# Comments on the Applicant's Response to Deadline 3 Submissions [Part 9 - Noise] by William David Moore

## Introduction

On 10th October 2023, I submitted a 33 page Written Representation which addressed the noise and vibration report. The document contained 16 sections.

The responses the applicant chose to make to written representations submitted by those interested parties who registered as individuals, were contained within Applicant's Comments on Written Representations [Part 4 of 4 Residents Businesses].

I responded to this in my Comments On The Applicant's Response To Written Representations. I generally included a brief, non-exhaustive summary of each section of my written representation, followed by the applicant response which most closely matched with that section. In many cases, I did not consider the applicant's comments to be a meaningful response to my written representation.

The applicant has now responded to this in Applicant's response to deadline 3 submissions [Part 9 - Noise]

I am now responding to that document. To prevent extreme length, I have not included previous correspondence.

## Catastrophic Foundational Failure

The applicant's response is: "Further information to support the continued use of the measured ambient noise levels is provided specifically in pages 6 to 11 of the Written Statements of Oral Case ISH3 [Appendix F - Noise Assessment Update Note] (document reference: 18.7.6, REP3-061). Essentially, within that document, the NMP4 measurement data was compared against DEFRA strategic noise mapping and found that, with increased distance from the rail line moving north, receptors experience increased road traffic noise and therefore for NSRs represented by NMP4, the ambient noise levels from the mapping align with those used."

The update note doesn't address all eleven NSRs associated with NMP4. It only addresses the NSRs which it thinks are on Billington Road East.

The update note misstates the locations of NSRs 2, 3 & 4 and they should not have been included in Table 5.

The update note attempts to introduce rail noise contours to claim all the NSRs in Table 5 experience 50 dB of ambient rail noise, but all the NSRs in Table 5 are outside the contours.

The rail noise contours in the applicant's update note show sound levels far higher than those measured by NMP4 & NMP3.

The update note attempts to introduce the applicant's road noise contours to make claims about ambient road noise at the NSRs in Table 5. The applicant's own report states that the ambient sound levels predicted by the applicant's road noise model are higher than those measured by noise monitoring positions.

At NMP5, in close proximity to the M69, the ambient sound levels predicted by the applicant's road noise model were 7 dB above the levels measured by NMP5.

At NMP1, also in close proximity to the M69, the predicted daytime ambient sound levels were 5.4 dB above the levels measured and used in the report. The predicted night-time ambient sound levels were 6.4 dB above the levels measured and used in the report.

I made a number of other points in my response to the applicant's update note at Deadline 4, which I won't repeat here. I expect a response to those points at Deadline 5.

**The noise contours introduced by the applicant are known to overstate noise levels versus those measured by NMPs and they should not be used in lieu of NMP measurements.**

**The applicant needs to be returned to the sound levels measured by NMP4 and the applicant needs to apply attenuation corrections to the measured sound of train pass bys to generate ambient sound levels at NSRs 1-8 & 24-26 during weekday daytimes, weekday night-times, weekend daytimes and weekend night-times.**

## Lack of Any Rating Penalty to Projected Specific Sound

The applicant's response is: "At the request of BDC and HBBC, a sensitivity analysis has been undertaken to test the impact of adding a +3dB acoustic character penalty to the mitigated operational noise levels. The results of this and corresponding conclusions are provided in the Statement of Common Ground (NRFI SoCG between the Applicant and Blaby District Council Document Reference 19.1B)."

NRFI SoCG between the Applicant and Blaby District Council Document Reference 19.1B:

"Through discussions with BDC and HBBC, a sensitivity analysis has been undertaken where 3dB penalty for operational noise associated with the HNRFI has been applied. This sensitivity analysis concludes that with the implementation of acoustic barriers, the resultant effects at nearby NSRs are not significant."

Since Deadline 1, I have repeatedly explained to the applicant that a +3dB penalty due to "other sound characteristics" should be applied in the absence of penalties due to impulsivity, tonality or intermittency. Whether the applicant does or does not regard the addition of the +3dB as causing a change which is significant has no bearing on whether the penalty should be applied.

The applicant's report contains multiple layers of wrongful behaviour which coalesce to create a distorted picture. A separate "sensitivity analysis" does not correct any of the wrongful behaviour in the report and the applicant's noise report remains fully distorted.

**The applicant has once again failed to address the point I made and the evidence I provided to support that point.**

## Improper Application of Impulsive and Tonal Penalties to Projected Specific Sound

The applicant's response is: "The applicant has clearly set out the rationale for the acoustic character corrections selected in paragraphs 10.157 to 10.161 and does not agree with the interested party's view on this."

