhithe Tunnel Air Shaft has been noted in the Townscape and Visual chapter as being in poor condition and improvements in this area could enhance the setting of the Rotherhithe Tunnel Air Shaft. This is not mentioned in either the design or mitigation measures.”</i>	to improve the park, as discussed in response 16.
38.		<i>“Continuous exposure of residents and the general public (including vulnerable end users) to potentially contaminated soils via direct ingestion, inhalation of windblown dust and dermal contact is potentially a problem which should be mitigated by appropriate remediation works before development commences.”</i>	<p>The application sets out a clear and robust approach to this matter, which is summarised in site specific volumes of the ES (Section 8.2) and would be secured via a project wide requirement (PW6) on the CoCP Part A with further details included in Section 9 of CoCP Part A.</p> <p>In addition, there are site-specific contaminated land Requirements (eg, KEMPF9), which would complement the requirements in the CoCP Part A.</p> <p>The Environment Agency, in its relevant representations (point 11.9), asked us to amend these requirements. Our response is included in the SoCG with the Environment Agency and we are seeking to revise the Requirements in the Draft DCO to reflect the agency’s suggestions.</p>
39.		<i>“The Council has serious concerns over the Noise Insulation and Temporary Rehousing (NI&TRH) policy adopted by Thames Water. This is discussed separately in the Council’s ‘Written Representation’. This is therefore not directly addressed within this LIR.”</i>	Our response to the LBTH’s detailed comments on the Noise insulation and temporary re-housing policy is provided in our response to the Council’s written representation (Section 5, Table 5.4).
40.		<i>“However, the Council does not consider that sufficient baseline noise monitoring has been undertaken at KEMP, specifically in relation to Freetrade Wharf. “</i>	Noise monitoring was undertaken at four locations near the KEMPF site; the baseline levels in the assessment of construction noise at Free Trade Wharf were taken at locations KEM01 and KEM05. Attended measurements at location KEM05 representing the sound level incident at the northern part

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			<p>of the building close to the highway are considered representative of the baseline noise levels at this part of Free Trade Wharf. Unattended measurements were taken overnight within the park at location KEM01, which is equidistant to the highway – the dominant noise source at the southern aspect of Free Trade Wharf. The night-time measurements were corrected using the same relationship between the daytime and night-time levels observed at location KEM02 to determine the daytime level. We consider this approach robust since the attended measurements obtained at KEM03 show a level of 62dB, which did not include the periods of 8 to 10am and 4 to 6pm, when road traffic levels are higher. Given the dominance of road traffic noise, the level at the middle part of Free Trade Wharf was determined by considering the levels at KEM01 and KEM05 and the distance from the road.</p>
41.		<p><i>“Although some monitoring has been undertaken by Thames Water’s consultants and the Council itself has undertaken some baseline noise monitoring, the locations selected within KEMP and at the Pierhead are not representative of residential properties surrounding the Park. No monitoring has been undertaken at any residential facades (eg Free Trade Wharf) nor have any night-time measurements been undertaken, apart from those within the park itself and within a resident’s rear garden.”</i></p>	<p>See our response to 40 regarding the suitability of the measurements to determine the baseline at Free Trade Wharf, which identifies that monitoring undertaken close to the façade of Free Trade Wharf was used to check and support the levels in the assessment. To the west of the construction site, long-term measurements were obtained at location KEM02, which were used as the basis of the assessment of the closest residential properties to this aspect of the site. With regard to the comment concerning night-time levels, the proposed construction works at this site are limited to daytime and evening works only and therefore there is no requirement to provide a night-time baseline. Additionally, as per our response to first written question 11.3, the data collected from the continuous noise monitoring indicated that over the monitoring period, the noise levels measured were relatively stable.</p>
42.		<p><i>“Baseline noise levels are normally agreed in</i></p>	<p>Our review of the LBTH baseline noise survey is included in our</p>

