

Tritax Symmetry (Hinckley) Limited
**HINCKLEY NATIONAL
RAIL FREIGHT INTERCHANGE**

**The Hinckley National Rail Freight
Interchange Development Consent Order**
Project reference TR050007

**Applicant's response to Deadline 7 Submissions [part 8
- Residents Businesses]**

Document reference: 18.21

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8 March 2024

Planning Act 2008

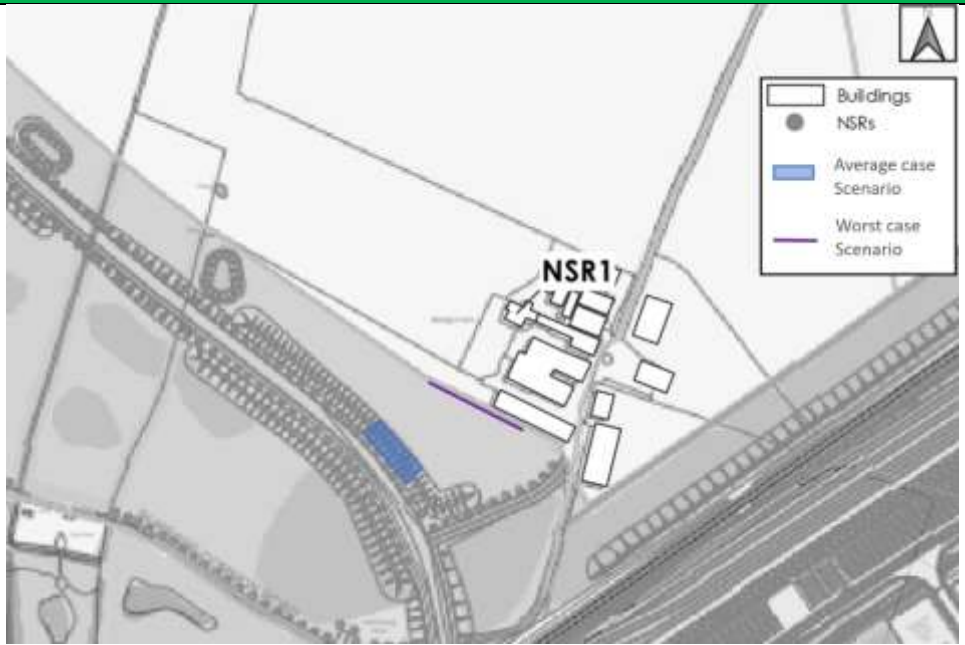
The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations
2009 Regulation 5(2)(q)

Number	Matter	Applicant's Response
Dr David Moore		
1	<p>Tritax's "Applicant's Response to Deadline 5 Submissions [part 10 - Residents Businesses]" of the 20th February 2024 tries to present itself as a meaningful Response to my earlier "Comments on the Applicant's Responses to the Examining Authority's Written Questions" document of the 9th February 2024.</p> <p>I here make my Comments on the Applicant's Response document of the 20th February 2024. But as we shall see, Tritax's Response is so fragmentary that there is little for me to Comment upon apart from its paucity.</p> <p>My "Comments on the Applicant's Responses to the Examining Authority's Written Questions" document of the 9th February 2024 ran to some 23 pages, almost all of this being new material. In their Applicant's Response document, Tritax have separated out the whole of my 23 pages into consecutive segments which they have labelled as their Matter Number 41 to Matter Number 52, making twelve such Matter Numbers in all</p>	<p>The Applicant maintains that meaningful responses have been made to all new comments made by Dr Moore.</p> <p>However, where comments have been a repetition of earlier comments worded in a different way, the corresponding response has been signposted as there is essentially nothing additional to comment on.</p> <p>The number of pages that Dr Moore has provided across the various deadlines should not detract from the core points of disagreement, which have been continually considered by the Applicant throughout the process.</p>

Number	Matter	Applicant's Response
2	<p>For fully eight of their twelve Matter Numbers, Tritax's Response is variously as follows:</p> <p>"This was addressed at Deadline 5 18.17 Applicant's Response to Deadline 4 Submissions [part 11 - Response to Mr Moore and Dr Moore]."</p> <p>"This was addressed at ISH6 and summarised in the Applicants Written (sic) Statement of Oral Case (document reference: 18.15)."</p> <p>".....have been addressed through Deadline submissions."</p> <p>In the last of those eight Matter Numbers, this being their Matter Number 52 on Rating Penalties, Tritax do show some additional text, but do not mention that that they have simply copied it directly from the Applicant's Written Statement of Oral Case (document reference: 18.15) that I have indicated above!</p>	<p>The Applicant has reviewed this comment and refers the ExA back to the response to point 1.</p>
3	<p>In respect of the remaining four of their twelve Matter Numbers, I Comment as follows:</p> <p>Matter Number 46: 1.8.18 Tabular Comparison for Noise Effects "BS4142:2014 states that 'where the initial estimate of the impact needs to modified due to the context, take all pertinent factors into consideration, including the following;</p>	<p>All of the words attributed to BS4142 in Dr Moore's comment are lifted directly from the same section of BS4142. Dr Moore is correct in that there are lines of text essentially providing further context to each of the points. However, what is not correct is that BS4142 "does not actually say that at all". BS4142 makes those points very clearly, and actively encourages the practitioner to consider the context of the impact and modify where it should be. This does require some professional</p>