My written representation explained that the applicant's report does not disclose the method used to allocate rating penalties and that applying the method disclosed and used in Paragraph 13.256 of The West Midlands Rail Freight Interchange Environmental Statement On Noise and Vibration using the applicant's own sound levels results in far higher rating penalties.

The applicant's method still hasn't been disclosed. The applicant does not disclose any detailed reasoning behind the report's allocated rating penalties, statements are made without any methodological or numerical justification.

The applicant has not responded to the highlighting of the method used in the noise report of another rail freight interchange, or the difference between the results obtained from applying that method (using the report's own sound levels) and the much lower, unsubstantiated rating penalties allocated in the applicant's report.

**The applicant has once again failed to address the points I made and the evidence I provided to support those points.**

## Wrongful Expunging of Saturday Night-time Sound Measurements

The applicant's response is: "With regard to the use of weekend night-time time data, as previously stated in paragraph 10.107, previous measurements undertaken in 2018 as part of the project included Saturday night noise levels that correlated well with the understanding around train movements on that night. Therefore, it is considered that this is more representative baseline position to take."

My written representation provided overwhelming evidence that NMP4's measured Saturday night-time noise levels should not have been expunged and that Sunday night-time train pass bys are structurally higher. The evidence showed four consecutive Saturday night-times having a **maximum** of one passenger train which may or may not pass by in the first few minutes of the night.

If the applicant continues to deny reality and continues to refuse to reinstate the Saturday night-time noise levels measured by NMP4 then I will submit yet more evidence. The applicant's purported "understanding" of weekend night-time train pass bys is uninformed.

**The applicant has once again failed to address the points I made and the evidence I provided to support those points.**

## Highly Misleading Reference to Relevance of Absolute Sound Levels (Context Section)

The applicant's response is: "The Association of Noise Consultants (ANC) is a trade organisation. The Technical Note was produced to assist their members with interpretation of the British Standard, however p2 of the document states:

*"This is intended to be a discussion document with some qualified views from the ANC Working Group (WG) and should not be taken as a prescriptive guide. The discussion is also intended to assist with the evolution and development of subsequent guidance."*

The applicant considers BS4142 to be clear as a standalone document, and it is not considered that there is anything within the ANC Technical Note that would change the approach or results of the assessments set out in the ES Chapter.

Notwithstanding this, the IEMA Guidelines for Noise Impact Assessment 2014 stat in 7.54 that "Relying solely on the change in noise level is not appropriate because it risks ignoring the context of the noise change" and recommends the consideration of the absolute level. The consideration of a rating level against background sound level, a change in ambient noise level and the future absolute noise level then provides a comprehensive evidence base on which to determine the residual effect.

As previously stated in the Deadline 2 submission, the approach to the consideration of context is in line with that of other similar developments such as East Midlands Gateway, where "WHO Guidelines for Community Noise (1999)", "British Standard 8233:2014 Guidance on sound insulation and noise reduction for buildings" and changes in ambient noise level were all considered."

My written representation explained that the applicant's inclusion of Paragraph 10.174 is highly misleading, that it should not be in the report, and that the report should not have relied upon it at all. Paragraph 10.174 would only apply if **both** background levels and rating levels are low.

The Technical Note to BS 4142 published by the Association of Noise Consultants provides independent, third-party evidence that the applicant is failing to adhere to BS 4142. The Technical Note refers to the Scope of the 1997 version of BS 4142, "which defined very low background sound levels as being less than about 30 dB LA90, and low rating levels as being less than about 35 dB LAr,Tr."

In this case, the background and rating levels in the report are significantly higher than those levels at all NSRs during all time periods, so Paragraph 10.174 does not apply. Yet the applicant has still wrongly included it, has wrongly given the impression it applies, and has wrongly disprivileged the importance of the exceedance of the rating level above the background sound level. In this case, the exceedances of the rating levels above the background sound levels are what matter.

The applicant's inclusion and reliance upon Paragraph 10.174 is not justified by any of the documents the applicant has listed. ES Appendix 10.8 East Midlands Gateway – Rail Freight Terminal – Noise Assessment does not include an equivalent of Paragraph 10.174.

