

Presentation for West Area Planning Committee Tuesday 13 September 2016

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Agenda item number, description and page numbers

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|-----------|---|---------------|
| 3. | East West Rail Phase 1 - rail damping route sections H (16/01858/VAR) and I-1 (16/01861/VAR) | 3 - 20 |
| 4. | East West Rail Phase 1 - Noise monitoring (2 applications) and Vibration monitoring on route (3 applications) | |
| 5. | East West Rail Phase 1 - Noise Scheme of Assessment (16/01634/CND) and Vibration Scheme of Assessment for route I-2 (16/01635/CND) | |

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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.
- There will be an opportunity for the public to address the committee on each application.
- ³ If you wish to speak for or against a planning application, you need to have either requested it in advance, or hand in one of the available speaker forms, or speak to the clerk.
- Information on meeting protocol and conduct at the committee is set out in the Code of Practice.
- This is in the committee agenda just before the first planning application report.



Applications before the Committee

- Rail damping, route sections H and I-1
(2 applications)
- ⁴ Monitoring, route sections H and I-1
(5 applications)
- Noise and Vibration Schemes of assessment
route section I-2
(2 applications)



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

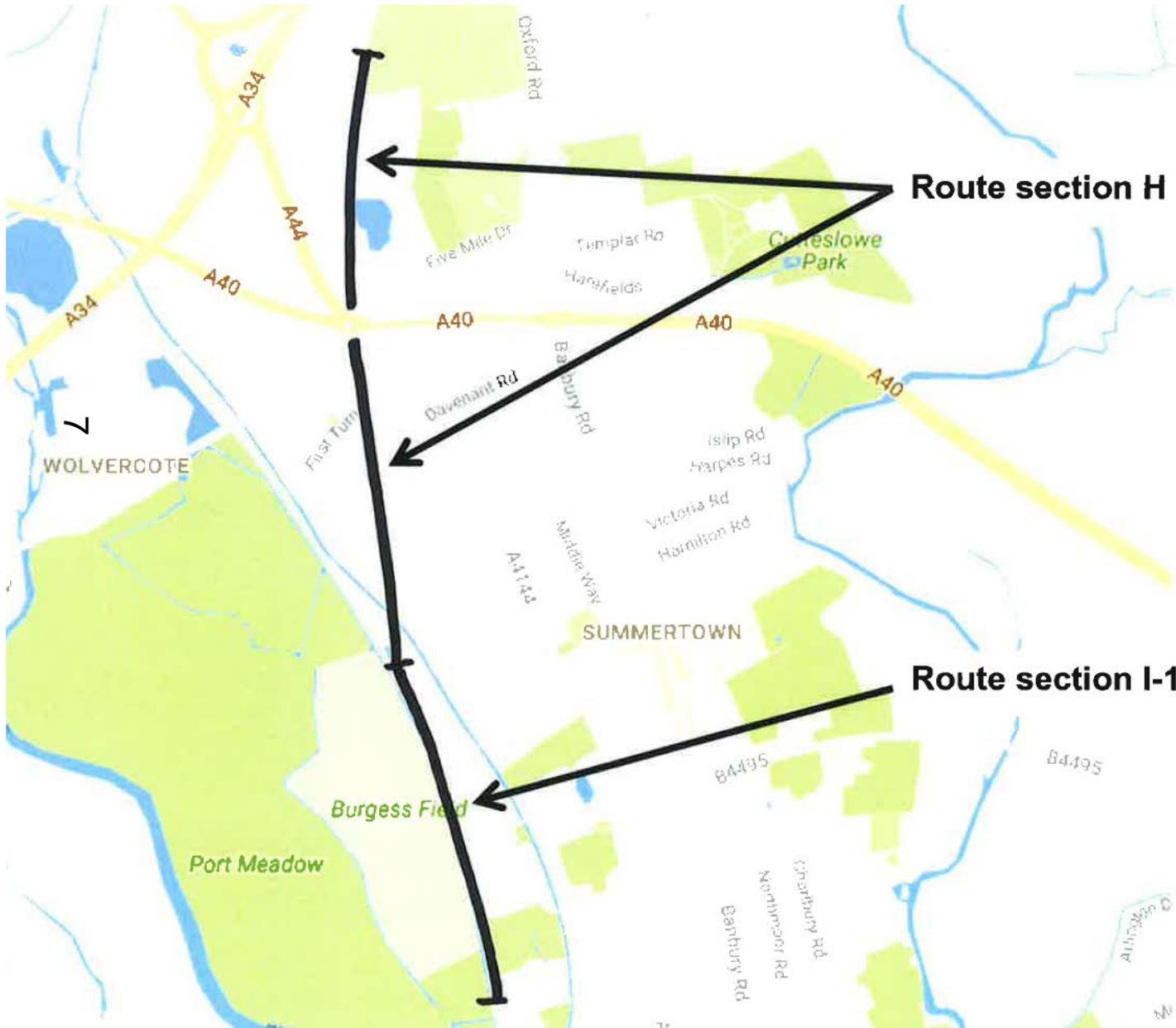


The Council's role in EWRP1



- 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
- Determining issue is whether the scheme will meet the noise and vibration mitigation and monitoring requirements set out in condition 19 and the Noise and Vibration Mitigation Policy.

