

Comments on the Applicant's response to Deadline 5 Submissions [part 10 - Residents Businesses] by William David Moore

The applicant's [responses](#) are overwhelmingly either direct or indirect references to the applicant's previous responses. The applicant is attempting to give the impression that meaningful and comprehensive responses have already been made to the points I made and the evidence I provided. But in many instances, that is simply not the case.

If I were to once again provide full comments on the applicant's responses, this document would run to dozens of pages. I don't intend to do that. Given the applicant's intransigent attitude, it would be fruitless.

In copying my submissions to their document, the applicant has also copied page numbers, so the applicant has introduced random numbers into my written text, which is unfortunate.

No 12. The applicant is simply referring to the applicant's previous responses.

No 13. The applicant is simply referring to the applicant's previous responses.

As I explained at Deadline 6, the applicant's responses to some points were very confused.

The applicant has misstated the locations of NSRs 2, 3 & 4. Those NSRs should not have been included in Table 5 of the applicant's update note and the applicant's claims relating to those NSRs can be discarded.

The applicant's noise assessment update note doesn't address all the NSRs associated with NMP4. The applicant has falsely claimed "the methodology is not being questioned" at some NSRs associated with NMP4. That is completely untrue, it is a false claim which has been invented by the applicant. The applicant must immediately withdraw this false claim.

The applicant has attempted to attribute 50 dB of rail noise to the NSRs in Table 5 of the applicant's noise assessment update, but all the NSRs in Table 5 are outside the rail noise contours introduced by the applicant. The applicant did not respond to this point at all.

No 14. ExQ 1.8.13 Background and Rating Levels The applicant is simply referring to the applicant's previous responses which did not address the points I made and the evidence I provided to support those points.

No 15. ExQ 1.8.14 Rail Movements The applicant is simply referring to the applicant's previous responses which did not meaningfully respond to the point relating to actual freight train pass bys.

The number of trains with timetable listings is not and never has been in dispute. However, the number of freight train pass bys during a typical day is far lower than the number of freight trains with timetable listings.

Train pass bys are lower on both Saturday and Sunday nights. The applicant hasn't conducted a weekend assessment.

No 16. The applicant hasn't attenuated the sound of the train pass bys measured by NMP4 & NMP3 to the NSRs.

The rail contours introduced by the applicant show sound levels far higher than the levels measured by NMP4 & NMP3.

The applicant hasn't addressed the point.

No 17. ExQ 1.8.23 c) Rating Levels

The applicant is simply referring to the applicant's previous responses which did not address the points I made and the evidence I provided to support those points.

The applicant has been very keen to claim - sometimes falsely - that their approach is in line with other noise rail freight interchange noise reports.

Yet when it is pointed out that the applicant's approach is out of line with other rail freight interchange noise reports, and coming into line with those noise reports would hurt the applicant's case, the applicant suddenly loses all interest in the contents of other noise reports.

Unlike other rail freight interchange noise reports, the applicant has not applied a +3 dB penalty due to "other sound characteristics" in the absence of penalties due to impulsive, tonal or intermittent noise.

No 18. ExQ 1.8.24 Rating Penalties

As I explained at Deadline 6, the applicant has misquoted me.

I did not say I had used the methodology employed at East Midlands Gateway.

I said: "I've used the method which was disclosed and used in the West Midlands Rail Freight Interchange noise report".

You can see this at 1:21:55 on the [Recording of Issue Specific Hearing 6 \(ISH6\) – Part 4](#). I have repeatedly explained this to the applicant since Deadline 1.

The applicant has misquoted me, has 'responded' to something I did not write or say and yet again failed to respond to my submissions on this topic since Deadline 1.

In the case of [The West Midlands Rail Freight Interchange Environmental Statement On Noise and Vibration](#), a clear method was disclosed and used “to provide a consistent, quantified approach to determining the likelihood of each characteristic being audible.”

Applying that method to the sound levels in the applicant’s report leads to far higher rating penalties than the unsubstantiated rating penalties in the applicant’s report.

The applicant has not claimed that I have failed to follow the method.

The applicant hasn’t disclosed any method whatsoever. There is nothing backing the applicant’s rating levels other than the applicant’s declaration.

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

No 19. ExQ 1.8.26 Magnitude of effect applicable to LAFmax levels

The applicant is simply repeating the applicant’s previous responses.

No 20. ExQ 1.8.33 Noise – Burbage Common Wood

The applicant is simply referring to the applicant’s previous responses.

As I explained at Deadline 6, the applicant’s responses to some points were very confused.

As I explained numerous times in my response to the Examining Authority’s written question, the post-mitigation specific sound levels listed in the applicant’s tables don’t include noise associated with the gantry cranes.

The applicant explains this in Paragraph 10.284: “**Considering this, the noise associated with the gantry cranes and associated character correction have been removed from the following assessment.**”

The applicant then shows tables listing post-mitigation specific sound levels. These specific sound levels don’t include noise associated with the gantry cranes, as explained in Paragraph 10.284.