**This has already been explained to the applicant. The explanation was given at Deadline 3.**

**The applicant has once again failed to address the points I made and the evidence I provided to support those points.**

## Use and Misuse of Context

The applicant's response is: "The Association of Noise Consultants (ANC) is a trade organisation. The Technical Note was produced to assist their members with interpretation of the British Standard, however p2 of the document states:

*"This is intended to be a discussion document with some qualified views from the ANC Working Group (WG) and should not be taken as a prescriptive guide. The discussion is also intended to assist with the evolution and development of subsequent guidance."*

The applicant considers BS4142 to be clear as a standalone document, and it is not considered that there is anything within the ANC Technical Note that would change the approach or results of the assessments set out in the ES Chapter.

Notwithstanding this, the IEMA Guidelines for Noise Impact Assessment 2014 stat in 7.54 that "Relying solely on the change in noise level is not appropriate because it risks ignoring the context of the noise change" and recommends the consideration of the absolute level. The consideration of a rating level against background sound level, a change in ambient noise level and the future absolute noise level then provides a comprehensive evidence base on which to determine the residual effect.

As previously stated in the Deadline 2 submission, the approach to the consideration of context is in line with that of other similar developments such as East Midlands Gateway, where "WHO Guidelines for Community Noise (1999)", "British Standard 8233:2014 Guidance on sound insulation and noise reduction for buildings" and changes in ambient noise level were all considered."

My written representation emphatically objected to the report's approach to contextualisation. Principally: using the misleading impression created by the wrongful inclusion of Paragraph 10.174, having background sound levels supplanted by stated ambient sound levels along with the lack of context given to those ambient sound levels.

My written representation didn't object to the report considering "WHO Guidelines for Community Noise (1999)" or "British Standard 8233:2014 Guidance on sound insulation and noise reduction for buildings".

In case of East Midlands Gateway – Rail Freight Interchange, the daytime rating levels are compared with the daytime background levels. The rating levels are meaningfully below the daytime background levels during all wind conditions at all NSRs and therefore no adverse effects are expected.

Meanwhile, in this case, the (understated) daytime rating levels are compared with the daytime background levels. The rating levels are far higher than the daytime background levels, leading to major adverse effects. The report then swaps out background levels and swaps in (overstated) ambient levels. Rating levels 18 dB above background are then immediately managed down to minor adverse effects. **The report appallingly fails to distinguish between the brief, sporadic nature of train pass bys and the projected noise. Brief noise from train pass bys wouldn't mask the relatively continuous 18 dB**

**above background industrial noise. The projected operational noise would be highly perceptible almost all the time. The applicant fails to properly consider the context.**

In case of East Midlands Gateway, the night-time rating levels are compared with the night-time background levels. The current ambient sound level is mentioned once: to deduce that the hotel windows likely attenuate by at least 30 dB when closed because the hotel's internal sound requirement is 30 dB or below and the ambient level outside was measured as 60 dB. This attenuation is then used for a noise induced awakening calculation for train pass bys. That is the only mention of the current ambient sound level. Ambient sound levels are never used to supplant background levels and no attempt to calculate a change in ambient sound levels is ever made.

Meanwhile, in this case, the (understated) night-time rating levels are compared with the night-time background levels. The rating levels are far higher than the night-time background levels, leading to major adverse effects. The report then swaps out background levels and swaps in (overstated) ambient levels. Rating levels 18 dB above background are then immediately managed down to minor adverse effects. **The applicant appallingly fails to distinguish between the brief, sporadic nature of train pass bys and the projected noise. Brief noise from train pass bys wouldn't mask the relatively continuous 18 dB above background industrial noise. The projected operational noise would be highly perceptible almost all the time. The applicant fails to properly consider the context.**

The applicant's context section is nothing like the context section of East Midlands Gateway – Rail Freight Interchange. The applicant really must stop claiming it is.

The applicant's method statement says the operational noise assessment will compare projected operational noise against background levels, not against ambient levels. Yet the report subsequently makes its comparison against background levels functionally irrelevant to the outcome of its assessment by having those results supplanted by a comparison against stated ambient levels. The method statement lists three potential uses for ambient sound levels and comparison against operational noise isn't one of them.

The report's context section is facilitated by the use of two sets of incorrect numbers: wildly overstated ambient sound levels and understated rating levels. Once these failures are rectified, the report's "context" will be not just incorrect and inappropriate but also officially obsolete.

**This has already been explained to the applicant, the explanation was given at Deadline 3. The applicant has once again failed to address the points I made and the evidence I provided to support those points.**

## Demonstrable Overstatement of Current Freight Train Passes

Part one of the applicant's response is: "There would need to be a significant reduction in number of trains running for this to have an appreciable effect on the existing ambient noise levels in proximity to the railway."