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	<ul style="list-style-type: none"> • The absolute level of sound; • The character and level of the residual sound compared to the character and level of specific sound; • The sensitivity of the receptor and whether dwellings or other premises used for residential purposes will already incorporate measures that secure good internal and/or outdoor acoustic conditions” <p>Unfortunately, BS4142:2014+A1:2019 does not actually say that at all. What Tritax have done here, despite their use of a (single) quotation mark, is to represent three (long) numbered paragraphs by three bullet points, each of which shows only the first sentence from its (much longer) corresponding paragraph. Collectively, those three paragraphs run to some 31 lines of text!</p> <p>Tritax offer no reason why their initial estimate of the impact might need to be modified. Tritax modified the impact because if they had not done so then their Proposed Development would have had no hope of Approval.</p>	<p>judgement, underpinned by evidence, and for this reason is why BS4142 requires the practitioner to be suitably qualified (stated in BS4142 Page III under 'use of this document' (p.iii))</p> <p><i>“Use of this document</i></p> <p><i>It has been assumed in the preparation of this British Standard that the execution of its provisions will be entrusted to appropriately qualified and experienced people, for whose use it has been produced.”</i></p> <p>The methodology for the operational noise assessment has been agreed with BDC and HBBC through the Statement of Common Ground - Hinckley NRFI SoCG between the Applicant and Blaby District Council (document reference: 19.1D). This has included technical input from the Councils' own technical team and an external noise expert, all of whom are suitably qualified and experienced to practice in the field of acoustics.</p> <p>The reasons for modifying the assessment to account for context are clearly set out in paragraphs 10.35 – 10.36 and 10.173 of the Noise and Vibration chapter (document reference: 6.1.10A, REP4-039 Revision 08).</p>

Number	Matter	Applicant's Response
4	<p>Matter Number 47: Construction Noise 1.8.4. Construction Noise</p> <p>This is in respect of the Examining Authority's Written Question ExQ 1.8.4 to the Applicant: "Construction Noise Likely noise effects at NSRs have been considered on an 'average case' and a 'worst case' scenario. For the average case scenario an 'approximate centre point of the closest area of construction' has been used.</p> <p>a) Can the Applicant explain how this centre point was established for the purposes of assessments?</p> <p>b) Further, can it identify the size of the closest area of construction and its distance from site boundaries, including reasons for such measurements, noting that Interested Parties ([REP1-109] to [REP1-113]) consider average case calculations to be correct only when plant is grouped at 300m from the site boundary and that the average area of construction is around 600m in width? If this is correct, what are the implications for noise assessments?"</p> <p>Tritax state: "The resultant effect is based on professional judgement. Given the stage of the proposals i.e. outline, limited information regarding the exact construction plant/methods is available. In</p>	<p>Firstly, the methodology for the construction noise assessment has been agreed with BDC and HBBC through the Statement of Common Ground - Hinckley NRFI SoCG between the Applicant and Blaby District Council (document reference: 19.1D). This has included technical input from the Councils' own technical team and an external noise expert, all of whom are suitably qualified and experienced to practice in the field of acoustics.</p> <p>It is quite logical to use the sound propagation model set out in BS5228 to then compare results against the noise limit guidelines from that same document, because the limits assume the practitioner has used the specified methodologies in that document to arrive at a resultant noise level.</p> <p>Dr. Moore's comment is misleading as it infers that the Applicant's response as quoted was in direct response to the ExA's written questions 1.8.34. This is not the case. The following response was provided by the Applicant to the ExA's question;</p> <p><i>"a) The following illustrative figure, which is not to scale presents an example of how the construction area was defined for receptors included within the construction noise assessment.</i></p>

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	<p>reality, the impact of construction noise is likely to be between the average and worst-case scenario. There is a requirement for construction noise monitoring as part of the DCO and any impacts and mitigation requirements will be controlled through the CEMP (document reference: 17.1B)."</p> <p>Tritax's Response does not relate to or address in any way the Examining Authority's Question 1.8.4, which therefore still goes unanswered. And Tritax's recourse to their Professional Judgement here strains credibility.</p> <p>Tritax then go on to state: "As stated at ISH6, ISO-9613-2-1996 is not the correct calculation of sound propagation of construction noise."</p> <p>Although this involves only a single line of Response from Tritax, I have Commented upon this in considerable detail here, in order to make the position clear.</p> <p>Firstly, after scrutinising the Examining Authority's "Recording of Issue Specific Hearing 6 (ISH6) – Part 4 – 24 January 2024" and its associated Transcript in detail, I can confirm that Tritax did not state in the Issue Specific Hearing (ISH6) that "ISO-9613-2-1996 is not the correct calculation of sound propagation of construction noise."</p>	 <p><i>The worst-case scenario assumes that construction works could take place within 5m of the Main DCO limits.</i></p> <p><i>The average case scenario assumes construction taking place within the closest area where works are required, as shown on the above figure for NSR1.</i></p> <p><i>B. The average case and worst case assessments represent the range of potential outcomes for works. Where there is a large area of construction, the worst case impacts would remain the same as if it were a smaller area, however, conversely, if there is a large area where activities are on average going to be a very significant distance away from the site boundary, the average case assessment should reflect this. This is demonstrated in the above figure. "</i></p>

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	<p>What Tritax actually stated was that they had used BS 5228-1:2009+A1:2014 in their calculation of construction noise.</p> <p>As I have explained previously, in its opening pages BS 5228-1 "Code of Practice for Noise and Vibration Control on Construction and Open Sites" states that it "gives recommendations for basic methods of noise control relating to construction sites". (the bold italics are mine)</p> <p>Overall, it aims to provide a simple and accessible guide to the noise levels that will prevail around construction and open sites, which are often small and fast-changing, so that elaborate calculations are inappropriate.</p> <p>In contrast, "ISO 9613-2-1996 Acoustics - Attenuation of sound during propagation outdoors - Part 2: General method of calculation" provides a robust and comprehensive method for the calculation of sound propagation outdoors. Indeed, this ISO Standard is the one that Tritax have selected for noise modelling by their CadnaA acoustic software package.</p> <p>In its first Section, describing the Scope of the Standard, ISO 9613-2-1996 states:</p>	<p>The Applicant therefore respectfully disagrees with Dr Moore's characterisation and maintains that it has answered the question fully.</p> <p>With regard to the comment around the Applicant's use of professional judgement, it is actually almost impossible to predict construction phase noise impacts and effects at the current design stage without professional judgement and experience of how a Site of this scale is built. The Applicant has been very clear on assumed numbers of plant, source of noise data for these, assumed percentage "on-times" etc. which are clearly set out in Table 10.27 of the Noise and Vibration chapter (document reference: 6.1.10A, REP4-039 Revision 08).</p> <p>Construction noise has been calculated in full compliance with the methodologies set out in BS5228 Part 1, which is the British Standard specific to the prediction and assessment of construction noise, and therefore the correct calculation methodology for predicting construction noise.</p> <p>In addition to the text reproduced by Dr. Moore, the following is also included under section 1 'Scope' of BS5528:2009+A1:2014 Part 1: Noise.</p> <p><i>'This part of BS5228 provides guidance concerning methods of predicting and measuring noise and assessing its impact on those exposed to it'.</i></p> <p>Therefore, the Applicant maintains that BS5528 is the correct methodology for predicting and assessing noise from construction.</p>

