

Comments on the Applicant's Responses to Deadline 4 Submissions [part 11 – Response to Mr Moore and Dr Moore]

Deadline for receipt of Comments to Responses: Tuesday 20th February 2024

Unique Reference Number: 20040614

Tritax's "Applicant's Responses to Deadline 4 Submissions [part 11 – Response to Mr Moore and Dr Moore]" consists of three Sections which Tritax have labelled as follows:

Section 1 – "David Moore"	(Pages 1 to 8)
Section 2 – "David Moore"	(Pages 8 to 23)
Section 3 - "Response to the Examining Authority's Written Question ExQ 1.8.18 by William David Moore"	(Pages 23 to 42)

It appears that Tritax have become confused here, because they ascribe both their Section 1 and their Section 2 to me. But their Section 1 does not in fact relate to me, because it was written by another Interested Party.

In their Section 2, which actually does relate to me, Tritax have responded to my document "Response to the Examining Authority's Written Questions and Request for Information ExQ1 Question 1.8.18 regarding the Applicant's methodology for noise assessment in the proposed Hinckley National Rail freight Interchange." of the 9th January 2024 (Deadline 4).

For clarity, I mention here that, following on from my Response document of the 9th January 2024 (Deadline 4) described above, I subsequently submitted a "Comments on the Applicant's Responses to the Examining Authority's Written Questions." document of the 9th February 2024 (Deadline 5). This runs to some 23 pages and covers some of the matters below in much greater detail.

You will see that in their Section 2, Tritax refer several times to the Statement of Common Ground, which you will understand is a purely procedural matter and does not bestow any technical justification.

Within Section 2, Tritax have followed the same Section Headings that I used in my original document, to which I here make Comments in turn, as follows:

Introduction

(Pages 8 to 10)

“The Applicant has provided response to the Written Representations at Deadline 2, 24th October (document reference: 18.3, REP2-066) (Applicant’s Comments on Written Representations).”

In fact, Tritax failed to provide any meaningful response to my Written Representation of the 10th October 2023, and still have not done so. Tritax’s behaviour in this regard has caused omission, delay and confusion in the Examination Process.

This is described in much more detail in the Introduction Section of my “Comments on the Applicant’s Responses to the Examining Authority’s Written Questions” of the 9th February 2024.

Overview

(Pages 10 to 13)

“The Applicant maintains that there is sufficient information within the ES Chapter to understand contributions from different noise sources at NSRs, and that cumulative impacts have been assessed.”

This is incorrect.

In several of their Responses, Tritax have made reference to Paragraphs from their Noise and vibration report that they consider illustrative or relevant. But they make reference to no such Paragraphs here.

Tritax’s Section on the Cumulative Effects of the Completed Development consists of just two Paragraphs 10.351 and 10.352, which together total 9 lines in length.

“The example given regarding ground absorption coefficient, the Applicant maintains that appropriate settings have been adopted for the noise model.....”

This is incorrect.

By their own admission, Tritax have used some “averaged” ground coefficient value rather than the **correct** ground coefficient values in the **correct** places.

This is described in much more detail in the Acoustic Absorption - 1.8.11 & 1.8.12 Sections of my “Comments on the Applicant’s Responses to the Examining Authority’s Written Questions” of the 9th February 2024.

“As stated within Chapter 10 Noise and Vibration (document reference: 6.1.10A, REP4-039) and confirmed by Network Rail, there is capacity on the existing line to run the additional trains. These routes could be used by Network Rail at any time regardless of whether HNRFI comes forward. Notwithstanding this, the assessment shows that the effect of additional trains using the existing line is likely to be permanent, negligible adverse and therefore not significant. However, there is no requirement for noise and/or vibration from off-site rail movements to be a material consideration of this development, and an assessment has been provided within Chapter 10 (document reference: 6.1.10A, REP4-039) for completeness.”

To date, I have described in detail in three different submissions to the Examining Authority that the Off-Site Rail Noise assessment that Tritax provided in their Noise and Vibration report is deeply flawed, and gravely underestimates the additional Off-Site Rail Noise that will be caused by their Proposed Development.

Any assessment that Tritax provides in their Noise and vibration report should be correct and should not mislead.

Baseline Conditions

(Pages 13 to 17)

“The reasoning for disregarding the noise levels measured on the Saturday night-time are provided in Paragraphs 10.106 and 10.108 of Chapter 10 Noise and Vibration (document reference 6.1.10A, REP4-039).

To date, I have described in detail in three different submissions to the Examining Authority that the Off-Site Rail Noise assessment that Tritax provided in their Noise and Vibration report is deeply flawed, and gravely underestimates the additional Off-Site Rail Noise that will be caused by their Proposed Development.

By way of example, in my “Written Representation to the Examining Authority (ExA) regarding the Environmental Statement submitted by Tritax Symmetry (Hinckley) Ltd in respect of their proposed Hinckley National Rail Freight Interchange and with particular reference to Chapter 10: Noise and vibration” **on the 10th October 2023**, I discussed in detail the mistakes that Tritax had made in their Noise and vibration report, **with specific reference to, and quoting from, those same two Paragraphs 10.106 and 10.108 that Tritax now refer to above.**

“This is incorrect. The noise level meters were set-up by competent persons as defined by the Institute of Acoustics, which the Applicant’s Noise Consultants are members, and in line with relevant standards and guidance.”

Tritax’s statement is incorrect.

It is an indisputable fact that in Tritax’s Noise and vibration report there is no indication of the distance of the Noise Monitoring Positions NMPs from the specific sound source (be it rail or road) that the NMP was measuring.

BS4142:2014+A1:2019, Section 12(e) states that when noise measurements are made the position of the measurement locations and their distance from the specific sound source should be indicated.