It's true that the applicant would need to have significantly overstated the number of freight train pass bys to have an appreciable effect on the applicant's stated ambient noise levels in proximity to the railway. The applicant has done exactly that. The applicant has overstated the number of freight train pass bys to the tune of 40 freight trains during a weekday. A freight train pass by generates many multiples of the sound energy generated by a passenger train pass by so overstating freight trains is particularly significant.

**This has been repeatedly explained to the applicant since Deadline 1.**

The overstatement is even larger for the weekend time periods. The applicant hasn't conducted an assessment for current and projected weekend daytime and night-time train pass bys, which would lead to far larger changes in sound levels.

**This has been repeatedly explained to the applicant since Deadline 1. The applicant has never responded to this point.**

Part two of the applicant's response is: "Furthermore, in the applicant's Written Statements of Oral Case ISH3 [Appendix F - Noise Assessment Update Note] (document reference: 18.7.6, REP3-061), the Defra strategic noise mapping for the railway is referenced. This is essentially annualised data that allows a long term "average" to be considered. The document demonstrates that the levels used for the existing ambient baseline are representative."

The applicant is retreating to strategic contours. We have levels measured on the ground at the site: The measurements of NMP3 & NMP4. Both of those NMPs show sound levels far lower than those depicted by the strategic contours which the applicant is attempting to rely on.

Finally, the applicant's impact scale in Paragraph 10.41 and shown in Table 10.9 is at odds with the significance assessment included within the train noise assessment of Tables 8.3-8.5 Northampton Gateway - Rail Freight Interchange, which is based on a combination of the change in noise exposure and the resulting noise exposure. For example: a daytime SOAEL of 65 dB, a night-time SOAEL of 55 dB, a resulting exposure above SOAEL being a significant adverse impact and an increase of 5 dB being required for this increase to be a major adverse impact.

**The applicant has never responded to this point.**

## Construction and Construction 'Mitigation'

The applicant's response is: "Please see response to point 26."

I have read the applicant's point 26. I do not consider it to be a meaningful response to my written representation.

The applicant's report stated in Paragraph 10.130: "The unmitigated effect of construction noise is likely to be a temporary, major adverse at worst for NSRs, based on construction taking place close to NSRs. However, for most receptors, for the average case scenarios, the noise levels are predicted to be below the criterion of 65 dB, resulting in a temporary, minor adverse effect. For NSRs 1, there is predicted to be slight exceedance of the criterion resulting in a temporary, moderate adverse impact."

The applicant's report then stated in "Table 10.65 - Summary of effects" that the construction noise would be a **major adverse effect**. This isn't surprising because the worst case predicted figures were up to 90 dB at NSRs. This summary of effects clearly wasn't just based on the average case because, as Paragraph 10.30 states, the average case effect was at most a moderate adverse impact. It was clearly based on construction occurring closer to the NSRs and those were figures which needed to be mitigated.

The first part of the applicant's response is: "The ES Noise and vibration chapter (document reference: 6.1.10, APP-119) adopts a standard approach for assessing "average case" and "worst case" construction noise levels. Only one NSR is predicted to have a significant adverse effect during two phases without mitigation."

I presume this statement is about NSR 1, based purely on the average case, which is not what the report's summary of effects was based on.

The applicant's response continues: "The worst case assessment shows some much greater noise levels in some phases at some NSRs prior to mitigation. In each case, the actual activity generating the noise levels is likely to be of a short duration and localised. Given that the worst case assessment assumes that stages 1, 2 and 4 could take place within 5m of the DCO limits, in many cases the activity simply will not take place as close as assessed. Notwithstanding this, the framework CEMP incorporates a range of noise control techniques and strategies to reduce noise, many of which are referenced in "British Standard 5228:2009+A1:2014 Code of practice for noise and vibration control on construction and open sites parts 1: Noise" as effective noise control measures."

The applicant seems to want to push a more binary choice between taking an average case or an inherently unrealistic worst case, with the applicant now favouring the average case. The West Midlands Rail Freight Interchange Environmental Statement On Noise and Vibration gave a range between two figures for each proposed phase of construction.

