

**THAMES TIDEWAY TUNNEL – PINS REFERENCE WW010001**

**WRITTEN SUMMARY OF ORAL CASE PUT AT 4-5 FEBRUARY HEARINGS ON BEHALF OF THE  
FREE TRADE WHARF MANAGEMENT COMPANY LIMITED**

1 This is a summary of the oral case put at the 4-5 February 2014 issue-specific hearing on noise and vibration issues on behalf of Free Trade Wharf Management Company Limited (FTWMCL).

**National policy statement**

2 FTWMCL has previously expressed concern that the Thames Tideway Tunnel project as proposed in Thames Water's application does not comply with paragraph 4.9.9 of the National Policy Statement (NPS) for Waste Water in that the project does not satisfy the test that it will *"avoid significant adverse impacts on health and quality of life from noise"*.

3 The applicant had previously stated that the reference in the NPS to 'significant adverse impacts' was not in the sense as reported in an environmental statement, but according to government noise policy. It is, however, difficult to establish whether there will be significant adverse impacts on health and quality of life in the latter sense when the only available evidence is the environmental statement.

4 During questioning from Martin Kingston QC on behalf of the Examining Authority, it became apparent that certain types of noise referred to in paragraph 4.9.4 of the NPS had not been assessed at all in the government noise policy sense, and that the level of significance adopted by Thames Water for its environmental statement was higher than the level at which significant adverse impacts on health and quality of life from noise might occur.

5 Furthermore, the trigger thresholds set out in the Code of Construction Practice (part A) require noise to exceed the trigger level when averaged over 10 hours during the day, and only then if this occurs at least 10 times in 15 days (or 40 times in 180 days) (see APP 72.1, table 6.1 and paragraph 6.5.9). Thus there could be nine days out of 15 with unlimited noise levels without triggering mitigation, and very high noise levels could occur on any particular day without exceeding the threshold when averaged over 10 hours. Even if mitigation is triggered, harm will already have occurred.

6 It follows that the test in paragraph 4.9.9 cannot be made out and the application should be refused. FTWMCL is not against the project in principle and submits that a better solution would be to use the Heckford Street and Park option that would mean carrying out the works in a much noisier existing environment.

## Assessment of noise

- 7 FTWMCL also disputes the baseline figures for Free Trade Wharf (south), which have been overstated for the evening period by assuming that it will be the same as other receptors rather than being specifically measured (see APP 31.04, page 34). This in turn understates the increase in noise that the development would cause and potentially its duration.
- 8 FTWMCL wishes to draw the Examining Authority's attention to the table below setting out details of a number of residents in Blocks F and G (nearest to the worksite) who are particularly vulnerable to noise effects for a range of reasons.

	Number of flats in block with particular vulnerability to noise			
	Children	Elderly	Disability	Works from home
Block F	3	2	2	0
Block G	2	3	1	3

### On-site mitigation

- 9 Thames Water has provided FTWMCL with a plan showing where the different heights of the hoardings now proposed would be sited, for which it is grateful (see the Appendix to this document). The proposed section of 6m hoarding is not wide enough to prevent noise impacts from being heard at Free Trade Wharf around its edges. A 6m hoarding is also too low to shield the higher floors of Free Trade Wharf. FTWMCL does not wish the hoarding to be higher, but believes that noise impacts cannot be adequately mitigated at this location without other knock-on adverse impacts such as visual amenity and safety of navigation, and that an alternative should be promoted, namely the Heckford Street and Park option.

### Off-site mitigation

- 10 Thames Water has calculated the number of properties affected at 'Free Trade Wharf middle' and 'Free Trade Wharf south' using Google Street View and Bing aerial maps (see APP 56 paragraph 3.1.3). As well as there being no clear demarcation between 'south' and 'middle', FTWMCL does not believe this is adequate, and would wish to see an actual list of addresses rather than just totals so that there can be certainty as to which properties will be offered noise insulation.
- 11 FTWMCL believes that the proposed Trigger Action Plans (TAPs), although helpful, are not relevant to the examination of the project since they will not be completed until after the examination finishes. At present only Free Trade Wharf (south) is in the list to receive a TAP:

FTWMCL requests that Free Trade Wharf (middle) is added to the list as it will involve over 60 residential properties being subject to severe impacts.

- 12 In general, FTWMCL is concerned that any environmental assessment should not be left until after the close of the examination, because in that case the decision on the application is likely to be made on an improper basis.

