

**Thames Tideway Tunnel**  
Thames Water Utilities Limited



# Application for Development Consent

Application Reference Number: WWO10001

## Thames Water's Response to Local Impact Report from Royal Borough of Kensington and Chelsea

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**Thames  
Tideway Tunnel**



Creating a cleaner, healthier River Thames

# 1 Response to Royal Borough of Kensington and Chelsea Local Impact Report

## 1.1 Introduction

- 1.1.1 This document responds to points raised in the Local Impact Report (LIR) submitted by the Royal Borough of Kensington and Chelsea (RBKC) to the Examining Authority for the 4 November 2013 deadline. The response is split into three sections: Section 1.2 addresses general matters of a non-site-specific nature; Section 1.3 addresses matters raised with respect to the draft proposals at Cremorne Wharf Depot; and Section 1.4 responds to matters raised with respect to the draft proposals at Chelsea Embankment Foreshore. Each section contains a table arranged by topic, which sets out the comment from the LIR on the left and Thames Water's response on the right.
- 1.1.2 RBKC submitted a draft of the LIR for public consultation between 9 July and 3 September 2013. We have therefore had time to discuss the matters raised in the LIR and take them into account in the *Initial Statement of Common Ground* (the '*Initial SoCG*') with RBKC and the draft Section 106 Heads of Terms submitted on 4 November 2013. The *SoCG* identifies a number of matters that are not agreed that are raised in the LIR. This response provides an opportunity to update those matters for the Examining Authority.
- 1.1.3 This response only deals with matters that have not already been addressed in our response to the draft LIR, which was provided in Appendix H to the *Initial SoCG*. Design comments relating to Chelsea Embankment Foreshore will be addressed in the next iteration of the *SoCG* following a workshop to discuss proposals with RBKC and the Historic Buildings and Monuments Commission for England. The next iteration of the *SoCG* and Section 106 obligations will address matters raised in the LIR and through on-going discussions with RBKC, noting any outstanding matters between the parties.

## 1.2 General matters

**Table 1.1 General matters**

Ref	LIR para. ref	Royal Borough of Kensington and Chelsea comment	Our response
<b>1. Mitigation measures</b>			
1.1.	1.11	<i>“In most cases, mitigation measures are left to the future design options included in the contactors’ methodologies. This increases uncertainty about their implementation. It could also lead to increasing costs for the Council once construction starts discharging the requirements and enforcing the Code of Construction Practice (this has been supported by English Heritage in their representation for the consultation of the Local Impact Report).”</i>	The <i>Code of Construction Practice (CoCP)</i> Parts A and B would be secured by Requirements in Schedule 3 to the <i>Draft DCO</i> (Doc ref: 9.20).
<b>2. Heritage</b>			
2.1.	1.11	<i>“Although plans include a four metre clear strip for the future provision of the Thames Path at Cremorne Wharf this is not ensured”</i>	Design principle CREWD13 provides for a 4m clear strip for future provision of the Thames Path by others. The design principle would need to be complied with subject to Requirement PW7.  RBKC is the land owner and the future use of the site is unknown since RBKC withdrew its planning application for a residential mixed-use development and the Greater London Authority (GLA) has recommended that safeguarded wharf status be retained. This use may conflict with a potential alignment of the Thames Path across the site. There is a clear conflict between the GLA policy in relation to the Thames Path and the safeguarded wharf policy.  We believe this is a matter to be resolved between RBKC, the GLA and the Port of London Authority with respect to the future use of the site.

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2.2.	1.11	<i>“the distinctive boundary wall of Ranelagh Gardens could be permanently disrupted”</i>	We are currently reviewing the need for the gate with National Grid.
<b>3. Transport</b>			
3.1.	1.11	<i>“The removal of five parking bays in Lots Road for the duration of the works is more than necessary to achieve safe access to Cremorne Wharf Depot. This should be reviewed to minimise impact on residents.”</i>	The <i>Transport Assessment</i> (Doc ref: 7.10) assessed the worst case; if required to remove the parking, the contractor would submit notice, as prescribed in the DCO, of no waiting at any time restrictions. This can be tailored to allow evening parking or cover periods where particularly large construction vehicles need to visit the site.
3.2.	1.11	<i>“The excessive traffic regulation powers included within the Development Consent Order (Article 18). The Council as a traffic authority is best placed to exercise these powers”</i>	See the response to the City of London Written Representation.
3.3.	1.11	<i>“A requirement should be included in the Development Consent Order to allow the Thames Path on the Chelsea Embankment Foreshore to be opened as often as possible, including on Saturday mornings.”</i>	The site-specific CoCP Part B for Chelsea Embankment Foreshore states that: <i>“The riverside footway on Chelsea Embankment (A3212) will be reinstated for public use outside of working hours”</i> . The CoCP Part B is secured by a Requirement.
<b>4. Air quality</b>			
4.1.	1.11	<i>“Some assessments and their accuracy are not clear and, as a result, the predicted impacts on residents may not reflect reality. This relates to baseline concentrations of air pollutants; the predicted increase in traffic does not reflect the significant reduction in the concentration of air pollutants predicted by the model used in the Assessment; and receptor locations have not been agreed with RBKC”</i>	The air quality assessment was undertaken robustly and accurately. The baseline concentrations were taken from verified data from the air quality model along with baseline monitoring from both from the London Air Quality Network and from our monitoring. Receptors were chosen to represent the worst-case. We invited each local authority to comment on the methodology and selected receptors, but we received no response from RBKC.  The assessment was based on the best available data at the time and was re-assessed once, due to a change in emission factors published by Department for Environment, Food and Rural Affairs (Defra). The