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		<i>consultation with the local authority, but because this has not happened on this occasion LBTH has undertaken its own independent baseline noise study. This has been provided in Appendix B and will be used alongside the construction noise impacts to determine the adequacy of the proposed noise insulation and temporary rehousing policy.</i>	response to the Written Representations (KEMPF Section 5). The baseline noise results are marginally different, largely due to a greater level of access to Free Trade Wharf. However, using the LBTH baseline would not result in an overall assessment of significance presented in the ES.
43.		<i>“The ES states it uses the “ABC” method from BS 5228 to assess airborne sound, which sets external noise level based fixed thresholds for significant effects (see p.119 of BS 5228:pt 2 2009). However, the ES modifies this method by adding a further assessment of the possible internal noise levels at premises where the “ABC” thresholds for significant effects are exceeded. It is not clear why the BS 5228 methodology has been modified for the purposes of the ES.”</i>	Our responses to first written questions 11.15 and 11.16 set out the assessment judgements for each residential and non-residential receptor to help explain how the assessment findings were decided. ES Vol 2, Section 9, paras. 9.5.41 to 9.5.51 explain and justify the approach used in the assessment of significance at this receptor. Further justification of this approach is provided within our response to first written questions 11.13 .
44.		<i>“However, using the ES method, the effect of noise at Prospect Wharf is downgraded to not significant, despite reportedly exceeding the ABC threshold for a significant effect (Volume 21, Section 9, paragraphs 9.5.4 to 9.5.11). The modification of the “ABC” method in this manner, to consider possible internal noise levels from the construction works, is considered inappropriate and likely to have caused an underestimation of significant effects (refer to Written Representation for explanation as to the methodology used).”</i>	See our response to 43 above.
45.		<i>“The consideration of the noise and vibration effects on the use of KEMP as an outdoor amenity space has been completely omitted from the ES. It is considered unlikely that the operation of the scheme would have significant adverse effects on the use of the use of</i>	The socio-economic assessment in the ES considered the effects from noise on park users as part of the ‘in-combination’ amenity effects assessment, which concluded a moderate adverse effect. In our response to first written question 11.19, we present an

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		<i>KEMP as an outdoor amenity space; but it is conceivable that significant adverse noise and vibration effects will arise during elements of the construction phase.</i>	assessment of which area of the park would be subject to unacceptable noise and vibration. This is also covered in our response to question 14.15.
46.		<i>“The data available in the ES suggest that a substantial proportion of the works throughout the construction phase will, using the “2-5 dB (A) change” method, exceed the lower noise limits at some locations within KEMP and there will be a greater than 5 dBA change in noise level. This means that the effect on KEMP as an amenity space, which has not been assessed in the ES, is likely to be significant at some locations within the park, particularly near the foreshore.”</i>	See our response to 45 above.
47.		<i>“With respect to paragraph 10.4.9 of the ES (Volume 21), this is out of date information – the bowling club has not been active for a few years. With respect to paragraph 10.4.10 in the ES, this is out of date information as Trees for Cities are no longer present in the site.”</i>	The use of the park by the bowls club was indicated by LBTH in the Main Report on Phase 1 Consultation (2010), and was included in the assessment. In our open space surveys, the bowling green was never observed to be in use by bowlers. Surveys in 2012 indicated that the green was maintained for use if required; however, surveys in 2013 confirmed it was no longer being maintained. Survey visits in summer 2012 (the last before submission of the application) indicated the presence of Trees for Cities. The ES assessment was written on this understanding.
48.		<i>“Paragraph 10.4.20 of the ES states that park users can use other local parks located 800 m away. This may be too far for a substantial number of park users, particularly as busy roads/ traffic may deter people from using the other parks.”</i>	The ‘area of search’ for alternative open spaces was 800m in acknowledgement of the fact that residents who are 400m from the site (the catchment area of a park of this size set out in the Greater London Authority Hierarchy) are within the catchment area of any other parks within 400m of their residences. It is therefore appropriate for the assessment to take account of spaces within 800m as residents who may currently access King

