

APP/V5570/A/07/2051902/NWF

**Summary proof of evidence
of Diana Shelley
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**For public inquiry commencing
19 February 2008**

1 Witness

1.1 I am a local resident and Chair of the Cally Rail Group.

2 Noise and vibration policies

2.1 Camden and Islington have similar policies, based on PPG 24 (Planning and Noise). Islington relies wholly on PPG 24, while Camden has made some variations, as entitled to under the PPG. Camden's 2006 UDP makes it clear that under Camden's own policies Block B, which is wholly in Camden, is in a location where it suffers noise impacts at which '*planning permission will not be granted*'. The discretion to vary PPG 24 has already been exercised by Camden and cannot be varied again by the appellant.

3 Noise and vibration—impacts not assessed

- 3.1 Three noise sources have not been identified at all:
- The Cemex batching plant (which Mr Perrin of Rufford St describes in detail in his response to Volume 6).
 - The CTRL electrical transformer station on Belle Isle.
 - The consent for a further electrical transformer station for Thameslink, also on Belle Isle.
- 3.2 Volume 6 of the ES presents graphs of the raw data, measured in 15 minute periods, of noise surveys of the traffic on York Way and the ECML. This includes information on the L_{Amax} for each period. No assessment is offered of L_{Amax} events or their impact. Considerable adjustment would need to be made of these data to assess how frequently the threshold of 82 dB was exceeded. My group has not attempted this exercise but believes further analysis of these data might provide useful information. We think that such an analysis would show many periods (and even more events) where there would be loud noises capable of disturbing sleep. If that is so, further special mitigation would be needed. I have drawn attention to the train warning bells and train horns as examples of this.
- 3.3 The rail survey data in Fig 26.3 show three events that went 'off the graph' at more than 100 dB L_{Amax} . They are unexplained, but we believe cannot be construction noise.
- 3.4 The monitoring site used for the ECML readings near the Gasworks tunnel was possibly partly screened from noise impacts.

4 Airborne noise

Combined noise and Block B

- 4.1 Noise predictions for the 'central area' of the western façade apply to the whole western façade and exceed the daytime and night-time thresholds at which Camden's policy says planning permission will not be granted.

Combined noise and Block A

- 4.2 Flats in NW corner are likely to have direct exposure to road and CTRL noise, flats in NE corner direct exposure to both CTRL and ECML noise. The combined impacts are not assessed.

Validation of road traffic noise predictions

- 4.3 Baseline survey of road noise has found levels equivalent to those forecast, but by definition these results do not include forecasts for additional traffic which will be generated by the development of the King's Cross Central Main Site or future development in other parts of the King's Cross 'Opportunity Area'. Thus the likely level of impact from future traffic levels has not been assessed.

Validation of CTRL noise predictions

- 4.4 The appellants took readings which they say show ES predictions are high for CTRL noise. This is wrong for three reasons:
- There is no justification of substituting poorly taken readings for the carefully assessed values in the RLE model.
 - The ES predictions are based on a fully operational CTRL, including Kent commuter trains, rather than the current reduced international timetable. The differences are set out in our table at §5.10.
 - All the predictions assume a speed past the site of 40 kph. Our own measurements average 55 kph. The greater speed and particularly extra power needed to accelerate will increase noise output.

Noise impacts from ECML on Block A

- 4.5 The validity of these figures is questionable because the monitoring site near the Gasworks tunnel was possibly partly screened from noise impacts.

Noise impacts from Thameslink on Block A

- 4.6 As no site measurements can be made, the appellants measured train pass-by noise at two sites in Sussex and

calculated noise values for Triangle from the data. These Sussex sites appear to be level and straight track, but the Thameslink cutting next to the Triangle is very steep and curves sharply, which is likely to increase power usage and therefore noise output.

Overall impact on Block A

- 4.7 Block A will be affected by Thameslink as well as the railways further north: the CTRL and the NLL. The western end is affected by York Way and the eastern end by the ECML. ES Table 26.4 attempts to combine all these impacts. However, we believe the inputs for all these noise sources may be underestimates. In addition, the impact of industrial noise sources is not assessed nor is the combined impact of all sources on corner flats with windows on side aspects (NW and NE corners). It does not help that Table 26.4 includes an identifiable error which leads to underestimating daytime value for the eastern end by 1.1 dB.

Overall impact on Block B

- 4.8 Block B is acknowledged to be 'marginally within NEC D'. The ES does not comment on the fact that Camden's policy directs that consent 'will not' be granted.

