

## **THAMESLINK 2000 INQUIRY**

### **Request in Relation to the Environmental Statement**

#### **Introduction**

1. On 2 November 2005 Guy's and St Thomas's NHS Foundation Trust, King's College London and the South London and Maudsley NHS Trust (The Institutions) opened their case objecting to the Thameslink 2000 proposals. Opening submissions questioned the adequacy of the Environmental Statement for the project in relation to the Institutions' campus, which lies on the opposite side of St Thomas's Street to London Bridge Station in the London Borough of Southwark. A Network Rail witness also gave rebuttal evidence and was cross-examined in the morning session. After lunch on 2 November the Inquiry was adjourned, at the request of the parties, and on 8 November 2005 the objection was withdrawn with no further evidence or submissions having been given or made.
2. Network Rail asked that the question of whether further environmental information ought to be requested under Regulation 19 of the EIA Regulations be considered before the end of the Inquiry under cover of a letter dated 11 November 2005<sup>1</sup>. This was received by the Inspector on 15 November 2005 and, on the same date, the Institutions and the London Borough of Southwark were invited to make comments on the request by 17:00 on 22 November<sup>2</sup>. The Institutions confirmed that their objection had been withdrawn on the basis of an Undertaking given by Network Rail that would protect their position. No response was received from the London Borough of Southwark.

#### **Background**

3. Applications for works at London Bridge Station, known as Masterplan, were considered by the London Borough of Southwark. The applications were accompanied by an Environmental Statement. On 13 December 2000 the Council resolved to grant planning permission subject to a Section 106 Agreement<sup>3</sup>. Planning permission was granted on 30 September 2003 and the Section 106 Agreement made provisions relating to the Institutions<sup>4</sup>. Masterplan was subsequently incorporated into the Thameslink 2000 scheme replacing earlier proposals for works at London Bridge.
4. In January 2003, the Secretary of State indicated that he wished to see an amended, expanded and updated Environmental Statement covering the whole Thameslink 2000 scheme and the

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<sup>1</sup> NR/50

<sup>2</sup> ID/6

<sup>3</sup> CD/258

<sup>4</sup> CD/198A. CD/181

subsequent Statement of Matters requested that the adequacy of the revised and updated Environmental Statement be considered<sup>5</sup>. A revised and updated Environmental Statement was issued dated June 2004 (ES2004) and an Addendum, dated July 2005, provides additional environmental information and addresses, amongst other things, matters raised by the Secretaries of State and other key stakeholders (ES Addendum 2005)<sup>6</sup>.

### **Network Rail's Request<sup>7</sup>**

5. Although the Institutions have withdrawn their objection, Network Rail seeks consideration of whether further environmental information should be requested in accordance with the provisions of Regulation 19 of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999<sup>8</sup>. It considers the question to be addressed is whether there is any defect in ES2004 such that it is not an environmental statement within the definition contained in the Regulations. Network Rail considers that there is no such defect.
6. Part 1 to Schedule 4 of the Regulations sets out information to be included in Environmental Statements. Criticism at the Inquiry was only made in respect of matters 4 and 5, descriptions of the likely significant effects and mitigation measures, and only in relation to Sections 9.7 Air Quality, 9.8 Noise and Vibration and 9.10 Transport and Access of ES2004 dealing with London Bridge.
7. Paragraph 9.7.2 of ES2004 identifies dust impacts, impacts from Aspergillus spores that have implications for some patients at the hospital who would be sensitive receptors, and mitigation comprising specific procedures in the context of ongoing liaison with the Institutions. Cumulative construction effects are also addressed at paragraphs 5.2.6-7 of ES Addendum 2005. The ESs for both Thameslink 2000 and the London Bridge Tower development set out the need to implement measures to provide adequate protection from dust impacts at the Institutions and the opportunity to co-ordinate specific activities would ensure that the risk of effects would be low. Network Rail considers that ES2004 and ES Addendum 2005 are not, therefore, deficient in respect of Air Quality in relation to the Institutions.
8. Paragraph 9.8.7 of ES2004 indicates that parts of the hospital are likely to experience significant temporary construction noise effects at night for up to 120 weeks and over the weekend for up to 26 weekends. It assumes the use at night of the affected parts of the hospital, and notes that further evaluation of specific

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<sup>5</sup> CD/176

<sup>6</sup> CD/164-169, CD/202

<sup>7</sup> NR/50

<sup>8</sup> NR/50 Annex A

use and building fabric are necessary to refine the assumption. Mitigation is set out in Section 13 of ES2004. It is submitted that no deficiency arises by virtue of identifying the appropriateness of further work. Further work has been undertaken and demonstrates that a significant noise effect is unlikely to occur at the Institutions<sup>9</sup>. The fact that ES2004 took an overly pessimistic view does not affect its adequacy. Paragraph 9.8.12 of ES2004 explains that there is a potential increase in permanent operational PA noise from the station at the façade of the hospital. Mitigation is set out in paragraph 13.9.23 and no significant effect is predicted.

