

Presentation for Planning Review Committee Wednesday 5 October 2016

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3. **East West Rail Phase 1 - Noise monitoring (2 applications) and Vibration monitoring on route sections H and I-1 (3 applications)**

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Welcome to the Planning Review 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

- **16/01410/VAR: Vibration monitoring on plain line, route section H (re - 13/03202/CND, Condition 3)**
- **16/01411/VAR: Vibration monitoring at switches and crossings, route section H (re - 14/00232/CND, Condition 3)**
- **4 16/01406/VAR: Noise monitoring route section H (re - 15/00956/CND, Condition 4)**
- **16/01412/VAR: Vibration monitoring on plain line, route section I-1(re - 15/03587/CND, Condition 3)**
- **16/01409/VAR: Noise monitoring route section I-1 (re - 15/03503/CND, Condition 4)**



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 Secretary 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

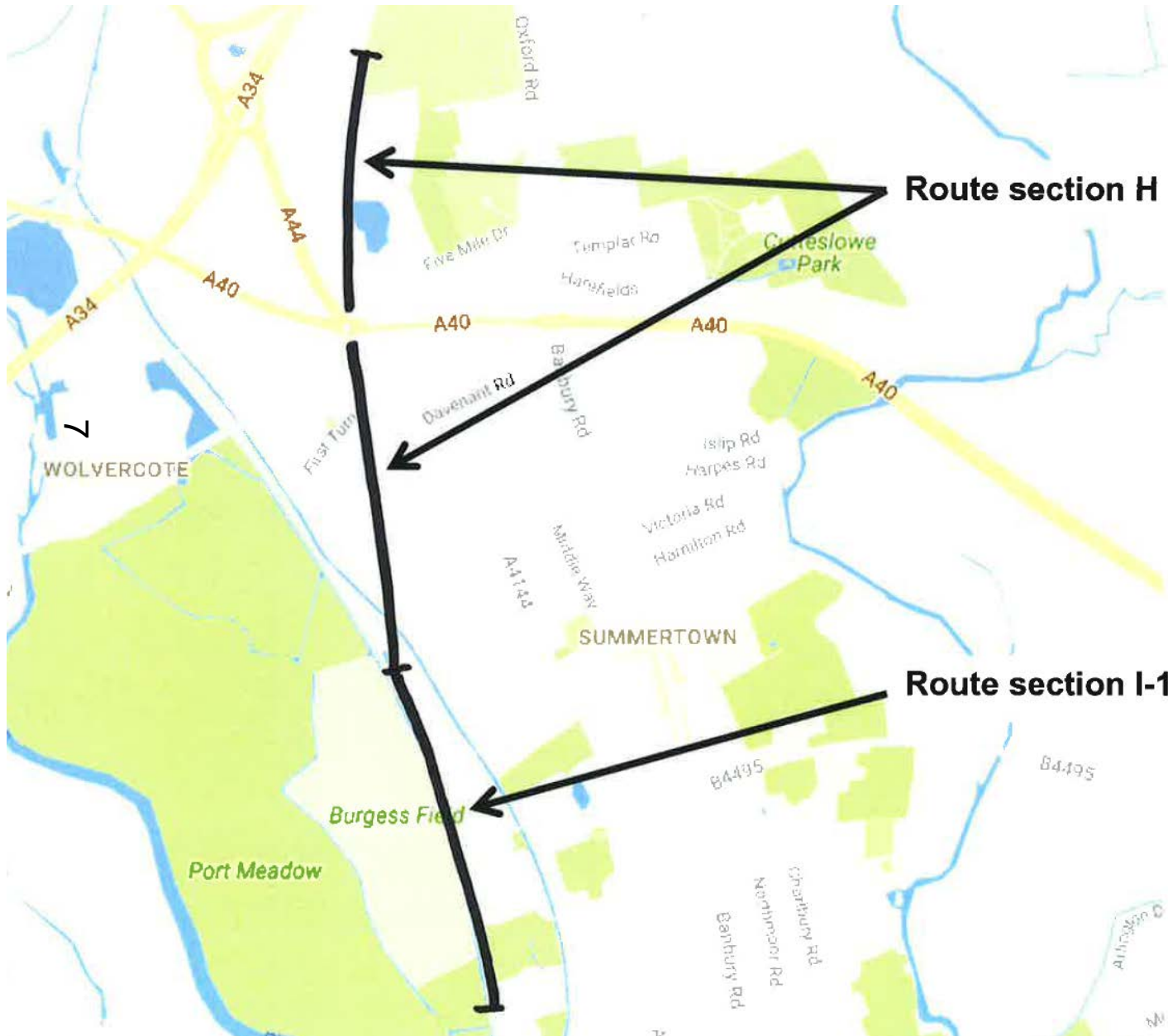


The Council's role in EWRP1

- 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
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- 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.



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**
- **WAPC wanted additional monitoring: of operation of the rail line not just of the mitigation installed.**
- **WAPC 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)**



NR proposals for monitoring in route section H - vibration

16/01410/VAR: vibration, plain line

- Remove the Council imposed condition
- No mitigation installed therefore no monitoring required
- As a voluntary offer to be concluded via a Unilateral Undertaking (s106 agreement) monitor for four days at three properties close to the line (1 in Quadrangle House, 2 in Bladon Close) soon after the EWRP1 services commence.

16/01411/VAR: vibration, switches and crossings,

- Remove the Council imposed condition
- No monitoring because no properties near enough to be affected by vibration (70m away)



NR proposals for monitoring in route section H - noise

16/01406/VAR: Noise

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



NR proposals for monitoring in route section I-1

16/01412/VAR: Vibration

- Remove Council imposed condition
- No mitigation to be installed so no monitoring

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16/01409/VAR: Noise

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



Monitoring – issues 1

- There is no provision for continuous noise and vibration monitoring of the operation of the line in the Secretary of State's decision on EWRP1.
- 12 • The only monitoring specified by the Secretary of State is of mitigation measures that have been installed.
- Mitigation measures are installed over and above the inherent noise and vibration attenuating properties of the constructed line.



Monitoring issues 2

- **The Secretary of State’s decision does not set down residual noise and vibration levels that must be achieved during scheme operation – reference is made only to predicted noise and vibration impacts and how those impacts are to be mitigated.**
- **The Secretary of State’s decision and associated conditions as specified in the deemed planning permission cannot be changed by the local planning authority.**

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Monitoring – officer recommendation

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