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			Edward Memorial Park who live 400m away can use alternative parks up to 400m further away.
49.		<i>“The Council’s Green Team Grounds Maintenance Service currently uses the storage yard at KEMP to store bedding plants prior to planting and to store equipment materials associated with grounds maintenance. The loss of this facility has not been assessed in the ES.”</i>	1The ES assessment indicated at (Doc ref 6.2.21) para. 10.5.1i that the relocation of the park maintenance compound (storage yard) would not affect the recreational use of the park. The occupier was not specified in that sub-section but was identified in our baseline as Trees for Cities, who were believed to be the occupant at that time. The assessment therefore did account for relocation of the maintenance compound.
50.		<i>“The application proposals will have a significant impact on the sports facilities in the park including the entire loss of the MUGA and children’s playground. Clarity is required on the impact of the works on the two southern most tennis courts in the park since previously it had been suggested that part of the tennis court would be affected by the construction site. If so, this would reduce the “run-off” for the courts making them noncompliant with national governing body specifications which has health and safety implications.”</i>	As explained in detail in paragraphs 13.4.15 to 13.4.20 of our response to Q14.13, the MUGA will be reconfigured and resurfaced, and the children’s play area will be relocated, in advance of main construction. These facilities will therefore be available to the local community throughout the construction period. With regard to the two southernmost tennis courts, these fall outside of the proposed land to be acquired and used (LLAU) and will not be directly affected by the works.
51.		<i>“Even if unaffected directly, their close proximity to the construction site would make the tennis court less attractive because of potential noise and disturbance from the activities on the construction site. Tennis is a sport that requires a reasonably quiet local environment for match play and the close proximity of the construction site may have an impact that is not conducive to tennis play.”</i>	The amenity effects assessment (Doc ref 6.2.21) Section 10 considered users of the park, including tennis court users, as likely to experience a moderate adverse effect as a result of the works.
52.		<i>“Whilst the Planning Statement for KEMP identifies a number of proposals for mitigation of the construction impacts, it is essential that the MUGA be relocated,</i>	See response to 50 above.

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		<p><i>realigned and resurfaced prior to any construction works commencing. The Council also considers that the two southern tennis courts should also be relocated prior to the commencement of construction works.</i></p>	
53.		<p><i>“The Council does not agree with the assessment that the effect of the temporary reduction in the provision of public open space will be moderate adverse or that the effect on the amenity of the KEMP public open space will be moderate adverse.”</i></p>	<p>The sensitivity assessment of loss of space and amenity effects for park users is based on users’ capacity to cope with the changes and we contend that this is determined by the availability of alternatives. ES (Doc ref 6.2.21) para. 10.4.20 acknowledges that there are no open spaces with river frontage within the maximum range of accessibility (800m).</p> <p>King Edward Memorial Park, however, provides a range of additional recreational opportunities to passive recreational use of riverfront space, such as tennis courts, sunbathing, playground, MUGA and wildflower garden. Alternatives for these opportunities are available within an accessible distance. Moreover, these facilities do not need to be on the riverfront; therefore the siting of the construction works would not prevent people from using the park for the purposes to which they are accustomed.</p> <p>Based on these points, although passive recreational use of riverfront space would be (largely) suspended, we disagree that this is sufficient to argue that all park users have high sensitivity to loss due to lack of alternatives since there are alternatives for many types of users, should they feel deterred from King Edward Memorial Park.</p>
54.		<p><i>“The ES suggests that Stepney Green and Wapping Gardens/ John Orwell Sports Centre provide similar recreational facilities to KEMP. This is strongly refuted since, as indicated earlier, a key feature in the passive recreational use of KEMP is its location next to the river which affords a sense of space and tranquillity; this is</i></p>	<p>LBTH’s statement: <i>“This, and other stretches of the Thames Path nearby do not pass through green space of local park size, making the section through KEMP particularly appealing to local users”</i>, while fair, does not acknowledge the fact that day time users would still pass through the park along the Thames Path with no major diversion.</p>

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		<i>not available in either of the suggested alternative areas of public open space.”</i>	<p>The findings of the LBTH questionnaire (referenced in 56) may be skewed by the fact that, as the consultants themselves point out at para. 2.2.2, they took a representative sample of users at this location rather than a proportionate sample. This means that joggers, who simply pass through, formed a greater number of respondents. It is likely that some of the respondents were park users on the Thames Path, rather than individuals using the Thames Path for its intended purpose as a metropolitan wide asset.</p> <p>LBTH’s statement “<i>This conclusion is strongly supported by the park user survey (see Appendix A), which indicates that the value of this section of the Thames Path is its river-front views and the tranquillity of the park through which it passes</i>” seems to confuse park users with Thames Path users, whose sensitivity is determined by different factors. This throws doubt on the LBTH’s use of the findings of ‘the park user survey’ to challenge our sensitivity conclusions associated with the use of the Thames Path.</p>
55.		<i>“High sensitivity is defined in the socio-economic methodology as: ‘individuals, businesses or groups that highly value a resource and/or are likely to be particularly sensitive to a given impact.’ (Vol 2, Section 10, Table 10.4.2)”</i>	See our response to 53 and 54 above.
56.		<i>“Given the results of LBTH’s Community Profiling Research Report (see Appendix A) and the lack of availability of alternative equivalent open space resources, it is our opinion that KEMP users have a high sensitivity rather than a medium sensitivity as stated in the ES.”</i>	See our response to 54 above.
57.		<i>“The assessment notes that the river-front is well used and its loss would affect a high number of park users</i>	See our response to 54 above.

