

OBJECTION TO PLANNING APPLICATIONS

MW 0033/22 & MW 0034/22

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APPLEFORD-ON-THAMES PARISH COUNCIL

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STATEMENT OF OBJECTION TO MW 0034/22 & MW 0033/22 ON THE BASIS OF NOISE

SUBJECT OF THIS OBJECTION:

MW 0034/22 Application to allow aggregate trains to arrive, depart, load, unload between 6:00am-10:30pm M-F and 7:00am-6:30pm Sat by exclusion of condition 9 of planning consent MW.0046/20

MW.0033/22 Application to allow aggregate trains to arrive, depart, load, unload between 6:00am - 10:30pm M-F and 7:00am-6:30pm Sat by exclusion of condition 2 of planning consent MW. 0028/17

The applications seek a significant increase in working time at Appleford Sidings. Removal of conditions 2 & 9 will allow late working to 10:30pm on weekdays (i.e., 16.5 hour working day Mon - Fri) every working day for 5 years. That represents **97% of waking hours** (assuming 7 hours for sleep).

In 2017, permission was granted which represents a 15% increase over the standard 11-hour day (7:00am to 6:00pm). The applications are now seeking an **increase of 54%** of working time over the standard day. Coupled with two new rail lines, this will increase capacity even further in terms of trains on site and will **increase the incidences** of noise generated from the operations.



2022-04 Increasee
in Annual Available

See attached calculations.

This is an unacceptable burden to expect residents to endure for such a noisy activity.

BASIS FOR REFUSAL

Planning Applications MW 0034/22, MW 0033/22 must be refused for the following reasons:

1 The applications fail to comply with Local Plans:

1.1 Oxfordshire Minerals and Waste Local Plan Part 1 12/09/2017

Core policy C5 "Local environment, amenity and economy" para 6.25 requires that "*issues of noise, dust, air quality and vibration should be taken into account when considering proposals*" These issues have been insufficiently considered in this application, for reasons as stated below.

1.2 Vale of White Horse Local Plan 2031 Part 2

Development Policy 23, "Impact of Development on Amenity", states that "*Development proposals should demonstrate that they will not result in significant adverse impacts on the amenity of neighbouring uses. (including) factors: iii) noise or vibration, iv) dust, heat, odour, gases, or other emissions*" This application fails to demonstrate that extending the operational period of Appleford sidings will not result in noise and emissions impacting on neighbouring residential areas.

Development Policy 25 "Noise Pollution" states that "*Noise Generating Development that would have an impact on environmental amenity... will be expected to provide an appropriate scheme of mitigation that should take account of ii) existing levels of background noise, iii) measures to reduce or contain generated noise, iv) hours of operation and*

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servicing. “This application to extend hours of operation, with the consequential extension of noise pollution is counter to policy 25.

2 Operation of Appleford Sidings under current consent create an identifiable noise nuisance which will be exacerbated by yet further extensions of the operating hours.

The current activity, permitted under planning approval MW.0028/17 Ref P17/V0789/CM, is limited to aggregate train movement, unloading and loading:

- Between 7.00am-9.00pm on weekdays and 7.00am-1.00pm on Saturdays for no more than 150 days per annum.
- Between 7.00am-6.00pm on weekdays and 7.00am-1.00pm on Saturdays for all remaining days.

This working schedule already constitutes a **15%** extension of operational hours granted in the planning consent SUT/APF/616/7 of 06/10/1976. yet further extensions of the operating hours to **54%** (as referred to above) will exacerbate the noise impact on adjacent dwelling in Appleford. Residents have been complaining about escalating noise from the Sidings. See attached document “Appleford Noise Survey 16-03-2022”.



Noise Survey
Findings 16 March 2

3 The applicant has failed to comply with Condition 3 of the Planning Permission of MW.0028/17 dated 06/06/2017, in that no measurement of emitted noise has been undertaken and reported. See supporting notes on page 3 below.

4 The applicant has so far failed to comply with Condition 10 of planning consent MV.0046/20, P20/V1124/CM.

This consent approved the construction of two additional rail sidings at Appleford Depot. Condition 10 requiring demonstration that the noise emitted from the site does not exceed the values set out in the noise reports “Sutton Courtenay Train Unloading Noise Assessment” June 2016. And “Noise Assessment construction and operation of two additional Rail sidings at Appleford depot” April 2020. The applicant has not produced monitored measurements of the noise consequences of this development on the closest adjacent dwelling facing Appleford Sidings.

5 The submitted noise reports for the application in 2017 and the current applications in 2022 are defective, by reason of failure to measure and properly represent the noise impact at the nearest adjacent dwellings facing Appleford Sidings:

- Report: “Sutton Courtenay Train Unloading Noise Assessment” dated 06/06/2017 supporting application MW.0028/17.

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- Report: "Appleford Rail Sidings, Extension of operating hours- Noise assessment "dated 21/03/2022 supporting Applications MW 0034/22, MW0033/22.

These reports fail to measure and characterise the noise both impulsive and tonal (low frequency) noise noted as most disturbing when received at dwellings facing towards Appleford Sidings.