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			<p>predicted impacts on residents are set out in the tables of results and the contour plots.</p> <p>The reason why the predicted increase in traffic does not reflect the reduction in the concentration of pollutants predicted by the assessment model is that the reduction in concentrations from the baseline case to the construction year is greater than the increase of traffic (which is low). This is due to a decrease in emission factors and background concentrations in the intervening years, as stated in the Defra guidance.</p> <p>A sensitivity test was run with an alternative method, which predicted higher concentrations in the construction year, but did not affect predicted impacts or their significance.</p>
4.2.	1.11	<i>“Only four mitigation measures are included although best practice guidance requires many more”</i>	<p>The CoCP Part A, Section 7.2, mandates following the GLA Best Practice Guidance <i>The control of dust and emissions during construction and demolition</i> (soon to be superseded by supplementary planning guidance of the same name), therefore the mitigation measures detailed within the CoCP are limited in number to avoid repetition. A more detailed Construction Environmental Management Plan would be developed by the contractor in line with current Best Practice Guidance.</p>
<b>5. Ecology</b>			
5.1.	1.11	<i>“The presence of bats at Cremorne Wharf site will result in the loss of a roosting site. There is concern that onsite mitigation measures will not be achieved. Further consideration is required to ensure that onsite post construction habitat is provided.”</i>	<p>A transitory roost was identified in the depot building to be demolished at Cremorne Wharf during the <a href="#">Updated terrestrial ecology surveys</a> (Doc ref 9.10.04) in summer 2013. Mitigation for this impact is proposed within the <a href="#">revised CoCP Part B</a> (Doc ref 9.22.09) in the form of the creation of three roost features and this approach has been agreed with Natural England. Discussions with RBKC regarding the placement of the roost features (bat boxes) in Cremorne Gardens a short distance to the east of the site have been initiated and a meeting was held on site with the RBKC Ecology Services Manager on 21<sup>st</sup> November 2013. A number of suitable trees were identified for installation of this mitigation and the</p>

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			securing mechanism will be confirmed through the next SoCG.
<b>6. Socio-economic</b>			
6.1.	1.11	<i>“There should be opportunities for local jobs; a training programme should be in place “</i>	The draft Section 106 Heads of Terms Agreement includes appropriate provision for jobs and training.
6.2.	1.11	<i>“The maintenance of the new public open space created on the Chelsea Embankment foreshore and who will cover its costs. The Council does not wish to take on the maintenance.”</i>	The draft Section 106 Heads of Terms Agreement includes standards of maintenance and a commitment to ensure public access. Thames Water would either undertake the works or arrange for a contractor or another party to do so. This ensures that maintenance obligations could be delivered and enforced.
<b>7. Water resources and flood risk</b>			
7.1.	1.11	<i>“The Environmental Statement explains that there are not significant effects on the flood defences. However, the Environment Agency considers that further assessment of the flooding defences needs to be undertaken. Thames Water has submitted a Flood Defence Assets Interpretive Report but the Council have not seen the comments made by the Environment Agency on this report.”</i>	We produced a <i>Flood Defence Assets Interpretive Report (FDAIR)</i> (Doc ref: 9.17) in consultation with the Environment Agency. The <i>FDAIR</i> was reviewed by the Environment Agency, which confirmed that significant progress has been made towards satisfactorily resolving Issue 5.1 in the agency’s relevant representation (see <i>Initial SoCG</i> , Table 5.6.2). In Section 5 of its written representation, the Environment Agency confirmed that <i>“We consider that there is adequate information to represent the flood risk arising from the project, and this fulfils the requirement of the National Policy Statement on this topic. We do not consider that a further FRA is necessary to provide adequate information.”</i>

## 1.3 Cremorne Wharf Depot

**Table 1.2 Matters relating to Cremorne Wharf Depot**

Ref	LIR para. ref	Royal Borough of Kensington and Chelsea comment	Our response
<b>8.</b>	<b>Heritage</b>		
8.1.	2.2.11	<i>“The site parameter plans for approval allow for positioning of new 6.0m ventilation columns within and immediately adjacent to the pumping station. The height of column is considered excessive and the possible location harmful to the setting of the listed building.”</i>	The arrow on plan DCO-PP-11X-CREWD-130005 points to the boundary of the zone within which the columns could be located. As stated in design principle CREWD04, we would seek to locate the column close to the river. RBKC has requested us to strengthen the design principle and this is under discussion.
<b>9.</b>	<b>Transport</b>		
9.1.	2.2.22	<i>“Given that there would be only 12 lorry visits to the site on a given day, it should be possible to schedule movements so conflicts on Lots Road are minimised. It should be possible to hold outgoing vehicles within the site until a scheduled incoming vehicle arrives. This would prevent opposing Thames Tunnel traffic from conflicting on Lots Road. Such a requirement should be secured by agreeing an appropriate site traffic management plan.”</i>	The contractor would submit a traffic management plan to RBKC for approval, subject to Requirement CREWD10.
9.2.	2.2.24	<i>“The tracking diagrams appended to the transport assessment demonstrate that the two bays on the southeast side of the street would not be overrun by construction vehicles accessing the site. Accordingly there is scope for these two bays to be retained. The tracking diagrams appended to the Transport Assessment demonstrate that the</i>	See our response to 3.1 above.

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		<p><i>removal of three bays on the northwest side for the duration of the works would be reasonable given the project's access requirements. To limit the impact of the development on the supply of residential parking bays the two bays on the southeastern side of the street proposed for removal should instead be redesignated as visitor bays."</i></p>	
<b>10. Land quality</b>			
10.1.	2.2.50 and 2.2.52	<p><i>"The CREWD7 requirement needs to apply to all works at Cremorne Wharf, Works No. 11a to 11c. The following wording should be included at the start of CREWD7 (1), 1c and 1d: „No development works shall commence, unless otherwise agreed by the local planning authority that a set extent of the development is required in order to fulfil this requirement, until a (...)"</i>. This will ensure that the relevant works can commence in order to allow the different stages of the contamination assessment to take place, for example site investigation works may not be able to take place until buildings on site have been demolished."</p>	<p>We are reviewing the wording of this Requirement in light of this comment and those from other local authorities to provide a consistent approach across the project.</p>
10.2.	2.2.51	<p><i>"The Code of Construction Practice needs to be updated to reflect the revised wording of CREWD7 (taking into account all works 11a, 11b and 11c) within the draft Development Consent Order. All stages of investigation will need to be agreed with the local planning authority, rather</i></p>	<p>Agreed. The text in CoCP Part A para. 9.2.1 will be updated to state: "[...] in accordance with DCO Requirements on contaminated land".</p>