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		<p><i>(Vol 21, Section 10, paragraph 10.5.1). The loss of land along the river-front would lead to the attendant loss of river-front access and views. The ES concludes that it is therefore reasonable to assess the magnitude of overall impact on amenity of the KEMP public open space as medium. However, according to the socio-economics significance matrix (Vol 2, Section 10, Table 10.5.3), if the users have a high sensitivity (as is the Council's opinion), the effect will be major adverse for the duration of construction, and not moderate adverse as stated in the ES.</i></p>	
58.		<p><i>“Similarly, whilst it might be reasonable to conclude that the overall impact of the temporary reduction in the provision of public open space will be of medium magnitude, if the sensitivity of park users is high, the overall effect will be major adverse for the duration of construction, and not moderate adverse as stated in the ES.”</i></p>	See our response to 53 and 54 above.
59.		<p><i>“The Council considers that the sensitivity level of users of the Thames Path is not low as stated in the ES but are considered as likely to have a medium level of sensitivity to the effects of the proposed works.”</i></p>	<p>The assessment of sensitivity on Thames Path users (both from diversion and amenity effects) centred around users' capacity to cope with the changes, which is determined by two factors, detailed in the ES (Doc ref 6.2.21) Section 10 as follows:</p> <ol style="list-style-type: none"> a. Availability of alternatives: The Thames Path is a metropolitan route and asset, which can be used elsewhere. For those who use the path as an asset of this type, the proportion of their journey that would pass through this location is likely to be small. b. Amount of time users spend at the location: Users (walkers, runners, joggers, cyclists) generally spend a maximum of ten minutes at the riverfront location here (walkers) and, in the majority of cases (other types), far less. Also, for the majority

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			<p>of the time, the diversion would see them remain close to the river and re-join the path alongside it a short time after they leave it.</p> <p>Night-time (or after 7pm October to April) users would be unaffected as they would use the same route as existing; therefore any effects would not be experienced by all users of the path.</p> <p>In our view, users would have capacity to cope with the diversion and amenity impacts and we consider our conclusion justified.</p>
60.		<p><i>“The Council does not agree that presence of this alternative section of the Thames Path implies users will have a low sensitivity to temporary loss of the riverside section. This and other stretches of the Thames Path nearby do not pass through green space of local park size, making the section through KEMP particularly appealing to local users. Comments from individuals participating in the park user questionnaire survey indicate that the section of the riverside path through KEMP is highly valued.”</i></p>	<p>See our response to 59 above.</p>
61.		<p><i>“This means that the effect of the temporary diversion of a section of the Thames Path will be minor adverse and the effect on the amenity of Thames Path users will be moderate adverse, as opposed to negligible and minor adverse respectively as stated in the ES.”</i></p>	<p>See our response to 59 above.</p>
62.		<p><i>“The loss of the 440m² grounds maintenance storage yard will have an adverse impact on this service. An alternative site will need to be set up during construction and compensation should be paid for the cost of arranging this. Further discussions will need to</i></p>	<p>From recent visits to the site, it appears the yard referred to is not in use. We are willing to discuss this further with LBTH.</p>

