



Sarah de la Coze
Principal Planner
Oxford City Council
St. Aldates Chambers
109-113 St. Aldates
Oxford, OX1 1DS

Electronic Submission

Colin Field
Town Planning Manager
Temple Point, Redcliffe Way
Bristol
BS1 6NL

07515 626 431
colin.field@networkrail.co.uk

12 October 2021

Dear Sarah,

**Application for Prior Approval – Part 18 of GPDO at Oxford Railway Station
21/02007/PA18
Response to Abbey and Cripsey Roads Residents Association (ACRA)**

Thank you for forwarding on the letter from the Abbey and Cripsey Roads Residents' Association (ACRA). We welcome the positive comments made by the Residents' Association and their broad support for the proposals. However, we are disappointed with their rejection of the Environmental Impact Assessment (EIA) reported in the Environmental Statement.

We would be very happy to meet with the residents' association either virtually or in person to discuss these issues further and to endeavour to agree a way forward.

This letter has been structured where we have copied sections from the ACRA consultation letter response in italic text verbatim and we have responded to the issues raised which we have highlighted in bold text after each topic/ query of the residents group response.

1. *We were not consulted.*

*NR and Amey, who are bidding for the contract, both consulted us: but Jacobs did not. We note Jacobs did consult the Canal and River Trust, about boaters: just not the residents who live here permanently, and pay taxes locally. This matters. Jacobs were less well informed about past problems of noise or air pollution than they would have been had they talked to us. (For example, Jacob say pollution from diesel fumes isn't currently a problem because 'only' 8 complaints were made to the Council in the past 3 years (6.4.17) but they did no air sampling and did not ask us. Many of us have minded fumes over the years but it never occurred to us that the **City Council** was the right place to complain to. So the number of complaints isn't good enough evidence.) They haven't even understood the traffic issue. And in assessing the trade-off between a higher acoustic wall and loss of light/view, Jacobs made their own assessment of what is best for us, without talking to the people actually affected and, it would appear, without doing any further calculations, see 5 below.*

Jacobs are part of the Network Rail team and therefore all consultation undertaken by Network Rail was used by Jacobs in their assessment. Network Rail did not consider it necessary for Jacobs to undertake any further consultation with the residents' association.



2. Issues vital to us were excluded, or hidden

Traffic at Western Entrance. As we've repeatedly registered with NR and with the Council, we are concerned that inevitably, people driving in from the west will seek to drop off/pick up from the western entrance. Jacobs dismiss all concerns on traffic on the grounds that as no extra parking is provided, 'therefore' there can be no increase in traffic (2.8.5). This is to misunderstand the issue: we're not concerned about legal parking, but cars 'squatting' in our roads, engines running. And while planners may feel that everyone **ought** to cycle in, from Cumnor or Farmoor, however elderly or infirm, even in pouring rain, that's not going to happen in the real world.

As part of the Network Rail team Jacobs undertook the EIA in accordance with the scope agreed with the local planning authority. We acknowledge the concerns with regard to cars "squatting" at the western entrance and will continue to consider design measures which could be introduced to minimise this issue.

Vibration from freight trains. We also registered with NR and the Council our concern that high-speed freight trains, at night particularly, cause heavy vibration to houses **now**. We are concerned about the implication of an increase in the number of trains and in their speed. Jacobs seem unaware of this issue. Indeed, Jacobs make the bizarre statement that freight trains go through the station at 10 mph (10.3.50 & 55): we know that to be untrue. There are ambiguous statements in the proposal and EIA as to whether there will be an increase or not, and if so, how much (1) . But given the strategic aim to build a major freight route to the north from Southampton, it's safe to assume there **will** be a major increase. Again, if Jacobs had talked to us, they would have registered the issue. We are looking into independent monitoring of vibration, see 4 below.

We acknowledge the residents' concerns over vibration from trains especially at night. To be clear the Environmental Statement states in paragraph 10.6.54 that 'During the vibration measurements there were freight trains passing through the station at a slow speed (assumed to be around 10 mph) and also Class 165/166 DMUs slowing to stop at the station'.

The levels measured from these trains were 'just above being perceptible at 6.5 m and 4 m respectively. It is noted that the closest properties are located 13m away and that vibration would reduce with increasing distance.

