

TRANSPORT AND WORKS ACT 1992

Transport and Works (Applications and Objections Procedure) (England and Wales) Rules 2006

THE NETWORK RAIL (LEEDS TO MICKLEFIELD ENHANCEMENT) ORDER

DOCUMENT NR17: CODE OF CONSTRUCTION PRACTICE PART A

Document Reference	151666-TRA-E234-TRU-CNT-W-LP-000013
Author	Network Rail
Date	July 2023
Revision Number	Rev 1

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Abbreviations

Acronym	Full title
ALARP	As Low As Reasonably Practicable
CCS	Considerate Constructors Scheme
CIRIA	Construction Industry Research and Information Association
CL:AIRE	Contaminated Land: Applications In Real Environments
CoCP	Code of Construction Practice
DPP	Deemed Planning Permission (elements requiring Planning Permission)
EA	Environment Agency
ER	Environmental Report
EMS	Environmental Management System
ESMP	Environment And Social Management Plan
FOC	Freight Operating Company
HGV	Heavy Goods Vehicle
HSE	Health and Safety Executive
LEMP	Landscape and Ecological Management Plan
MMP	Materials Management Plan
N&V	Noise And Vibration
NVMP	Noise And Vibration Management Plan
NMP	Nuisance Management Plan
PPICP	Pollution Prevention And Incident Control Plan
SRMP	Soil Resource Management Plan
SWMP	Site Waste Management Plan
TOC	Train Operating Company
TWAO	Transport And Works Act Order

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- 1.1.1 Reference should be made to the Environmental Report (**NR16**) in section 3.1 for a detailed description of the Scheme.

1.2 Code of Construction Practice Requirement

- 1.2.1 This Code of Construction Practice (CoCP) Part A has been prepared to accompany the Order application. Part A of the CoCP outlines the process that will result in the submission of CoCP Part B environmental documents that must be approved by condition by the relevant Planning Authority Leeds City Council (LCC). The implementation of the CoCP is secured in relation to the elements of the Scheme requiring planning permission by a proposed planning condition that is included in the request for a deemed planning permission that is submitted with the Order application.
- 1.2.2 In addition, the CoCP Part A will be applied to the Permitted Development works to ensure environmental management in general in respect of these works complies with legislation and Network Rail's Contract Requirements – Environment (NR/ENV/015).

1.3 Purpose of the Document

- 1.3.1 The CoCP sets out the relevant measures and standards to be followed throughout the construction period and has been prepared to ensure that the proposed construction-related incorporated mitigation identified in the Environmental Report (ER) (**NR16**) is implemented by Network Rail, whether the works be elements requiring planning permission or come under general Permitted Development.
- 1.3.2 The CoCP also acts as an environmental management system framework on which all the construction-related incorporated mitigation identified in the ER is tied into this governing document. Where applicable the mitigation from the ER is referenced to the relevant chapter discipline where mitigation is identified.
- 1.3.3 The CoCP is split into two parts. This document is Part A, which sets out:
- the context and underlying principles of the Scheme CoCP;

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- the principal obligations on contractors when undertaking work for the Alliance¹;
 - the guidelines to be used during construction and how they will be mandated and applied by the contractual arrangements between the Alliance and the selected contractor for the works; and
 - the details of, or references to, the mitigation measures for each relevant environmental topic.
- 1.3.4 Part B of the CoCP will be developed by Network Rail in anticipation of the granting of the Order. Part A of the CoCP (this document) is in the main part a generic Environmental Management System (EMS) that acts as the mechanism to implement the site-specific Part B. It will provide, through draft condition 6: Code of Construction Practice, the detail of the delivery of management controls on site in consideration of the developing detailed construction methodology and will include the following:
- an External Communications Programme;
 - a Pollution Prevention & Incident Control Plan (PPICP);
 - a waste management & materials plan;
 - a Nuisance Management Plan (NMP) including dust, wheel wash measures, air pollution and temporary lighting;
 - a Noise and Vibration Management Plan (VMP) including a construction methodology assessment; and
 - a demolition methodology statement for relevant buildings.
- 1.3.5 The CoCP Part B will **not** deal with construction traffic routing and other highways items directly, though construction traffic management and the control of nuisance is dealt with in the NMP as outlined in section 1.3.4. The logistics of traffic management will be managed through a recommended standalone condition (draft condition 7: Construction Traffic Management and Travel Plan) included for the elements requiring Planning Permission, that must be approved by the relevant local authority.
- 1.3.6 The CoCP Part B environmental documents as listed in section 1.3.4 and 1.3.5, will be submitted for conditional discharge to LCC in relation to the elements requiring planning permission. As the CoCP constitutes an overarching EMS, the measures set out in the Part B documents will be applied to all works including permitted development works.

