

**Application for Planning Permission**[click here for case file](#)

Reference	PA/22/01749
Site	Blackwall Way Yard Jetty, Blackwall Way, London
Ward	Blackwall and Cubitt Town
Proposal	Minor Material Amendments to Planning permission Ref: PA/21/00288, Dated 14/07/2022: Amendment(s) sought: Amendment to the wording of Condition 22 – Operational Requirements. This application is accompanied by an Environmental Statement.
Summary Recommendation	Grant application for a minor material amendment.
Applicant	Hadley Blackwall Yard Property Limited
Agent	Avison Young
Case Officer	Aleksandra Milentijevic
Key dates	- Application registered as valid on 12/10/2022 - Further amendments received on 05/06/2024 and 26/06/2024 - Public re-consultation finished on 24/07/2024

EXECUTIVE SUMMARY

The proposed amendments considered under this application relate to Condition 22 of Planning Permission PA/21/00288 which sets out the operational requirements for the consented Riverboat Jetty Station at the Blackwall Yard site.

The amendment seeks to change the wording of the condition which was included to manage the impact on the air quality and noise of the area. The application is supported by updated assessments to justify the proposed amendments.

Following the detailed review of the submitted information, it is considered that the amended wording of Condition 22 is acceptable, and it would not result in an unacceptable impact on air quality, noise and general amenity of the area, as well as neighbouring residential properties.

On this basis, Officers recommend the approval of the amended wording of Condition 22 of the Planning Permission PA/21/00288.



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- Planning Application Site Boundary
- Other Planning Applications
- Consultation Area
- ↑ Land Parcel Address Point
- Locally Listed Buildings
- Statutory Listed Buildings

Planning Application Site Map PA/21/00288

This site map displays the Planning Application Site Boundary and the extent of the area within which neighbouring occupiers / owners were consulted as part of the Planning Application Process



**London Borough
of Tower Hamlets**

Scale : 50m grid squares

Date: 01 October 2024

1. SITE AND SURROUNDINGS

- 1.1 The application site is a piece of waterbody which follows the shape of the proposed jetty structure, situated within the River Thames connecting to the land at Blackwall Yard site, which is bounded by the Virginia Quay residential development to the east, Telehouse data centre to the west and Aspen Way to the north.
- 1.2 The application site forms part of the River Thames and tidal tributaries Site of Important of Nature Conservation (SINC) and also sits within the Blackwall Archaeological Priority Area. The graving dock at Blackwall Yard is a grade II listed structure.
- 1.3 The area of the north and north-west of the application site represents an area of particularly poor air quality conditions.

2. PROPOSAL

- 2.1 The proposals considered under this application relate to the amendment to the wording of Condition 22 to the consented riverboat station for passenger transport and associated jetty structure. The original consent provided a riverboat station at the application site to facilitate the stopping of Uber Boat by Thames Clippers service (previously known as Thames Clippers), which would connect the site and the surrounding area to other Thameside areas and stations across London.
- 2.2 The proposed amendment relates to the changes to Condition 22 which stipulates the operational requirements of the consented riverboat station. Condition 22 reads as approved read as follows:

The development hereby approved shall comply with the following operational requirements, in accordance with the Environmental Statement:

- a. *Operating hours shall be limited to the existing weekday peak RB1 route (7am to 9:30am, 6:00pm to 9:00pm) and the weekend RB1/5 route (8.30am to 10pm).*
- b. *There shall be no more than 5 clipper movements per hour to the jetty, based on current clipper timetable.*
- c. *All vessels should have an engine capacity of 1300kW and Tier III NOx emissions (2g/kWh) or better.*

Reason: To manage the impact on the natural environment and amenity of the surrounding area in line with policy S.ES1 and D.DH8 of the Tower Hamlets Local Plan 2031.

- 2.3 The proposed amendment would result in the following changes to condition 22:

The development hereby approved shall comply with the following maximum operational requirements:

- a. *Average Engine Emissions at Full Power: 8,317 g/hr.*
- b. *Vessel annual average daily traffic (AADT) flow of 212, allowing for passenger service boat, excluding private boat hire, movements to and from the jetty to account for 106 unique stops at the jetty.*
- c. *Maximum hourly boat movements of up to 6 per hour between 23:00 and 06:00 not exceeding SEL/LAE 73 dB per movement, as measured during the boats departure at a distance of approximately 70m from the pier.*

The Applicant shall ensure that full monitoring data in relation to the above operational requirements is kept for the lifetime of the development and shall provide such details to the Council upon request.

Reason: To manage the impact on the natural environment and amenity of the surrounding area in line with policies S.ES1, D.ES2, D.ES9 and D.DH8 of the Tower Hamlets Local Plan 2031.

- 2.4 It should be noted that the proposed amendments initially included the removal of Condition 22, which has been amended during the application process, following extensive discussions with Officers. The current proposals consider the latest amendments to the wording of Condition 22, as outlined above. The underlined sections of the amended wording of Condition 22 relate to further negotiations with the Applicant, following the submission of the final set of documents by the Applicant.

3. RELEVANT PLANNING HISTORY

- 3.1 The proposed minor material amendments relate to the following application related to the site:

PA/21/00288 – Full planning permission granted on 14/07/2022.

Riverboat station, jetty and associated works at Blackwall Yard.

- 3.2 The wider Blackwall Yard site has the following planning history:

PA/20/02509 – Full planning permission granted on 06/04/2022.

Phased redevelopment of the site and construction of 5 buildings (with maximum heights of between 9 and 39 storeys) comprising residential dwellings of mixed tenure, primary school & nursery, commercial, business & service floorspace, communal floorspace, public house, realignment of & environmental improvements to Blackwall Way, associated car & cycle parking, landscaping & public realm works (including alterations to the existing graving dock), installation of plant and associated works. External repairs and alterations to Grade II listed graving dock.

PA/20/02510 – Listed building consent granted on 06/04/2022.

Listed works associated with the mixed-use redevelopment of the site.

PA/24/01230 – Section 73 application currently under consideration.

Variation of Condition 2 (approved plans) of Planning Permission Ref: PA/20/2509 dated 06/04/2022 for minor material amendments including amendments to façade design of Plots 1 and 2, reduction of floor-to-floor heights and introduction of an additional storey to Buildings 1.1 and 1.2, increase of 15 additional units to Plot 1, and addition of second stair core and reconfiguration to floors within Plot 2.