This does not mean that the assessment has been based on the assumption that trains travel through the station at 10mph only that this is the speed the trains were travelling through when measurements were taken.

The station scheme itself does not directly enable an increase in freight capacity – any capacity increase is primarily driven by the level crossing work north of Oxford and multiple other schemes along the line of route between Southampton and the Midlands. As such any potential increase in freight could happen whether the station part of the overall scheme goes ahead or not. The freight trains use the central through lines so the additional platform would not materially impact vibration for local residents as the freight trains would not pass closer to the residential properties than they currently do.

Loss of parking bays. Jacobs say that a significant number of residents parking bays will be abolished due to reconfiguration of the road, including disabled bays. They are unable to say how many, but at least 8, including disabled bays, maybe many more. But this doesn't matter, say



Jacobs, because the Council want to reduce use of cars (13.7.7). This is quite unacceptable. If the Council wants to making car ownership much more difficult for us, as a Council objective, by all means let our Councillors discuss it with us. It is NOT cover for NR to dispose of an unspecified number of residents parking bays, because it suits them to do so, without any democratic discussion with us or the Council.

The proposed design will result in the loss of 8 on street parking spaces.

Outstanding design issues. *There are significant elements in the design that are still to be worked up, especially as regards the space between Cripsey and Abbey Roads and the new retaining wall. For example, at present residents in Cripsey Road are screened from the station not just by the large trees that are subject of TPOs and which are to be retained, but by many smaller trees and shrubs growing both on Cripsey Road itself and on RDW (PICTURE 1) Options that should be explored include retain this vegetation, which has grown up ad hoc, or replacing it, and/or placing a wall at the present height (about 7 feet), along the whole length of Cripsey Road, thus providing greater privacy. Another option is that the new station wall, which at the middle of Cripsey Road will loom some 18 feet above the road, might be in part or wholly a living green wall, such as the one installed recently (PICTURE 2).*

Network Rail will continue to progress the detail design of the scheme and will endeavour to retain as many trees and as much vegetation as practicable.

3. It's unclear if the EIA has any significance

Given the limitations on the Council's role in approving the plan, it is unclear to us what is the real significance of the EIA. If Jacobs has based it on wrong or unrealistic assumptions, which we believe is the case, and that becomes clear later on, are there any consequences? If none, what is the point of the EIA?

The purpose of the EIA is to identify, throughout the design process, the likely significant environmental effects of the scheme. In undertaking the EIA, many effects on the environment can be effectively "designed out", reduced or mitigated. The Environmental Statement is a record of this process and provide recommendations for further measures to be implemented in the detailed design stage, construction and/or operation of the scheme. It also allows the local planning authority to consider the likely significant environmental effects in their decision making and in the conditions to be applied to the scheme going forward.

4. Assessment of noise/vibration during construction is obviously inadequate

This is the issue which most concerns us - and it is where the EIA is most clearly inadequate. This is why:

- 4.1 The assessment is slapdash. Example, it is based on a superseded design for the western side, not that now proposed (Plate 2.2). Example: it gives different hours of work in different parts of the document (4.1.5 and 10.6.3). Example: it gives different figures for HGV movements in different parts of the documents, 6 a day or is it 20? (10.6.31 and 13.6.15). Example: it uses false assumptions about speed of freight trains, see 2 above.*



Core working hours will be agreed with Oxford City Council and will need to be adhered to by the main works contractor but will be based on those provided in the draft Code of Construction Practice provided as an Appendix to the Environmental Statement.

It is predicted that there will be a maximum of 6 HGV movements a day. The assessment of 20 HGV movements in the noise assessment provides a “worst-case scenario” assessment. Even, using this higher number in the noise assessment the calculated increase in road traffic noise is negligible with a predicted increase of less than 1 dB.

