

TRANSPORT AND WORKS ACT 1992
TRANSPORT AND WORKS (INQUIRIES PROCEDURE) RULES 2004
LONDON UNDERGROUND VICTORIA STATION UPGRADE ORDER

VICTORIA INTERCHANGE GROUP LIMITED

PROOF OF EVIDENCE OF BRIAN W. MILLER
NOISE AND DUST

DOCUMENT REFERENCE OB/12.P6

3 October 2008

1. Introduction

- 1.1 My name is Brian Miller. I am a Chartered Engineer and a Fellow of the Institution of Civil Engineers. For the past forty five years. I have been involved in the design and construction of building and heavy civil engineering projects spread across all five continents. During this time, I have seen and been part of, the change in attitude of developers, designers and contractors from an essentially cavalier view of the damage to the environment caused by their projects, to the present enlightened recognition of their duty to be “good citizens”.
- 1.2 Unfortunately almost none of this enlightenment has come from within the industry but rather from the demands of planning authorities and legislation.
- 1.3 I was as resident of Warwick Square over 50 years ago when the first major post war redevelopment of the Victoria Street area took place and therefore suffered from the dislocation and nuisance directly related to this work.
- 1.4 Since 1998, I have been a resident of Morpeth Mansions in Morpeth Terrace, located approximately 200 metres from Victoria Station. During the last ten years, I along with all the residents of the area have been exposed to numerous development and redevelopment projects and in almost all cases, construction has caused significant disruption and discomfort.

2. Overview

- 2.1 First and foremost, it must be recognised that this is not a short term construction project producing only short term problems. The VSU itself is a 71/2 year project and is the first of four projects all overlapping which will, if not carefully controlled, have a serious effect on life quality over perhaps the next twenty years.
- 2.2 The area potentially affected by noise and dust caused by the construction of VSU includes the Westminster Cathedral Conservation Area. This area contains many mansion blocks considered to be “Unlisted Buildings of Merit” where the “townscape is of a very high quality” (Conservation Audit Sep 2008 OB12/P1.A4). By their leases, residents are required to maintain these building in a high decorative state and at very considerable cost. In Morpeth Mansions alone, the contract in 2008, for repairing and redecorating the façade exceeds £500,000; other mansion blocks face similar or greater costs.
- 2.3 Although the contractors will be directly responsible for the activities that actually produce both noise and dust, many of the underlying causes of noise and dust are “cast in concrete” at concept and design stage and we are convinced that the developer controlling as he does all aspects from conception through design and construction to operation, must bear the ultimate responsibility for any nuisances caused by project implementation. We believe that this responsibility and how it is addressed should be a condition in any planning approval.
- 2.4 VIG has been in ongoing discussions with LUL in an endeavour to agree a robust programme for the mitigation of nuisance resulting from the noise and dust arising from all the construction activities associated with the

- project. Unfortunately, we have seen little evidence that LUL are committed to setting up such a programme. In fact as these discussions have progressed, there seems to have been reduction in resolve on the part of LUL to address any of the concerns of the residents affected by the project.
- 2.5 At the meeting between LUL and VIG on 28 May 2008 (OB12/P1A.3.4), LUL explained that “a separate monitoring contractor would be engaged for the main works”. This in itself is less than satisfactory because it specifically omits the greatest dust producing activity – demolition. In a post meeting note, LUL removed themselves entirely from the direct line of responsibility by stating that “the main contractor will be responsible for noise and dust monitoring”.
- 2.6 We believe therefore that LUL should commit themselves to providing coherent project specific policies that cover design, technology, working conditions, monitoring and mitigation of the impact of the VSU on the project area.
- 2.7 It is important that problems arising from both noise and dust are identified at planning stage so that any mitigating measures can be in place prior to the commencement of work.
- 2.8 Other than in exceptional circumstances, being reactive to complaints would not be acceptable.

3. Noise

- 3.1 We appreciate that an immense amount of study has already taken place to analyse the effects of noise and particularly construction noise, on the area around the VSU sites.
- 3.2 Given that an increase in noise level of 3dB represents a doubling of the noise level and that any increase in what is an already noisy environment would be sensitive to local residents, we would ask that the threshold levels permitted for this project should equate to best practice in 2008 for an urban environment that is not only residential but also the daytime “home” of many thousand office workers as well as a focal point for tourists.
- 3.3 We would request that as a condition of approval, there should be a commitment to produce a clear contractual document. This document would:
- Clearly identify the noise regime and limiting noise thresholds, including those areas where pre- contract work is required.
 - Set out a real time monitoring programme that would enable the desk top study results to be validated. Where this monitoring indicated that different or additional measures were needed, these could be implemented in a timely manner. This monitoring would also provide immediate evidence that acceptable noise thresholds were being exceeded.
 - Commit to a response mechanism where noise levels exceeded agreed thresholds, that was automatic and immediate.
 - Demand the use of the best technology to eliminate and acoustically shield local noise producing operations.

4. Dust

- 4.1 The effects of noise are readily identified and understood. Unless extremely loud, “damage” from noise is ended when the noise ceases. Dust is much less easy to identify, monitor and control but because it is less easy to identify, receives less attention. Nevertheless, the damage and disruption to normal life from dust is longer lasting and every bit as devastating as noise. Dust and not noise is one of the harrowing memories from the redevelopment of Cardinal Place.
- 4.2 At the meeting between LUL and the various residents and resident groups in May 2008, LUL and their consultants showed evidence of the studies they had carried out concerning dust and its possible effects on the different receptors surrounding the construction sites. These studies were to form the basis of the dust control mechanisms for this project. These studies were of particular relevance because according to LUL’s consultants, they show that there will be no appreciable ill health effects on the very old or very young, both of whom are represented in the population of the area.
- 4.3 In the latest document that has been made available to us and which supersedes previous documents, LUL have produced a proposed code for dust control which is in essence simply a précis of the GLA’s The Control of Dust and Emissions from Construction and Demolition, Best Practice Guide (VSU.C33).
- 4.4 We are happy if the GLA’s Best Practice forms the basis of the dust control regime but are convinced that this is only an outline and what is required for approving the Order should be a regime which is more detailed, demanding and clearly site specific. This would involve:

- A programme of prior monitoring of dust over the whole project site and surrounding area to establish firstly the baseline levels of dust with sufficient monitors in place to establish a contour map of airborne dust.
- During the construction phase, continuous monitoring should be carried out enabling revised plots to be produced showing increase in dust pollution caused by construction activities. In addition to confirm the effectiveness of any mitigating actions taken at the construction sites, these would confirm LUL's assessment that the project poses no risk to the aged or the very young.
- Real time monitoring during periods of maximum emissions and any unusual site activity likely to cause increased levels of dust nuisance.
- We believe that solely monitoring in the direction of the prevailing wind is unacceptable in the project area renowned for its variable wind patterns.
- Although there are several distinct "sites," we believe that for the purposes of controlling dust, all sites should be considered as one single "site" for monitoring and control purposes.

4.5 In their submission, LUL set out steps to be taken to rectify dust emissions but we believe they should include a commitment to cleaning up areas on a regular basis where for whatever reason dust has escaped from the site and caused damage or nuisance to receptors. This commitment should form part of the approval process and should not be open to discussion and negotiation in any consultative body.

4.6 Given that LUL's practical plans for noise and dust are still unclear to us, - and that important material reached us only on 24 September, - we are not in a position to present more precise objections, we hope to present more specific comments on noise and dust regimes at the Inquiry itself.