Rail damping: route sections H and I-1



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Rail damping - background

- Condition 19 requires the use of ‘at-source’ mitigation if *reasonably practicable*. This may include rail damping – reduces noise from wheels on tracks
- When approving the NSoAs and VSoAs for route sections H and I-1 the Committee was not satisfied that it had been demonstrated that ‘at-source’ mitigation in the form of rail damping is not reasonably practicable
- Committee applied condition requesting submission of proposals for at-source mitigation
- NR now applying to remove this condition on grounds that it is not reasonably practicable to install



Definition of reasonably practicable

Committee has to determine whether the case has been made that rail damping is not reasonably practicable

Definition is taken from the Control of Pollution Act 1974 and reiterated in the NVMP:

“reasonably practicable having regard among other things

- *to local conditions and circumstances,*
- *to the current state of technical knowledge,*
- *financial considerations and*
- *compatibility with safety and safe working conditions”*



Rail damping - NR case

NR's case is that implementation of rail damping is not reasonably practicable:

- Rail damping can only deliver 3dB noise reduction – this is the level below which there is no discernible difference to most people
- The combination of noise barriers and noise insulation meets the requirements of the Noise and Vibration Mitigation Policy meaning that rail damping cannot be justified in terms of value for money
- While at-source mitigation is normally a first preference, the Noise and Vibration Mitigation Policy does not require its installation if it would not be sufficient to mitigate the predicted noise impacts
- The Council's imposition of this condition was unreasonable and unnecessary



Rail damping – officer recommendation

All parties agree that there are no physical or safety impediments to installation

Taking the advice of ARUP, officers agree with NR that it is reasonable to assume that up to 3dB noise reduction will be possible

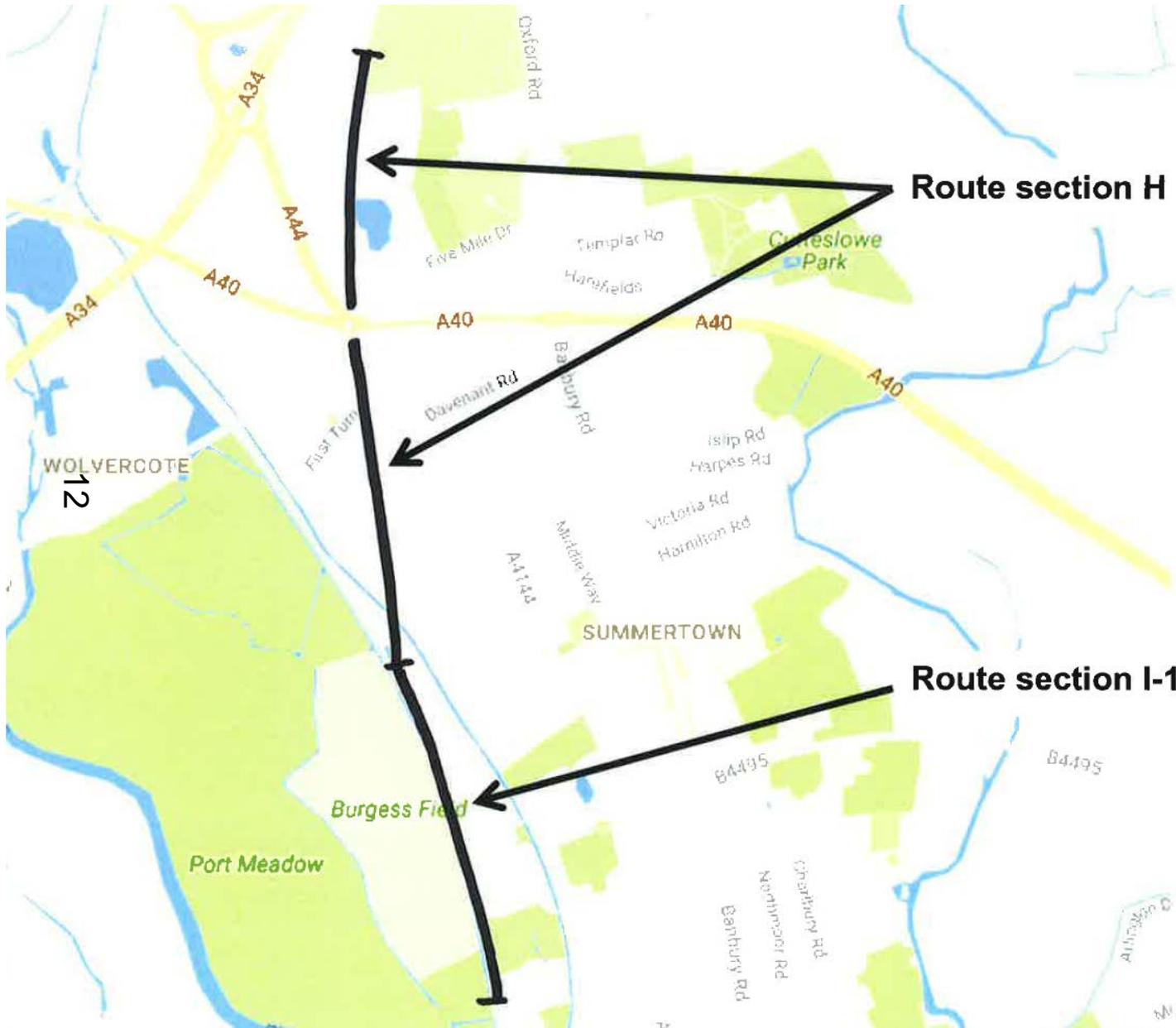
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Officer recommendation is to REFUSE because not satisfied that the case has been made that rail damping is not reasonably practicable:

- local conditions have not been examined fully – no analysis of how the track design has been optimised for this primarily residential location**
- financial considerations – not a question of whether sponsor willing to pay but rather whether the project can/should bear the costs**



Monitoring: route sections H and I-1



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Monitoring - background

- Condition 19 and the Noise and Vibration Mitigation Policy require monitoring of any mitigation that is installed – 6 and 18 months after services start in EWRP1 and EWRP2: this must be undertaken because the Secretary of State requires it
- In route sections H and I-1 the implications are that:
 - vibration monitoring not required because no vibration mitigation installed
 - monitoring required of noise reduction performance of installed barriers and property insulation
- Committee wanted additional monitoring: of operation of the rail line not just of the mitigation installed.
- Committee imposed a condition requiring continuous monitoring of noise and vibration for 6 years
- NR now applying to vary this condition to revert back to the requirements of condition 19 (with enhancement)



Monitoring – NR proposals

Vibration, plain line, section H

- Monitor for four days at 3 properties close to the line (1 in Quadrangle House and 2 in Bladon Close)

Vibration, switches and crossings, section H

- No monitoring because no properties near enough to be affected by vibration (70m away)

Noise, section H

- 14
- Monitor installed noise mitigation at 6 and 18 months at 5 locations: Lakeside; Five Mile Drive; Bladon Close; Quadrangle House; and Blenheim Drive.

Vibration, section I-1

- No monitoring: no mitigation to be installed

Noise, section I-1

- Monitor installed noise mitigation at 6 and 18 months at 3 locations: Cox's Ground, Stone Meadow and Navigation Way.



Monitoring – officer recommendation

- In view of the Committee’s concerns, and the reasons for applying the additional monitoring condition, officers proposed an enhancement to NR’s proposals
- NR did not wish to take that up
- Officers had advised the Committee when it was considering applying a condition requiring additional monitoring, that in our opinion this form of condition would not meet the legal or policy tests of the Government’s National Planning Policy Framework.
- Officers recommend that this application be approved because NR’s current proposals meet and go beyond what the Secretary of State requires



Route section I-2 - background

- NR is carrying out track renewals in route section I-2 and is relying on permitted development rights to do so. NR asserts therefore that condition 19 does not apply
- 17 • When approving the splitting of route section I into I-1 and I-2 the Committee imposed a condition similar to condition 19 on route section I-2
- NR has submitted Noise and Vibration Schemes of Assessment for route section I-2 : the Committee must determine whether or not to approve these and discharge the condition



Route section I-2 – NR's case

Noise in I-2

- the NVMP thresholds are already exceeded at some Noise Sensitive Receptor locations due to the operation of trains on the mainline adjacent to the new line. At some Noise Sensitive Receptor locations the impact of EWRP1 is greater than 3dB but less than 5dB.

Vibration in I-2

- no properties will be exposed to vibration exceeding the VDV levels set out in the NVMP therefore no vibration mitigation measures are required.



Route section I-2 – amended recommendation

- Officers are recommending approval subject to a condition being added requiring the submission of proposals for at source noise mitigation

19



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