*4.2 The EIA leaves open the possibility of night and Sunday working to an undefined extent. This is a vital issue - yet left entirely open. Many of us have bad memories of the extensive overnight working when the work was done to build the new platforms for the Chiltern Line trains. Jacobs say that if night and Sunday working becomes necessary, then the possibility of sound insulation within houses should be considered (10.6.10, .17, .21). But it is very clear from the EIA that it is assumed it **will** be necessary from time to time and **will** take place. If so, the estimated noise levels, as Jacobs explicitly recognise, would require consideration of installation of noise insulation in homes. Indeed, it appears NR could be legally obliged to offer this, under the Land Compensation Act 1973 and the Noise Insulation (Railways etc) Regulations 1996 (see Table 10.1) Therefore, NR should proceed now with a plan of sound insulation to be offered to every house facing the station.*

There will be a need to undertake some of the construction activities at night and at the weekends. The exact details of these works will be assessed and will be subject to a Section 61 agreement with Oxford City Council. Network Rail acknowledge that should the thresholds likely be exceeded, an assessment would also be undertaken to determine eligibility for noise insulation.

Jacob's assessment isn't based on what will actually happen, and it can't be: because the contractor hasn't even been appointed, and therefore it can't be known how they will actually do the job. Therefore, the EIA cannot possibly purport to 'know' what the impacts will be, of working methods that are as yet, unknown, and unknowable.

The assessment undertaken to date has been based on assumptions and professional judgement. As more detailed information is available more detailed predictions can be made and more detailed mitigation measures can be implemented.

There has also been early Contractor Involvement using internal NR delivery teams to determine the staging and methodologies of delivery.

*4.3 There is a serious omission in the analysis of construction noise levels. Levels of SOAEL noise are defined, day and night, and level of UAEL for night-time (Table 10.10 and 10.6.17). But **no threshold for UAEL during day time is given**. That means that the EIA is unable to define what level of noise by daytime is unacceptable. Yet some of the noise levels predicted are as high as 81dB, said to match that of an alarm clock going off. Clearly that level of noise, all day, every day, **is** unacceptable. But the EIA does not say so. We have asked for further clarification. If we are right, and the level of*



'unacceptable' daytime noise remains undefined, the whole EIA analysis of construction noise is flawed.

This statement is incorrect, there is no statutory requirement to include a UAEL threshold for a construction noise assessment.

The concepts of NOEL, LOAEL and SOAEL are relevant to national noise policy, and are defined in the Noise Policy Statement for England (NPSE). The concept of a UAEL is not relevant to assessment of construction noise and has no basis in national planning policy or applicable standards.

The ES clearly states that mitigation will be considered if construction noise levels are predicted to exceed the SOAEL threshold. It should be noted that the works would be subject to a Section 61 agreement with Oxford City Council. Should the thresholds likely be exceeded, an assessment would also be undertaken to determine eligibility for noise insulation.

Summary of key construction noise figures from EIA ch.10 (noise figures in dB)

Noise now	Abbey Day 63.0.	Night 61.1	Cripley Day 61.1	Night 54	Source
					Table 10.16
Noise threshold levels used in EIA	Day	Night			
SOAEL	66	55			Table 10.10, and 10.16.17
UAEL	????	65			
Noise levels predicted from works	Min. distance of noise source from houses		Max noise level		
Sheepwash bridge replacement	10m		81		Table 10.17
New platform 5/new line	20m		78		Table 10.18
West Entrance (demolish/build)	20m		76		Table 10.20
Botley Bridge replacement	40m		76		Table 10.19

- At any rate, Jacobs acknowledges that some construction noises predicted in Abbey and Cripsey Roads should not be tolerated. For convenience, the main data on noise are brought together in the table below. It will be seen that, in every part of the project, work will in daytime reach **at least** 'SOAEL' level, defined in the EIA as causing changes



in how people live e.g. windows having to be kept closed, sleep disturbance, quality of life diminished. For two years! And in every part of the project, noise would exceed UAEL levels at night. These are levels which breach government guidelines and would in law trigger a requirement to install sound insulation or move residents, or pay compensation to residents. Yet Jacobs magic these very serious findings away. How?

The ES clearly states the findings of the construction noise assessment and identifies where and when significant effects may be experienced during the construction programme. The ES also states that prior to the commencement of any construction works a construction environmental management plan (CEMP) would need to be prepared by the principal contractor and agreed with Oxford City Council. The CEMP will provide a framework for the Section 61 agreements relating to construction noise levels. Where appropriate an assessment to determine eligibility for noise insulation during the works, in line with the recommendations of BS 5228-1:2009+A1:2014, will also be undertaken.