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		<i>than the remedial measures only.”</i>	
<b>11. Air quality</b>			
11.1.	2.2.60	<i>“The receptor locations chosen for the assessment were not agreed with the Council. Thames Water has clarified that all receptors were modelled at a height of 1.5 metres above the ground and are at the facades of the buildings. Some of the receptors highlighted are not buildings and therefore more detailed information should be supplied (i.e. distance from road, coordinates etc). It is uncertain whether the receptor locations chosen for the assessment are applicable as no information has been supplied that sets out the exact location that was modelled (i.e. distance from road, height. etc).”</i>	<p>RBKC was invited to comment on the suggested receptor locations but we received no response. Sensitive receptors included in the air quality assessment were identified based on the predicted results. We also selected contour plots, ie, the location at which a receptor is likely to experience the greatest increase in pollutant concentrations, at the façades of the receptors.</p> <p>All sensitive receptors were modelled at a height of 1.5m to represent the typical breathing zone. Concentrations at greater heights are likely to be lower as the emission sources are located near the ground and pollution disperses as it moves away from the source. Details regarding the receptors can be found at <i>Environmental Statement</i>, Vol 12, Table 4.4.5 and Figure 4.4.3 illustrates the location of the sensitive receptors.</p>
11.2.	2.2.61	<i>“A background concentration of 28.7µg/m<sup>3</sup> has been used in the assessment, whereas background emission factors from the DEFRA 2010 based Background Maps predict a background concentration of 35µg/m<sup>3</sup> for this area of the Borough. Also our monitoring has shown only a very slight reduction in background concentrations over the longer term with roadside locations showing increases. Therefore there is no evidence that these reductions will be achieved. Thames Water has carried out sensitivity analysis, following the production of the Environmental Statement. The results of this sensitivity analysis have not been provided to the Council. Although Thames Water state that the</i>	<p>The air quality assessment was completed in 2012 based on vehicle emission factors and background data provided by Defra. It is agreed that using these data may lead to an underestimate at some sites. Sensitivity analysis was subsequently carried out to adjust future year nitrogen dioxide (NO<sub>2</sub>) concentrations based on monitored trend. The analysis demonstrates that the magnitude of impact of the project and the associated significance are unlikely to be affected, although annual mean NO<sub>2</sub> concentrations would be higher than presented in the <i>Environmental Statement</i>. In general, the predictions according to the alternative method increased concentrations by 30 per cent over Defra’s emission factor method. The alternative method predicted a decrease of approximately 5 µg/m<sup>3</sup> at the Thames Path receptor (CWDR9).</p> <p>We provided RBKC with a paper on the sensitivity analysis and future year NO<sub>2</sub> projections at an air quality meeting on 22 October 2013;</p>

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		<i>use of the up to date emission factors and background data are unlikely to affect the magnitude of impact of the project and the associated significance, the Council will need to see the results before commenting further.”</i>	however, this was too late to amend the LIR accordingly. We will continue to discuss this with RBKC.
11.3.	2.2.62	<i>“The predicted 2010 baseline for the Thames Path receptor (CWDR 7) is very high. Data from the Borough’s own diffusion tube at Lots Road/Uperne Road (KC39) shows that concentrations are over half concentration. Although this may represent a worse case receptor location, it is unclear why the levels are higher than the diffusion tube results at similar locations along Cremorne Road. The actual data from the diffusion tube survey should be provided as part of the assessment, rather than the annual mean data only. The locations chosen for the diffusion tube survey are described as being in the vicinity of the site, however most of the locations are on the junctions of busy A roads and therefore are unlikely to provide an accurate picture of the baseline concentrations around the site. It is unclear why these monitoring locations were chosen and what impact the data may have had on the results of the assessment.”</i>	<p>Actual data from the diffusion tube survey are provided as part of the assessment in <i>Environmental Statement</i>, Vol 12, Table 4.4.2. These tubes were bias-adjusted using co-located tubes at Putney High Street. All quality assurance/quality control procedures for diffusion tubes were followed in accordance with <a href="#">Local Air Quality Management Technical Guidance (09)</a>. The Thames Path receptor (CWDR7) is a worst case receptor for the modelling assessment, adjacent to the heavily trafficked Cheyne Walk and Cremorne Road; whereas the Lots Road/Uperne Road monitoring site is on a much quieter road and therefore has a smaller pollution contribution from road transport.</p> <p>Diffusion tube monitoring was carried out to establish baseline concentrations of NO<sub>2</sub> and to verify predicted concentrations. There were two monitoring sites on Lots Road; one operated by RBKC (KC39) and a project site (CWDM3). As pollutant concentrations tend to be similar over a large area away from major roads, these two sites were deemed sufficient to establish the baseline levels near the site. For the purpose of model verification, monitoring sites were installed at locations along the A-roads where traffic data were available. Pollutant concentrations tend to be much higher and vary more near busy roads due to traffic-related variables (eg, intensity of traffic, speed, queuing etc.). A number of sites were therefore installed along the A-roads to improve data reliability. Inclusion of such monitoring sites in the model verification is a conservative approach and would result in higher absolute concentrations on Lots Road and other locations that are further from the busy A-roads.</p>