4. PUBLICITY AND ENGAGEMENT

Applicant's pre-application engagement

- 4.1 The non-statutory consultation was carried out by the applicant in relation to the original planning permission for the riverboat station and the adjacent Blackwall Yard redevelopment. No engagement was carried out with the public associated with the proposed minor material amendments considered under this application.

Council's statutory consultation during this application

- 4.2 The application was initially consulted with the public by way of putting up a planning notice on the site, issuing a press notice in the local newspapers, and sending out 483 neighbour letters. The initial 30-day statutory consultation period for the application ended on 27/11/2022.
- 4.3 The applicant has been amended the proposal during course of the application given that the proposal initially sought the removal of Condition 22, and it was later revised to include amendments to the wording of the condition rather than its full removal. The first re-consultation was carried out in August 2023 for 14 days by way of sending neighbour letters and putting up a site notice. The second re-consultation for 14 days on the further amended changes to the wording of the condition, which are put forward in this report for consideration, was carried out in July 2024. The 14-day re-consultation period for the application ended on 24/07/2024.

- 4.4 A total of 288 representations were received from the local community as a result of the Council's above consultation processes during the course of the application. Out of the total representations, 197 received representations are in objection and 91 in support of the proposed amendments to Condition 22.
- 4.5 The representations in support have been received as bundles of 3, 5 and 75 signatures with the remainder submitted as individual representations. The bundled representations in support followed a template with an option to add additional comments which was sometimes left blank. Similarly, the majority of representations in objection followed a template, however, they were all submitted individually.
- 4.6 A post-code analysis of the received representations has been undertaken given that some of them are outside of LBTH. Within LBTH, the majority of objections and support letters are from E14 postcode. It has been noted that riparian residents from south of the river have sent through their objections and supports, including from South East and South West postcodes. However, it should be also noted that about a third of all representations, mainly objections, have not provided any address details.
- 4.7 Objections have been received from the following groups: Clean Air in London, River Residents Group and New Providence Wharf Leaseholders & Residents Association.
- 4.8 The following considerations were raised by the supporters:
- Access to river transportation offering affordable, accessible and sustainable transport mode to other locations across London
 - Increase in river use
 - Increase in connectivity further towards East London, reduction in journey time to Greenwich and Canary Wharf, and easier access to the O2 Arena
 - Expensive prices
 - Necessity for more travelling modes in this area and London
 - Alleviation of pressure on local transport network
 - Reopening of the inaccessible Thames Path
 - Benefit for the local community and the area
 - Heritage preservation
 - Ecological features to support the aquatic ecology.
- 4.9 The following considerations were raised by objectors, which have been categorised as follows:
- Existing issues in the area*
- Existing noise issues in the surrounding area, including from the Raddison Hotel, road traffic, DLR, and the jetty at Trinity Buoy Wharf
 - No current vessel operation in the area, and during nighttime by Uber Boats
 - Sailing of other boats in the area during night
 - Location of the Application Site in an area of conservation, historical and archaeological importance, and in close proximity to Billingsgate Market
 - Current use of hybrid ferries and electric engine mode by Uber Boats between Tower Bridge and Battersea piers and conventional engine vessels running on biofuel outside of these areas

General planning issues

- Objections to the removal of the condition
- Objection to the proposed amended wording of the condition
- Objection to introduction of vessels movements throughout the nighttime, and particularly any operation between midnight and 6am
- Creation of a precedent
- Limited environmental and noise impact of the consented development, and the benefit of the consented Condition 22
- Extent and timing of the consultation process
- Lack of engagement from the Applicant with the local community
- Request for further engagement with the local community at New Providence Wharf
- Extent of the proposed change, not considered a minor amendment
- General objection to the procedure which allows the removal of conditions
- Requirement for an independent analysis of the proposed changes
- Insufficient evidence to justify the proposed operations and non-compliance with planning policies and guidance documents
- Misleading information in the submission documents and lack of independent environmental reports
- Proposal inclusive of the cross-river ferry boat service

Comments on assessments

- Use of different figures for engine loads in the assessments
- Level of emissions during different activities such as acceleration and cruising
- Insufficient details on the baseline emissions levels
- Lack of clarity with the use of 5% 'separation factor' in the assessment
- Noise limit calculated as 70 metres from the jetty results in an impact to residents when boats are passing through westwards next to the New Providence Wharf development
- The increase of emissions to not be larger than 0.04 tonnes per year in order to be less than 1% than 2019 baseline figure

Air quality concerns

- Adverse impact on and worsening of air quality
- Diesel engine would fail to achieve air quality neutral
- Necessity of the condition to restrict air quality pollution, including compliance with IMO Tier III NOx emissions

Noise concerns

- Adverse impact on and worsening of noise pollution

Ecology concerns

- Impact on the river and ecology
- Impact on marine and terrestrial wildlife in the area, including protected species and from noise impacts
- No analysis of wash on the river wall

Amenity concerns

- Adverse impact on the amenity, health and wellbeing of local residents and businesses
- Adverse impact on the amenity and safety of the area, including increase in antisocial behaviour and light pollution

Transport concerns

- Increase in traffic, footfall and number of vessels

Other issues

- Land ownership and submission of an incorrect Ownership Certificate
- Proposed extended hours beyond the operating hours of Thames Clippers
- Proposed number of movements and comparison with the existing timetabled journeys
- Potential use by other larger boats and commercial boats such as the Ocean Diva, other party boats and Thames RIB Experience

Other matters

- An example of airport restrictions by London Borough of Newham
- Impact from other vessels on the River Thames on the air quality pollution
- Need for LBTH and stakeholders to reduce other vessels emissions
- Need to restrict movements, noise and emissions of river boat service even further in residential areas
- The Council's declaration of a climate emergency and commitment to net zero
- The Port of London's consideration of developing a River Ultra Low Emission Zone
- Potential plans to revive the old jetty next to the nature conservation area (this is understood to relate to the disused jetty along the entrance to the East India Dock Basin)
- No night operation at other piers

Proposals for alternative condition wording

- Requests to control a minimum number of dockings, hours of operation, vessel size and emission of PM2.5 and NOx, through an amended condition for a transport movement plan
- Impose noise limit during all hours of the day, not just nighttime
- Request for battery power use by hybrid vessels when vessels are passing the New Providence Wharf development, notwithstanding whether they are stopping at the jetty
- Request for revised condition wording with an absolute cap restricting the emissions to 'negligible' levels

- Requirement for electric or IMO Tier II standard or better engines, together with limits on emissions, noise and operating hours
- Proposal for alternative wording of the condition consisting the use of electric vessels, battery power within 200m, operating hours and restriction on the use of the jetty by party boats or Thames RIB Experience boats.

