

**Presentation: East West Rail Phase 1
for
West Area Planning Committee
Tuesday 21 February 2017**

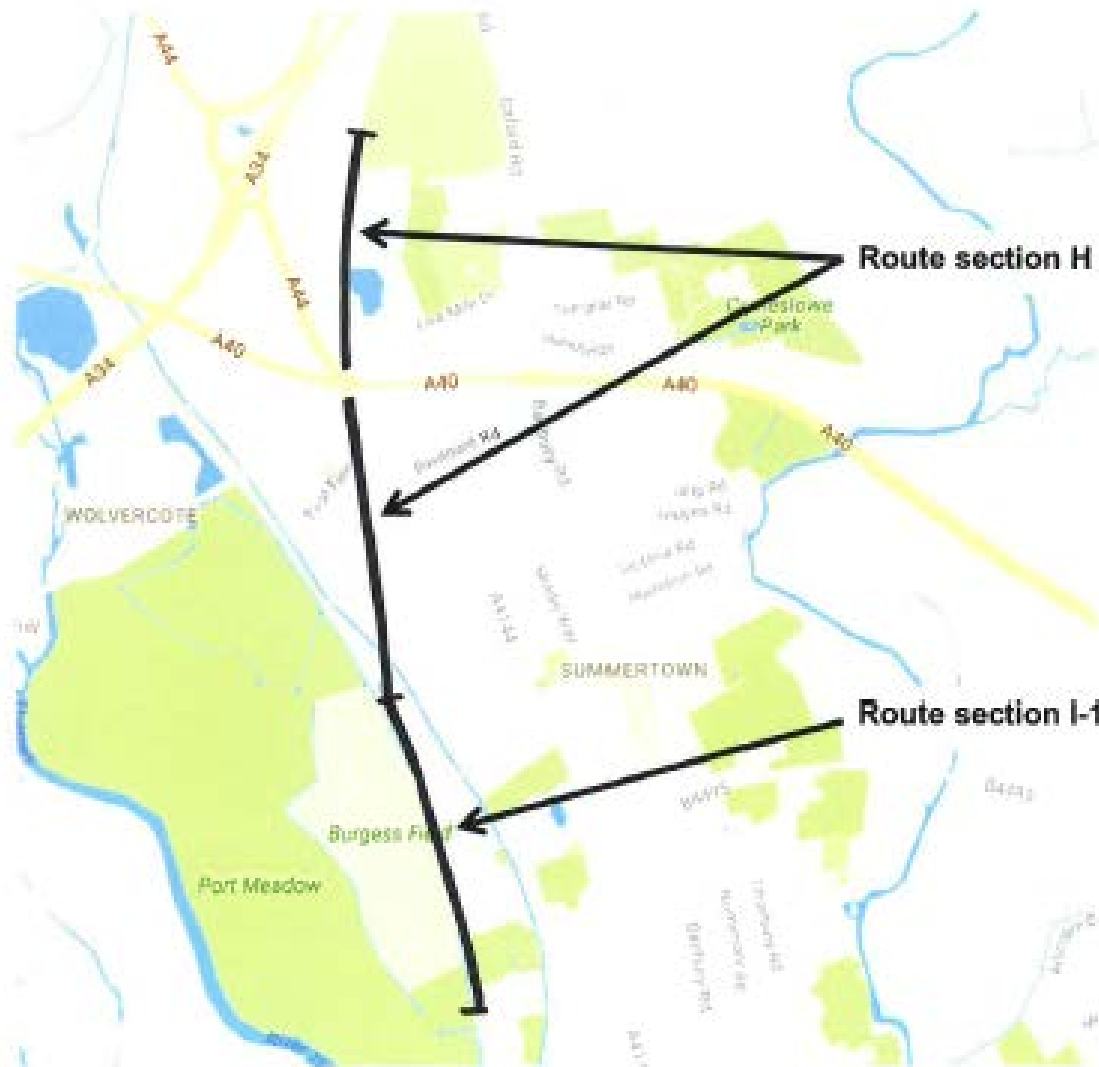
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Welcome to the West Area Planning Committee

- This planning committee meeting is held in public but it is not a public meeting.
- Members of the public can speak to the committee for or against applications on the agenda for up to five minutes.
- If you wish to speak, you must register before the meeting starts. You can ask the clerk to add your name to the speakers' list if you did not register beforehand.
- Information on meeting protocol and conduct at the committee is set out in the Code of Practice in the agenda. Copies are available.

Site Plan

ROUTE SECTIONS H AND I-1



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Background to East West Rail Phase1 (EWRP1 - Bicester to Oxford)

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- Deemed planning permission subject to conditions was given by the Secretary of State for Transport for EWRP1 in October 2012.
- Condition 19 was imposed by the of State to *ensure that operational noise and vibration are adequately mitigated at residential and other noise sensitive premises.*
- ⁵ Condition 19 requires submission of Noise and Vibration Schemes of Assessment (to be verified by an Independent Expert) which:
 - Predict operational noise and vibration,
 - Identify mitigation to be installed if prescribed levels exceeded;
 - Make proposals for monitoring the performance of the mitigation installed
- Noise and Vibration Mitigation Policy (agreed by Secretary of State)
 - lays down the reasonable planning scenario to be used in predicting noise and vibration for the Schemes of Assessment;
 - the prescribed noise and vibration thresholds and triggers for mitigation and/or insulation;
 - monitoring is to be conducted of installed mitigation