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11.4.	2.2.63	<p><i>“Paragraph 4.8.1 of the Environmental Statement, states that no mitigation is required as there are no significant effects from the development. This statement is misleading as a commitment to implement mitigation measures is included in the Code of Construction Practice. Similarly Table 4.10.1 should not state that mitigation measures are not required, the table should refer to the Code of Construction Practice. . Agreement to this must be given.”</i></p>	<p>This interpretation of the assessment process in the environmental impact assessment process is incorrect. The presence of significant effects was determined with mitigation measures (ie, the measures outlined in the CoCP) assumed to be in place, which makes them part of the design. Therefore the <i>Environmental Statement</i> is correct, as only additional measures above those stipulated in the design (including the CoCP) would be referenced.</p>
11.5.	2.2.64	<p><i>“The Transport Assessment predicts that traffic flows on the road links around the Cremorne Wharf site will increase by 9.5% between 2009 and 2018. This predicted increase in traffic does not tie in with the significant reductions in concentrations of NO<sub>2</sub> and PM<sub>10</sub> that have been predicted by the model at the receptor locations around the site for 2018.”</i></p>	<p>The transport assessment tests indicated increases in traffic by 6.8 per cent in the AM peak and 9.7 per cent in the PM peak. This was derived from the Transport for London (TfL) strategic model (CLoHAM) and represents the projected traffic increase from 2008/09 to 2021.</p> <p>Reduced concentrations of NO<sub>2</sub> and PM<sub>10</sub> were due to a decrease in emission factors and background concentrations in the intervening years as per the Defra guidance.</p>
11.6.	2.2.65	<p><i>“Paragraph 4.2.3 of the Environmental Statement states that the average daily number of vehicle movements during the peak month in year one of construction, would be approximately 24 movements per day. It is not made clear how this average number of movements relates to the traffic input data table in the Appendices (Table B.1) which shows an increase of very few vehicles along Lots Road itself where the site is located (an increase of 10 vehicles over the baseline). Additionally, the modelled speed assumed for this road link is 30mph when this is</i></p>	<p>Note that the figure of 24 vehicle movements matches the construction peak movement indicated in the <i>Transport Assessment</i> and <i>Environmental Statement</i>.</p> <p>The per cent point increase between baseline heavy goods vehicle (HGV) movements (column 4) and peak construction HGV movements (column 11) of between 0 to 0.1 is reasonable, with an overall increase of 24 HGV movements on top of existing movements.</p> <p>Speed of vehicles was not surveyed; however, observed peak hour behaviour indicated that 30mph would be a reasonable average speed due to the volume of traffic in this location. It should also be noted that the speed limit specified in the table is not a modelled/average speed.</p>

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		<i>unlikely to be the case. (emissions are speed dependant and a higher speed will give lower emissions)."</i>	
11.7.	2.2.66	<i>"The method for how the emissions from the tug boats for the river barges were calculated is not provided within the Environmental Statement. The information supplied within Appendix B3 includes the assumed emissions per river tug, however the source of this data is not specified and therefore we cannot be certain of its accuracy. Figures 4.5.4 and 4.5.8 show the impact of the peak construction year on NO<sub>2</sub> and PM<sub>10</sub> concentrations and no increase in concentrations is shown along the Thames. The Council will require more detailed emissions data for the river tugs before we can accept that the conclusion within the Environmental Statement is accurate."</i>	<p>River transport impacts would be the greatest in the immediate area of the project site due to manoeuvring and hoteling operations in close proximity to sensitive receptors and the duration of these operations. This impact was assessed in the <i>Environmental Statement</i>, Vol 2, Section 4, which details the methodology used to assess emissions from river transport when manoeuvring and hoteling at the site.</p> <p>Emission factors for NO<sub>2</sub> and PM<sub>10</sub> were sourced from data published in the European Environment Agency's European Monitoring and Evaluation Programme <i>Corinair Pollutant Emissions Inventory Guidebook Chapter 1.A.3.d- Navigation</i> (2011). We followed the methodology for Tier III outlined in the guidebook, which is based on the engine size of vessels.</p> <p>The assessment assumed that project vessels would operate with medium-speed diesel engines fuelled by marine diesel oil. Emissions per vessel were calculated by considering the emission factor, engine size, load factor and duration on-site. The calculated emission rates were applied to the appropriate emission area and modelled in the dispersion model. Any impact from river vessels travelling along the tidal Thames are likely to be limited due to the short-term nature of emissions and the increased distance to sensitive receptors.</p>
11.8.	2.2.73	<i>"Thames Water have confirmed that a more detailed Construction Environmental Management Plan will be developed by the contractor if the scheme proceeds, however the Environmental Statement Part A, does not explicitly set out what the contents of the Construction Environmental Management Plan's</i>	<p>The mitigation measures in the <i>CoCP</i> were deliberately generic in order to cover all the sites. More detailed site-specific Construction Environmental Management Plans would be developed by the contractor. The required content of the plans is detailed in the <i>CoCP</i>. In relation to air quality, the measures are listed in the GLA guidance <i>The control of dust and emissions during construction and demolition</i>, which the contractor must comply with. Therefore the <i>CoCP</i> does not repeat all</p>

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		<i>should be. A full list of all the possible mitigation measures should be provided in the Code of Construction Practice, from which the contractor producing the Construction Environmental Management can select the most appropriate measures.”</i>	the measures listed in the guidance.
11.9.	2.2.74	<i>“Currently the Code of Construction Practice Part A is vague and only states that an Air Quality Management Plan including details of dust and air pollution control measures, vehicle and plant emissions and odour should be included in the Construction Environmental Management. It is essential that contractors are compulsorily required to implement all the appropriate best practice mitigation measures to ensure that the impact of the construction on nearby receptors is reduced as much as possible.”</i>	The CoCP Part A states that the contractor for each work package would be required to produce and implement site-specific CEMP, in full accordance with the CoCP, for approval by the employer (Thames Water) in consultation with the local authority. The plans will include an air quality management plan for each worksite to include details of dust and air pollution control measures, vehicle and plant emissions, and odour. The air quality management plans are for approval by the relevant local authority. The measures within the CoCP form a DCO Requirement.
11.10	2.2.75	<i>“The Council is unable to agree with the conclusion that a minor adverse impact will be experienced by receptors within 50 metres of the site at the current time. The assessment assumes that the control measures within the Code of Construction Practice are being implemented. However, the exact control measures that are to be implemented are unclear. Therefore, it is impossible to establish whether the predicted minor adverse impact is an appropriate assessment. Further detail about the proposed mitigation measures for construction dust is required in order to comply with the Local Plan</i>	The dust control measures to be implemented are detailed in the CoCP, which references the GLA Best Practice Guidance <i>The control of dust and emissions during construction and demolition</i> and states that the measures in the guidance must be complied with.  The implementation of the measures within the CoCP is embedded within the design at each site; therefore they are intrinsic to the assessment which concluded that there would be a ‘minor adverse impact’.

