

Comments on the Applicant's Written Statement of Oral Case at ISH6

Deadline for receipt of Comments on Oral Case at ISH6: Tuesday 20th February 2024

Unique Reference Number: 20040614

I here make Comments in turn, as follows:

Agenda Item 6a – Noise Baseline Conditions

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In response to the Examining Authority's ISH6 Hearing Action Point 141:

"The Applicant to set out the distance of NMP4 from the railway track in precise terms"

Tritax have responded:

"The Applicant can confirm that ML4 was located at approximately 13m from the west bound track"

For clarity, I would explain here that ML4 is the name that was given to NMP4 in Tritax's ES Appendix 10.5 Noise Survey Method Statement of November 2022. So NMP4 and ML4 are actually one and the same!

To date, I have described in detail in three different submissions to the Examining Authority 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, that there is strong evidence that NMP4 was placed too close to the rail track, and that as a result its measured Ambient Noise levels will be 3.2dB too high.

At last, some five months into the Examination Period, and only as a direct result of an Action Point from the Examining Authority specifically in relation to NMP4, we now find that this is in fact the case.

The immediate implications of this are that the Baseline Ambient Noise levels indicated in Tritax's Noise and vibration report that relate to NMP4 should be reduced by 3.2dB. This includes Tritax's Tables 10.43 and 10.44, and Tables 10.58 and 10.59 which consider their Unmitigated and Mitigated cases respectively. Corresponding increases to the Rating Penalties applied to the "Completed Development Noise" may also be required.

This matter is discussed in much more detail in Section 1 of 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." document of the 10th October 2023.

In the Issue Specific Hearing (ISH6) on Traffic and Transport, and Noise on Wednesday the 24th January 2024 (at Recording Time Reference 26 minutes 49 seconds), the Examining Authority asked Tritax:

“Doctor Moore has produced a Table in response to our Written Questions for noise levels at NSRs in the absence of train movements. That is Table 1a in Document REP4-195.

It is stated that this constitutes 96% of the total time. It is therefore stated that these are the noise levels presently ruling at the NSRs for 96% of the time, and it is against these levels that noise from the proposed development should be judged. Can I have the applicant's thoughts on that please?”

Tritax’s Verbal Response to the Examining Authority’s Question was as follows:

“Yes, it's again, go back to the to the point of how noise is measured. And it's measured as an equivalent noise level over a set period of time. You know, if we were working on a basis that there were no train Pass Bys 96% of the time, that would have been picked up in the noise survey, and that would be reported in the levels. As it is, it hasn't. And it's to do with how noise is measured and how it's reported.”

Now, I have already Commented upon Tritax’s Verbal Response in my “Comments on the Applicant’s Responses to the Examining Authority’s Written Questions” document of the 9th February.

But seeing here the “Applicant’s Written Statement of Oral Case ISH6” document, gives me the unexpected opportunity to make the following additional Comment:

I think that the Examining Authority’s Question to Tritax was about the response and judgement of the Residents living at the NSRs.

Tritax’s response was however not about that at all, but instead was about noise measurement.

Residents will in fact know nothing, and care even less, about the measurement of acoustic noise. But they will unerringly make their own judgement about the noise they hear around them.

And it is inevitable that they would compare the additional continuous noise from the Proposed Development with the **noise levels that now rule for 96% of the time** at the NSRs.

Tritax’s line of response was essentially a red herring. And Tritax simply avoided answering the Examining Authority’s Question.

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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.