### **Project changes and prejudice**

- 13 It is FTWMCL's case that they have been prejudiced by the changes made to the project to date and the difficulty in establishing the current 'environmental statement' for the purposes of assessment and the Development Consent Order, and are likely to be further prejudiced by the amount of new material that is still to be produced by Thames Water shortly before the end of the examination which would give insufficient time for a response.

### *Changes*

- 14 Thames Water issued a series of errata to the application documents (59 documents) on 23 September 2013, which were published on 1 October 2013, some 6 months after the application was accepted and the original documents published. One of these was a doubling of the duration of significant noise effects at Free Trade Wharf (south) from 12 to 24 months.

### *Environmental statement*

- 15 What now constitutes the 'environmental statement' for the purposes of assessing the application is unclear and will apparently be clarified in an 'update' document to be issued on 12 February 2014. Without such a document, FTWMCL has spent time that should have been unnecessary searching through the documents under the 'examination' heading on the PINS website (1336 documents to date) for environmental information.
- 16 The latest draft of the Development Consent Order (APP 105.02) defines 'environmental statement' for the purposes of the DCO as:
- "environmental statement" means the environmental statement with document reference 6 together with the list of errata to that environment statement with document reference [ ] and the environmental statement update report February 2014 with document reference [ ] submitted by Thames Water Utilities Limited to support its application for development consent;*
- 17 This definition is not only incomplete, and so presumably another version of the DCO is to be forthcoming, but also inadequate – the environmental statement should not just comprise the update report, but the documents referred to in the update report, which should be listed directly in the DCO.

*Ability to comment*

- 18 Thames Water is making changes to its proposed mitigation with increasing rapidity as the end of the examination nears. The 21 January 2014 version of the Code of Construction Practice (Part B) for King Edward Memorial Park was superseded on 3 February 2014, less than two weeks later, by a version where the text of every single of the 30 entries in the table of mitigation had been changed. Much of the effect of the CoCP had not changed, but FTWMCL has had to check this. The 3 February version of the Offsite Noise and Vibration Policy has a comment on page 12 'to be inserted in the next version', suggesting that further changes are in the offing. FTWMCL is therefore concerned that it will not have adequate time to assess the latest information submitted before the close of the examination, which will therefore not be properly examined.
- 19 The length of time necessary to assess updated information depends on the scale and implications of the information, but FTWMCL would wish at least two weeks to be able to assess and respond to information submitted by Thames Water, and longer for a large amount of information.
- 20 It would appear that one of the reasons for the late changes is not fully related to the scale of the project, but to the initial unwillingness by Thames Water to engage with interested parties, only recently reversed by fears that the project might not get consent.

**Bircham Dyson Bell**  
**12 February 2014**



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Keyplan: This drawing



Coordinates are to be Ordnance Survey Datum OSG36. All levels are in metres and relate to the Tunnel Datum which is 100 metres below Ordnance Datum Newlyn.