9. ES2004 predicts no effect from temporary construction vibration. Although the Noise and Vibration Specialist Report recognized that further investigation was warranted, as there could be sensitive equipment in the hospital, this was not carried through into ES2004. This omission is not considered a deficiency that should lead to the conclusion that ES2004 is not an environmental statement. However, if the opposite view is taken the deficiency can be readily addressed. Further work, submitted to the Inquiry, has demonstrated that there will be no significant effect in respect of electron microscopes in the hospital and any potential significant effects in respect of the Gait laboratory could readily be mitigated<sup>10</sup>. Cumulative effects are assessed in paragraphs 5.2.3-5 of ES Addendum 2005. The assessment is pessimistic but, in Network Rail's view, that does not invalidate ES Addendum 2005.
10. Section 9.10 of ES2004 refers to temporary construction effects and to the Masterplan Section 106 Agreement. Although no specific transport and access effects are identified in respect of the Institutions, the parts of the local road network that would be affected are identified. Mitigation measures in respect of transport and access are set out in Section 9.10. The cumulative effects of construction traffic are set out in paragraphs 5.2.11-14 of ES Addendum 2005.
11. Network Rail considers that only in relation to vibration effects might further information be requested and that it might be opportune for the environmental statement to refer to the Undertaking that addresses the concerns of the Institutions.

### **Opinion**

12. ES2004 and ES Addendum 2005 address all seven items set out in Part 1 to Schedule 4 of the Regulations. In general terms, a mitigation strategy is set out in Section 3.6 of ES2004, which explains that a Planning and Environmental Management Strategy (PEMS) is central to the environmental management regime for the project, and mitigation and residual effects are

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<sup>9</sup> NR/8/C

<sup>10</sup> NR/8/D Paras 4.1-11

addressed in Section 13. A copy of PEMS was appended to the scoping and methodology report and the latest version is an Inquiry document<sup>11</sup>. The Undertaking that led to the withdrawal of the Institutions' objection incorporates practical provisions already committed to by virtue of PEMS and the Section 106 Agreement in respect of Masterplan, both of which were in place when ES2004 was prepared.

13. I note that the ES2004 was submitted to the Institute of Environmental Management and Assessment for an independent audit. This produced an 'A' rating indicating that no tasks were left incomplete<sup>12</sup>. Whilst I do not consider that this audit confers any special status or weight to the Environmental Statement, it is a useful indication that the content and quality is in line with general practice in this field.
14. Turning to the specific defects alleged in the withdrawn objection, Air Quality at London Bridge is addressed in Section 9.7 of ES2004. Guy's Hospital is mentioned as is the specific risk of Aspergillus spores to immuno-suppressed patients during demolition, a particular concern in the objection. Reference is made to specific procedures in line with the Health Facilities Management Association reference book and to ongoing liaison throughout construction to optimize the effectiveness of the mitigation. In my view, the information provided on this topic for this location is adequate.
15. Noise and vibration is addressed in Section 9.8 of ES2004. In terms of temporary construction noise, significant noise events are identified as likely to affect parts of Guy's Hospital and further evaluation is noted as being required to refine the assumption. Further work has been carried out and submitted to the Inquiry which indicates that the noise levels are predicted to be below the recommended intrusive noise criteria set out in Health Technical Memorandum 2045. Whilst an increase in permanent operational noise due to the PA at the station is set out, mitigation is identified and no significant effect is predicted. I do not consider that taking a pessimistic view would have a detrimental impact on the adequacy of the ES and conclude that no further information, over and above that already submitted to the Inquiry, is necessary in respect of noise at London Bridge.
16. Considering vibration, I do not consider that the failure to carry forward the need for further work, identified in the Specialist Report that underpinned the ES, makes the ES inadequate. Again, additional work has been carried out and submitted to the Inquiry which indicates that vibration levels are unlikely to exceed the requirements of the pre-installation manuals for the microscopes at the hospital. The Gait laboratory has an existing vibration problem but mitigation in the form of remounting the

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<sup>11</sup> CD/265A

<sup>12</sup> Mr Southwood I/C Day 15

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cameras in the laboratory using a rigid fixing system, and modifying the windows, has been identified. I do not consider that further information needs to be requested in relation to vibration.

17. In terms of transport and access, ES2004 highlights temporary and permanent effects on all forms of transport and access in Section 9.10 and refers to measures in the Masterplan Section 106 Agreement. I consider that no further information is necessary in relation to transport and access at London Bridge.
18. I do not consider that there are any defects in ES2004 such that it is not an environmental statement as defined in the Regulations. I conclude that no further information needs to be requested under Regulation 19.

A handwritten signature in black ink that reads "K.D. Barton". The signature is written in a cursive style with a large, looped 'B'.

K D Barton  
Inspector