4.6 Because, Jacobs say, 'best practice' in construction will make it all better. "The application of BPM would be expected to eliminate all of the predicted temporary significant effects" (10.7.2). All of them. No specifics – how can there be, when they don't know how the contractor will do the job? But here are some examples of 'best practice' they quote (ch.10, 10.7.3):

- 4.6.1 The contractor shall properly maintain equipment and operate in accordance with manufacturers' instructions*
- 4.6.2 The contractor shall lubricate moving parts*
- 4.6.3 The contractor will 'engage with community....to explore ways of.... increasing local tolerance of noise' (our italics).*
- 4.6.4 On this basis, 'moderate/major adverse effect' of noise becomes 'not significant' and all the painstaking work by Jacobs to quantify the possible noise from different sites and different processes and different machinery, is just swept away. No new figures are produced. They might as well just not have done all that work, and just asserted that good practice would make it all lovely.*
- 4.6.5 This is frankly insulting, to us, and to Councillors.*

The noise assessment is based on standard guidance and professional expertise and has taken account of a reasonable worst-case scenario. Whilst it is correct that the contractor has not yet been appointed, there are standard best practice methods that any contractor appointed by Network Rail would need to comply with. Such measures could include those stated in 10.7.3 and the CoCP such as additional hoarding and siting static machines as far away as practicable from inhabited buildings.

In addition, the noise levels would be set and enforced by Oxford City Council under a Section 61 agreement.

A Section 61 agreement is commonly referred to when discussing construction or demolition related noise and vibration pollution impact on the environment. A section 61 application



demonstrates to the local authority a pro-active approach to reducing environmental impact. It outlines the methods in place to minimise disruption to the neighbourhood. These could include the working hours of the site and a plan to mitigate potential noise and vibration impact by best practical means.

Typically, as part of the agreement the contractor will undertake noise monitoring and where identified as necessary, vibration monitoring. This monitoring would be compared against the predicted levels and where it exceeds these levels for any day or night period, the contractor would be required to review the works and where necessary take corrective action to reduce the noise levels for future day or night time periods. The results of any noise and vibration monitoring during the progress of the project would typically be submitted to the Local Authority for assessment.

4.7 In addition, Jacobs repeatedly make hyper-optimistic assumptions, unbacked by evidence. For example, that the construction traffic will be minimal, because materials and waste will go by train. There is no sign that this option has been discussed with NR, and it seems very dubious, given that NR says the station is already at full capacity.

Jacobs prepared the Environmental Statement on behalf of Network Rail. Therefore all assumptions and commitments made in the Environmental Statement have been approved by them.

Network Rail are committed to minimising the construction traffic and will require its contractors to use rail for both the delivery of materials and removal of waste whenever practicable.

*There is no obvious place where the considerable effort of unload and loading the huge quantities of stuff can take place. Nor any assessment the noise involved in doing so. In short, **no study of feasibility**. And at different points, Jacobs uses vague but quite different formulations: 'as much as is practicable' will go by train, but elsewhere they are confident it will 'largely' go by train (13.5.6 and 13.6.15). Likewise, we've seen above, that estimates of HGV movements wildly differ in the documents. Yet it is on this flimsy basis that the traffic issue is dismissed as 'insignificant' (13.6.19).*

Network Rail consider it feasible to use rail for both the delivery of materials and removal of waste during the construction of the proposed scheme. The main works contractor will need to provide justification if they propose the use of road vehicles for these activities.

4.8 Jacobs rely on assumptions that are frankly not believable, for example, on vibration, they say that a pile driving rig operating 20m from peoples' houses, 'might just be perceptible' to residents. Can we please install a piling rig 20m from Sir Peter Hendy's home - and see if he can 'just' notice it? At night? (To add insult to injury, Jacobs say the effect on people is no different during the night from day time, ch.10, 10.6.28. Note to Jacobs: at night, humans need to sleep). On this basis, the effects on our community of piling rigs running just next to their homes, day and night, is said to be 'insignificant' (10.6.30). Again, insulting.



The residents' concern is acknowledged; however, we would draw the reader's attention to the following:

- 1) The paragraph above relates to vibration, with noise disturbance covered separately by the ES in paragraph 10.6.14. The vibration sensitivity criteria used in the assessment is based on BS 5228-2:2009 + A1:2014 which states (Paragraph B.2) that:

“Human beings are known to be very sensitive to vibration, the threshold of perception being typically in the Peak Particle Velocity (PPV) range of 0.14 mm/s to 0.3 mm/s...”