- 4.10 It should be noted that the proposals do not include a cross-river ferry service. The jetty application site does not include a small portion of the Thames Path, noting that the remainder of it depends on the wider Blackwall Yard redevelopment scheme. At present, there are no proposals for bringing the disused jetty at the entrance to the East India Dock Basin into use.
- 4.11 The received representations provided details of the existing issues in the area, which have been taken into consideration as relevant, such as existing levels of air pollution, noise background levels and other vessels movements in the area.
- 4.12 With regards to the land ownership, the Applicant has confirmed that the legal agreement is subject to the title which relates to the Applicant, i.e. Hadley Blackwall Yard Property Limited.
- 4.13 The issues raised with regards to the air quality, ecology and noise matters, as well as the impact on the amenity of the area are addressed in the report below given that these are considered to be material planning considerations resulting from the proposed amendment to Condition 22 given that the changes would have an impact on these matters.

5. CONSULTATION RESPONSES

- 5.1 Below is a summary of the consultation responses received from both internal and external consultees which were all taken into consideration in the assessment detailed in section 7 of this report.

External responses

Crime Prevention Design Advisor (Metropolitan Police)

- 5.2 No comments received.

Environment Agency

- 5.3 No comments received.

Historic England

- 5.4 No comments to make.

Greater London Archaeological Advisory Service

- 5.5 No comments to make. It is not considered that consulting GLAAS is necessary for this application.

Greater London Authority

- 5.6 A letter was issued stating that the amendments do not give rise to any new strategic planning issues, given the scale and nature of the proposals. The Mayor of London does not need to be consulted further on this application.

Historic Royal Palaces

- 5.7 No comments received.

London Borough of Greenwich

- 5.8 No further observations to make.

London Borough of Newham

5.9 No comments received.

Marine Management Organisation

5.10 Any works within the marine area require a licence from the Marine Management Organisation (MMO). The applicant should be directed to the MMO's online portal.

Maritime Greenwich World Heritage Co-ordinator

5.11 No comments received.

National Amenity Societies

5.12 No comments received.

Natural England

5.13 No comments received.

Port of London Authority

5.14 No objection to the removal of condition 22.

Thames Water Authority

5.15 No comments received.

The Gardens Trust

5.16 No comments received.

Transport for London

5.17 The removal of restrictions on the operating hours of river services would be welcomed, in line with London's Passenger Pier Strategy, which envisions the safe and sustainable growth of piers to make river services an integral part of London's transport network.

Internal responses

Biodiversity Officer

5.18 There would not be significant adverse ecological impacts from removal of Condition 22 as the removal of the condition will have no impact on the total number of Clipper journeys along the Thames.

Design & Conservation

5.19 No comments received.

Environmental Impact Assessment (EIA) Officer

5.20 The Environmental Statement (ES) is considered to be adequate. The amended condition should be secured as recommended in the ES Review Report.

Environmental Health

5.21 *Air quality* – The conclusions of the Council's external consultants Temple on the air quality assessment is agreed.

5.22 *Contaminated land* – No adverse comments.

5.23 *Noise* – Noise survey and assessment was carried out at an existing jetty to determine likely levels at the proposed Blackwall Yard jetty. Based on the carried-out assessment, it is not considered necessary or appropriate to limit the number of boat movements. Therefore, there is no objection to the removal of condition 22.

Suds officer

5.24 No comments received.

Transportation & Highways Officer

5.25 No comments received.

6. RELEVANT PLANNING POLICIES AND DOCUMENTS

6.1 Legislation requires that decisions on planning applications must be taken in accordance with the Development Plan unless there are material considerations that indicate otherwise.

6.2 In this case the Development Plan comprises:

- The London Plan 2021
- Tower Hamlets Local Plan 2031

6.3 The key development plan policies relevant to the proposed minor material amendments are:

Amenity (noise)

- Local Plan policies: D.DH8

Environment (air quality, biodiversity, contaminated land, flooding, noise)

- London Plan policies: G5, G6, SI1, SI5, SI12,
- Local Plan policies: S.ES1, D.ES2, D.ES3, D.ES4, D.ES8, D.ES9

6.4 Other policy and guidance documents relevant to the proposal are:

- National Planning Policy Framework (2023)
- National Planning Practice Guidance (updated 2024)

7. PLANNING ASSESSMENT

7.1 Section 73 of the Town and Country Planning Act 1990 (as amended) makes provisions to vary or remove conditions associated with a planning permission. In this regard the proposal is to vary a condition which has a material consideration to the consented proposal.

7.2 Under section 73 of the aforementioned Act, upon receipt of such an application, the local planning authority shall consider the conditions subject to which planning permission should be granted. As such, in the assessment and determination of any planning application for minor material amendments, Officers are not required to revisit the principle of the development and must only consider the potential impact of the proposed changes.

7.3 There is no statutory definition on what constitutes a minor material amendment and the degree of change permissible to condition under a Section 73 application. This is a matter of judgement for the local planning authority, based on the context of each case. However, it should be noted that any amendment should not result in a materially different development from the one that has been approved under the original permission.

7.4 The effect of a grant of planning permission under Section 73 results in a new, independent permission to carry out the same development as previously permitted subject to new or amended conditions. The new permission can sit alongside the original permission, which remains intact.

Consented development

7.5 The consented development relates to the provision of the riverboat station structure which includes three distinct parts: the pontoon, brow and bankseat.

7.6 The pontoon would serve for embarking and disembarking, an interconnecting brow would be for accessing the pontoon, and the bankseat would provide two access points in the form of a

bridge connecting to the land, one directly into the Blackwall Yard development and the other to the Meridian Square and Thames Path.

