

REBUTTAL PROOF OF EVIDENCE



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1. INTRODUCTION

1.1 Scope of Evidence

- 1.1.1 This Rebuttal Proof of Evidence (PoE) should be read in conjunction with my main PoE on which I continue to rely. I am instructed on behalf of the appellant the Ministry of Justice (MoJ), and, as with my main PoE, this Rebuttal PoE has been prepared, and is given in accordance with current policy and guidance. I confirm that it sets out my professional and honest assessment and I believe it to be true.
- 1.1.2 This Rebuttal responds to the Proof of Evidence provided by Emma Curtis entitled 'Prison Estate – Urgent Need and Noise and Disturbance', together with associated relevant Appendices, which set out the position of Ulnes Walton Action Group (UWAG)
- 1.1.3 This Rebuttal does not seek to revisit matters already addressed in my main PoE and is not intended to be exhaustive or a comprehensive commentary on the evidence of Emma Curtis; it provides an evaluation of the independent noise survey commissioned by UWAG and responds to the points made by Emma Curtis which are considered to be relevant. Any points made by UWAG which are not addressed herein are not considered to be relevant to noise.

2. EMMA CURTIS' PROOF OF EVIDENCE

2.1 Overview

2.1.1 It's understood that Emma Curtis' Proof of Evidence has been submitted on behalf of UWAG.

2.1.2 After reviewing Emma Curtis' proof of evidence, together with applicable appendices, the key points relevant to potential noise impacts are understood as follows:

- **Noise Survey:** The noise survey carried out by Hydrock is not reliable;
- **Separation Distances:** The distance between the proposed car park and nearest residential properties, used for the purposes of the assessment, are not accurate; and
- **Shift Changes:** The data used for the basis of the noise assessment does not take in to account shift changes.

2.1.3 This Rebuttal Proof of Evidence intends to respond to each of the above points.

2.2 Noise Survey

2.2.1 The noise survey which formed part of the Hydrock Noise Impact Assessment (NIA) submitted as part of the assessment has now been superseded, as detailed in my PoE. The results of the most recent Hydrock noise survey are considered herein.

2.2.2 UWAG commissioned Noise Survey Ltd (NSL) to carry out a noise survey, in order to establish the existing noise levels adjacent to Moss Lane. The noise survey report provides no interpretation of the noise survey results and appears to objectively present the measured data only.

2.2.3 NSL carried out a noise survey on Wednesday the 1st June 2022, between approximately 0630 and 0930, at 2 Monitoring Locations (MLs). The reference measurement distance between the carriageway and sound level meters, or a measurement location plan, has not been provided as part of the NSL report.

2.2.4 Based on my interpretation of the photographs of each ML included in the survey report prepared by NSL, I have prepared a location plan of relevant MLs, as shown in Figure 1.2. NSL MLs are interpreted based on available information and images, and summarised as follows, together with Hydrock MLs:

- NSL ML1: Approximately 2m from Moss Lane, opposite Windy Harbour
- Hydrock ML1: Approximately 5m from Moss Lane, at the junction of Moss Lane and Willow Road
- NSL ML2: Approximately 2m from Moss Lane, to the south of existing prison access road
- Hydrock ML2: Approximately 5m from Moss Lane, to the north of the existing prison access road

2.2.5 Noise survey data measured by Hydrock and NSL has been compared. However, given the differing reference measurement distances from the carriageway between Hydrock and NSL MLs, an appropriate distance correction is required in order to ensure a consistent reference measurement distance. Therefore, measured NSL values at 2m from Moss Lane have been corrected to 5m, assuming line source distance correction for average L_{Aeq} values and point source distance correction for maximum L_{AFmax} values.

2.2.6 Noise data measured by Hydrock between 0630 and 0930 has been isolated for the purposes of comparison, in order to ensure a consistent reference measurement period.

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2.2.7 Noise data has then been split in to daytime (0700 to 0930) and night time (0630 to 0700) periods, in accordance with current guidance, and compared in Tables 1.2 and 2.2, respectively.

Table 1 Daytime Noise Level Comparison at 5m from Moss Lane

Monitoring Location	Average Daytime Level, $L_{Aeq,T}$ dB
NSL ML1	56
Hydrock ML1	57
NSL ML2	59
Hydrock ML2	61

2.2.8 Table 1.2 indicates that, when comparing NSL ML1 and Hydrock ML1 noise data, the measured average levels are within 1dB of each other. When comparing NSL ML2 and Hydrock ML2, the measured average levels are within 2dB of each other.

Table 2 Night-time Noise Level Comparison at 5m from Moss Lane

Monitoring Location	Average Level Night-time, $L_{Aeq,T}$ dB	Night-time Maximum Level, L_{AFmax} dB
NSL ML1	55	73
Hydrock ML1	54	71
NSL ML2	56	77
Hydrock ML2	57	71

2.2.9 Table 2.2 indicates that, when comparing NSL ML1 and Hydrock ML1 noise data, the measured average levels are within 1dB and maxima within 2dB of each other. When comparing NSL ML2 and Hydrock ML2, the measured average levels are within 1dB and maxima within 6dB of each other.

2.2.10 In summary, daytime and night-time average levels measured by NSL and Hydrock are within 2dB of each other, when corrected for the reference measurement period and distance from Moss Lane. This represents very good correlation between results and provides a strong indication that both data sets are valid and reliable.

2.2.11 More significant variation has been identified in measured night-time maxima, which is to be expected given that 1 single event on a given day would increase the L_{AFmax} value. Also, as NSL ML2 is significantly closer to Ulnes Walton Lane than Hydrock ML2, which is a busier road and facilitates a greater number of vehicles, the degree of proximity to Ulnes Walton Lane could be the cause of the 6dB higher value.

2.2.12 The noise survey data established by NSL and presented as part of Emma Curtis' PoE is considered to add further confidence in the reliability of Hydrock noise data and subsequent predictions detailed within my PoE.

2.2.13 The correlation between the two data sets is considered to directly contradict the notion that Hydrock noise survey data provides an unreliable basis for assessment.

2.3 Separation Distances

- 2.3.1 Emma Curtis' states that "The garden to the west of the property on Moss Lane, Windy Harbour, is only 15m from the car park entrance." However, it is important to make the distinction between car park and car park entrance road noise sources.
- 2.3.2 Noise from the car park is expected to comprise noise from vehicles doors slamming and engines starting, for example. Whereas, the car park entrance road will comprise vehicles driving round the entrance corner.
- 2.3.3 The Site Context Plan has been reviewed in order to investigate the purported discrepancies between separation distance between the proposed car park and Windy Harbour.



Figure 2.2 Approximate Distance Between Windy Harbour front Garden and Proposed Car Park

- 2.3.4 Figure 2.2 shows that the separation distance between the proposed car park is approximately 50m from the boundary of the front garden of Windy Harbour.

2.4 Shift Changes

- 2.4.1 The assessment of road traffic noise is based on 18hour Annual Average Weekday Traffic (AAWT) road traffic data, as provided by Atkins. This traffic data is then used to derive 18hour $L_{A10, 18\text{hour}}$ noise levels for the assessment in accordance with CRTN and DMRB.
- 2.4.2 The 18 hour period being considered here is 0600 to 2400, which includes any traffic associated with shift change activities between 0600 and 0700.
- 2.4.3 Furthermore, car parking activity associated with any shift change vehicles between 0600 and 0700 has been considered as per Table 14 of my main PoE.