¹ The TRU East Alliance is a legal partnership formed to jointly deliver the programme of works on the Trans Pennine Upgrade from Leeds Station through to York Station. The participants are made up of Volker Rail, Murphy, Systra (Design), Siemens and Network Rail (Owner Participant).

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- 1.3.7 The CoCP will address all environmental effects during construction activities including site preparation (including site excavation and spoil removal), demolition, material delivery, excavated material disposal, waste removal and all related engineering and construction activities. Testing and commissioning are not "Construction" activities.
- 1.3.8 The Alliance will appoint a designated representative who is responsible for ensuring compliance with the CoCP. The Alliance will apply this CoCP Part A as the EMS approach irrespective of the existing systems currently within Network Rail and contractor organisations. The appointed designated Alliance representative will ensure that:
- the Alliance including all sub-contractors shall have a process to submit template reports regarding performance and other relevant matters sufficient to inform the designated Alliance representative regarding compliance with the CoCP;
 - arrangements for auditing are in place and are implemented; and
 - accountabilities and responsibilities throughout the Alliance are clearly allocated and identified.

2. GENERAL PRINCIPLES**2.1 Construction**

- 2.1.1 The Alliance will develop and implement a construction strategy that will have the following objectives:
- to meet the requirements of all relevant legislation, codes of practice and latest standards. The contractor must also comply with all legislative provisions contained in the CoCP Part A and whenever legislation or codes of practice are referred to, is the contractor's responsibility to comply with the current version;
 - to challenge the existing standards where innovation offers the potential for the Scheme to be built more sustainably;
 - having regard to latest standards to limit adverse impacts on the local community and the environment so far as reasonably practicable;
 - to minimise (as far as reasonably practicable) impacts on local businesses;
 - to minimise (as far as reasonably practical) impacts on the local resident population and maintain the area as a viable place to live and work throughout the construction period;
 - information will continue to be provided via the Network Rail or Scheme website as appropriate;

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- a dedicated Alliance Communications team will be in place and include the Network Rail Helpline facility to record and act on inquiries and complaints;
- to minimise (as far as reasonably practical) the disruption to the highway network;
- to minimise (as far as reasonably practical) the impacts on the existing rail network, rail passengers and the passenger Train Operating Companies (TOCs) and Freight Operating Companies (FOCs); and,
- to coordinate with outside relevant projects as far as is reasonably practicable to reduce the cumulative effects.

2.2 Environment

- 2.2.1 The Alliance is additionally committed to ensuring that the Scheme is built in consideration of the wider sustainability principles as outlined in Alliance strategies.
- 2.2.2 The Alliance arrangements for managing sub-contractors will include the selection of competent contractors who must plan and implement appropriate safety, quality and environmental systems. This will require Alliance partners for the main construction contracts to have as a minimum an EMS which is consistent with the principles of British Standard (BS) EN ISO14001 (BSI, 2004) (BS EN ISO 14001) before being included on tender lists and which will deliver the works in accordance with the provisions of this CoCP.
- 2.2.3 All environmental control plans required as Part B to the CoCP will be the subject of audit and verification by the Alliance on an ongoing basis during the construction period as a method to provide evidence of compliance with the Order.
- 2.2.4 At the same time , audit and verification will also apply to general permitted development works to demonstrate compliance with environmental legislation and NR environmental requirements.

2.3 Health and Safety

- 2.3.1 The Alliance is committed to the safety and wellbeing of staff that will work directly on the construction of the Scheme. In addition, the Health and Safety principles that will be established by the Scheme will be aimed at ensuring the safety and wellbeing of other stakeholders who may be impacted by the Scheme.

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- 2.3.2 The Alliance will discharge all requirements under the provision of the Construction (Design and Management) Regulations 2007 (CDM). As the CDM coordinator, the Alliance will ensure that all sub-contractors will be competent and have the resources to ensure health and safety is managed in relation to construction of the Scheme.
- 2.3.3 The Alliance will produce a Health and Safety Plan defining how their work and associated risks to health and safety will be managed.
- 2.3.4 Risk management will be a core activity in the Health and Safety Plan. The Alliance will manage a project risk register, and this will eventually be included in the required Health and Safety File. The project risk register will require that all hazards are identified and managed throughout the lifetime of the construction phase and that appropriate measures to eliminate identified risk to as low as is reasonably practicable (ALARP) are adopted.
- 2.3.5 Where risks to the public are involved, these will be reduced to ALARP, and will be managed in accordance with the guidance in HSG151 "Protecting the Public" (Health & Safety Executive (HSE), 2009).
- 2.3.6 The Scheme will include a planned risk-focussed inspection regime and associated formal audit to ensure that there is compliance with the health and safety requirements as part of this CoCP.