In addition, the reports fail to recognise the significance of the 6:00am early start and the noise generated from rail movements or unloading is unlikely to meet the more onerous nighttime regulations, particularly for residents at or close to rail-side locations.

6 No further planning consent, extending operating hours for Appleford Sidings, should be issued before a Noise Action Plan is prepared and agreed with all involved parties.

The area at Appleford Sidings is classified by DEFRA as a Noise Action Plan Important Area. This is one of only four such areas around Didcot where existing noise levels exceed tolerable limits.

DEFRA confirms that "*The population at these locations is likely to be at the greatest risk of experiencing a significant adverse impact to health and quality of life as a result of their exposure to railway noise.*" (Defra Noise Action Plan; Railways para 8.3 02/07/2019 Environmental Noise Regulations 2006).

This assessment is based only on noise from main line rail traffic. Additional operational noise from Appleford Sidings exacerbates the adverse impact of noise at this declared Important Area.

It is incumbent on all involved parties; operators, local authorities, Network Rail to develop a Noise Action Plan to control noise emissions in this location. This must be completed before any further extension of operating hours is permitted.

7 No noise evaluation has been undertaken on the cumulative effect of noise from Appleford Sidings

The proposed construction of the HIF1 road (planning application R3.0138-21) would create embankments and an operational road bridge over Appleford Sidings within the proposed timespan of Applications MW 0034/22, MW0033/22. -, from main-line trains, from the over-span of the bridge structure and with the addition of road noise. No further planning consent, extending operating hours for Appleford Sidings should be granted before the total noise environment of Appleford Sidings has been properly evaluated.

SUPPORTING NOTES TO ITEM 3

Planning Application MW.0028/17 applied to vary condition 5 of the planning consent SUT/APF/616/7 dated 06/10/1976 to allow trains delivering aggregate to unload up to 21:00 hrs Monday to Friday on up to 150 days per year.

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This extension of operating hours was accompanied by a Noise Assessment "Sutton Courtenay Train Unloading" prepared by SLR June 2016.

This noise assessment represents only predicted, rather than actual noise arising from train unloading operations within the sidings at Appleford. Moreover, baseline monitoring, not including the train unloading noise, was limited to only two roadside positions respectively 700m and 610m distant from the Appleford sidings. No baseline monitoring or prediction of the noise to be experienced at the backs of dwellings facing Appleford sidings at distances between 30m and 100m was undertaken within this report.

Condition 3 of the planning permission dated 06/06/2017 required that "*The level of noise emitted from the site shall not exceed those set out in the Sutton Courtenay Train Unloading Noise*". The Applicant has not complied with Condition 3 due to a failure to undertake noise monitoring and to report on the noise impact of the activity at Appleford Sidings on closest adjacent dwellings.

Condition 2 of the permission was specific that the no train arrivals, departures, loadings and unloadings were permitted outside of the prescribed hours in order "*To protect nearby residential properties from noise disturbance outside of Standard Working Hours in accordance with Policy PE18 of the OMWLP and Saved Policy DC9 of the VWHL 2011.*"

The planning officers report on the Application MW.0028/17 contained the following comments:

- Paragraph 25, the submitted objections citing noise, referred to noise of "*the arrival and departure of trains, which is currently unrestricted, rather than the act of unloading and loading in isolation.*" We comment that more recent research in 2022, (See attached document "Appleford Noise Survey 16-03-2022") demonstrates that the act of unloading freight trains is also a major source of nuisance noise for adjacent dwellings in Appleford.
- Paragraph 27 confirms that as there is evidence that the movement of trains causes noise disturbance, additional limits on arrival and departure times of trains as well as loading and unloading was required "*to prevent any creeping intensification of the operation into the evening*"

In response to the Planning Application MW.0028/17 SCPC were aware of this risk and also stated, "*Sutton Courtenay Parish Council believes this to be creeping intensification. It seeks assurances and conditions that the extended arrival times for trains would not exceed 150 days per annum if consent is granted*"

We comment that the current applications MW 0034/22, MW0033/22 are clear attempts to intensify the recognised noisy workings at Appleford Sidings. This is in direct contradiction to the previously express advice of the planning officer.

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CONCLUSION

The Applicant failed to send a representative to a Village Meeting in Feb to discuss noise concerns and did not consult with the local community on the proposed development. Despite initial cooperation from the village, Hanson has not provided any of the noise data or measurements requested. In addition, attendance at periodic Liaison Meetings has been poor further indicating inadequate liaison with local communities and stakeholders.

The Noise Policy Statement for England (NPSE) provides a framework for noise management decisions and para 2.23 states that “significant adverse effects on health and wellbeing and quality of life should be avoided.”

No effective scheme of mitigation has been proposed for a development and expansion of operations that is a significant increase of working hours over and above the existing permission. The Applicant appears to have little understanding or appreciation of the impact the increase in activity (97% of waking hours) will have on the local community and environment.

Appleford contends that granting this application will degrade the quality of life of residents who will suffer disturbance and annoyance from early morning to late at night. This development will result in behaviours that will impact their lives (i.e., need to close windows / loss of amenity in their homes and back gardens).

For all the reasons outlined in this paper this application should be rejected.

End.