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	<p>“This part of ISO 9613 specifies an engineering method for calculating the attenuation of sound during propagation outdoors in order to predict the levels of environmental noise at a distance from a variety of sources.”</p> <p>And goes on....</p> <p>“This method is applicable in practice to a great variety of noise sources and environments. It is applicable, directly or indirectly, to most situations concerning road or rail traffic, industrial noise sources, construction activities, and many other ground-based noise sources.” (the bold italics are mine)</p> <p>Now, it is a common occurrence, during construction other activities, that numerous noise sources are dispersed about an area, and a simple way is needed to calculate their collective noise impact at some considerable distance away. ISO Standard 9613-2-1996 describes a method of notionally grouping those noise sources, but carefully warns when the method should, and should not, be used.</p> <p>The ISO Standard 9613-2-1996 description makes clear that Tritax should not have used the grouping method in the way that they have.</p>	<p>The methodology is consistent with the construction noise assessments for other similar DCOs such as Northampton Gateway, West Midlands Interchange and East Midlands Gateway.</p> <p>Dr Moore is then making a point about grouping when using the ISO standard – but the Applicant has not used this ISO for construction noise. This is a simple disagreement on the most appropriate calculation methodology to use. As such, the Applicant refutes the allegation of being selective and disingenuous for this very reason.</p>

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	<p>There is however, no mention of any of this in the much simpler BS 5228-1:2009+A1:2014 which Tritax have used in their calculation of construction noise. And on that basis, Tritax have felt free to use that same grouping method, but have also felt free to ignore any warning that does not come directly from BS 5228-1:2009+A1:2014 itself. And of course, because BS 5228-1:2009+A1:2014 does not describe the grouping method, there inevitably is no such warning.</p> <p>Tritax's approach is both extremely selective and disingenuous.</p>	
<p>5</p>	<p>Matter Number 48: Acoustic Absorption 1.8.11. Ground Acoustic Absorption 1.8.12. Ground Acoustic Absorption</p> <p>"The use of a ground absorption coefficient of 0.5 provides a conservative approach as in reality, the ground between the proposed development and receptors should be set as acoustically absorptive."</p> <p>Tritax's use of a ground absorption coefficient of 0.5 is incorrect in the area encompassing the Reach Stackers, Gantry Cranes, Rail and Road vehicles, Outward-Facing Units 7, 8 and 9, and the Acoustic Barriers, as this area is acoustically reflective and has a ground absorption coefficient of 0.0. This is a critical and potentially resonant area.</p>	<p>There appears to be a misunderstanding as to how the ground absorption has been approximated.</p> <p>ISO9613-2 states, under Section 7.3:</p> <p><i>"Three distinct regions for ground attenuation are specified (see figure 1):</i></p> <p><i>a) the source region, stretching over a distance from the source towards the receiver of $30h$, with a maximum distance of d_p (h, is the source height, and d_p the distance from source to receiver, as projected on the ground plane);</i></p>

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	<p>Inappropriate modelling parameters should not be used when, as here, they are known to be incorrect. And especially when, as here, they will have the effect of underestimating the Operational Noise from the Proposed Development.</p>	<p><i>b) the receiver region, stretching over a distance from the receiver back towards the source of 30hr, with a maximum distance of d_r, (h_r is the receiver height);</i></p> <p><i>c) a middle region, stretching over the distance between the source and receiver regions. If d_r ($30h_s$, + $30h_r$), the source and receiver regions will overlap, and there is no middle region.</i></p> <p><i>According to this scheme, the ground attenuation does not increase with the size of the middle region, but is mostly dependent on the properties of source and receiver regions."</i></p> <p>To summarise the above, the ground conditions closest to the source and receiver are of most importance. The ground nearest the sources is considered to be acoustically reflective, i.e. $G=0$, whilst the ground nearest the receptors is considered to be acoustically absorbent, i.e. $G=1$. Therefore, the generalised noise model setting has been set to $G = 0.5$, which essentially takes into account the mixed ground conditions between source and receiver (i.e. from source to receiver the sound will need to travel across some hard ground and some soft ground).</p> <p>This is therefore a perfectly justifiable position.</p> <p>As has been stated in previous representations by the Applicant, the methodology for the operational noise assessment, including model inputs has been agreed with BDC and HBBC through the Statement of Common Ground - Hinckley NRFI SoCG between the Applicant and Blaby District Council (document reference: 19.1D).</p>