5 Groundborne noise and vibration

- 5.1 Thameslink 2000 route is in a shallow tunnel at the NW corner of the site and then in a rapidly rising cutting as it passes alongside the northern end of the site. The western third of Block A sits directly on the edge of the tunnel, the frontage of the middle third is within 15m of it and the eastern third within 30m of the cutting. The tunnel and cutting will generate groundborne noise; how much, and how many homes will be affected, has not been assessed.
- 5.2 The ES explains that 'Up to 40 dB L_{Amax} ' is the design standard for Thameslink without identifying where this will be measured in the absence of existing residential buildings. Both boroughs have policy based on BS 6472: 1992. They require that the groundborne noise should not exceed 35 dB $L_{Amax(s)}$ measured near the centre of any dwelling room on the ground floor. The proposals must be judged against that standard, which requires information on groundborne noise and an assessment of its impact on proposed dwellings.
- 5.3 I don't know how much groundborne noise Thameslink will generate within the proposed flats but, just as RLE could predict airborne noise, presumably they could predict

groundborne noise, as they did for CTRL. A map of the Barking portal shows the impacts of groundborne noise as CTRL rises to the surface. Thameslink would not be identical but the map is indicative, showing the 35 L_{Amax} contour line extending a considerable distance from the railway. Thameslink is more likely than not to generate groundborne noise in excess of 40 dB $L_{Amax(s)}$ and more or less certain to exceed 35 dB $L_{Amax(s)}$ at Block A. There could also be perceptible groundborne noise impacts in the northern end of Block B.

- 5.4 Network Rail will no doubt build Thameslink to their normal standards (40 dB L_{Amax}) rather than 35 dB L_{Amax} standards. In §6.16 I outline some ways the requirement to reach the Councils' standards could be achieved, but none of them are currently before the Inquiry.
- 5.5 As Islington's noise team stated in their first report in 2004, sound insulation to glazing (mitigating airborne noise) does not protect against groundborne noise and will exaggerate what is heard.

6 The assessment should not be deferred to reserved matters stage

- 6.1 Despite the incompleteness of the previous (Volume 5) ES, both boroughs granted conditional consent for the Triangle and intended to impose conditions to be met at reserved matters stage. This merely delayed solution of problems which may turn out to be insoluble.
- 6.2 Normally planning consent must be implemented within three years. If the current appeal is granted, nothing need be done before 2016, and reserved matters applications for all the built accommodation may be delayed till 2020. If it then proves impossible to create enough amenity to make the site fit for homes it would be doubly unacceptable to wait so long to find out and to lose the housing entirely.
- 6.3 Placing conditions on an outline application is proper, provided the Councils are certain the problems they seek to resolve are capable of being so resolved at reserved matters stage. It cannot be a device to defer the assessment of the suitability of the proposed use of a site.

7 There is insufficient residential amenity on the site

- 7.1 Notwithstanding our objection to the continuing incompleteness of the ES, there is already enough information about the poor amenity of the site to refuse the appeal.
- 7.2 The King's Cross *Planning and Development Brief* states that noise and vibration are a significant factors in establishing what the mix of uses for the site should be. In relation to housing this use was not a given but conditional:
'Subject to satisfactory... residential amenity being achieved this close to railway lines, the Triangle could accommodate about 200 one-and two-bed homes'
- 7.3 The question of whether '*satisfactory residential amenity*' has been established is critical. Unless the answer is 'yes, there is satisfactory residential amenity on the site', the appeal should be rejected.
- 7.4 Residential amenity can be affected by many different factors. We are concerned not just about the impact of noise and vibration on residents inside their flats but also the impact of noise on residents outside their flats and in the amenity space between the blocks.
- 7.5 Whether sufficient residential amenity for Block A can be established depends on further information. But Block B already falls into a noise category where Camden's own policy says consent will not be granted. It is wholly for affordable housing, some of that for rent. People who qualify for such homes tend to be families with children, older or vulnerable people, and their freedom to choose where they live is restricted.
- 7.6 For most people residential amenity would include being able to open windows and comfortably undertake a number of normal activities without interruption, including sleeping at night. Inability to do these things can have long-term implications: school children and students may fail exams, working adults may suffer impaired work performance, family life may be put under undue stress, leading to relationship breakdown and ill health. Mitigation which involves keeping windows shut, particularly in summer, does not provide residential amenity.

8 Conclusion

- 8.1 There is still insufficient evidence to establish residential amenity, particularly on adverse impacts like groundborne

noise on Block A. We ask the Inspector to reject the appeal on these grounds.

- 8.2 If the Inspector judges he has sufficient evidence to determine the appeal, we ask him to reject it because there is enough evidence to show insufficient residential amenity, particularly for Block B.
- 8.3 If the Inspector decides to grant the appeal, we are asking for a number of amendments to the proposed conditions.