The report gives no numerical basis at all for the reduction from major adverse to between minor and moderate adverse significance. In the absence of any lower predicted numerical values, the predicted numerical effect should be considered unchanged. The reduction from major adverse to moderate and minor adverse seems purely subjective and unsubstantiated. In making this subjective adjustment, there's no evidence the report properly considered

factors included in BS 5228's "6.3 Issues associated with noise effects and community reaction". These factors include: attitude to the site operator, noise characteristics (e.g. impulsivity), duration of site operations and existing ambient noise levels.

## Assessment of Operational Maximum Noise Levels

The applicant's response is: "Table 10.8 has been derived on the basis of World Health Organization Guidelines for Community Noise 1999. The guidelines contain guidance on LAFmax noise levels during the night, the document draws upon guidance from Vallet and Vernet, which states: "For good sleep, it is believed that indoor sound pressure levels should not exceed approximately 45 dB LAFmax more than 10-15 times per night". This is essentially therefore the criterion to which the table refers to and effectively defines the Significant Observed Adverse Effect Level (SOAEL)."

This section explained that the report does not disclose the methodology which led to the thresholds of its "magnitude of effect" scale in Table 10.8 and that there's no indication the report has considered the number of container placements and spreader impacts, despite there likely being very many of them during a night.

The applicant's responses strongly indicate the report is not considering the number of container placements and spreader impacts there may be during a night-time period.

As the assessment is of operational maximum noise levels, potential maximum noise levels from off-site train movements haven't been considered. The applicant did not respond to this point.

## Window Attenuation

The applicant's response is: "The applicant maintains that the reduction provided in the British Standard is the appropriate level to take."

This section set out BS 8233's explanation that attenuation due to a partially open window is contingent upon a number of factors which can significantly reduce attenuation. The applicant is gambling on all of the following being true at all NSRs during all time periods:

- That no NSR would ever have any window types which would result in lower attenuation.
- That no NSR would ever have a window more than slightly open due to occupant choice, or to obtain rapid or purge ventilation, all of which would result in lower attenuation.
- That no NSR would ever receive noise due to the proposals containing frequency content which would result in lower attenuation.

These are not a reasonable series of gambles for the applicant to make. Unsurprisingly, the East Midlands Gateway – Rail Freight Interchange noise report and the Northampton Gateway - Rail Freight Interchange noise report did not make those gambles and they assumed a partially open window would lead to a 12 dB reduction of the sounds projected to be caused by rail freight interchange proposals. I reiterate that the applicant's report should have followed suit.

**The applicant's position is out of line with other rail freight interchange proposals, the applicant is knowingly disregarding the detail of BS 8233, and the applicant is knowingly choosing not to conduct a robust assessment.**

## Burbage Common & Woods

This section set the scene at Burbage Common & Woods, highlighting that the monitoring at NMP3 - in extremely close proximity to the railway line - contains the sound of extremely close proximity train pass bys which unsurprisingly caused large spikes in measured LAeq values during those periods when trains passed by.

The applicant noted that I didn't require a direct response to this section because it is sufficiently covered by other sections.

## Lack of Attenuation Corrections at Burbage Common & Woods

This section set out the report's wrongful behaviour regarding Burbage Common & Woods, which follows the same pattern as the behaviour I objected to in earlier sections of my written representation.

The applicant noted that I didn't require a direct response to this section because it is sufficiently covered by other sections.

## Related Mischaracterisation and Consequences of Decisions Involving Burbage Common & Woods

This section set out the following interlocking points:

1. Given LAeq values containing the unattenuated train pass bys measured at NMP3 have been stated as the LAeq values for the NSR location, those values are not a useful indication of current vs projected noise at the NSR location because the LAeq values are so skewed by the unattenuated, extremely close proximity train pass bys measured at NMP3.

2. The report's attempt to claim the predicted noise at Burbage Common & Woods would "not be out of character" with the current noise environment at Burbage Common & Woods is wrong.

3. Looking at the LA10 values measured at ML2 during the PEIR (LA10,16hr was 43 dB) and those displayed on the Summary Results page for measurements at NMP3 shows levels far lower than the 59 dB predicted due to the proposed link road.

4. The report wrongly believes the ambient sound levels at Burbage Common's NSR location are already above 55 dB during the weekday daytime and already above 50 dB during the
weekend daytime because the LAeq values are overstated due to the absence of attenuation corrections to the extremely close proximity train pass bys measured at NMP3.

These problems are overwhelmingly caused by the failure to attenuate the sound of train pass bys measured at the NMP3 to the NSR location. The report then hides behind these

overstated ambient sound levels to give the impression the noise levels wouldn't change that much. The only reason it looks like that is because the sound of train pass bys measured at NMP3 haven't been attenuated. That's the reason I had to resort to LA10 values, because stated LAeq values are skewed by that lack of attenuation.