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6	<p>Matter Number 49: Noise Sources from the Proposed Development 1.8.13 Background and Rating Levels.</p> <p>This is in respect of the Examining Authority's Written Question ExQ 1.8.13 to the Applicant:</p> <p>"Background and Rating Levels Does the BS4142:2014+A1:2019 "Technical Note" published by the Association of Noise Consultants Good Practice Working Group in March 2020 have any relevance to assessments in terms of background levels and rating levels? If so, could the Applicant explain the implications?"</p> <p>Tritax stated:</p> <p>"The ANC is a trade organisation and there are plenty of reputable specialist acoustic consultancies who are not members. The professional body for acoustic specialists is the Institute of Acoustics and there is a strict criteria-set for individuals to meet in order to gain membership."</p>	<p>Dr Moore does not accurately record what was submitted to the Examination is response to the ExA's Written Question ExQ 1.8.13. The actual full response was as follows in italics:</p> <p><i>"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:</i></p> <p><i>"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."</i></p> <p><i>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 (document reference: 6.1.10A, REP-039).</i></p> <p><i>The operational phase noise assessment methodology is agreed through the Statement of Common Ground with BDC and HBBC."</i></p> <p>The point being made by the Applicant was not to discredit the ANC as an organisation, but rather that the Working Group document was neither an IOA endorsed document nor a prescriptive guide and therefore in the</p>

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	<p>Eminent and active Members and Fellows of the Institute of Acoustics choose to take up positions and responsibilities within the Acoustics and Noise Consultants (ANC).</p> <p>All of the nine Board Members of the Acoustics and Noise Consultants (ANC) are Members of the Institute of Acoustics, and four of them are Fellows.</p> <p>All of the seven members of the Working Group who Authored the Acoustic and Noise Consultants BS 4142:2014+A1:2019 "Technical Note" of March 2020 were Members of the Institute of Acoustics, and three of them were Fellows.</p> <p>Tritax's Response here is both disingenuous and misleading.</p>	<p>Applicant's view it is reasonable to use BS4142 as a standalone document.</p> <p>Notwithstanding this, the point has already been made that there is nothing within the ANC Technical Note that would change the approach or results of the assessments set out in the ES Chapter (document reference: 6.1.10A, REP4-039 Revision 08).</p>
7	<p>Conclusion</p> <p>Although Tritax have spread out my "Comments on the Applicant's Responses to the Examining Authority's Written Questions" document of the 9th February 2024 over no fewer than 31 of the total of 75 pages that make up their "Applicant's Response to Deadline 5 Submissions [part 10 - Residents Businesses]" document, the Comments that Tritax actually make over those 31 pages are woefully thin. Tritax have nothing new in the case of eight of their twelve Matter Numbers, and the remaining four are very short, weak, and sometimes rather confused.</p>	<p>The Applicant respectfully disagrees with Dr Moore's characterisation of its responses to his submissions. These have been continually considered by the Applicant throughout the process and are clearly evidenced in the submissions to the Examination.</p> <p>Where relevant points have been made, the Applicant has shown willing to provide further evidence or information and to work with the various consultees. This has included, but not been limited to, sensitivity testing of cumulative road traffic noise effects at the request of BDC and HBBC, additional assessment of mitigation for road traffic noise at the request of CPRE and the provision of additional information on gantry cranes and</p>

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	<p>In the same way that Tritax have (still) failed to respond to my first Written Representation document of the 10th October 2023, we see them once again failing to participate in the Examination Process.</p> <p>Tritax may be trying to give the impression that, because of their lack of a meaningful Response, it might be concluded that most matters are settled. For clarity, I state here emphatically that no such conclusion should be drawn. Matters are by no means settled.</p>	<p>soft dock technology at the request of BDC and Elmesthorpe PC, respectively. The journey that the SOCG has been on throughout the Examination process shows the progressive nature of how discussions have been entered into.</p> <p>The Applicant respectfully disagrees that it has failed to respond to the first Written Representation document of the 10th October. The comments provided by Dr. Moore were summarised and a response provided to each concern at Deadline 2 – Residents Businesses (document reference: REP2-066).</p> <p>In reviewing the latest and previous responses from Dr Moore it is clear that there is a difference of opinion.</p> <p>Dr Moore has repeatedly stated his qualifications and credentials. None of these are relevant specifically to the field of environmental acoustics.</p>
William David Moore		
8	<p>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.</p>	<p>Where the Applicant's responses refer to previous responses, it is because it is the Applicant's view that the Mr Moore's comments offer no new points on which to respond to. In addition, where new points are raised, the differences to previous points made are so nuanced that they are essentially related to the same core issue on which the Applicant has previously provided a response.</p> <p>The Applicant can assure both Mr Moore and the ExA that all submissions made by Mr Moore across the various deadlines and at hearings reveal</p>

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	<p>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.</p> <p>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.</p> <p>No 12. The applicant is simply referring to the applicant's previous responses.</p> <p>No 13. The applicant is simply referring to the applicant's previous responses.</p>	<p>core points of disagreement, which have been continually considered by the Applicant and responded to throughout the process.</p> <p>Where relevant points have been made, the Applicant has shown willing to provide further evidence or information and to work with the various consultees. This has included, but not been limited to, sensitivity testing of cumulative road traffic noise effects at the request of BDC and HBBC, additional assessment of mitigation for road traffic noise at the request of CPRE (Applicants response to deadline 3 submissions [Appendix C – Update to development generated road traffic noise assessment, document reference: 18.13.3, REP4-132 Revision 01) and the provision of additional information on gantry cranes (provided at ISH6 to BDC and agreed at Deadline 7 through the SoCG with BDC) and soft dock technology (provided at Deadline 7 through the SoCG with BDC) (document reference: 19.1C, REP7-069) at the request of BDC and Elmesthorpe PC, respectively. The journey that the SOCG has been on throughout the Examination process shows the progressive nature of how discussions have been entered into.</p> <p>In reviewing the latest and previous responses from Mr Moore it is apparent that there is a difference of opinion.</p> <p>As an overarching response on the latest comments provided by Mr Moore, many of the points of disagreement are based around numerical reasoning. However. the professional judgement of the assessor in drawing together both objective and subjective assessment to arrive at a considered conclusion is a complex process that requires experience of both the breadth of standards and guidance, and also in-the-field</p>