- 2) The vibration sensitivity criteria for PPV is based on the threshold of human perception.
- 3) The predicted PPV at properties on Cripsey Road as a result of piling activities at the western entrance is 0.4 mm/s, in line with the recommendations of BS5228-2:2009 + A1:2014 on the threshold of human perception, the significance criteria set out in the ES (Table 10.13) identifies this as a low magnitude of impact.
- 4) Piling activities would only be undertaken for a limited time at the western entrance during the agreed daytime core hours only.. Piling would need to be carried out at night for works to Platform 4 only, due to the live railway. The piling rig would be positioned at the far side of the platform to carry out this work and therefore be further away than the calculated value at the western entrance of 0.4 mm/s.

*4.9 Throughout, Jacobs use the distinction between impact of permanent noise and temporary noise. This is crucial, because thresholds are invariably higher for 'temporary' noise. But there is no recognition here that construction noise will be **continuous for some residents for the best part of two years**, as different parts of the project proceed. This is by no stretch of the imagination a 'temporary' nuisance. And it is well documented that the impact of noise is proportionate to its duration. The EIA completely fails to recognise this.*

The construction impacts will be temporary and will not be continuous. The assessment of noise and vibration from construction activities is based on the Network Rail GRIP 4 constructability report (163390 – Oxford Corridor Phase 2), which outlines the construction programme and works phasing schedule. The programme identifies that construction will be phased into four main activities, as follows:

- The Sheepwash Bridge replacement;
- Demolition of the Platform 4 buildings and construction of the new platforms 4 and 5 and new track (the down Oxford passenger loop);
- The new bridges at Botley Road, and;
- Demolition of the YHA building (Botley Road) and construction of the Western Entrance to the station.

These construction activities would be undertaken in different areas of the railway station site, for example, the works at Botley Road bridge are 250m away from the works on the Sheepwash Bridge and would not be undertaken concurrently.



The assessment is based on the best available construction design information at the time of production of the ES. In recognition of the variety of ways in which a finally appointed contractor could undertake the works, the assessment is based on a 'reasonable worst case' approach, where the assessment considers the highest levels of noise and vibration at each receptor that could occur. In practice it is expected that the levels of noise and vibration that would be experienced during construction would be lower than those considered in the assessment in the majority of cases.

However, it is recognised that the overall construction program will be over a two-year period. During this time construction noise levels will inevitably vary as the works progress. To account for this BS5228-2:2009 + A1:2014 provides recommendations for the eligibility criteria for the provision of noise insulation. Section E4, BS5228-1 states:

“noise insulation or the reasonable costs thereof will be offered by the developer or promoter to owners, where applied for by owners or occupiers, subject to meeting the other requirements of the proposed scheme, if either of the following apply to property lawfully occupied as a permanent dwelling:

- where the predicted noise level exceeds the noise insulation trigger level, as presented in table E.2; or
- ...for a total of days exceeding 40 in any 6 month period.”

BS 5228 Table E.2 is copied below, which shows examples of trigger levels that may be used in the assessment of eligibility for noise insulation. The averaging time periods vary with receptor sensitivity for different times of the day, the core daytime working hours are typically averaged over a 10 hour working day.

Table E.2 Examples of time periods, averaging times and noise levels associated with the determination of eligibility for noise insulation

Time	Relevant time period	Averaging time, T	Noise insulation trigger level dB $L_{Aeq,T}$ ^{A)}
Monday to Friday	07.00 – 08.00	1 h	70
	08.00 – 18.00	10 h	75
	18.00 – 19.00	1 h	70
	19.00 – 22.00	3 h	65
	22.00 – 07.00	1 h	55
Saturday	07.00 – 08.00	1 h	70
	08.00 – 13.00	5 h	75
	13.00 – 14.00	1 h	70
	14.00 – 22.00	3 h	65
	22.00 – 07.00	1 h	55
Sunday and Public Holidays	07.00 – 21.00	1 h	65
	21.00 – 07.00	1 h	55

^{A)} All noise levels are predicted or measured at a point 1 m in front of the most exposed of any windows and doors in any façade of any eligible dwelling.