And given that the Examining Authority asked for the distance of NMP4 from the specific sound source in their Hearing Action Point 141, and received the requested information from Tritax on the 9th February 2024, this is an extraordinary and confused Response for Tritax to make.

“As stated above, it is not appropriate to simply apply a distance correction to noise from the rail line in isolation as this does not take into account the contribution of road traffic noise at distances further away from the rail line”

All of the calculations were performed in accordance with BS4142:2014+A1:2019, the “Calculation of Railway Noise” (CRN), and the “Additional railway noise source terms for ‘Calculation of Railway Noise 1995’ “.

“Further analysis has shown that the ambient noise levels adopted within the context assessment are representative and therefore the results and conclusions of the Noise and Vibration assessment remain valid.”

Tritax’s statement above is too vague to Comment on in a meaningful way.

“This is incorrect. If this was the case, and there were no train passbys 96% of the time, then this would have been picked up in the baseline noise survey, which was undertaken over a 7-day period.”

Tritax’s statement is both incorrect and absurd.

The number of train passbys is indicated on the Real Time Trains website every day and can be read by all. Each train passby takes only a short time. I have spent many hours observing the passage of trains on that railway line, and the train passby are exactly as I have described.

What on earth does Tritax imagine could be happening instead?

Moreover, the noise levels Tritax measured at the trackside and indicated in graphical form in Tritax’s ES Appendix 10.10 “Summary Results” are entirely in line with the train passby characteristics that I have indicated.

This is described and discussed in much greater detail in the Baseline Noise Conditions – 1.8.18 - Tabular Comparison for Noise Effects Section of my “Comments on the Applicant’s Responses to the Examining Authority’s Written Questions” of the 9th February 2024.

“Furthermore, the measured noise levels show good correlation with the DEFRA noise maps for the railway line, which show the annualised noise levels in the vicinity of the railway line.”

Tritax’s statement is incorrect, as I shall explain. The noise levels measured at the trackside over the 7-day period are continuous along the length of the line that is considered here, **and no rail noise maps are required**. Further, the DEFRA rail noise maps that Tritax have sought to introduce are intended for use only at a strategic level and are very much higher (12dB to 15dB) than the noise levels that Tritax measured at the trackside at NMP3 and NMP4 over the 7-day period and then used as a foundation of their Noise and vibration report.

Moreover, the DEFRA rail noise maps give no indication of the noise levels at Weekend daytimes or Weekend night-times, and indeed are so broad-brush that they indicate a **higher** rail noise level at night-time than daytime. In contrast, the noise levels Tritax measured at the trackside over the 7-day period give detailed information for both Weekends and Weekdays, and both daytime and night-time.

Overall, Tritax have attempted to use the DEFRA strategic noise maps for a purpose for which they were never intended.

All of this, and more, is described in much greater detail in the Baseline Noise Conditions – 1.8.2 Ambient Noise Levels – Rail Noise Data Section of my “Comments on the Applicant’s Responses to the Examining Authority’s Written Questions” of the 9th February 2024.

2. Off-Site Train Noise

(Pages 17 to 20)

“As stated within Chapter 10 Noise and Vibration (document reference: 6.1.10A, REP4-039) and confirmed by Network Rail, there is capacity on the existing line to run the additional trains. These routes could be used by Network Rail at any time regardless of whether HNRFI comes forward. Notwithstanding this, the assessment shows that the effect of additional trains using the existing line is likely to be permanent, negligible adverse and therefore not significant. However, there is no requirement for noise and/or vibration from off-site rail movements to be a material consideration of this development, and an assessment has been provided within Chapter 10 (document reference: 6.1.10A, REP4-039) for completeness.”

Tritax have here simply repeated the same Response that they made in their Overview Section, and I repeat my same Comment:

I have described many times in my various submissions that the assessment that Tritax provided in their Noise and Vibration report is deeply flawed, and very seriously underestimates the additional Off-Site Rail Noise that will be caused by their Proposed Development.

Any assessment that Tritax provides should be correct and should not mislead.

“This is not in dispute. However, if there are trains running 6 nights out of 7, then the ‘typical conditions’ are that trains run during the night-time. The one night that trains do not run is atypical and not representative of the prevailing conditions.”

The typical (and prevailing) conditions are that no trains run on Saturday nights and very few trains run on Sunday nights. And the noise levels measured at the NMPs properly reflect this.

Tritax are obviously still trying very hard to expunge the fact that that no trains presently run on Saturday nights. The original justification Tritax gave for doing so was by reference to measurements by Hydrock in 2018. Their above attempt is the weakest that I have seen to date.

This subject is described and discussed in much greater depth in Section 2 – Off-Site Train Noise of my “Response to the Examining Authority’s Written Questions and Request for Information ExQ1 Question 1.8.18 regarding the Applicant’s methodology for noise assessment in the proposed Hinckley National Rail Freight Interchange.” document of the 9th January 2024. Continuing analysis of Real Time Trains data subsequent to the 9th January 2024 further confirms those findings.

3. Accumulated Additional Noise Sources

(Pages 20 to 23)

“Content noted. All points are considered addressed.”

Well, in view of the above, I don't think they have been.....

Dr David Moore

MA (Cantab) PhD

David Moore is a Chartered Engineer, and a Fellow of the Institution of Mechanical Engineers. He has some 25 years experience in Industrial Design Consultancy. Clients have included 3M, Procter & Gamble, GSK, London Underground, Johnson & Johnson, Ricardo, Monsanto, DePuy, AstraZeneca, BAE Systems, Unilever, Reckitt, Sanofi and Alstom. Now retired, his technical interests include Mechanical Design, Mathematical Modelling, Computational Fluid Dynamics and Digital Signal Processing.