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		<i>take place with Thames Water to provide alternative provision prior to the commencement of construction works.”</i>	
63.		<i>“The Thames Water Townscape and Visual methodology does not use a significance matrix, instead following guidance in the draft 3rd Edition GLVIA which recommends the use of professional judgment rather than a matrix approach to determining the significance of an effect. This is an appropriate approach and is confirmed in the published 3rd Edition GLVIA.”</i>	Noted
64.		<i>“However, Thames Water uses an approach to the determination of significance which is not standard and which is not explained either in the methodology or within the assessment. The 3rd Edition GLVIA states that: ‘the rationale for the overall judgement needs to be clear, demonstrating how the judgements about the landscape receptor and the effect have been linked in determining the overall significance’.”</i>	ES Vol 2, Section 11, paras. 11.5.9 to 11.5.14 set out the methodology for the townscape and visual assessment. This includes an explanation of how the sensitivity of baseline receptors and magnitude of impacts were established, and how these factors were combined to establish the significance of effect. The methodology follows the guidance provided in the Landscape Institute’s Guidelines for Visual Impact Assessment (2nd edition). The methodology is considered to be robust and in line with good practice.
65.		<i>“In essence the Thames Water Townscape and Visual Assessment considers all effects, apart from a high magnitude of change for a high sensitivity receptor, to be moderate or lower in terms of significance. Most standard approaches would consider effects for receptors with medium sensitivity subject to a high magnitude of change to be moderate-major. Thames Water’s generic approach, used in other assessments in the ES, considers such effects to be major (Vol 2, Table 3.7.1: Generic Significance matrix). Whilst it is acceptable to deviate from the standard approach it is</i>	See our response to 64 above.

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		<p><i>important that the reasons behind that deviation are made clear. The result of the approach adopted is to consistently 'underplay' the identified effects.</i></p> <p><i>"Volume 21 Tables 11.10.1 to 11.10.5 provide summaries of the townscape and visual effects during the construction and operational phases. However, they do not include information on sensitivity or magnitude of change so it is not immediately clear that a large number of the moderate impacts are the result of either a moderate magnitude of change for a high sensitivity receptor or a high magnitude of change for a medium sensitivity receptor."</i></p>	
66.		<p><i>"The overall conclusion is that a more standard approach should have been adopted and that the significance of identified effects has been underplayed."</i></p>	See our response to 64 above.
67.		<p><i>"Volume 2 Section 11 paragraph 11.4.26 states that: 'Photos included for each viewpoint are not panoramic photographs representing what is visible to the human eye'."</i></p>	ES, Vol 2, Section 11 sets out the methodology for the townscape and visual assessment. This includes an explanation of how the townscape and visual baseline was established. As noted in Table 11.4.2, the photos of each townscape character area included in the site-specific volumes were provided for illustrative purposes only. Para. 11.4.27 explains the purpose of the photographs in illustrating the visual baseline in the ES. The methodology for capturing verifiable photographs used to prepare verifiable photomontages, is described in Vol 2, Appendix I.2.
68.		<p><i>"The inclusion of photographs (described as plates) within the text is helpful. However, it is not made clear in the ES that the photographs are there as an aid only. They do not represent how the townscape appears to the human eye due to the small size of the images</i></p>	See our response to 67 above.

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		<i>used. It is unclear why two different lenses have been used (stated as 18 mm and 35 mm). An 18 mm lens is usually considered to be a wide-angle lens and not representative of what the human eye sees.</i>	
69.		<i>“On the whole, the Townscape and Visual assessment (Volume 21, Section 11) is proportionate and easy to follow, and the reasons for the assessment conclusions reached are set out clearly. However, as noted above, the decision to consider all effects that concern a medium magnitude of change for a high sensitivity receptor (or a high magnitude of change for a medium sensitivity receptor) as having only moderate significance tends to underestimate the assessment results.”</i>	See our response to 64 above.
70.		<i>“The Council agrees with most of the conclusions of the assessment of construction effects, however, there are a number of receptors for which the Council disagrees with the individual assessments and these are described below.”</i>	See our response to 64 above.
71.		<i>“The River Thames East London Reach Townscape Character Areas (TCA) is assessed as having a medium sensitivity to change (Volume 21, Section 11, paragraph 11.4.29). The overall townscape condition is judged to be “fair”; however, the jetties, river wall and bridges are described as “well maintained” which is closer to the definition of “good condition” (regularly maintained to a high standard) in the methodology.”</i>	As set out in our response to 64 above we have applied our professional judgement to determine the overall townscape condition. We consider our conclusions to be robust.
72.		<i>“The tranquillity of the River Thames East London Reach TCA is described as moderate. However, in the context of London, the River Thames generally has</i>	As set out in our response to 64 above we have applied our professional judgement to determine the tranquillity of the TCA. We consider our conclusions to be robust.