The appointed contractor would seek to obtain prior consent from Oxford City Council under Section 61 of the Control of Pollution Act 1974. The Section 61 Agreement would ensure that construction noise limits, which would be set out as part of the agreement, would not be exceeded during the works.

5. We think Jacobs' assessment of permanent operational increase in noise is incorrect
Even in this highly optimistic assessment, and even with the proposed acoustic wall, Jacobs admits that in operation, there will be a significant and permanent increase in noise for residents, as set out in this summary table:

	Cripsey Rd		Abbey Rd		Source
	day	night	day	night	
Levels now	61.1	54	63.1	61.0	Table 10.16
Change predicted in EIA	6	6.5	-2.4	-1.7	EIA summary table 2
Thus, new levels	67.1	60.5	60.7	59.4	
SOAEL thresholds	DAY NIGHT	66 55	Tables 10.14 and .15		

Jacobs' assessment looks to us wrong, even in their own terms, and misleading, in 2 respects

- Jacobs' admit that the impact on Cripsey would be a 'major adverse effect' (10.7.8)*



- *Jacobs claim the new levels for Cripsey are **below** the SOAEL level set in Table 10.14 (10.7.8). But for Cripsey, and Abbey at night, they are clearly **above** the SOAEL level defined in Tables 10.14 and .15, see above. And table 10.15 says that noise in the SOAEL level, where it has increased by more than 3dB, **must** be mitigated. Clearly then, the permanent increase in noise in Cripsey **must** be further mitigated. If we are right, this is a serious failure in the EIA.*

The table above and corresponding statement compare the predicted increase in train noise level to the measured ambient (baseline) noise level, this is not a recognised methodology.

The assessment in the ES has considered train noise levels in isolation at receptors and compares the change in noise levels with and without the Scheme in place. This is in line with the Design Manual for Roads and Bridges ("DMRB") LA111 Noise and Vibration – Revision 2.

The ambient (baseline) noise levels measured at Cripsey Road and Abbey Road are not a measure of train noise in isolation, they include all environmental activity present at the time of the survey (such as activity at the train station, road traffic, aircraft movements overhead and community activity such as children playing (Nursery on Roger Dudman Way) and dogs barking etc). Therefore, simply adding the predicted change in train noise level to the existing ambient level is misleading and effectively double counts the contribution from the existing train movements. For this approach to work the existing contribution from train noise would need to be removed from the measured baseline noise level, which is not possible. Hence the methodology used to calculate the change in noise levels from the Scheme has been undertaken as a desk-based modelling exercise in line with the DMRB.

The full results of the assessment are provided in ES Appendix 10.2 (Tables A5.2, A5.3 and A5.4), which show the change in noise contribution from trains only at receptor locations with and without mitigation. It should be noted that the predicted noise levels with mitigation in place are below the SOAEL threshold at all receptors.

- *Table 10.26 states that the operational noise has been mitigated 'as much as possible'. But the EIA makes it clear that there **could** be further mitigation by increasing the height of the acoustic barrier, but this is dismissed (10.7.7) on two grounds. 1) to totally block line of sight it would have to be 4m high and that is 'unlikely' to be structural possible, and also 2) might obstruct daylight. This analysis is deficient for many reasons: it rules out options between 2.2m and 4m; it ignores the possibility that residents might prefer less light and less noise; it does not conclusively determine whether 4m wall is feasible or not. On this flawed basis, residents of Cripsey road are to be condemned in perpetuity to levels of noise admitted to be a serious adverse impact, with possible long term damage to health and wellbeing. This is unacceptable.*
- 1) The ES clearly sets out in Section 10.7.7 the limitations that can be expected from the 2.2m barrier. The ES also clearly sets out the predicted residual effect levels with the proposed mitigation in place.
 - 2) Detailed engineering has not been completed at the current stage. It should however be noted that a 4m barrier is likely to be more visually intrusive than a



lower structure particularly towards the north of Roger Dudman Way. An overall assessment based on professional judgement and standard guidance has been carried out. This has taken into account noise and visual issues together with technical feasibility to propose the optimal height of the acoustic barrier for the current design. This creates a reasonable worst case.