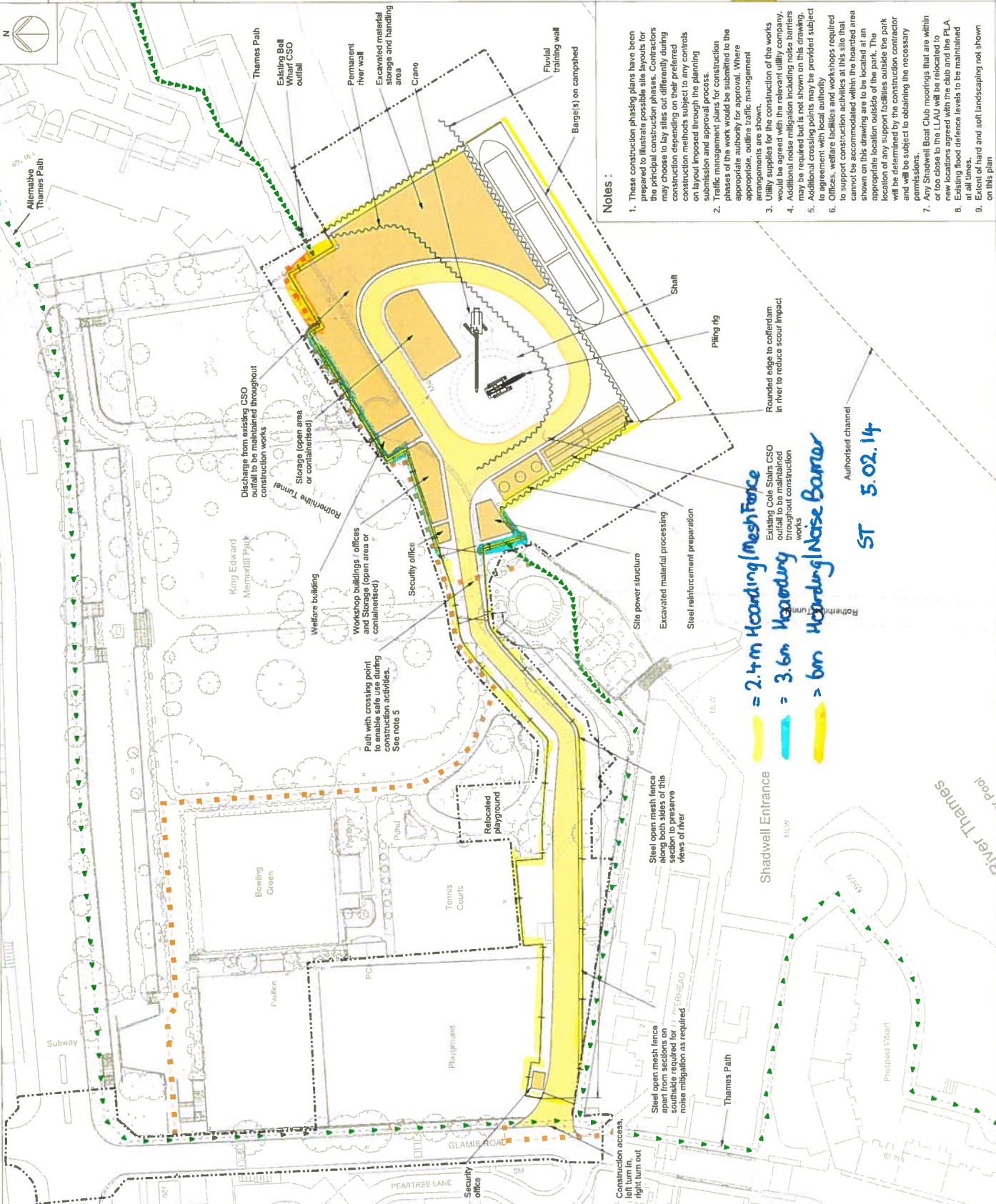
- Key:**
- Limits of land to be acquired or used (LLAU)
  - Hoarding
  - Maximum extent of working area
  - Existing permissive right of way
  - Existing public right of way
  - Route of temporary diversion of right of way
  - Site access
  - Access / haul route
  - Existing sewers
  - Sheet piles

Scale 1:500 at A1  
1:1000 if reproduced at A3

**ILLUSTRATIVE**

**Location**  
**King Edward Memorial Park Foreshore**  
London Borough of Tower Hamlets

**Document Information**  
**Application for Development Consent**  
Construction phases - phase 2  
Shaft construction  
Book of plans - section 25  
DCO-PP-24X-KEMPF-250016  
January 2013



**Notes:**

1. These construction phasing plans have been prepared to illustrate possible site layouts for the principal construction phases. Contractors may choose to lay sites out differently during construction depending on their preferred methods subject to any controls on layout imposed through the planning submission and approval process.
2. Traffic management plans for construction phases of the work would be submitted to the appropriate authority for approval. Where appropriate, outline traffic management arrangements are shown.
3. Utility supplies for the construction of the works are shown, including those of the relevant utility company.
4. Additional noise mitigation including noise barriers may be required but is not shown on this drawing.
5. Additional crossing points may be provided subject to agreement with local authority.
6. Offices, welfare facilities and workshops required to support construction activities at this site that cannot be accommodated within the hoarded area shown on this drawing are to be located at an appropriate location outside of the park. The location of any support facilities outside the park will be determined by the construction contractor and will be subject to obtaining the necessary approvals.
7. Any Shadwell Boat Club moorings that are within or too close to the LLAU will be relocated to new locations agreed with the club and the PLA at all times.
8. Existing flood defence levels to be maintained at all times.
9. Extent of hard and soft landscaping not shown on this plan

**Handwritten notes:**

- 2.4m Hoarding/Mesh Fence
- 3.6m Hoarding
- 6m Hoarding/Noise Barrier
- ST 5.02.14