Ref	LIR para. ref	Royal Borough of Kensington and Chelsea comment	Our response
		<i>Policy CE5.</i>	
<b>12. Ecology</b>			
12.1.	2.2.78	<i>“The presence of bats at Cremorne Wharf site will result in the loss of a roosting site. There is concern that onsite mitigation measures will not be achieved and therefore further consideration is required to ensure that onsite post construction habitat is provided.”</i>	See our response 5.1 above.
<b>13. Water resources and flood risk</b>			
13.1.	2.2.83	<b>“Groundwater</b> <i>The Environmental Statement Volume 12, Section 13 explains that the effects of the project on groundwater are negligible both during construction and operation. The Council was previously concerned about the lack of mitigation and monitoring measures. It is understood that a revised Groundwater Environmental Monitoring Strategy is currently being reviewed by the Environment Agency. The Council will support the agency’s comments..”</i>	See the <a href="#">Groundwater environmental management dewatering and monitoring strategy</a> (which is contained within APP21 of our response to the EA Relevant Representations), which will be secured via Section 106 agreement with the GLA has been developed in consultation with the Environment Agency. The strategy has been updated from the <a href="#">Groundwater environmental monitoring strategy</a> (ES Vol3 App K.1 doc ref 6.2.03) contained within the ES.

## 1.4 Chelsea Embankment Foreshore

Table 1.3 Matters relating to Chelsea Embankment Foreshore

Ref	LIR para. ref	Royal Borough of Kensington and Chelsea comment	Our response
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<b>14.</b>	<b>Heritage</b>		
14.1.	3.2.9	<i>“Information is needed on the design of the new side gates for the utility services entrance to ensure it complements the garden wall.”</i>	See our response to 2.2 above.
14.2.	3.2.13 bullet 2	<i>“The plans allow the location of the new columns and other kiosks in positions that would disrupt or infringe upon the very axial view the scheme sets out to celebrate.”</i>	See the design principles for greater clarity, eg, CHEEF 18 provides that the electrical and control kiosks would be integrated into the river wall. The site design is illustrative and final landscape details and proposals would need to be approved by RBKC subject to the DCO Requirements. See our response to first written questions 5.17 and 5.18.
<b>15.</b>	<b>Transport</b>		
15.1.	3.2.23	<i>“The impact of the project on pedestrian movement will be lessened by the opening the Thames Path (southern footway on Chelsea Embankment) at the weekends, when pedestrian traffic on the Embankment is heaviest. It is essential that the site traffic management plan to include measures to allow the footway to be opened as often as possible, including all weekend. An explicit requirement to this effect should be imposed.”</i>	The CoCP Part B for Chelsea Embankment Foreshore states that the riverside footway on Chelsea Embankment (A3212) would be reinstated for public use outside of working hours at weekends. The CoCP Parts A and B are secured by a DCO Requirement. This is identified in the initial SoCG as an outstanding matter not agreed.
15.2.	3.2.25	<i>“The carriageway would be narrowed as a result of providing site access lanes to the two works site. However, there is sufficient width to retain two 4.3m wide traffic lanes. These are sufficient to allow a large vehicle to pass a cyclist. The modifications will necessarily detract from the quality of the cycling experience but should not pose an undue risk to cyclist safety. It is important</i>	Para 5.1.6 of the updated CoCP Part A submitted on 23 September 2013 requires traffic management schemes to control, divert or amend traffic flows during the works to be submitted for approval to the relevant local highway authority in consultation with TfL. The submission shall include details of mitigation measures to reduce impacts on traffic (buses, cyclists and pedestrians) including traffic signal amendments, temporary diversion routes and measures to minimise duration of scheme.

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Ref	LIR para. ref	Royal Borough of Kensington and Chelsea comment	Our response
		<i>that measures to promote the safety of cyclists are included in the Traffic Management Plan to be agreed for this site. The requirement for details of such measures to be agreed under the Code of Construction Practice Part A is appropriate.”</i>	
15.3.	3.2.26	<i>“The Code of Construction Practice (part B) states that a minimum lane width of 3.25m will be required. This is insufficient to comfortably accommodate cyclists alongside vehicular traffic. This figure needs to be increase to a minimum of 4m to ensure that cyclists do not become hemmed in by motor vehicles.”</i>	Further consultation and recent conversations with TfL indicate that TfL’s guidance is to provide either narrow 3m wide lanes or lanes greater than 4m wide so that traffic either follows cyclists or has sufficient room to overtake. These minimum lane widths would be a retained past the worksites and suitable cycle safety measures put in place.
15.4.	3.2.30	<i>“The public domain design must ensure that the new space created on the foreshore is not used for parking save for infrequent servicing. The provision of an uninterrupted kerb line on the south side of the carriageway should prevent parking from occurring on the new riverside space and should be included within the detailed design.”</i>	In response to engagement with RBKC, Design Principle CHEEF.04 states that the design shall discourage use of the foreshore structure as a bus/coach drop off and the design principle would apply as the detailed design is developed. Thames Water will review this design principle with RBKC to resolve their outstanding concern.
<b>15.5.</b>	<b>Land quality</b>		
15.6.	3.2.48	<i>“Paragraph 8.2.8 of Volume 13 of the Environmental Statement states that further intrusive investigations and remediation works will be unnecessary prior to construction at the Chelsea Embankment Site. This means that no further information will be collated about the ground conditions within the foreshore sediments</i>	The CoCP Part A requires the contractor to undertake a site assessment/risk assessment and agree the outcome with the local authority. It references the need to comply with the DCO Requirements.