The Council's role in EWRP1



- Council's role is to discharge a large number of the conditions attached to the deemed permission – cannot revisit the Secretary of State's original decision
- A principal task is to discharge condition 19 - consider and determine the Noise and Vibration Schemes of Assessment (NSoA and VSoA)
- The NSoAs and VSoAs must meet the noise and vibration mitigation and monitoring requirements set out in condition 19 and the Noise and Vibration Mitigation Policy (NVMP).
- The scheme was the subject of an Environmental Impact Assessment which preceded the Secretary of State's decision

Applications before the Committee

Noise Schemes of Assessment (NSoA)

- route section H: 16/02507/CND
- route section I-1: 16/02509/CND

These NSoAs have been approved before by the Council subject to :

(i) a condition requiring the installation of rail damping if reasonably practicable

removal of that condition refused by the WAPC in September 2016 because it hadn't been demonstrated that rail damping was not reasonably practicable

(ii) a condition restricting the pattern of train services



Purpose of these applications

NR intends to appeal against

- the Council's refusal to remove the rail damping condition; and
- the imposition of the condition restricting the pattern of rail services

In advance of these appeals the approved NSoAs have been resubmitted with additional information responding to the background to the Council's reasons for refusal so that the issues around rail damping and rail services can be reconsidered.

This accords with best practice – to bottom out material planning issues prior to an appeal



Key points of NR's case on rail damping (RD)

- RD does not represent value for money given that the costs are grossly disproportionate to the benefits (details on next slide).
- RD alone cannot achieve the noise standards of the NVMP - need barriers and noise insulation
- the benefits of RD would be only marginal (up to 2.5dB to 3dB), not likely to be noticeable, and would involve significant cost;
- the financial test is not whether NR can afford RD but whether the costs are disproportionately large relative to the benefits;
- removal of the need for property insulation is not a benefit since insulation reduces noise by about 10dB compared to 3dB for RD



Arup's advice

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- Arup was asked to comment on specific technical matters in NR's Supplementary Statement
- Arup's technical advice has clarified matters for officers and was taken into account by QC

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Queen's Counsel's Advice

- The NVMP does not require 'at source' mitigation if the other measures already provided will achieve the objectives of the NVMP (para 77)
- In respect of residual noise a "significant impact" means 5dB or above (para 73)
- Rail damping may mitigate noise impacts by 2.5dB (para 4)
- A 3dB difference is at the margin of perceptibility (para 73)
- The NVMP standards concern internal, not external noise levels (para 14c)
- For those who already have noise insulation, open window noise will be reduced
- At one house there will be noise reduction from 5db to less than 3db



Officer assessment



Queen's Counsel's Advice	Officer assessment
<p>The context</p> <ul style="list-style-type: none"> The NVMP does not require 'at source' if the other measures already provided will achieve the objectives (para 77) 	<p>The potential role for rail damping is in relation to residual noise after barriers and noise insulation have been installed.</p>
<p>The severity of the impacts</p> <ul style="list-style-type: none"> Significant residual noise impacts are 5dB or above (para 73) 	<p>The barriers and insulation together meet the requirements of the NVMP (in both route sections H and I-1) apart from in relation to one Noise Sensitive Receptor (NSR) where the residual noise impact is 5dB.</p>
<p>The scale of benefits</p> <ul style="list-style-type: none"> Rail damping may mitigate noise impacts by 2.5dB (para 4) 3dB difference is at the margin of perceptibility (para 73) The NVMP standards concern internal, not external noise levels (para 14c) 	<p>A 2.5dB difference is less than the level considered to be "significant" for residual noise impact purposes by the approved NVMP.</p> <p>Rail damping could only be relevant at the <u>one</u> NSR referred to above where the residual noise impact is 5dB.</p> <p>The approved NVMP does not require mitigation of noise to open areas or gardens.</p>
<p>How many people will benefit</p> <ul style="list-style-type: none"> For those who already have noise insulation, open window noise will be reduced At one house there will be noise reduction from 5db to less than 3db 	<p>Not relevant to this decision - the approved NVMP does not require mitigation of noise where windows are opened.</p> <p>The one NSR benefit will involve mitigation of a noise impact which is of itself at the limits of perceptibility.</p>

Officer conclusion and recommendation on rail damping

- Officers conclude that a reduction in residual noise which is at the margins of perceptibility, occurring at one NSR, is of such limited benefit that, given the costs involved, it is not reasonably practicable to install rail damping in route sections H and I-1.
- The recommendation is therefore that the NSoAs relating respectively to route sections H and I-1 be approved subject only to a condition specifying the documents that form part of the permission, excluding the previously imposed condition regarding rail damping.

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Restrictions on train services

- Queen's Counsel has advised that the NVMP does not require any assessments to address any future increases in service and that these potential changes do not need to be modelled (paragraph 84 of his Advice). NR can increase services without being in breach of condition 19 of the deemed planning permission, and do not need to seek further consent (paragraph 85).
- In the view of officers therefore, since there is no legal basis for the imposition of this condition, it is not recommended.

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Recommendation

- the respective NSoAs are considered to be robust and to have demonstrated that the required standards of noise mitigation set out in the Noise and Vibration Mitigation Policy will be achieved subject to the installation of the specified mitigation measures.
- The applications are recommended for approval subject to a condition that the development shall take place in accordance with the submitted details.
- The previous conditions relating to rail damping and limitations on the patterns of train services are not recommended.

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