2.4 Site ManagementGeneral

- 2.4.1 The Alliance will ensure that all direct staff and the staff of any sub-contractor are suitably qualified to manage and execute the works for which they are responsible.
- 2.4.2 The Alliance will register the scheme in the Considerate Contractor Scheme (CCS).
- 2.4.3 The Alliance and sub-contractors will demonstrate an appropriate awareness of the local environmental issues including any local sensitivities, proximity of residential properties and other sensitive assets.
- 2.4.4 In respecting the environment in which the Alliance will be working, there will be an expected code of conduct that all personnel and sub-contractors will adhere to.

Construction Environment and Social Management Plan(s)

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- 2.4.5 The CoCP requires the production of the necessary environmental delivery plans as detailed in section 1.3.4 of this CoCP. These plans will be produced by the Alliance for the elements requiring planning permission. The key or cornerstone document will be the Construction Environment and Social Management Plan (ESMP) as this document sets out the environmental objectives and targets for the Scheme and how the Alliance will deliver the environmental requirements stipulated in this CoCP. This is an internal management document that ensures all commitments are implemented.
- 2.4.6 The ESMP is also the document that details the processes in place to manage environmental issues as they arise during construction such that there is compliance with relevant legislation and regulations.

Training and Competence

- 2.4.7 The Alliance will require that all staff go through an induction process which will be aimed at ensuring that staff will be able to demonstrate an appropriate awareness of the sensitive environmental issues and impacts on the local community and expected code of conduct on site. The aim is that all staff develop an awareness of their individual responsibility to comply with the CoCP.
- 2.4.8 The Alliance will identify any specific training needs in addition to the identified objectives required as outlined in Section 2.1.1 of this CoCP.
- 2.4.9 During construction, the Alliance will implement an ongoing series of “toolbox talks” aimed at all issues surrounding the successful implementation of the CoCP, expected site behaviours and health and safety. Toolbox talks will be site-specific and delivered in accordance with the ongoing risks as identified by the Alliance during the construction period. Records will be kept of the toolbox talks held.

Community Consultation and Engagement

- 2.4.10 The CoCP Part A acts as the mechanism to ensure that the External Communications Plan is approved through draft Planning Condition 6c(i) External Communications programme.
- 2.4.11 The External Communications programme, once approved for the elements that require planning permission, shall apply to the whole Scheme as standard practice.
- 2.4.12 The Alliance will implement a process as part of the External Communications programme to ensure that community relations is managed.

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- 2.4.13 The Alliance will support the ongoing consultation process by continuing with regular consultation with local residents. The Alliance will comply with BS 5228 Code of practice for noise and vibration control on construction and open sites (BSI, 2009).
- 2.4.14 Up to date information will also be supplied to the Network Rail Leeds to Micklefield Order website including work completed to date, current programme and upcoming work and the contact details for inquiries and complaints.
- 2.4.15 The Alliance will utilise the national Network Rail Helpline 0345 717 4141 (24 hour) to maintain a facility that records inquiries and complaints received. The External Communications Plan will detail the procedures that ensure the national Network Rail Helpline is appropriately briefed on an ongoing basis, is provided with the capability to respond in real time to complaints by contacting appropriate site staff with the aim of immediately resolving any issues on site. The national Network Rail Helpline number will be advertised on all correspondence and widely advertised on site hoardings and the Network Rail website.
- 2.4.16 Any call to the national Network Rail Helpline generates a record on the Complaints register that can only be closed once the complaint has been resolved. The register will be forwarded to the local authorities on a monthly basis.

3. GENERAL SITE OPERATIONS**3.1 Working Hours**

- 3.1.1 Standard working hours are defined as 08:00 to 18:00 Monday to Friday; 08:00 to 13:00 on Saturdays with 30 minutes either side for setting up and organising / cleaning the site. Standard working hours refer to all activities where construction does not interfere with or require a closure of the operating railway.
- 3.1.2 Non-standard working hours will also be utilised in connection to any construction works that would interfere with the operation of the railway. This means when the operating railway is closed so that construction works can progress. Such closures for construction works, known as “possessions”, are granted normally outside normal operating hours, at night-time, weekends and bank holidays. The current high level proposal is outlined in Section 3.1.4 in this CoCP but elements of this non-standard works requirement are subject to alteration.