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		<p><i>and no information at all will be gathered for the terrestrial part of the site. The Council is concerned that with this lack of information about the ground conditions on the site, the potential risks to construction workers and adjacent site users will not be adequately assessed. This approach is contrary to the Council's Local Plan Policy CE7 within its Core Strategy, which requires the investigation of the potential risks, to ensure that they are adequately mitigated before the development proceeds. Although the Code of Construction Practice Part A requires that the contractor undertakes a site assessment/risk assessment, the wording within paragraph 8.2.8 is misleading and needs to be amended."</i></p>	
15.7.	3.2.51	<p><i>"Thames Water have confirmed that off site receptors will be considered as part of the investigation, risk assessment and remediation strategy. If the site assessment shows that on site contamination has migrated off site and potentially poses a risk to sensitive receptors, remedial action may have to be taken outside of the site boundary. This needs to be made clear within the draft Development Consent Order regarding contamination originating on site that may have migrated off site."</i></p>	<p>Should the site assessment show that there is contamination and a pathway for contamination to migrate off site to potentially pose a risk to off site receptors then this would be identified and mitigated in line with a remediation strategy agreed with the Royal Borough of Kensington and Chelsea in consultation with the EA. This is in line with CREWD7 (as referenced in point 15.8 below.</p>
15.8.	3.2.54	<p><i>"The draft Development Consent Order includes a requirement for the submission of a site-specific remediation strategy which must include a preliminary risk assessment, site investigation</i></p>	<p>Noted, we are currently reviewing these requirements with the EA and will take into account other representations made.</p>

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		<p><i>and remediation strategy, which will be agreed by the local planning authority. A requirement is also included for the development works to cease if unexpected contamination is encountered, a remediation strategy must then be produced and approved by the Council. The new revised contamination requirement 'CHEEF11' needs to apply to all works at Chelsea Embankment, Work No. 12a to 12c"</i></p>	
15.9.	3.2.55	<p><i>"Within the Code of Construction Practice the requirement for site assessments and investigations is included in Chapter 9 and Thames Water have confirmed that any necessary measures will be agreed with the relevant local authority. The Code of Construction Practice needs to be updated to reflect the revised wording of CHEEF11 within the draft Development Consent Order. All stages of investigation will need to be agreed with the local planning authority, rather than the remedial measures only. "</i></p>	<p>We have updated the CoCP Part A to state (para. 9.2.1): <i>"The contractor will carry out site assessments, investigations and/or risk assessments wherever construction work is planned in order to assess the potential for contamination in both soil and groundwater, in accordance with standard industry guidelines including Model procedures for the Management of Land Contamination, Contaminated Land Report 11. Any necessary measures will be agreed with the Employer, the EA, and the relevant local authority."</i></p> <p>We are currently reviewing the contaminated land requirements with the EA and will take into account other representations made.</p>
15.10	3.2.56	<p><i>"Although the draft Development Consent Order contains a requirement for the submission of a remediation strategy, assessing contaminated land is a phased approach and it is essential that the required steps leading up to the formation of a remediation strategy are also agreed with the Council. Without this agreement, the remediation strategy may not be considered acceptable and the earlier phases, such as site investigation, may</i></p>	<p>TWUL are reviewing this and will provide a further updated version of the DCO including requirements to the ExA following the DCO Hearings in late November.</p>

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		<p><i>need to be revisited. This could have a significant impact on the project delivery in terms of costs and delays. The following wording should be included at the start of CHEEF11 (1), 1c and 1d: 'No development works shall commence, unless otherwise agreed by the local planning authority that a set extent of the development is required in order to fulfil this requirement, until a....'. This will ensure that the relevant works can commence in order to allow the different stages of the contamination assessment to take place, for example site investigation works may not be able to take place until buildings on site have been demolished.'</i></p>	
<b>16. Air quality</b>			
16.1.	3.2.58	<p><i>"The air quality assessment has been carried out on the assumption that only 10% of excavated material will be removed from site by road and that 90% will be removed by river barge. If these percentages change in any way, the results of the assessment will be incorrect. It is expected a commitment that this will remain the case throughout the development, as if more material is to be moved by road transport, the increased number of HGVs will have a detrimental impact on the local air quality."</i></p>	<p>This is in line with the <i>Transport Strategy</i> (Doc ref: 7.09). Further information on the process for securing and delivering the <i>Transport Strategy</i> is provided in Appendix A of the <i>Response to the Local Impact Report from the Mayor of London</i> (Doc ref: APP30.15).</p> <p>The next workshop to discuss the process with RBKC is scheduled for 2 December 2013.</p>
16.2.	3.2.59	<p><i>"There are several concerns about the assessment and its accuracy and therefore it is unclear whether the assessed impacts on local residents will be as predicted. Further comments</i></p>	<p>The air quality assessment is robust and accurate and was undertaken using established methodologies. Local authorities were invited to comment on the methodology as part of the scoping process in March 2011. They were also consulted at phase two consultation and Section</p>

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		<i>on the issues with the air quality assessment are detailed below.”</i>	48 publicity.
16.3.	3.2.60	<i>“The assessment has calculated that the annual mean concentration of NO<sub>2</sub> will increase at four of the receptor locations, the River Thames, Thames Path, Ranelagh Gardens and Royal Hospital Gardens. However, the annual mean objective level is not applicable at these receptor locations due to the likely exposure durations associated with these land uses. Therefore the increase in annual mean levels at these locations is predicted to have a negligible impact on these receptors.”</i>	<p>The UK annual mean objectives for NO<sub>2</sub> and PM<sub>10</sub> do not apply at the four receptors for the duration of exposure due to the project. This is indicated in Tables 4.5.1 and 4.5.2 of the ES (Volume 13, Section 4) as “annual mean objective/limit value does not apply”.</p> <p>The UK short-term objective does apply at these locations. For NO<sub>2</sub>, the annual mean concentration of 60 µg/m<sup>3</sup> indicates exceedences of the one hour objective. Annual mean NO<sub>2</sub> concentrations were therefore included in Table 4.5.1.</p> <p>For PM<sub>10</sub>, the daily mean objective does apply at locations such as gardens or play areas. As a precaution, the four receptors were included in Table 4.5.2. Daily mean exceedences were calculated based on annual mean PM<sub>10</sub> concentrations; annual mean PM<sub>10</sub> concentrations were therefore included in the table to ensure completeness.</p>
16.4.	3.2.63	<i>“The receptor locations chosen for the assessment were not agreed with the Council. Thames Water have clarified that all receptors were modelled at a height of 1.5 metres above the ground and are at the facades of the buildings. Some of the receptors highlighted are not buildings and therefore more detailed information should be supplied (i.e. distance from road, coordinates etc). It is uncertain whether the receptor locations chosen for the assessment are applicable as no information has been supplied that sets out the exact location that was modelled”</i>	See our response to LIR para. 2.2.60 above.
16.5.	3.2.64	<i>“The predicted baseline concentrations of NO<sub>2</sub></i>	See our response to LIR para. 2.2.61 above.