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		<p>experience. Mr Moore's points inherently lack the subjective element of the assessment when arriving at a reasoned effect.</p> <p>Section 7.6 of the IEMA Guidelines for Environmental Noise Impact Assessment 2014 [version 1.2 November 2014] is clear on the importance of professional judgement:</p> <p><i>"7.6 In some situations, the conclusion about the degree of the impact will be clear and straightforward; but in others it is likely that, ultimately, a professional judgement will have to be made by the assessor. It must be remembered that the effects of noise are <u>primarily subjective</u>, and while it is desirable to include as much objectivity as possible into the assessment process in order to obtain consistency. there should be no concern in allowing professional judgement to come in the final analysis. However, the basis for the judgement made must be clearly set out so that it is clear how the conclusion has been reached."</i></p> <p>The above excerpt from the document highlights that subjectivity is important and has been taken into account by the Applicant.</p> <p>In response to Mr Moore's comment on "No 12", the Applicant has referred to earlier responses because those responses addressed the core point, which in the Applicant's view reveals a fundamental misunderstanding on Mr Moore's part as to how ambient noise data is collected. Measured noise levels at a given location are either representative of a receptor or not. It is highly impractical to try to apply correction for distance etc. because the rail noise is not the only source of</p>

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		<p>noise present at the measurement locations in question – there are also contributions from the major road noise sources in the area. One cannot simply apply a correction. To justify why the measurement locations are considered representative of ambient noise levels at receptors, the Applicant has drawn on the publicly available DEFRA strategic mapping. It has already been acknowledged that this is purely being used to add context and to support the justification, which the Applicant strongly believes it does. This has already been demonstrated in (document reference: 18.7.6, REP-3-061). Mr Moore clearly does not accept the Applicant's conclusion. However, it should be noted that BDC and HBBC do consider this a matter of agreement.</p> <p>In response to Mr Moore's comment on "No 13", Mr Moore does not acknowledge that the road traffic noise modelling has been used in much the same way as the DEFRA strategic noise mapping purely to add weight to the position that the measured ambient noise levels are representative of those nearest noise sensitive receptors. Mr Moore makes the same point around using distance attenuation for rail noise, ignoring the road traffic noise contribution to the ambient noise levels. Mr Moore again does not accept this, but as with other areas with which he takes issue, BDC and HBBC consider the suitability of the baseline noise survey a matter of agreement.</p>
9	<p>As I explained at Deadline 6, the applicant's responses to some points were very confused.</p> <p>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</p>	<p>It is noted that NSRs 2, 3 and 4 are located on Bridle Path Road. The NSRs included within the technical note were included as they were associated with NMP4. NSRs 1 and 24 were excluded as it was wrongly assumed that the methodology at these receptors was not being questioned. For clarity, BDC, HBBC and their independent noise consultant are not questioning the methodology but Mr Moore is.</p>

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	<p>applicant's claims relating to those NSRs can be discarded.</p> <p>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.</p>	<p>Therefore, for completeness, the resultant noise levels are shown below for NSRs 1 and 24, which were also provided at Deadline 7.</p> <table border="1" data-bbox="1084 371 1899 517"> <thead> <tr> <th rowspan="2">NSR</th> <th colspan="4">Daytime (0700-2300)</th> <th colspan="4">Night-time (2300-0700)</th> </tr> <tr> <th>Rating Level</th> <th>Ambient Level</th> <th>Rating + Ambient</th> <th>Increase</th> <th>Rating Level</th> <th>Ambient Level</th> <th>Rating + Ambient</th> <th>Increase</th> </tr> </thead> <tbody> <tr> <td>1</td> <td>47</td> <td>56.2</td> <td>56.7</td> <td>+0.5</td> <td>47</td> <td>54.8</td> <td>55.5</td> <td>+0.2</td> </tr> <tr> <td>24</td> <td>50</td> <td>56.2</td> <td>57.1</td> <td>+0.9</td> <td>47</td> <td>54.8</td> <td>55.5</td> <td>+0.2</td> </tr> </tbody> </table>	NSR	Daytime (0700-2300)				Night-time (2300-0700)				Rating Level	Ambient Level	Rating + Ambient	Increase	Rating Level	Ambient Level	Rating + Ambient	Increase	1	47	56.2	56.7	+0.5	47	54.8	55.5	+0.2	24	50	56.2	57.1	+0.9	47	54.8	55.5	+0.2
NSR	Daytime (0700-2300)				Night-time (2300-0700)																																
	Rating Level	Ambient Level	Rating + Ambient	Increase	Rating Level	Ambient Level	Rating + Ambient	Increase																													
1	47	56.2	56.7	+0.5	47	54.8	55.5	+0.2																													
24	50	56.2	57.1	+0.9	47	54.8	55.5	+0.2																													
10	<p>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</p>	<p>The Applicant disagrees with this statement. The noise contours for the rail line are similar for the daytime and night-time periods, for the bands down to 55dB. The night-time contours extend out to 50 dB, but for the daytime, there are no published 50 dB contours. However, given the similarities between the daytime and night-time contours, it is reasonable to assume that the daytime 50 – 54.9 dB would be similar to the night-time 50 – 54.9 dB contour.</p> <p>The 50 - 54.9 dB contour extends out to NSRs on Billington Road East and this is the reasoning for assigning 50 dB associated with rail noise to these receptors.</p> <p>Notwithstanding the above, the road noise contours produced, which are shown within figures 3 and 4 of the Issue Specific Hearing Response document reference: 18.7.6, REP3-061) indicates that noise levels at NSRs outside of the 50dB rail noise contour are within the 54-55.9 dB road noise contour. Therefore, road noise will dominate over rail passbys at these receptors.</p>																																			