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		<i>relatively high tranquillity especially where, as is the case here, there is no traffic on the embankments. The assessment of a moderate level of tranquillity appears to be due to the lack of trees on the embankments which is not considered a reasonable assumption as this does not reduce tranquillity.</i>	
73.		<i>“The Council consider the sensitivity of the River Thames East London Reach TCA to be high due to the good townscape condition, the relatively high tranquillity, and the regional value of this reach which provides the setting for a number of Conservation Areas on both banks.”</i>	As set out in our response to 64 above we have applied our professional judgement to determine the sensitivity of the TCA. We consider our conclusions to be robust.
74.		<i>“The ES assesses the River Thames East London Reach TCA as having the same sensitivity to change as Shadwell Residential North TCA, which is noted to have limited tranquillity, only local value (Volume 21, Section 11, paragraphs 11.4.38 and 11.4.39) and in which there are a significant number of detracting features. It is quite clear that the River Thames East London Reach TCA is more valued and has far greater sensitivity than Shadwell Residential North TCA.”</i>	As set out in our response to 64 above we have applied our professional judgement to determine the sensitivity of the TCA. We consider our conclusions to be robust.
75.		<i>“The under assessment of the River Thames East London Reach TCA is important as this is one of only two townscape character areas considered to be subject to a high magnitude of change during the construction period. The significance of effects on this TCA is assessed as moderate adverse in the ES, whereas the Council considers that the effect will be major adverse.”</i>	We consider our assessment of the River Thames East London Reach TCA. However, the change of effect from moderate to major as suggested would not change the significance of the effect in accordance with our methodology.
76.		<i>“There has been no assessment of views from within</i>	We consider that the application of our methodology, as set out

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		<i>the site, where there will be a total loss of visual amenity for the length of the construction phase. This includes the benches looking out onto the river.”</i>	in our response to 64 above to be robust. Please refer to Para 11.3.2 of the ES which details the consultation undertaken with the LBTH on the number and location of viewpoints.
77.		<i>“Viewpoints 2.3 and 2.4 are within KEMP looking towards the river. We do not consider that the value of the river to these views has been sufficiently recognised. The presence of the river in terms of light and the sense of space that it brings to the view are not captured in either the photographs or the verified photomontages.”</i>	See our response to 64 above. We consider that our methodology has been robustly applied to the viewpoints. We believe that the photographs and the verified photomontages are appropriate.
78.		<i>“The magnitude of change for Viewpoint 2.4, in our opinion, should be high and, although not quite so high for Viewpoint 2.3 as it is from further away, it is considered that the overall significance of the effect at both viewpoints is greater than moderate, i.e. at least moderate-major adverse.”</i>	See our response to 64 above. We consider that we have applied our methodology to the magnitude of change for Viewpoint 2.3 and 2.4. We consider the conclusions of moderate adverse effects to be robust for these two viewpoints.
79.		<i>“Although the intention is to plant large trees, it is highly unlikely that the trees planted in Operational Year 1 will replace those lost. Moreover, the river frontage is already well covered with trees and there will be little scope for increasing the number of trees planted (over and above compensating for those lost) except within the extension, where for engineering and maintenance access reasons the ability to plant trees will be limited. Trees proposed for the extension will also be subject to difficult growing conditions and are likely to be unsuccessful if planted too large.”</i>	Please see our response to first written questions 5.29 (the effects on the park would be beneficial) and 5.30 (responds to specific relevant representations relating to the park).
80.		<i>“Given these considerations, it is hard to see how the proposed tree planting will result in an enhancement to the Park’s existing condition by Operational Year 1.</i>	See our response to 79 above.

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		<i>However, by Operational Year 15, the planted trees are likely to have reached the height of those lost, and therefore, assuming that management and replanting of trees would not have happened otherwise and if additional measures relating to other parts of the park are agreed, there is potential for enhancement to the park.”</i>	
81.		<i>“The ‘high quality structures’ mentioned are the ventilation columns. The design of the ventilation columns is intended to mitigate the harmful impact of introducing large utility structures into highly visible locations. The ventilation shaft for the Rotherhithe Tunnel has become a valued heritage/ townscape feature in its own right so it is possible that in another hundred years the ventilation columns may be considered an enhancement of the river scene. However, it is certainly not an assumption that can be made with any certainty. High quality design will hopefully mitigate the potential visual intrusion of the ventilation columns but the ventilation columns cannot be considered as an enhancement.”</i>	See our response to 79 above.
82.		<i>“The extension of KEMP into the river will not strengthen the connection between the park and the river. The park is currently firmly connected to the river. The extension will change the nature of that connection. Existing parts of the park will become disconnected from the river whilst the extension will create new connections.”</i>	We believe that in applying our methodology (64) and applying our professional judgement the statement that the ‘ <i>The proposed operation development would strengthen the connectivity between the river and King Edward Memorial Park by extending the Park into the river.</i> ’ is robust.
83.		<i>“Overall, there will be a negligible effect with regard to townscape character at River Thames – East London Reach TCA, Wapping Wall TCA and at Rotherhithe</i>	We consider that the application of our methodology, as set out in our response to 64 above to be robust.