Following on from those tables are Paragraphs 10.311 to 10.313 which also do not show post-mitigation specific sound levels with the gantry cranes included.

Paragraph 10.312 is actually an admission that once the gantry cranes are re-included, the post-mitigation specific sound levels are higher than the levels listed in the applicant’s earlier tables.

In my response to the Examining Authority’s written question, I had to use the post-mitigation specific sound levels in the applicant’s tables. They are the only post-mitigation specific sound levels supplied by the applicant. They don’t include the noise associated with the gantry cranes.

No 21. The applicant is simply referring to the applicant's previous responses.

No 23. Catastrophic Foundational Failure

The applicant is simply referring to the applicant's previous responses.

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The applicant's noise assessment update note doesn't address all the NSRs associated with NMP4. The applicant has falsely claimed "the methodology is not being questioned" at some NSRs associated with NMP4. That is completely untrue, it is a false claim which has been invented by the applicant. The applicant must immediately withdraw this false claim.

The applicant has attempted to attribute 50 dB of rail noise to the NSRs in Table 5 of the applicant's noise assessment update, but all the NSRs in Table 5 are outside the rail noise contours introduced by the applicant. The applicant did not respond to this point at all.

No 24. Lack of Any Rating Penalty to Projected Specific Sound

The applicant is simply referring to the applicant's previous responses which did not address the points I made and the evidence I provided to support those points.

The applicant has been very keen to claim - sometimes falsely - that their approach is in line with other noise rail freight interchange noise reports.

Yet when it is pointed out that the applicant's approach is out of line with other rail freight interchange noise reports, and coming into line with those noise reports would hurt the applicant's case, the applicant suddenly loses all interest in the contents of other noise reports.

Unlike other rail freight interchange proposals, the applicant has not applied a +3 dB penalty due to "other sound characteristics" in the absence of penalties due to impulsive, tonal or intermittent noise.

No 25. Improper Application of Impulsive and Tonal Penalties to Projected Specific Sound

The applicant is simply referring to the applicant's previous responses which did not address the points I made and the evidence I provided to support those points.

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Yet when it is pointed out that the applicant's approach is out of line with other rail freight interchange noise reports, and coming into line with those noise reports would hurt the applicant's case, the applicant suddenly loses all interest in the contents of other noise reports.

No 26. Wrongful Expunging of Saturday Night-time Sound Measurements

The applicant is simply referring to the applicant's previous responses which did not address the points I made and the evidence I provided to support those points.

No 27. Highly Misleading Reference to Relevance of Absolute Sound Levels (Context Section)

The applicant is simply referring to the applicant's previous responses which did not address the points I made and the evidence I provided to support those points.

No 28. Use and Misuse of Context

The applicant is simply referring to the applicant's previous responses which did not address the points I made and the evidence I provided to support those points.

No 29. Demonstrable Overstatement of Current Freight Train Passes

The applicant is simply referring to the applicant's previous responses which did not address the points I made and the evidence I provided to support those points.

The applicant made one new comment. The comment is: "Table 10.9 is based on the IEMA guidelines taking into account other pertinent guidance."

The applicant has not denied that the impact scale in Paragraph 10.41 and shown in Table 10.9 of the applicant's noise report is at odds with the significance assessment included within the train noise assessment of Tables 8.3-8.5 of the [Northampton Gateway - Rail Freight Interchange](#), which was based on a combination of the change in noise exposure and the resulting noise exposure.

No 30. Construction and Construction 'Mitigation'

The report gives no numerical basis at all for the reduction from major adverse significance to between minor and moderate adverse significance. 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.

The applicant's response: "The resultant effect is based on professional judgement." supports my view.

No 31. Assessment of Operational Maximum Noise Levels

The applicant is simply referring to the applicant's previous responses.

No 32. Window Attenuation

The applicant has been very keen to claim - sometimes falsely - that their approach is in line with other rail freight interchange noise reports.

Yet when it is pointed out that the applicant's approach is out of line with other rail freight interchange noise reports, and coming into line with those noise reports would hurt the applicant's case, the applicant suddenly loses all interest in the contents of other noise reports and refuses to acknowledge them.

Instead, the applicant starts referencing one university study from 2007 which did not involve noise from a rail freight interchange and which was available when those other rail freight interchange noise reports were written and submitted to the Planning Inspectorate.

This kind of self-serving selectivity is quite transparent.

No 33. Burbage Common & Woods

The applicant is simply referring to the applicant's previous responses.

The applicant isn't addressing the LA10 levels measured by NMP3 as shown in the applicant's summary results pages, and the difference between those and the levels predicted due to the applicant's proposal.

No 34. Fundamental Incompatibility Between the Proposer's Measured Facts and the Proposer's Modelled Road Noise

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No 35. Lack of Cumulative Impact Assessment

The applicant is simply referring to the applicant's previous responses.

No 37. Section 1

The applicant is simply referring to the applicant's previous responses.

No 38. Section 2

The applicant is simply referring to the applicant's previous responses.

No 39. Section 3

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