- 7.7 The pontoon structure will be semi-enclosed with the enclosed elements for the waiting area reaching a height of a single storey. Other semi-enclosed space of the riverboat station includes two small, covered seating area on the bankseat.
- 7.8 The consented riverboat station would facilitate the river stop for the Uber Boat by Thames Clippers services to and from the site, connecting the area with the rest of east and west London areas. The consented riverboat station would be an additional stop in the current operations of the Thames Clippers services.

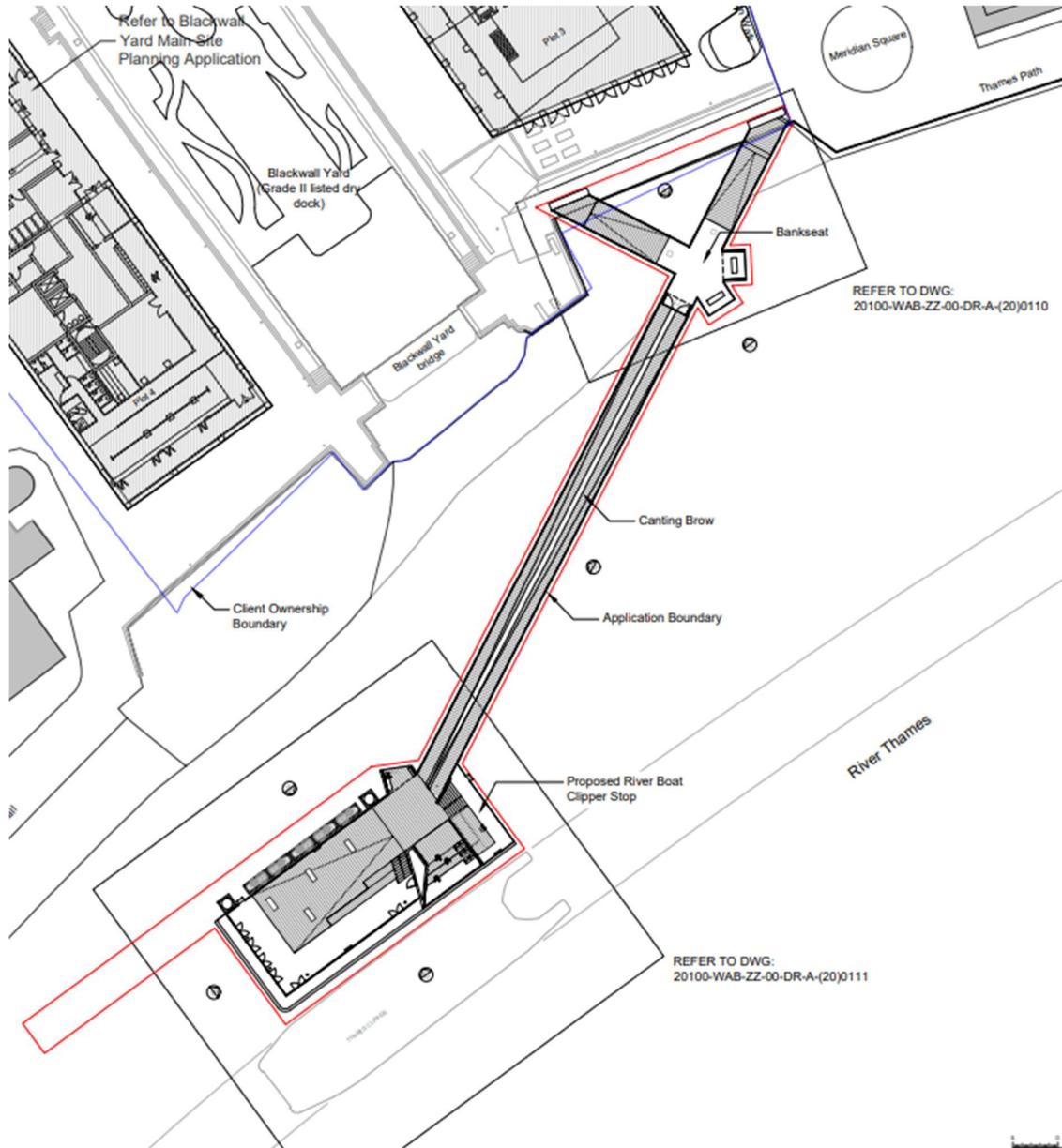


Image 1. Consented Site Plan of the riverboat station.



Image 2. Consented riverboat station structure viewed from the River Thames with Blackwall Yard development in the background.

- 7.9 The wording of Condition 22 as consented under the original permission was based on the applicant's details contained within the Environmental Statement, referencing the operation times, number/ frequency and types of vessels.

Proposed amendments

- 7.10 The Applicant's rationale for the initially proposed full removal of Condition 22 was due to the condition being onerous on the operations of the pier. This was following the Applicant's better understanding of the intended end user's operations. However, the wording of the condition imposed was based on the information provided by the applicant in the assessment as part of the original application and Officers disagree in principle with a full removal of the condition.
- 7.11 Through the application process, the Applicant has extensively engaged in discussions with Officers and Council's commissioned consultants in order to reach an acceptable position for the proposed amendments to Condition 22. This is further detailed in the sections below.

Assessment of the proposed amendments

- 7.12 The proposed amendments only relate to Condition 22 which sets out the operational requirements for the riverboat station. The main consideration of the proposed changes relates to the following matters, which have been separately addressed in the sections below:

- Air quality,
- Noise, and
- Amenity of the neighbouring properties and the area.

- 7.13 It should be noted that the impact associated with the proposed changes to the wording of Condition 22 relates to the boats moving from the middle of the River to the jetty given that the original permission for the jetty did not seek to introduce a new river boat service but to present an additional stop to the already existing service.
- 7.14 Officers remain supportive in general of the proposed riverboat station which would introduce sustainable alternative transport mode to the area, enhancing existing passenger transport piers and their capacity across London, in accordance with the Transport for London's Passenger Pier Strategy. In addition, one of the Council's climate emergency actions was the adoption of the Transport Strategy 2019-41 that sets out the vision and priorities for travel in Tower Hamlets, including investigating new locations for passenger piers and new services.