Ref	LIR para. ref	London Borough of Tower Hamlets comment	Our response
		<i>Street Residential TCA, not minor beneficial effects as is stated in the ES.”</i>	
84.		<i>“In the Council’s opinion, the change in visual amenity from viewpoints would be negligible. The existing river frontage at KEMP is considered to make a very positive contribution to the Conservation Area; to the townscape character on both sides of the river and to general visual amenity on both sides of the river. The proposed design measures should ensure that there are no adverse impacts during the operational phase and the design of the river wall and railings, as shown on the verified photomontages, appears to be appropriate and to respect the existing character. However, it is not considered that the operational phase would bring a moderate beneficial effect to either townscape or visual receptors, as is stated in the ES.”</i>	We consider that the application of our methodology, as set out in our response to 64 above to be robust.
85.		<i>“Beneficial effects will be limited to the increase in open space and the new views that will be created up and down the river. However, there will also be a loss of the existing river wall alignment which contributes to the characteristic river frontage and the extension will obstruct some existing views along the embankment.”</i>	We refer LBTH to our responses to first written questions 5.29 (which sets out the evidence to support a conclusion of beneficial) and 5.30 (which responds to individual points raised in LBTH’s relevant representation).
86.		<i>“We consider that most of the moderate and minor beneficial effects identified are in reality negligible effects.”</i>	See our response to 86 above.
87.		<i>“Policy SO19 of the Core Strategy seeks to deliver an accessible, efficient and high quality, sustainable and integrated transport network. This is delivered through Core Strategy Policy SP08 which seeks, inter alia, to promote the sustainable transportation of freight</i>	The proposed use of the KEMPF would mean we would be able to use the river to transport materials, as we have proposed in our <i>Transport Strategy</i> submitted as part of our application. Such an approach minimises the impacts on the road network from construction traffic in accordance with the LBTH’s Core

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		<p><i>(including waste). This will be achieved by promoting and maximising the movement of freight by water and rail to take the load off the strategic road network. Policy SO20 and SO21 seek to deliver a safe, attractive, accessible and well designed network of streets and spaces that make it easy and enjoyable for people to move around on foot and bicycle and which promote social interaction and inclusion. This is delivered through Policy SP09 which seeks to:</i></p> <ul style="list-style-type: none"> <i>a. ensure that main streets' (which includes The Highway) primary function of distributing vehicle traffic is maintained and protected whilst also promoting these streets as important places for pedestrians and cyclists; and</i> <i>b. ensure new development has no adverse impact on the safety and capacity of the road network.</i> <p><i>MDD Policy DM20 requires development to have no unacceptable impacts on the capacity and safety of the transport network. MDD Policy DM21 requires that where development generates a significant number of vehicle trips for goods and materials during its construction and operational phases will need to demonstrate how in the impacts on the network and amenity or avoided or mitigated and movement by rail/water have been maximised."</i></p>	<p>Strategy policies SP08 and SP09 as well as MDD policy DM21. Our transport assessment, as submitted as part of the ES with our application, demonstrates that there would be no unacceptable impacts on the capacity and safety of the transport network, in accordance with the council's MDD policy DM20. We note that in the Council's LIR they agree with our conclusion and state that the construction traffic predicted to be generated by the KEMPF site would not have a significant impact on the highway network.</p>