This is why the applicant's response: "Noise impacting onto Burbage Common and Woods has been assessed by considering both the absolute noise levels and the change in noise levels. This is in line with the "IEMA Guidelines for environmental noise impact assessment" document." is rather missing the point.

The problem isn't that the tranquillity assessment looks at a change in LAeq rather than LA10 values, the problem is that not attenuating the sound of the train pass bys measured at NMP3 means the LAeq values at the NSR location are overstated, which means the scale of change in ambient sound levels at the NSR location due to the proposed A47 link road and site-related noise is concealed. Until the measured sound of train pass bys have been attenuated to the NSR location, looking at measured LA10 values and then taking the projected 57 dB LAeq dominated by the proposed link road and adding 2 dB to generate an LA10 value of 59 dB, provides a way to partially peer through to reality because the measured LA10 values aren't as skewed by train pass bys as those pass bys are inherently brief.

As I explained in my written representation, Paragraph 10.264 makes clear that the report's "Future contribution from Proposed Development" in Table 10.54 does not include the cumulative projected noise due to all site noise, only operational noise. The report has also not included increased noise due to projected off-site rail movements. The applicant did not respond to this point.

The applicant's response is: "Please see response to point 47."

The applicant's response is not appropriate. The LA10 values measured by the NMPs related to Burbage Common (NMP3 & ML2 in the PEIR) show values far below the values predicted due to the proposed A47 link road and the proposed operational noise. The character would be very different.

## Fundamental Incompatibility Between the Proposer's Measured Facts and the Proposer's Modelled Road Noise

This section explained that the road noise figures within the contour maps created by the applicant are significantly higher than those measured by noise monitoring positions relating to Burbage Common. I was specifically warning the applicant not to attempt to use their road noise contours to make claims about ambient sound levels because the applicant's contours were very obviously overstating the ambient sound of the distant road noise.

The applicant's response is: "The issue is considered to be based around the disputed representative measured noise levels. Therefore, please refer to response to point 22."

The applicant's point 22: "Further information to support the continued use of the measured ambient noise levels is provided specifically in pages 6 to 11 of the Written Statements of Oral Case ISH3 [Appendix F - Noise Assessment Update Note] (document reference: 18.7.6, REP3-061). Essentially, within that document, the NMP4 measurement data was compared against DEFRA strategic noise mapping and found that, with increased distance from the rail line moving north, receptors experience increased road traffic noise and therefore for NSRs represented by NMP4, the ambient noise levels from the mapping align with those used."

The applicant's response is not appropriate. The applicant's noise assessment update note does not address NMP3 and its NSR 19 of Burbage Common & Woods at all. We know what the distant road noise is during different time periods. It has been measured by NMP3. We know what the rail noise is during different time periods. It has been measured by NMP3.

Moving 85 metres away from the railway line has no impact on the distant road noise, but has a large impact on the sound of the train pass bys.

The applicant **absolutely must not** attempt to use the contour maps in the applicant's update note to make claims about the distant road noise or rail noise, because they are known to overstate ambient sound levels.

**The applicant needs to be returned to the measurements made by NMP3, and the applicant needs to apply attenuation corrections measured sound of the train pass bys, to attenuate them to NSR 19's location. This will generate representative ambient sound levels for NSR 19's location during the weekday and weekend daytime periods.**

## Lack of Cumulative Impact Assessment

The applicant's response is: "Further information regarding the cumulative effect of the development can be found in the Technical Note (Noise and Vibration Scott Schedule) (document reference: 19.1B) accompanying the SoCG (V09) with BDC and HBBC."

My written representation contained a section titled "Lack of Cumulative Impact Assessment". This section explained that there is no cumulative 'all in' calculation of the increase in sound levels at NSRs due to the cumulative effect of all projected sources of sound: all noise from the site, increased road traffic noise and increased off-site rail movements.

I don't consider the applicant's comment to be a meaningful response to my written representation. The applicant's noise report does not include the calculations I described.

## The Black Box & Conclusion

My written representation contained a section titled "The Black Box & Conclusion". This section explained that, given the amount of wrongful behaviour in the areas of the report which are somewhat open to inspection, and given the behaviour consistently flows to favour the applicant, it would be foolish to have confidence in those areas which aren't on public display.

The applicant's response has been noted and no further correspondence with the applicant is expected on this section.