- 7.15 It has been noted that a River Ultra Low Emissions Zone (RULEZ) is being considered by the Port of London Authority (PLA), however, there are no details published on the feasibility study as yet. Nonetheless, Condition 25 of the original permission for the jetty will continue to apply, which requires the submission of a Carbon Strategy setting out the details for the future use of carbon neutral and negative vehicles. As such, it is considered that the permission allows for any strategic change to be considered directly through the permission.
- 7.16 As mentioned in section 4 of this report, some residents have raised concerns regarding the impact on the marine ecology and the river environment as a result of the proposed changes to Condition 22. Whilst the proposed amendments would result in additional vessel movement at the jetty, the impact arising from the principle of bringing the vessels to the jetty structure has been addressed in the original permission. All effects were found to be non-significant, with Condition 12 of the original permission securing further details through the submission of foreshore enhancements, a foreshore change mitigation plan and a foreshore monitoring strategy. The proposed change to Condition 22 would result in an increase in the maximum number of movements, however this would not be material to the previous findings of the assessment of the foreshore ecology, provided that Condition 12 of the current permission is complied with.
- 7.17 Condition 15 of the original permission secured ecological mitigation and enhancements relating to the river wall and pier structures, including eco-piles for the pier, floating tier ecosystem islands and biodiverse roof on pontoon shelter. In addition, Condition 17 requires the submission of an Aquatic Ecological Management Plan whilst an Operational Lighting Strategy is to be submitted under Condition 18 to minimise illumination onto the surface of the river and ensure there are no negative effects on the river ecology.
- 7.18 It should also be noted that the original application for planning permission initially proposed the cross-river ferry service which was removed during the course of the original application. The consented jetty only relates to the Thames Clippers service operated by Uber Boats.

Environment

Air quality

- 7.19 London Plan policy SI1 and Tower Hamlets Local Plan policy D.ES2 require major developments to ensure that they do not lead to deterioration of existing poor air quality.
- 7.20 The information relating to air quality is contained within Chapter 10 of the Environmental Statement and the ES supporting documents. The specific documents containing the Applicant's assessment details with regards to the proposed amendments to the wording of Condition 22 are included in the Air Quality Technical Note by Buro Happold (dated 13 August 2024; it should be noted that the August 2024 does not change the outcomes or calculations of the assessment but corrects the details on the vessel with Type B emissions tier).
- 7.21 The Institute of Air Quality Management Guidance on assessing impacts on nature conservation sites¹ states that any change in pollutant concentration of less than 1% of a relevant environmental standard is likely to be insignificant. This was used to determine the scale of vessel emissions as a proportion of the total generated in the absence of specific guidance, and it represents a widely accepted approach in air quality assessments. In the case where dispersion modelling is required, the relevant guidance is the 'Land use planning & development control: planning for air quality' (2017) by the Environmental Protection UK & Institute of Air Quality Management.
- 7.22 The submitted technical note calculates the increase in emissions attributable to the change in the oxides of nitrogen (NOx) emissions relating to the proposed operation of the jetty. The parameters on which the assessment is based include travelling speed of vessels, engine load for each type of the activity, vessel emissions, distance travelled, time spent at the jetty while disembarking and embarking passengers, and number of vessels calling at the jetty.

¹ [air-quality-impacts-on-nature-sites-2020.pdf \(iaqm.co.uk\)](#)

- 7.23 The basis of the assessment utilises the London Atmospheric Emissions Inventory (LAEI) 2019, which is a comprehensive data set providing emissions from river vessels for each 1km² grid across London and is a key tool used for air quality analysis. Whilst the current iteration of the LAEI estimates emissions from vessels in 2019, 2025 and 2030, the use of LAEI 2019 in the Applicant's assessment is considered acceptable as the LAEI 2019 data remains the most recent iteration of the LAEI available, with the 2016 LAEI being superseded by the 2019 one and since emissions for vessel emissions in 2025 in the area containing the jetty are similar to the 2019 emissions.
- 7.24 Utilising the LAEI 2019 and information provided by Uber Boats, the Applicant has calculated the contribution of emissions created by Uber Boats only. From the overall emissions of 22.5 tonnes per year as reported through the LAEI 2019, the Applicant calculated that Uber Boats accounted for 5.454 tonnes per year in 2019. Additional details were presented for the current operations of Uber Boats which are lower, amounting to 4 tonnes per year, however, the relevant comparisons have been carried out with the 2019 figure of 5.454 tonnes per year.
- 7.25 In the assessment, the Applicant considers four scenarios: the situation as it was in 2019; the Future Do Nothing scenario without any jetty; the consented scenario with the jetty; and the Future proposed scenario with the jetty (as proposed under this application). The emissions from Uber Boats as based on the consented operational requirements would amount to 2.23 tonnes per year, however, this is on the basis that 80 vessels would be stopping at the jetty and 40 would just pass through but not stop at the jetty.
- 7.26 For the proposed changes to operational requirements considered under this application, total emissions from Uber Boats were calculated by the Applicant to equate to 5.299 tonnes per year. Alongside other vessels, the Applicant calculated that this would equate to total emissions in the area of 22.345 tonnes per year. Given that the LAEI 2019 for the 1km² grid in which the jetty would be located equates to 22.5 tonnes per year, this confirms that the Uber Boats emissions as based on the proposals would not exceed 1% of the total LAEI 2019 emissions.
- 7.27 The Council commissioned Temple Group to review the submitted information and a review letter dated 29th May 2024 includes the final review. Temple's air quality specialists confirmed that the calculation process relating to the change in emissions generally looks reasonable based on the data and information provided by the Applicant in relation to the 2019 baseline and future proposed scenario inclusive of the jetty. It is noted that the Applicant has also stated in their assessment that emissions when slowing down towards the jetty, at berth or speeding up away from the jetty would be slower than at normal operational speed. This assumption has been confirmed with Uber Boats and thus this was accepted, although independent evidence of this has not been provided.
- 7.28 The Applicant has sought permission to allow for three more unique stops per day (106 unique stops) than is currently operated (103 unique stops), to provide some flexibility in operations. However, these have already been considered in the baseline and assessment of the proposed changes, and as such this would not affect that emissions from the vessels would not increase by more than 1% of the LAEI if the fleet emits the same on average.
- 7.29 The Applicant calculated that the 'Future with Jetty' proposed scenario would lead to a 16% increase of the LAEI background emissions when compared to the 'Future with Jetty' scenario which uses the vessel characteristics of the consented condition. It is noted that the Applicant's calculations assume 80 stops and 40 passing vessels per day, which is greater than the five per hour and limited operating hours as consented in Condition 22. Moreover, the consented scheme calculations assumed 120 vessel movements rather than 103, as is expected to be passing at present.
- 7.30 The assessment has considered the change in emissions from vessels at source, rather than pollutant concentrations. It was mentioned that the Applicant's attempt of scaling down emissions to estimate the change in annual mean nitrogen dioxide (NO₂, which is formed from NO_x) concentrations at receptors, i.e. residential units near the jetty, is not supported by the reviewer. The assessment does not itself present how the change in emissions could change pollutant concentrations with the jetty in place due to repositioning of vessels within the