Number	Matter	Applicant's Response
		<p>Notwithstanding this, as previously stated, the crux of the matter appears to be whether the ambient noise levels used within the context assessment at receptors in the vicinity of NMP4 are representative, and the analysis undertaken to date shows that they are.</p> <p>The results of the analysis show that as distance increases from the rail line, road traffic from surrounding roads becomes more dominant. The predicted cumulative noise levels from road and rail sources are within the range of noise levels used within the assessment. Therefore, the results of the assessment are valid and the residual impacts are correct.</p> <p>The methodology for the operational phase noise assessment, which includes the use of the baseline noise levels has been agreed with BDC and HBBC through the Statement of Common Ground - Hinckley NRFI SoCG between the Applicant and Blaby District Council (document reference: 19.1D). This has included technical input from the Councils' own technical team and an external noise expert, all of whom are suitably qualified and experienced to practice in the field of acoustics.</p>
11	<p><u>No 14. ExQ 1.8.13 Background and Rating Levels</u> 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.</p>	<p>The paragraph relating to low background and rating levels has been taken verbatim from the guidance document, and was included within the noise and vibration chapter to highlight that the absolute noise level could be considered within the context assessment.</p>

Number	Matter	Applicant's Response
		<p>BS4142 does not state that the consideration of absolute levels is limited to situations where the background sound levels and rating levels are low. Section 11 of the Standard states:</p> <p><i>“An effective assessment cannot be conducted without an understanding of the reason(s) for the assessment and the context in which the sound occurs/will occur. When making assessments and arriving at decisions, therefore, it is essential to place the sound in context.”</i></p> <p>BS4142 states:</p> <p><i>“where the initial estimate of the impact needs to be modified due to the context, take all pertinent factors into consideration, including the following;</i></p> <ul style="list-style-type: none"> • <i>The absolute level of sound [...]</i> • <i>The character and level of the residual sound compared to the character and level of specific sound. [...]</i> • <i>The sensitivity of the receptor and whether dwellings or other premises used for residential purposes will already incorporate measures that secure good internal and/or outdoor acoustic conditions [...]</i>“ <p>The absolute level of sound should therefore be considered as part of any contextual assessment. The Applicant has done this and reported the assessment outcome within the Noise and Vibration ES chapter.</p> <p>Furthermore, the assessment has considered any differences between the character and level of the residual sound compared to the specific sound</p>

Number	Matter	Applicant's Response
		<p>when applying acoustic penalties (pre and post mitigation scenarios), and the external and internal noise levels as a result of the HRNFI (paragraphs 10.302 and 10.303 Chapter 10 Noise and Vibration 6.1.10A, REP4-039 Revision 08), taking into account any façade treatment.</p> <p>Therefore, the assessment methodology is in line with the requirements of BS4142.</p>
12	<p>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.</p> <p>Train pass bys are lower on both Saturday and Sunday nights. The applicant hasn't conducted a weekend assessment.</p>	<p>The methodology for the assessment of noise of off-site rail movements has been agreed with BDC and HBBC through the Statement of Common Ground - Hinckley NRFI SoCG between the Applicant and Blaby District Council (document reference: 19.1D).</p> <p>Notwithstanding the above, it has been stated many times by the Applicant that the noise impact as a result of the additional trains on the existing line is not a material consideration of this application, as Network Rail's statutory position is that it is entitled to increase the use of trains. The assessment has been included for completeness. Mr Moore's persistence on this point does not change the situation.</p>
13	<p>No 16. The applicant hasn't attenuated the sound of the train pass bys measured by NMP4 & NMP3 to the NSRs.</p> <p>The rail contours introduced by the applicant show sound levels far higher than the levels measured by NMP4 & NMP3.</p>	<p>The methodology for the operational assessment, including the noise survey results has been agreed with BDC and HBBC through the Statement of Common Ground - Hinckley NRFI SoCG between the Applicant and Blaby District Council (document reference: 19.1D).</p>

Number	Matter	Applicant's Response
	<p>The applicant hasn't addressed the point.</p>	<p>To be clear, the measured noise levels have been used within the noise and vibration assessment. DEFRA noise contours have been used for context but have not been relied upon within the assessment.</p> <p>As previously stated, the crux of the matter appears to be whether the ambient noise levels used within the context assessment at receptors in the vicinity of NMP4 are representative, and the analysis undertaken to date shows that they are.</p> <p>The results of the analysis show that as distance increases from the rail line, road traffic from surrounding roads becomes more dominant. The predicted cumulative noise levels from road and rail sources are within the range of noise levels used within the assessment.</p> <p>The same reasoning also applies to the noise levels at NMP3.</p> <p>Therefore, the Applicant's position is that the results of the assessment are valid and the residual impacts are correct.</p>
14	<p>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.</p> <p>The applicant has been very keen to claim - sometimes falsely - that their approach is in line with other noise rail freight interchange noise reports.</p>	<p>The Applicant strongly disagrees with this statement. A response was provided to this comment at Deadline 6 (document reference: 18.19, REP6-027), which detailed a review undertaken of the Noise and Vibration Chapter prepared for Northampton Gateway (Document 5.2 Chapter 8) and East Midlands Gateway (Chapter 9 Document 5.2 July 2014).</p> <p>The outcome of the review was that there is no standard accepted methodology for determining rating levels, and it is based on professional judgement.</p>

Number	Matter	Applicant's Response
	<p>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.</p> <p>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.</p>	<p>Notwithstanding this, the Applicant has undertaken a sensitivity test and applied +3dB to account for other sound characteristics. The assessment and results are presented in Consultation Response Statement of Common Ground – M-EC and Blaby District Council – Noise (document reference: 19.1D). The outcome of that sensitivity test was that this would not affect the final conclusions of the Noise and Vibration Chapter.</p> <p>The methodology for the application of the operational assessment, including the application of penalties has been agreed with BDC and HBBC through the Statement of Common Ground - Hinckley NRFI SoCG between the Applicant and Blaby District Council (document reference: 19.1D).</p>
15	<p>No 18. ExQ 1.8.24 Rating Penalties As I explained at Deadline 6, the applicant has misquoted me.</p> <p>I did not say I had used the methodology employed at East Midlands Gateway.</p> <p>I said: "I've used the method which was disclosed and used in the West Midlands Rail Freight Interchange noise report".</p> <p>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.</p> <p>The applicant has misquoted me, has 'responded' to something I did not write or say and yet again failed</p>	<p>Mr Moore's comments are addressed in the response to the previous point.</p>

