The Network Rail (Leeds to Micklefield Enhancements) Order

Response to CD 9.27: Representation from Mr Terry Preston

Network Rail have reviewed Mr Preston's email and respond as follows:

Environmental Impact: Noise and Vibration

1. The Environment Report describes noise and vibration controls during construction generally in Volume 3 Appendix 10 Noise and Vibration: Section 4.1.6. This details the general controls applicable to all sites and also considers potential impacts relating to the works at Austhorpe Lane.

2. As set out in the para 8.1.1 of the Code of Construction Practice Part A (CD 1.17) the CoCP will act as the mechanism to ensure that Noise & Vibration issues are managed during the construction of the Scheme as it requires the compilation of a Noise and Vibration Management Plan (to be secured by condition on the deemed planning permission). Network Rail will also be applying for a consent under s.61 of the Control of Pollution Act 1974 if the screening exercise requires the need for such a submission (see para 8.1.5 of the COCP Part A).

3. The section 61 application, when made to LCC, will include an assessment of the potential noise and vibration effects during construction and predict the potential noise levels in considering the plant and equipment used, proximity to residential property and the timing of relevant works. Should predicted noise levels be sufficiently high in considering the criteria set in BS5228, then Network Rail would consider the further use of fixed mitigation such as temporary noise barriers to reduce predicted noise levels in compliance with BS5228.

4. In all events, noise levels will be minimised in compliance with Best Practicable Means (BPM) and residents will be kept informed about the works and when they will be occurring as stipulated in the Code of Construction Practice Part A: Section 8.3 Notification Periods (**CD1.17**). The full detail of consultation with all stakeholders including residents will be detailed in the Code of Construction Practice Part B: External Communications Programme (draft Condition 6c(i)) that must be submitted to and approved by LCC.

Liability for physical property damage

5. As set out in in the Environmental Report (ER) in Volume 1: Main Text, in section 10.2.4. BS 5228 Parts 1 and 2 will be used to determine the noise and vibration resulting from the construction of the relevant works components and, if required, the best practicable means for control, which are defined in Section 72 of the Control of Pollution Act 1974.

6. BS5228 Part 2 (vibration) defines the level of vibration above which cosmetic damage to properties might be expected due to construction activity. The Noise and Vibration Management Plan (NVMP), that will be submitted to Leeds City Council (LCC) by condition, will define this vibration criteria to be used with the future assessment under the Control of Pollution Act (COPA) 1974, that produces a Section 61 assessment at any required site, identifying if that criterion is predicted to be breached.

7. The NVMP will be produced in accordance with BS5228 and would identify if levels of vibration were expected above that which BS5228 identifies as being that where cosmetic damage could occur (given as 12.5 mm/s in BS5228 Part 2 Vibration). In the event the future assessment of the detail of the construction plan did identify the potential for cosmetic damage, the following steps would be taken:
    - Any affected resident would be contacted by the project property team to arrange a site visit to conduct a formal dilapidation survey;
    - The survey would be completed and agreed with the relevant house owner;
    - The relevant property would be re-surveyed once construction works had been completed.

8. As stated in BS5228 Part 2 (Vibration), the levels of vibration above which cosmetic damage might occur is given as 12.5 mm/s. As explained above, if the levels of vibration during construction are predicted to be above this value, then the project will offer a dilapidation survey to affected house owners before and then after the completion of the works. Should additional cosmetic damage be shown to have occurred, the Network Rail project team would be responsible for completing any repairs.

9. It should be noted that no works to demolish the existing bridge or construct the new bridge at Austhorpe Lane Bridge will be conducted from the northeast corner of the site adjacent to Mr Preston's property, with the gas main works occurring in the northwest and south east corners of the site, and the bridge works occurring from the north west corner. On that basis it is considered unlikely that vibration levels above 12.5 mm/s will be predicted at Mr Preston's property when the Section 61 assessment is conducted.

Woodland at Austhorpe Lane

10. Mr Pearson's evidence explained how impacts on the woodland to the southeast of the bridge works are to be minimised in section 8.5 of his proof of evidence (**CD 7.11**) in addressing the same objection by Mr Freeman. In extending the compound to the east, the removal of woodland is limited to the permanent installation of the gas main diversion only. It should also be noted that the woodland area will be the subject of replanting in the Landscape and Ecological Management Plan (LEMP), in formalising the landscape figure submitted in the ER in Volume 2 Figures: Figure 8.5.2 (**CD 1.16.01**) that will be submitted to LCC for their approval, and Figure 8.6.1 that is the Outline Draft Land Restoration Proposal that commits to specific re-planting in the compound area in accordance with the public open space proposal in place. In addition, proposed condition 10 (Biodiversity Net Gain) to our request for Deemed Planning Permission, ensures that all habitat loss is accounted for by numerical calculation in accordance with Defra's metric 3.0, offset by replanting with a minimum additional 10% habitat creation included in that calculation.

11. There will be no impact on the green space as woodland loss will either be avoided by design in extending the compound to the east or replanted where tree loss has occurred as shown in figure 8.5.2. In terms of the open space in the compound taken to the east, once the project is complete, this area will be landscaped in accordance with the existing green park plans as shown in figure 8.6.1 (**CD 1.16.01**) and then available as public open space as envisaged by LCC.

19 March 2024