Thames to serve the jetty or how this would affect pollutant concentrations at receptors on the jetty or at the bank (in terms of impacts or exposure to pollutants against air quality objectives and standards etc.), for NO₂ or other pollutants. This is a limitation of the applicant's assessment.

- 7.31 However, pollutants are expected to disperse over a distance of 40 – 50 metres, in relation to changes at the receptors on the bank, so impacts on air pollutant concentrations from the vessels will be less than at source. Secondly, in relation to NO_x, emissions since 2019 from the fleet of vessels have decreased so concentrations would decrease, whereas the concentrations at receptors on the bank will likely increase from pollutant emissions which would be expected by bringing vessels closer.
- 7.32 An additional minor amendment was suggested by Temple to part b) of the amended condition was suggested to reference 106 unique stops at the jetty, for the avoidance of doubt. This has been accepted by Officers and the Applicant and reflects the latest wording of the condition.
- 7.33 Officers have noted that the proposed changes to the consented operational requirements under Condition 22 would result in an increase in emissions of 118% when compared to the consented operational requirements. However, it has been accepted that the consented operational requirements are unrealistic to ensure the jetty's operation, as it has been consistently raised by the Applicant, as well as Uber Boats. As such, the alternative threshold of comparison to the 2019 baseline is considered appropriate, and it has been met as detailed above, given that the emissions would remain below the 1% against the LAEI 2019 background air quality levels.
- 7.34 Restricting the vessels to the proposed operational requirements would not unacceptably worsen the air quality in the area, which is considered acceptable and accords with the objectives set out in planning policies.

Noise

- 7.35 London Plan policies D13 and D14 and Tower Hamlets Local Plan policy D.ES9 require developments to minimise noise impacts and provide appropriate mitigation measures.
- 7.36 The information relating to noise is contained within Chapter 11 of the Environmental Statement and its supporting documents. The specific documents containing the applicant's assessment details with regards to the proposed amendments to the wording of Condition 22 are included in the Jetty Noise Impact Assessment (dated 13 February 2023, which originally formed part of the Interim Review Report Response dated February 2023 but was submitted as a standalone document in September 2024 for the ease of record keeping).
- 7.37 The noise modelling is based on calculating the number of hourly movements that could take place at the jetty without resulting in significant effects to the closest noise sensitive receptors, when considered against the prevailing noise levels in the noise survey forming part of the original ES that also included the aircraft noise from London City Airport into consideration. The modelling concluded that there could be up to 70 movements per hour at the jetty without resulting in significant adverse effects.
- 7.38 However, this initial assessment has not included the details for the relevant hours when London City Airport (LCY) is not operational which in essence would eliminate this noise impact from the baseline. The applicant has undertaken an updated modelling to demonstrate the number of hourly boat movements between the hours of 23:00 and 06:00. This has concluded that the highest number of boat movements during these hours should be 6 per hour, which would continue to have a non-significant impact on the approximate location of the receptors within the Blackwall Yard development, which represent the nearest receptors to the jetty.
- 7.39 However, it should be noted that LCY is closed from 1pm on Saturdays until 12.30pm on Sundays. Whilst reduced noise from LCY would be expected during these times, Officers consider that these times would be less sensitive than night-time due to the existence of other

background noises such as road traffic from Aspen Way and other vessels passing by the site, which is further reduced during night-time.

- 7.40 It should be also noted in general that boat movements are quieter stopping at the jetty than passing by continuously, due to the need to shut down the engine and coast towards the jetty structure. Similarly, when departing from the jetty, vessels would gradually build their velocity making it less noisy than a vessel passing by. In addition, the jetty's original permission and this section 73 application is for existing Uber Boats passing the site to stop at the jetty which would represent a noise reduction in noise from those vessels.
- 7.41 On the basis of the applicant's assessment, the noise impact during daytime would allow for a maximum number of boat movements being up to 70 per hour, and whilst this is not likely to be realistic as noted by the applicant, the assessment shows that the impact from the Thames Clippers movements would be acceptable in noise terms. However, it is considered appropriate to restrict the number of boat movement and the maximum allowed noise levels during night-time to safeguard the amenity of the neighbouring properties and the area in general. This would be secured through part c) of the amended condition wording which sets out a maximum noise limit applicable between 23:00 and 6:00 hours.

Environmental Impact Assessment

- 7.42 The original planning application represented Environmental Impact Assessment (EIA) development under the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (as amended) and was accompanied by an Environmental Statement (ES) coordinated by Trium. As per the mentioned legislation, equally applies for a section 73 application with regards to such developments, as a section 73 application is considered to be new application for planning permission under this legislation. Where the original application was an EIA application, an ES must be submitted with the section 73 application.
- 7.43 Regulation 3 prohibits the Council from granting planning permission without consideration of the 'environmental information' that comprises the ES, including any further information submitted following request(s) under Regulation 25 and any other information, any representations made by consultation bodies or by any other person about the environmental effects of the development.
- 7.44 The application is supported by the environmental information examined as part of the original application and additional information as considered relevant. The original information consists of the submitted ES (October 2020) considered as part of the original consent (including ES Interim Review Report Response (April 2021), ES Final Review Report Response (May 2021) and Air Quality Technical Note (June 2021)) and Non-Technical Summary (NTS) (October 2020), EIA Statement of Conformity (October 2021).
- 7.45 The submitted ES assesses the environmental impacts of the development under the following topics:
- Archaeology;
 - Built Heritage;
 - Socio-economics, Health and Wellbeing;
 - Highways and Transport;
 - Air Quality;
 - Noise and Vibration;
 - Daylight, Sunlight, Overshadowing and Solar Glare;
 - Aquatic Ecology and Biodiversity;
 - Water Resources, Drainage and Flood Risk;
 - Wind Microclimate;
 - Greenhouse Gas Emissions; and
 - Townscape and Visual Impact.