- 3) The Government's noise policy is set out in the Noise Policy Statement for England ("NPSE"). It contains the high level vision of promoting good health and good quality of life (wellbeing) through the effective management of noise. The first and second aims of the NPSE are:

- "significant adverse effects on health and quality of life should be avoided." And
- "to mitigate and minimise adverse impacts on health and quality of life"

With the proposed mitigation in place the predicted noise levels for train movements as a result of the Scheme are below the SOAEL threshold at all receptors. The proposed mitigation therefore meets with both the first and second aims of the NPSE.

6. We challenge NR's remarks on operational noise

In their covering letter to the Council of 27 July, NR say operational noise has been mitigated by the acoustic fence as we've seen they admit still leaves what Jacobs describe as a 'major adverse effect' and if we are right, this is within the SOAEL threshold and requires further mitigation and is capable of further mitigation.

We also take objection to NR's statement that 'the perception of noise reduces over time and reduces its significance', which appears dismissive of what they concede is a 'major adverse effect' on those who live here.

*Finally, NR say quite definitely noise insulation would not be required, yet the EIA states that there would **have** to be consideration of noise insulation if there were any weekend or night working which we know for sure there will be. NR are contradicting their own EIA.*

The ES states in para 10.7.6 that the 2.2 m barrier would result in a reduction in operational noise at Abbey Road with the overall noise level below the SOAEL. Along Cripsey Road, some properties are three storey. The 2.2 m barrier would therefore only give partial mitigation here. The increase in noise levels would be a major adverse effect but the overall noise level would still be below the fixed SOAEL threshold set out in Table 10.14.

Network Rail considers it unlikely that noise insulation would be needed as the construction activities would be managed in order to avoid triggering these requirements.

7. Conclusion

We have shown that the EIA is totally inadequate as a basis for agreeing the proposal and if unchallenged, would leave residents open to unnecessary and avoidable suffering, over some years, affecting physical and mental health and the amenity of the neighbourhood and potentially, the value of houses. The Council appears to have ample power to reject it, both under the GPDO ("if satisfied that.... the design ...of any building...would injure the amenity of the neighbourhood and it is reasonably capable of modification to avoid such injury") and under s.61 of the Control of Pollution Act 1974. We ask that they do so.



Network Rail consider that the EIA undertaken, and the Environmental Statement provides a sound basis for identifying the likely significant environmental effects of the proposed scheme and identifies issues to be addressed in the future detailed design work and construction methodologies to be agreed.

Once the EIA is set aside, we want to resume what had previously been a constructive relationship with NR, and their contractor. We do believe that there are potential solutions to most of these issues, and that by working together, we can see how best to mitigate what is obviously going to be a serious and prolonged impact on our community.

What we are asking for

We ask that:

- 1) *the Council should reject the EIA as unfit for purpose*
- 2) *the contractor when appointed should consult us on mitigation of noise, vibration and construction traffic in drawing up the Construction Environmental Management Plan*
- 3) *all affected properties should be offered internal sound insulation **now***
- 4) *the Council should consult us about applications for s 61 approvals, especially in relation to weekend and night working*
- 5) *NR should consult us on the design of the space between the houses and the retaining wall, north of the Western Entrance, including a possible 'green wall'*
- 6) *NR should work up options for further reducing operational noise, particularly, raising the height of the acoustic wall*
- 7) *the Council (s) – assuming both are involved – should consult us on a traffic management scheme to minimise pick up/drop off at the Western Entrance. We have detailed proposals which we think could make a difference*
- 8) *the Council(s) should also consult us on permanent loss of parking spaces*
- 9) *the scheme should clearly state where cars picking up and dropping off passengers are **supposed** to go – we think it's hopelessly naive to suppose that people will stop using cars altogether*
- 10) *the issue of vibration in houses from fast heavy freight trains should at least be acknowledged, and information given about frequency and speed now, and in future.*
- 11) *liaison arrangement should be set up with NR, their contractors and both Councils, so that over the lifetime of the project there are speedy ways of registering and resolving problems and getting information and giving feedback.*

Network Rail would be very happy to meet with the residents' association to discuss these matters further and to agree a way forward.



If you have any queries regarding the contents of this letter or require further information on the contents, please do not hesitate to contact me.

Yours sincerely

Colin Field MRTPI
Town Planning Manager
Wales and Western Region