



**ST JAMES GROUP LIMITED**

**SUMMARY OF CASE PUT FORWARD AT THE NOISE AND VIBRATION  
ISSUE-SPECIFIC HEARING**

**AND**

**COMMENTS ON THE REVISED DCO AND COCP (3 FEB 2014)**

**12 February 2014**

**Unique ref no. LR16386**

## 1. SUMMARY OF CASE PUT FORWARD BY ST JAMES AT THE NOISE AND VIBRATION ISSUE-SPECIFIC HEARING ON 4 AND 5 FEBRUARY 2014

- 1.1 The key points made by St James in its oral submissions were:
- 1.1.1 The proposals set out by the Applicant in the *Non-Statutory Offsite Mitigation and Compensation Policy* and the *Sample Trigger Action Plan* will not adequately mitigate the significant noise impacts that will occur at Riverlight.
  - 1.1.2 The Applicant acknowledges that it is not feasible to provide additional noise insulation at Riverlight, and therefore the only mitigation proposed where noise exceeds the levels set out in the *Trigger Action Plan* would be temporary rehousing. This is not acceptable to St James. Furthermore, as rehousing is a voluntary measure it cannot be relied upon by the Applicant as an effective means of mitigation.
  - 1.1.3 The Applicant is seeking to rely on the designed acoustic performance of the Riverlight facades. During questioning by the panel, the Applicant confirmed that it had not carried out its own measurements of the performance of the facade of a completed unit at Riverlight and neither has it approached St James with a request for access to carry out such a measurement.
  - 1.1.4 The only way to ensure that construction noise is mitigated to acceptable levels at Riverlight is by means of a DCO requirement which sets appropriate maximum noise levels in dB  $L_{Aeq, 1hr}$  format and dB  $L_{AFmax}$  figures for night time noise. There is a clear precedent for imposing noise limits in this form via a DCO requirement (see The Hinkley Point C (Nuclear Generating Station) Order 2013).
  - 1.1.5 It is not acceptable for the Applicant to defer the detail of noise mitigation and monitoring measures until section 61 applications are submitted. Adequate assurance must be provided at the DCO application stage that significant adverse noise impacts will be properly mitigated.
  - 1.1.6 St James has been frustrated by the delays in seeking to settle these issues with the Applicant. Draft heads of terms for an agreement were provided by St James to the Applicant on 9 December 2013. Despite committing to respond later that month, the Applicant did not revert to St James until 23 January 2014.

## 2. COMMENTS ON THE DRAFT DCO (REVISED 3 FEB 2014)

- 2.1 For the reasons previously provided, St James considers the only way to ensure construction noise is mitigated to acceptable levels at Riverlight is by means of a DCO requirement which imposes noise limits at the Kirtling Street and Heathwall Pumping Station sites.
- 2.2 The following wording would be appropriate for a Kirtling Street site-specific requirement:

### **Construction noise**

*(1) As determined at the façade of the Riverlight development, the level of noise emitted from the site during the construction of Works Nos. 13a and 13b, must not exceed the following levels:*

<b>Period</b>	<b>Level</b>
<i>Day</i> (07:00 – 19:00)	75 dB $L_{Aeq, 12\ hrs}$
<i>Evening</i> (19:00 – 23:00)	75 dB $L_{Aeq, 1hr}$
<i>Night</i> (23:00 - 07:00)	70 dB $L_{Aeq, 1hr}$
	83 dB $L_{AFmax}$

(2) *The noise level restriction referred to in paragraph (1) shall apply except for specific, short duration construction or demolition activities during which an increased noise threshold of 80 dB LAeq, 1hour shall apply. A scheme for notifying Riverlight residents shall be submitted to and approved by St James before the increased noise threshold is applied. Notice of the application and duration of the increased threshold shall be given to St James and to Riverlight residents, in accordance with the approved scheme, at least 48 hours before the increased threshold is applied. The number and duration of occasions on which the increased noise threshold is applied shall be limited to those approved by St James.*

(3) *Monitoring of the noise levels during construction of the development shall be carried out pursuant to the details approved pursuant to requirement KRTST\*\*. (see below)*

2.3 An equivalent provision should be added as a site-specific requirement for Heathwall Pumping Station with the references to Works Nos 13a and 13b substituted by references to Works Nos. 14a, 14b and 14c.

2.4 To ensure the effectiveness of these noise limits, a further requirement should be added for both sites which requires a noise monitoring scheme to be submitted to and approved by St James prior to the commencement of construction work. Currently, the CoCP Part A defers the matter of noise monitoring until the post-consent stage of s. 61 applications:

*the need for noise and vibration monitoring and potential monitoring locations will be identified in Section 61 consent applications and will be the subject of discussion between the contractor, the employer and the local authority prior to submission of such applications. (CoCP Part A, para. 6.6.1)*

2.5 This is inadequate. If noise limits are imposed via a DCO requirement as requested above, it is essential that an adequate monitoring is implemented to ensure compliance with those levels.