- 7.46 It should be noted that the original ES also relates to the adjacent Blackwall Yard redevelopment scheme as well as the jetty structure. This was considered acceptable as the jetty would not come forward without the mixed-use residential-led scheme adjacent to it.
- 7.47 Additional ES submissions were made specifically relating to this section 73 application as follows: Air Quality Technical Note (dated 13 August 2024), Jetty Noise Impact Assessment (dated 13 February 2023), and Environmental Impact Assessment (EIA) Statement of Conformity (dated 20 August 2024).
- 7.48 The environmental information has been reviewed in accordance with the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (as amended) (EIA Regulations).
- 7.49 The Council appointed Temple Group to independently examine the additional environmental information to confirm whether the ES satisfies the Regulations. The original review of the ES consisted of the following documents: Interim Review Report (April 2021), and Final Review Report 002 (July 2021). The review specifically relating to the ES submissions for this section 73 application consisted of the following documents: Statement of Conformity Review Interim Review Report (December 2022) and Final Review Report 001 (March 2023) relating to noise, and a review letter (May 2024) with respect to air quality.
- 7.50 The submitted assessments and additional information with regards to air quality and noise matters under the proposed changes to the wording of Condition 22 relating to the operational requirements have been detailed in the sections above and are considered acceptable. In EIA terms, none of the proposed amendments to operational requirements would result in increased likely significant effects with regards to air quality and noise, and as such, the conclusion of the original ES remain valid with regards to those topics.
- 7.51 As part of the EIA Statement of Conformity (dated 20 August 2024), the Applicant's EIA consultants Trium have confirmed that all previous conclusions related to all other topics assessed as part of the EIA process and as listed above remain valid.
- 7.52 None of the additional ES information was considered to be 'further information' under Regulation 25 given that the conclusions of the amended operational requirements do not result in different likely significant effects.
- 7.53 The Council's EIA officer and the Council's appointed EIA consultants have confirmed that the submitted ES and the subsequently submitted ES information meets the requirements of the EIA Regulations 2017 (as amended).
- 7.54 The 'environmental information' has been examined by the Council and has been taken into consideration by officers to reach a reasoned conclusion of the significant effects of the proposed development, which forms the basis of the assessment presented in the report.
- 7.55 The review of the environmental information concludes that it is appropriate to secure the amended wording for Condition 22 relating to the operational requirements, as based on the submitted assessments presented by the applicant.
- 7.56 For the avoidance of doubt, none of the already secured mitigation and monitoring measures as part of the EIA process will be changed as a result of this application.

Neighbour Amenity

- 7.57 Tower Hamlets Local Plan policy D.DH8 seeks to protect neighbour amenity safeguarding by not allowing unacceptable levels of noise and disruption during the operational stage of developments. These requirements are detailed in planning policies specifically relating to noise, as referenced in the section above.
- 7.58 Consideration has been given to the impact of the proposed changes to the amenity of the neighbouring properties, and the area in general. As detailed in the sections above, the impact

from the proposed amendments to Condition 22 during the operational stage of the jetty would result in an impact that is considered acceptable in terms of air quality and noise.

- 7.59 It has been noted that the wording of Condition 22 of the Planning Permission included restrictions on the overall operating hours, which were based on the Uber Boats by Thames Clipper's timetable as assessed in the original Environmental Statement. However, the applicant has submitted additional information which demonstrates that the impact would be negligible, particularly during day-time. Furthermore, the condition would additionally restrict operations during night-time which could be subject to change in the future, and having a holistic approach to the assessment of the impacts from noise and air quality is appropriate.
- 7.60 In addition, Condition 22 has been further amended to exclude the potential for any private hire boats to dock at the jetty, which would ensure that the amenity of the area will not be impacted by any other type of boats which would have further noise implications.
- 7.61 Nonetheless, it has been noted that the noise impact could be higher during night-time due to a lower level of background noise from other sources, mainly London City Airport, and as such it is considered appropriate to limit the number of boat movements and noise levels between 23:00 and 06:00, as presented in the applicant's assessment, to ensure that the noise impact is acceptable.
- 7.62 Concerns regarding safety, including increase in antisocial behaviour and light pollution, have been raised in some representations received by the local community. No changes have been proposed to how the proposed riverboat station will be managed during out of working hours, and as such, the entrance portal with lockable metal railings at the end of the bankseat would ensure that the pontoon is secure.
- 7.63 In addition, the original permission secured conditions for the Secured by Design details and the submission of a Management Plan, which would provide further details on how the jetty structure and its surrounding space would be managed to ensure that any impact experienced by the neighbouring properties and the area is acceptable.
- 7.64 Subject to securing the proposed operational restrictions, it is considered that the impact on the neighbouring properties and the area in general would be acceptable and in accordance with the planning policy.

Conclusion

- 7.65 It is considered that the proposed amendments to the wording of Condition 22 would allow a different way of operating the jetty from the one that has been approved under the original permission. However, it should be noted that the original permission for the jetty does not seek to include a new service onto the River Thames, but to amend the existing Uber Boats service to stop at the jetty.
- 7.66 In terms of air quality, it has been accepted that there would be an increase in emissions when compared against the consented requirements. However, when compared against existing background levels in the London Atmospheric Emissions Inventory (LAEI) 2019, the increase is considered marginal as it remains under 1%. Similarly with noise, the identified impact from additional vessels would have implications on night-time background noise levels, for which restrictions have been secured as part of the amended wording.
- 7.67 Whilst any increase in air and noise pollution should be avoided, the identified impacts are not deemed to be harmful that permission should be withheld when balanced against the benefits of the proposed jetty providing a means of sustainable transport.
- 7.68 No changes are proposed to the physical extent of the jetty structure and the proposed changes to its operational requirements are considered to be acceptable and justified on the basis of the additionally submitted information.
- 7.69 Officers and the Council's consultants have worked extensively with the Applicant's team to reach an acceptable position with regards to air quality, ecology, noise and amenity

considerations in order to ensure that the jetty can be used on realistic terms once it has been built out, given that the consented operational requirements would restrict its purpose as a riverboat passenger station.