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		<p><i>and PM10 for the future construction year (2017) are extremely low. This is because a background concentration of 27µg/m<sup>3</sup> has been used in the assessment, whereas background emission factors from the DEFRA 2010 based Background Maps predict a background concentration of 35µg/m<sup>3</sup> for this area of the Borough. (measured levels at the borough's background monitoring site shows concentrations between 2010-12 have been 37, 36 and 36µg/m<sup>3</sup> respectively). Also our monitoring has shown only a very slight reduction in background concentrations over the longer term at some locations, with roadside locations showing increases. Therefore there is no evidence that these reductions will be achieved. Further evidence is has also available that diesel vehicles operating in urban driving conditions are not meeting the latest Euro emission standards. Thames Water has carried out sensitivity analysis, following the production of the Environmental Statement. The results of this sensitivity analysis have not been provided to the Council and although Thames Water state that the use of the up to date emission factors and background data are unlikely to affect the magnitude of impact of the project and the associated significance, The Council will need to see the results before commenting further"</i></p>	
16.6.	3.2.65	<p><i>"The predicted 2010 baseline for the Thames Path receptor (CEFR 6) is very high. Thames Water have clarified that the Thames Path</i></p>	<p>Baseline NO<sub>2</sub> monitoring indicated that annual mean NO<sub>2</sub> concentrations for 2010 were 71 µg/m<sup>3</sup> (CEFM1) and 86 µg/m<sup>3</sup> (CEFM2) along the Chelsea Embankment (A3212). Both of these monitoring sites are</p>

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		<p><i>receptor is a worse case scenario receptor and represents the pollution contribution from the nearby four way junction and slowing vehicles.. It would be helpful if all the monitoring data (rather than the annual means only) collected for the baseline assessment and the verification calculations are provided.”</i></p>	<p>located on lamp posts, which are closer to vehicle emission sources than the monitoring site located at the Chelsea Physic Garden (gate). Pollutant concentrations decrease significantly away from road emission sources. Actual data from the diffusion tube survey are provided as part of the assessment in <i>Environmental Statement</i>, Vol 13, Table 4.4.2. These tubes were bias-adjusted using co-located tubes at Putney High Street. All quality assurance/quality control procedures for diffusion tubes were followed in accordance with <i>Local Air Quality Management Technical Guidance (09)</i>. The Thames Path receptor (CEFR6) is a worst case receptor, located even closer to Chelsea Embankment. Vehicle speeds were also reduced at that location to simulate road traffic slowing down approaching the junction. As CEFR6 is located close to the four-way junction, pollution from vehicles on other roads also contributed to the elevated concentrations modelled at this receptor.</p>
16.7.	3.2.68	<p><b>“Transport</b>  <i>Paragraph 4.2.3 of the Environmental Statement explains that the average daily number of vehicle movements during the peak month in year three of construction, would be approximately 84 movements per day. This average number of vehicles is not reflected in the Traffic data table in the Appendices (Table B.1) which shows an increase of very few vehicles along Chelsea Embankment (an increase of 18 vehicles over the baseline). The traffic data used for the air quality assessment does not match up with the details of the expected traffic levels.”</i></p>	<p>The figures provided in Paragraph 4.2.3 of the <i>Environmental Statement</i>, (Volume 13, Section 4) and Table B.1 in the Appendices cannot be directly comparable as they refer to two different averaging periods. Construction traffic is variable throughout the construction period depending on the type of construction activities involved. On a monthly basis, certain months would experience a higher intensity of construction traffic than other months. Paragraph 4.2.3 details the maximum monthly construction traffic movements anticipated in the peak construction year. This is predicted to be 84 movements per day. Conversely, Table B.1 in the Appendices details traffic flows for the peak construction year averaged over the whole one year period. Air quality models require traffic inputs in annual averaged format for the assessment against long-term air quality objectives.</p>
16.8.	3.2.70	<p><i>“The development is in an Air Quality Management Area and the results of diffusion tube monitoring undertaken by Thames Water in</i></p>	<p>The proposed development is located within an Air Quality Management Area and existing NO<sub>2</sub> concentrations were in excess of the UK objective and limit value. However, the air quality assessment (and</p>

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		<p><i>2011-2012 show that annual mean concentrations of NO2 already exceed the objective/limit value at all monitored locations around the site. The main impact on air quality from the proposed development will be from additional traffic and emissions from construction plant and river barges during the construction period of four years. There are problems with the way the air quality assessment has been carried out and therefore the Council cannot accept that the impact of the development on air quality has been adequately assessed within the Environmental Statement. Therefore it is unclear if the proposed development will comply with Policy CE5 of the Local Plan until an appropriate assessment of the impacts is carried out."</i></p>	<p>subsequent sensitivity analysis) indicated that the development is unlikely significantly to increase pollutant concentrations in the study area.</p> <p>The assessment was undertaken in accordance with best practice and the methodologies accepted by RBKC. In response to RBKC's comments, sensitivity analysis was undertaken using an alternative method as we agree that the use of the present Defra emission factors results in unrealistically low concentrations for the construction year scenarios. This is a problem faced by air quality practitioners throughout the UK. The analysis demonstrated that the magnitude of impact of the project and the significance of the impact are unlikely to be affected.</p>
16.9.	3.2.73	<p><b>"Construction dust</b>  <i>However, the Council is concerned about the level of detail included in the Code of Construction Practice. The mitigation measures set out are vague and the Council has previously raised this issue in comments on a draft version of the Code of Construction Practice."</i></p>	<p>The CoCP Part A, Section 7.2, mandates following the GLA Best Practice Guidance <i>The control of dust and emissions during construction and demolition</i>; therefore we limited the number of mitigation measures in the CoCP to avoid repetition. The contractor would develop a more detailed site-specific CEMP, which would follow current Best Practice Guidance.</p>
16.10	3.2.74	<p><i>"Thames Water have confirmed that a more detailed Construction Environmental Management Plan will be developed by the contractor if the scheme proceeds, however the Code of Construction Practice Part A, does not explicitly set out what the contents of the Construction Environmental Management's</i></p>	<p>See our response to LIR para. 2.2.73 above.</p>