Number	Matter	Applicant's Response
	<p>to respond to my submissions on this topic since Deadline 1.</p> <p>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.”</p> <p>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.</p> <p>The applicant has not claimed that I have failed to follow the method.</p> <p>The applicant hasn’t disclosed any method whatsoever. There is nothing backing the applicant’s rating levels other than the applicant’s declaration.</p> <p>The applicant has once again failed to address the point I made and the evidence I provided to support that point.</p>	
16	<p><u>No 19. ExQ 1.8.26 Magnitude of effect applicable to LAFmax levels</u></p> <p>The applicant is simply repeating the applicant’s previous responses.</p>	<p>The Applicant strongly disagrees with the statement ‘<i>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-</i></p>

Number	Matter	Applicant's Response
		<p><i>time period, despite there likely being very many of them,'</i> made by Mr. Moore.</p> <p>The Noise and Vibration chapter (document reference: 6.1.10A, REP4-039 Revision 08) sets out the with mitigation predictions and associated effects for the highest LAFmax levels that could be experienced at NSRs. The chapter notes that the exceedances are only predicted when the source is operating near the receptor and the resultant levels do not account for screening provided by container stacks or other sources. Therefore, the with mitigation assessment presents a worst-case scenario.</p>
17	<p><u>No 20. ExQ 1.8.33 Noise – Burbage Common Wood</u></p> <p>The applicant is simply referring to the applicant's previous responses.</p> <p>As I explained at Deadline 6, the applicant's responses to some points were very confused.</p> <p>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.</p> <p>The applicant explains this in Paragraph 10.284: <i>"Considering this, the noise associated with the</i></p>	<p>Mr. Moore's comments do not consider, or overlook, the tranquillity assessment which has been undertaken for Burbage Common Woods. This is detailed in paragraphs 10.337 to 10.340 of the Noise and Vibration chapter (document reference: 6.1.10, REP4-039 Revision 08). This assessment includes noise from the gantry cranes with the higher noise level (i.e prior to a 10dB reduction), which is detailed in Paragraph 10.340. The resultant effect is predicted to be permanent, minor adverse.</p>

Number	Matter	Applicant's Response
	<p>gantry cranes and associated character correction have been removed from the following assessment."</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>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.</p>	
18	<p>No 21. The applicant is simply referring to the applicant's previous responses</p>	<p>The methodology for the operational assessment, including the noise survey results has been agreed with BDC and HBBC through the Statement of Common Ground - Hinckley NRFI SoCG between the Applicant and Blaby District Council (document reference: 19.1D). This has included technical input from the Councils' own</p>

Number	Matter	Applicant's Response
		<p>technical team and an external noise expert, all of whom are suitably qualified and experienced to practice in the field of acoustics.</p> <p>The measured noise levels have been used within the noise and vibration assessment. DEFRA noise contours have been used for context but have not been relied upon within the assessment.</p> <p>As previously stated, the crux of the matter appears to be whether the ambient noise levels used within the context assessment at receptors in the vicinity of NMP4 are representative, and the analysis undertaken to date shows that they are.</p> <p>The same reasoning also applies to the noise levels at NMP3.</p> <p>Therefore, the results of the assessment are valid and the residual impacts are correct.</p>
19	<p><u>No 23. Catastrophic Foundational Failure</u> The applicant is simply referring to the applicant's previous responses.</p> <p>As I explained at Deadline 6, the applicant's responses to some points were very confused.</p> <p>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.</p>	<p>This is a reiteration of Mr Moore's points 9 and 10. Please see the responses above to those points.</p>

Number	Matter	Applicant's Response
	<p>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.</p> <p>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.</p>	
20	<p><u>No 24. Lack of Any Rating Penalty to Projected Specific Sound</u></p> <p>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.</p> <p>The applicant has been very keen to claim - sometimes falsely - that their approach is in line with other noise rail freight interchange noise reports.</p> <p>Yet when it is pointed out that the applicant's approach is out of line with other rail freight</p>	<p>This is a reiteration of Mr Moore's point 14. Please refer to the response to point 14, above.</p>

Number	Matter	Applicant's Response
	<p>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.</p> <p>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.</p>	
21	<p><u>No 25. Improper Application of Impulsive and Tonal Penalties to Projected Specific Sound</u></p> <p>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.</p> <p>The applicant has been very keen to claim - sometimes falsely - that their approach is in line with other noise rail freight interchange noise reports.</p> <p>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.</p>	<p>This is a reiteration of Mr Moore's comment in points 14 and 20, and has been responded to in point 14, above.</p>

Number	Matter	Applicant's Response
22	<p data-bbox="353 256 1050 328"><u>No 26. Wrongful Expunging of Saturday Night-time Sound Measurements</u></p> <p data-bbox="353 373 1050 523">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.</p>	<p data-bbox="1072 256 1980 328">The Applicant has provided a response to this comment on numerous occasions. The response has been reiterated here for clarity.</p> <p data-bbox="1072 373 2018 560">Where trains run 6 nights out of 7, then the 'typical' environment is that trains run through the night-time, and the one night where there are no trains is atypical. Therefore, the noise levels used within the noise assessment are representative and the residual effects and conclusions are correct.</p>
23	<p data-bbox="353 572 1050 644"><u>No 27. Highly Misleading Reference to Relevance of Absolute Sound Levels (Context Section)</u></p> <p data-bbox="353 689 1050 839">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.</p>	<p data-bbox="1072 572 1845 603">This has been addressed in the response to point 11 above.</p>
24	<p data-bbox="353 850 808 880"><u>No 28. Use and Misuse of Context</u></p> <p data-bbox="353 925 1050 1075">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.</p>	<p data-bbox="1072 850 1845 880">This has been addressed in the response to point 14 above.</p>
25	<p data-bbox="353 1086 1050 1158"><u>No 29. Demonstrable Overstatement of Current Freight Train Passes</u></p> <p data-bbox="353 1203 1050 1353">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.</p>	<p data-bbox="1072 1086 1845 1117">This has been addressed in the response to point 12 above.</p>