- 7.70 No objections have been received from Transport for London and Port of London's Authority even when the proposals included a full removal of the condition. The GLA have stated that the proposed changes do not introduce further strategic issues.
- 7.71 As a result, it has been concluded that the proposed amendments to the wording of Condition 22 would constitute minor material amendment to the original permission and as such would be acceptable to be approved under the subject Section 73 application, in accordance with the provisions made in the Town and Country Planning Act 1990 (as amended).
- 7.72 This application, if approved, would represent a new permission for the development, however, all other originally secured conditions and obligations would continue to apply.

Infrastructure Impact

- 7.73 Planning obligations secured as part of the original planning permission remain unchanged as a result of the proposed amendments to Condition 22.

Human Rights & Equalities

- 7.74 The proposal does not raise any unique human rights or equalities implications. The balance between individual rights and the wider public interest has been carefully considered and Officers consider it to be acceptable.
- 7.75 The proposed riverboat station would continue to meet inclusive design requirements and would be wheelchair accessible, as secured in the original planning permission.
- 7.76 The application has undergone the appropriate level of consultation with the public and Council consultees.
- 7.77 To conclude, the proposed development would not result in adverse impacts upon equality or social cohesion.

8. RECOMMENDATION

- 8.1 That subject to any direction by the Mayor of London, Section 73 application to vary Condition 22 – operational requirements **to be GRANTED** with the following wording:

The development hereby approved shall comply with the following maximum operational requirements:

- a. Average Engine Emissions at Full Power: 8,317 g/hr.*
- b. Vessel annual average daily traffic (AADT) flow of 212, allowing for passenger service boat, excluding private boat hire, movements to and from the jetty to account for 106 unique stops at the jetty.*
- c. Maximum hourly boat movements of up to 6 per hour between 23:00 and 06:00 not exceeding SEL/LAE 73 dB per movement, as measured during the boats departure at a distance of approximately 70m from the pier.*

The Applicant shall ensure that full monitoring data in relation to the above operational requirements is kept for the lifetime of the development and shall provide such details to the Council upon request.

Reason: To manage the impact on the natural environment and amenity of the surrounding area in line with policies S.ES1, D.ES2, D.ES9 and D.DH8 of the Tower Hamlets Local Plan 2031.

- 8.2 All other conditions secured under the original planning permission will be re-applied to the new permission should it be granted, which include the following:
1. Commencement of development shall begin by 14th July 2025 (3 years from the date of the original planning permission). (compliance)
 2. Development in accordance with approved plans. (compliance)
 3. Restrictions on demolition and construction activities:
 - a. All works in accordance with Tower Hamlets Code of Construction Practice;
 - b. Standard hours of construction and demolition;
 - c. Air quality standards for construction machinery;
 - d. Ground-borne vibration limits; and
 - e. Noise pollution limits.
 4. Additional improvements or repairs to the flood defence (if required). (compliance)
 5. Piling restrictions. (compliance)
 - a. Piling works to take place between 1 September and 31 March;
 - b. Soft start procedures during piling;
 - c. Use of vibro piles where possible.
 6. Forbidden dredging procedures. (compliance)
 7. Off-site fabrication of the pier parts. (compliance)
 8. Timescales for the installation of the pier (after sealing of the dry dock). (compliance)
 9. Provision of safety measures prior to first operation. (compliance)
 10. Construction Environmental Management Plan and Construction Logistics Plan (in consultation with TfL and PLA). (pre-commencement)
 11. Controls on non-road mobile machinery used during construction. (pre-commencement)
 12. Foreshore survey and monitoring strategy, including foreshore change mitigation plan (in consultation with the EA and PLA). (pre-commencement)
 13. Circular Economy Post Completion Report. (pre-operation)
 14. Biosecurity Plan (in consultation with the PLA). (pre-commencement)
 15. Biodiversity mitigation and ecological enhancements. (pre- on-site structure works)
 16. Air quality (PM10) continuous monitoring. (pre-commencement)
 17. Aquatic Ecological Management Plan. (pre-commencement)
 18. Operational Lighting Strategy (in consultation with the PLA). (pre- on-site structure works)
 19. Samples of external facing materials and detailing. (pre-installation of the structure)
 20. Landscaping scheme. (pre- on-site structure works)
 21. Site Waste Management and Deliveries and Servicing Plan. (pre-operation)
 - 22. Operational requirements. (compliance, as amended)**
 23. Secured by Design. (pre-operation)
 24. Management Plan. (pre-operation)
 25. Carbon Strategy. (pre-operation)
 26. Accordance with the mitigation measures set out in the Environmental Statement. (compliance)
 27. Written scheme of investigation for archaeological evaluation. (pre-commencement)
 28. Foreshore visit and survey with regards to archaeology. (pre-commencement)
 29. Provision of free drinking water fountain. (compliance)

8.3 Informatives

1. Permission subject to legal agreement.
2. River Works Licence requirements for construction and operational stages.
3. Marine Licence requirement.

APPENDIX 1

LIST OF APPLICATION PLANS AND DRAWINGS FOR APPROVAL

Existing Location Plan, Drawing No: 20100-WAB-ZZ-00-DR-A-(20)0010

Environmental Statement, by Trium

Blackwall Yard + Pier Proposals ES Review – Trium Response, dated 29 April 2021, by Trium

Blackwall Yard + Pier Proposals ES FRR – Applicant Response, dated 28 May 2021, by Trium

Air Quality Technical Note, dated 22 June 2021, by Buro Happold

EIA Statement of Conformity October 2021 Proposed Amendments, by Trium

Planning Statement, dated August 2022, by Avison Young

Air Quality Technical Note, dated 13 August 2024, by Buro Happold

Environmental Impact Assessment (EIA) Statement of Conformity, dated 20 August 2024, by Trium

Jetty Noise Impact Assessment, dated 13 February 2023, by Burro Happold

Cover Letter, dated 26 June 2024, by Avison Young

Cover Letter, dated 18 September 2024, by Avison Young