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		<i>should be. A full list of all the possible mitigation measures should be provided in the Code of Construction Practice, from which the contractor producing the Construction Environmental Management can select the most appropriate measures.”</i>	
16.11	3.2.75	<i>“Currently the Code of Construction Practice Part A is vague and only states that an Air Quality Management Plan including details of dust and air pollution control measures, vehicle and plant emissions and odour should be included in the Construction Environmental Management. It is essential that contractors are compulsorily required to implement all the appropriate best practice mitigation measures to ensure that the impact of the construction on nearby receptors is reduced as much as possible.”</i>	See our response to LIR para. 2.2.74 above.
16.12	3.2.76	<i>“The Council does not agree with the conclusion that a minor adverse impact will be experienced by receptors within 20 metres of the site at the current time. The assessment assumes that the control measures within the Code of Construction Practice are being implemented. However, as the exact control measures that are to be implemented are unknown, it is impossible to state whether the predicted minor adverse impact is an appropriate assessment. Further detail about the proposed mitigation measures for construction dust is required before it is agreed that there will be a minor adverse impact on</i>	See our response to LIR para. 2.2.75 above.

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		<i>residents and visitors, this is in order to comply with the Local Plan Policy CE5.”</i>	
<b>17. Socio-economic</b>			
17.1.	3.2.87	<i>“The effect on public open space, in Ranelagh Gardens will have short term implications for income generation for the Royal Hospital and the Chelsea Flower Show organised by the Royal Horticultural Society. In a similar manner, any works which may have an effect on the Chelsea Flower Show and the ability of the Royal Horticultural Society to generate the income which is necessary to continue their activities is of great concern to the Council.”</i>	<p>The CoCP Part B for Chelsea Embankment Foreshore states:  <i>“Management arrangements during events in the adjacent area to be confirmed in consultation with the Local Highway Authority, the Royal Horticultural Society, and Transport for London.”</i></p> <p>The applicant proposes to amend the CoCP Part B to include the Royal Hospital Chelsea in the above clause.</p> <p>The works would not affect Ranelagh Gardens or the use of the gardens and only use a small area on the boundary. The construction effects would be mitigated through the CoCP.</p>
17.2.	3.2.87	<i>“Regarding the new public open space created on the foreshore as a result of the proposed development, the Council is concerned about who will be in charge of the maintenance and this issue is still under review in the Statement of Common Ground and the Section 106 agreement.”</i>	<p>RBKC confirmed by email dated 1 July 2013 that at present it does not wish to take on the maintenance. We will seek to maintain the structure or agree maintenance arrangements with another party.</p>
<b>18. Water resources and flood risk</b>			
18.1.	3.2.89	<b>“Groundwater</b> <i>The Environmental Statement Volume 13, section 13 explains that the effects of the project on groundwater are negligible both during construction and operation. The Council was previously concerned about the lack of mitigation and monitoring measures. It is understood that a</i>	<p>See the <a href="#">Groundwater environmental management dewatering and monitoring strategy</a> (which is contained within APP21 of our response to the EA Relevant Representations), which will be secured via Section 106 agreement with the GLA has been developed in consultation with the Environment Agency. The strategy has been updated from the <a href="#">Groundwater environmental monitoring strategy</a> (ES Vol3 App K.1 doc ref 6.2.03) contained within the ES.</p>

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		<i>revised Groundwater Environmental Monitoring Strategy is been reviewed by the Environment Agency at the moment. The Council will support the agency's comments."</i>	
18.2.	3.2.92	<p><b>“Surface Water</b></p> <p><i>The foreshore will be heavily modified with the construction of the cofferdam to build and sink the shaft. During operation, the land take, although smaller than the cofferdam will be permanent and lead to morphological changes which will have an impact on river flows and cause changes in depositions on sediments around the foreshore and scour having an effect on local ecology. These impacts have been classified as minor adverse in the Environmental Statement and therefore no mitigation measures are proposed. The monitoring of these effects is only proposed for three years after installation. It is not clear if this period of time will be enough to rectify any problems in relation to scour and accretion.”</i></p>	<p>The <i>Engineering Design Statement</i> (Doc ref: 7.18, para. 3.8.40) set out the approach for mitigating any scour that may arise during the operational phase. Monitoring was proposed for three years to assess any morphological effects from the permanent works.</p> <p>A revised scour monitoring and mitigation strategy was issued to the Examining Authority in Appendix APP03.05.01 to the first written questions. The revised strategy states that post-construction monitoring would take place for <b>five</b> years. Monitoring would only be extended beyond five years if there is clear evidence of ongoing scour or accretion as a direct result of the project. If such scour or accretion is identified then it would be rectified (either through scour mitigation or dredging).</p>
18.3.	3.2.94	<p><i>“A new flood defence wall is part of the permanent works. The proposed development also includes raising the foreshore to adjacent land levels. Both these measures will change the flood risk designation of the majority of the site, changing from Flood Risk Zone 3b (the functional flood plain) to Flood Risk Zone 3a, and therefore reducing the flood risk. The Environment Agency considered that further assessment of the flooding defences needed to be undertaken. As a</i></p>	<p>See our response at 7.1 above.</p>

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		<p><i>result, a Flood Defence Asset Interpretative Report was produced and more detailed mitigation measures were suggested. Those measures need to be incorporated in the Code of Construction Practice. The Council will support the comments that the Environment Agency has regarding the report.”</i></p>	

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