2.6 St James proposes the following wording:

**Noise monitoring**

*No development shall commence at Work Nos. 13a and 13b until a noise monitoring scheme for that work has been submitted to and approved by St James. The noise monitoring scheme shall set out details of—*

*(a) noise monitoring to establish the effectiveness of the noise management measures;*

*(b) frequency and format of reporting monitoring information to St James; and*

*(c) contingency measures that would be implemented where monitoring identifies the exceedance of the noise emission levels set out in KRTST\*.*

*2) The noise monitoring scheme referred to in paragraph (1) shall be implemented for the duration of the construction of Works No 13a and 13b.*

- 2.7 Equivalent wording should be used for the site-specific requirement at Heathwall Pumping Station in relation to Works Nos. 14a, 14b and 14c.
- 2.8 These DCO requirements should be linked to appropriate measures in the CoCP which set out the onsite procedure to be followed where the noise monitoring shows levels approaching the noise limits. St James provided indicative wording in Appendix 9 of its written representations (STJMS02).

### 3. **COMMENTS ON THE DRAFT CODE OF CONSTRUCTION PRACTICE (REVISED 3 FEB 2014)**

#### **CoCP Part B for Kirtling Street.**

##### Section 4 (site operation)

- 3.1 A sentence should be added to end of the 'site layout' section to clarify that, where site offices and welfare facilities are positioned along the eastern boundary of the construction site, these are not restricted to the 3.6m height of the hoarding at this location, and may exceed this height to assist screening.
- 3.2 The following wording should be added to the 'site security/hoarding requirements':

*The hoarding on the boundary with the Riverlight development must have an airborne sound insulation performance to meet Category B2 as set out in Table A.1 of Annex A to BS EN 1793-2:1997.*

##### Section 5 (public access, highway and river transport)

- 3.3 Whilst the additional measures added to the CoCP are an improvement on the original proposals, they are not the most effective way to mitigate the significant conflicts between construction traffic and residential traffic, cyclists and pedestrians that will occur at this site. The most effective solution remains the alternative route which St James put forward in its written representations (STJMS02).
- 3.4 The current wording of the 'site access and gates' section of the CoCP precludes this alternative option by specifying that "*exit shall be via Kirtling Street, left turn onto Cringle Street and left turn on to Nine Elms Lane*".
- 3.5 At the issue-specific hearing on 24 January, the Applicant stated it would continue to explore the alternative route proposed by St James. Accordingly, until the Applicant has given further consideration to this option, the CoCP should be revised to provide the flexibility for exit to be via Kirtling Street and the signal-controlled junction with Battersea Park Road.

##### Section 6 (noise and vibration)

- 3.6 As noted above, wording should be added to set out the onsite procedure to be followed where noise monitoring shows levels approaching the noise limits set out in the DCO requirement. St James provided indicative wording in Appendix 9 of its written representations (STJMS02).
- 3.7 The following additional control measure should be added: "Ventilation fans must be silenced using duct attenuation and sound insulation casings."

- 3.8 Section 6 currently states that the control measures may be modified or added to in section 61 applications. This wording should be amended to make clear that no modifications are permitted that would reduce the level of control over noise.

**CoCP Part B for Heathwall Pumping Station.**

Section 6 (noise and vibration)

- 3.9 As noted above, wording should be added to set out the onsite procedure to be followed where the noise monitoring shows levels approaching the noise limits set out in the DCO requirement. St James provided indicative wording in Appendix 9 of its written representations (STJMS02).
- 3.10 The following additional control measure should be added:
- 3.10.1 All static plant shall be screened or enclosed.
  - 3.10.2 Ventilation fans should be silenced using duct attenuation and sound insulation casings.
  - 3.10.3 Movement of vehicles onsite outside standard hours shall be minimised.
  - 3.10.4 Plant shall be electrically powered where practicable; the contractor may use alternative means in agreement with the local authority.
- 3.11 Section 6 currently states that the control measures may be modified or added to in section 61 applications. This wording should be amended to make clear that no modifications are permitted that would reduce the level of control over noise.

**4. COMMENTS ON DESIGN PRINCIPLES (REVISED 3 FEB 2014)**

- 4.1 Overall, the reviewed design principles relating to Kirtling Street and Heathwall Pumping Station are satisfactory from St James' perspective.
- 4.2 However, there appears to be contradiction between paragraph 4.11.2 which states that there is an assumption that interim surfacing will be provided, and Design Principle KRTST.06 which says any reinstatement will be consistent with Riverlight. This contradiction should be rectified by amending paragraph 4.11.2 to be consistent with KRTST.06.