1.4 Bekesbourne Street

Table 1.3 Matters relating to Bekesbourne Street

Ref	LIR para. ref	London Borough of Tower Hamlets comment	Our response
88.		<i>“It is noted that there will be a loss of 15 parking spaces during construction works and 2 of these will be permanently removed to provide space for the control chamber. This is recognised as a having a major adverse effect upon parking users but no mitigation has been proposed. This is considered to be unacceptable and Thames Water should work with the Council to consider options for alternative parking provision for residents in the area. This could the form of the temporary use of land in the area, or additional on-street parking spaces.”</i>	On completion of the works two parking spaces would be permanently removed due to the need to accommodate an electrical and control kiosk. This structure, as presented in the application for development consent is considered to represent the worst case. Further development work has been undertaken which has reduced the size of the kiosk such that it can be accommodated on Bekesbourne Street without the need for the permanent loss of residential car parking spaces.
89.		<i>“In respect to the impact upon pedestrians which the ES considers to be moderately adverse the Council will expect the alternative routes to be safe and as convenient as possible and would expect to be fully involved in discussions over the proposed alternative arrangements which should be subject to the Council’s approval.”</i>	ES, Vol 27 , para. 12.5.4 details the changes to the pedestrian network during construction. As shown on drawing DCO-PP-25X-BEKST-260008 and in para. 12.2.25(i), the pedestrian route down Bekesbourne Street would be retained along John Scurr House and the car park. Alternative pedestrian routes would be available in the existing pedestrian network. The ES reports that, over the construction period, this would equate to a medium adverse impact on pedestrian amenity. This information will be provided with the submission of the Construction Traffic Management Plan as required under Requirement KEMPF12, and subject to the approval of the local authority.
90.		<i>“The first general comment is that the criticisms of the methodology used in Thames Water’s</i>	The Noise insulation and temporary re-housing policy is discussed in our response to the Council’s written representation

Ref	LIR para. ref	London Borough of Tower Hamlets comment	Our response
		<p><i>Noise and Temporary Re-housing Policy already made in respect to the KEMP worksite are equally applicable to Bekesbourne Street. However, notwithstanding this general point it is noted that Thames Water considers that thirty properties in John Scurr House will be significantly affected by noise and disturbance and thus eligible for noise insulation.”</i></p>	<p>(see Table 5.4).</p>
91.		<p><i>“If, in due course, this proves to be the case, it is essential that effective pre-planning take place to ensure that the noise insulation is in place before construction works commence. The Council’s experience on dealing with Crossrail construction works demonstrates that it can often take much longer than anticipated to manage and implement noise insulation measures, particularly in flatted accommodation.”</i></p>	<p>See our response to 89 above.</p>
92.	6.3.1	<p><i>“In respect to the impact upon pedestrians which the ES considers to be moderately adverse the Council will expect the alternative routes to be safe and as convenient as possible and would expect to be fully involved in discussions over the proposed alternative arrangements which should be subject to the Council’s approval.”</i></p>	<p>See our response to 89 above.</p>
93.		<p><i>“Finally, it is noted that residents of John Scurr House will be subject to significant vibration impacts which, because of the short period during which they will be experienced, are considered not significant. However, again based upon Crossrail experience some residents can find vibration impacts extremely disturbing</i></p>	<p>As part of the Control of Pollution Act 1974 Section 61 process, whereby prior consent would be sought from the local authority for noise generating activities, the contractor would have to show adherence to best practicable means (eg, in selecting construction plant, planning construction methods and mitigation measures) in the contractor’s application to the local authority. This would include best practical measures to control and reduce</p>

Ref	LIR para. ref	London Borough of Tower Hamlets comment	Our response
		<p><i>and, therefore, Thames Water should recognise that such impacts could occur and suitable mitigation should be available including possible off-site temporary re-housing.”</i></p>	<p>vibration effects. Adherence to best practicable means and other best practice measures would be monitored by the employer (TWUL) and externally enforced by the local authority as part of the Section 61 consent process. Breaching a condition of Section 61 consent is a criminal offence enforceable by the local authority. Non-compliance with DCO Requirements (measures in the CoCP Part A Section 6 as secured via the draft project wide requirement PW6) is also a criminal offence and could be enforced by the local authority under Part 8 (Enforcement) of the Planning Act 2008.</p> <p>If, through monitoring, the contractor identifies vibration effects that may cause disruption to local residents, or the residents themselves identify activities that are causing disturbance, our wider compensation programme (the Non-statutory Mitigation Compensation Procedure and/or the Non-statutory Disturbance Compensation Procedure (see Statement of Reasons, Doc ref: 4.1, Appendices 2 and 3) maintains scope for an entirely flexible approach to dealing with the particular requirements of occupants, which may be identified at the commencement of or at any time during the construction phase. This approach could include funds for temporary re-housing.</p>

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