Number	Matter	Applicant's Response
	<p>The applicant made one new comment. The comment is: "Table 10.9 is based on the IEMA guidelines taking into account other pertinent guidance."</p> <p>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.</p>	
26	<p><u>No 30. Construction and Construction 'Mitigation'</u></p> <p>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.</p> <p>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.</p>	<p>The methodology for the construction noise assessment has been agreed with BDC and HBBC through the Statement of Common Ground - Hinckley NRFI SoCG between the Applicant and Blaby District Council (document reference: 19.1D).</p> <p>In the experience of the Applicant's noise consultants , it is almost impossible to predict construction phase noise impacts and effects at the current design stage without professional judgement and experience of how a development of this scale is built. The Applicant has been very clear on assumed numbers of plant, source of noise data for these, assumed percentage "on-times" etc., which is detailed in Table 10.27: Assumed construction plant details of the Noise and Vibration chapter (document reference: 6.1.10A, REP4-039 Revision 08).</p>

Number	Matter	Applicant's Response
	<p>The applicant's response: "The resultant effect is based on professional judgement." supports my view.</p>	
27	<p><u>No 31. Assessment of Operational Maximum Noise Levels</u></p> <p>The applicant is simply referring to the applicant's previous responses.</p>	<p>This is a repetition of Mr Moore's comment in point 16, and has been responded to in the Applicant's response to that point above.</p>
28	<p><u>No 32. Window Attenuation</u></p> <p>The applicant has been very keen to claim - sometimes falsely - that their approach is in line with other rail freight interchange noise reports.</p> <p>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.</p> <p>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.</p>	<p>The Applicant strongly refutes the characterisation depicted by Mr Moore. In its view it has undertaken an assessment using an evidence-based approach to establishing a robust conclusion.</p> <p>The reduction afforded by a partially open window is stated in BS8233 as being 15dB. .</p> <p>Whilst some other applications have taken an even more pessimistic approach to the reduction afforded, the purpose of presenting the research undertaken by Napier University was to provide an evidence base that the reduction can be greater than 15dB, and therefore using a reduction of 15dB is a robust estimate.</p> <p>Mr. Moore has not provided any evidence that a lower reduction should be considered.</p>

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Number	Matter	Applicant's Response
	<p>This kind of self-serving selectivity is quite transparent.</p>	
29	<p><u>No 33. Burbage Common & Woods</u></p> <p>The applicant is simply referring to the applicant's previous responses.</p> <p>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.</p>	<p>This has been addressed in the response to point 13 above.</p>
30	<p><u>No 34. Fundamental Incompatibility Between the Proposer's Measured Facts and the Proposer's Modelled Road Noise</u></p> <p>The applicant is simply referring to the applicant's previous responses.</p>	<p>This has been addressed in the response to point 13 above.</p>
31	<p><u>No 35. Lack of Cumulative Impact Assessment</u></p> <p>The applicant is simply referring to the applicant's previous responses.</p>	<p>The Applicant has provided a response to this comment on numerous occasions. The response has been reiterated here for clarity.</p> <p>This comment is addressed through the Technical Note (Noise and Vibration Scott Schedule) accompanying the SoCG (V09) (document reference: 19.1B, REP4-134) and the response has been reiterated here for clarity.</p> <p>Notwithstanding this, when considering the built-out development, with the exception of NSR1, receptors are unlikely to be affected by multiple</p>

Number	Matter	Applicant's Response
		<p>sources, mainly the A47 link and HNRFI, to a point where significant effects from the cumulative impact are likely.</p> <ul style="list-style-type: none"> • For receptors to the north, noise from the rail freight interchange will influence the future noise climate over the A47 link road. • For receptors to the east, noise from the rail spur and service yard activities will influence the future noise climate, with the development itself providing screening from the A47 and rail interchange. • For receptors to the south, the future noise climate will continue to be influenced by road traffic on the M69 which will likely mask noise from service yard activities. • For receptors to the west, the future noise climate will be influenced by road traffic on the A47 link road which will mask noise from service yard activities and the rail interchange. <p>For NSR1, there is potential for a cumulative impact from HNRFI and A47 link road, shown on the noise contours in Document 6.3.10.15, APP-284. These include the unmitigated gantry crane with no associated 10dB reduction. The noise level has been calculated at NSR1 for the daytime and night-time periods with a 10dB reduction applied to the gantry crane engines and exhausts for the future year 2036. The worst-case façade will be subject to noise levels of 57dB $L_{Aeq,T}$ during the daytime and 56dB $L_{Aeq,T}$ during the night-time. The cumulative effect at NSR1 is therefore no greater than the residual effect already identified within the ES Noise and Vibration chapter.</p>
32	<p>No 37. Section 1 The applicant is simply referring to the applicant's previous responses.</p>	<p>The Applicant has responded to the eight points as requested by the ExA. The comments regarding the ambient noise levels have been addressed in the response to point 13 above.</p>

Number	Matter	Applicant's Response
33	<p><u>No 38. Section 2</u></p> <p>The applicant is simply referring to the applicant's previous responses.</p>	<p>It is understood by the Applicant that this relates to including the additional off-site train movements within the cumulative noise assessment.</p> <p>This has been addressed in the response to point 12 above.</p>
34	<p><u>No 39. Section 3</u></p> <p>As I explained at Deadline 6, the applicant's responses to some points were very confused.</p> <p>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.</p> <p>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.</p> <p>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</p>	<p>This is a reiteration on Mr Moore's points 9 and 10, and therefore the Applicant refers the ExA back to its responses to those points, above.</p>

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Number	Matter	Applicant's Response
	applicant. The applicant did not respond to this point at all.	