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- 3.1.3 Network Rail reserves the right to exercise an extended working hours regime during longer hours of daylight in the summer months if required but only with the agreement of LCC. During the winter months when there is less daylight, the Alliance may shorten working days in consideration of the safety precautions for construction workers and the general public.
- 3.1.4 The current high-level construction methodology as defined in the ER would require possessions for the following activities where the railway would need to be closed:
- Austhorpe Lane (2 x 29 hour closures);
 - Ridge Road (2 x 29 hour closures);
 - Crawshaw Woods (2 x 29 hour closures);
 - Brady Farm (1 x 29 hour closure)
- 3.1.5 In addition, NR and contractors will access the track in quick possessions known as Rules of the Route (RotR) that occur at night during midweek, normally between 10pm and 4am whenever required.
- 3.1.6 The Alliance will apply a Section 61 screening process to identify if works trigger the requirement to submit a Section 61 application to LCC in compliance with the Control of Pollution Act 1974. This process will occur in consultation with LCC to jointly decide whether a Section 61 would be appropriate or whether works are suitable only for standard Best Practicable Means (BPM) for minimising noise on site, as will be stipulated in the NVMP that will be submitted by condition to LCC for approval.
- 3.1.7 In the case of work required in response to an emergency or work which, if not completed, would be unsafe or harmful to the permanent works or the general public, LCC will be informed, as soon as reasonably practicable, of the reasons for and likely duration of the works. LCC will provide a telephone number and nominate an officer to receive such notification, which will be reviewed regularly. Examples of the type of work envisaged would include where pouring concrete takes longer than planned due to equipment failure or where unexpected poor ground conditions, encountered whilst excavating, require immediate stabilisation.
- 3.1.8 Where works have been rescheduled due to unforeseen circumstances and may extend beyond normal working hours or otherwise change the assessment previously conducted for the Section 61 agreement, Network Rail will apply for a variation to that Section 61 consent. The timescales for consideration of such changes will be agreed with the local authorities as part of the Section 61 principal conditions.

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- 3.1.9 In addition to the occupier notification requirements outlined in section 8.3 of this CoCP, notification will also be issued for works that fall under the category of emergency or rescheduled due to unforeseen circumstances and requiring a re-assessment of the Section 61 agreement.
- 3.1.10 Deliveries in general will be by road. This will be during standard working hours. There will be abnormal load deliveries in transporting bridge beams to Austhorpe Lane and Ridge Road. In addition, the cast iron structure at Crawshaw Woods bridge will be removed by road, renovated and brought back to site by road. These works may require transport of abnormal loads and the provision for this would be included in the Traffic Management Plan (TMP) that is included as a separate condition in the Deemed Planning Permission (DPP). Such requirements would be discussed with the relevant Highways Department as outlined in Section 11 Public Access and Highways of this CoCP. In cases where they are required, these types of closures are most normally granted by the relevant local authority/ highway authority during non-standard hours when the roads are least used.

3.2 Site Layout

- 3.2.1 The CoCP identifies the environmental controls that general site operations will have to take into consideration. These will include:
- all compounds will be fully secured with palisade fencing;
 - all work sites will be fully secured and screened where practicably possible;
 - temporary offices, fixed plant and machinery and storage of materials will be located in consideration of the local environmental effects which will include proximity to residential properties, local businesses, watercourses and ecological receptors;
 - site lighting in compounds and for works will be positioned and directed so as not to cause nuisance to occupied residential properties or otherwise cause a hazard to road users; and
 - fixed site plant and temporary offices will be powered by mains electrical sources wherever practicably possible.
- 3.2.2 The Alliance will ensure, as far as reasonably practicable, that the visual intrusion of construction sites on nearby residents and users of local facilities and amenities is contained and limited. The Alliance will display the contact number and a contact name and address at appropriate locations on the boundaries of the site(s).
- 3.2.3 The Alliance will erect secure palisade fencing around compounds and worksites such that the dimensions reduce visual nuisance to the lowest

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practicable levels. High specification, full board hoarding capable of displaying printed information or other material will be used in areas considered by the Alliance to be sensitive visually to local residents and amenity users.

- 3.2.4 In complying with the Considerate Constructor's Scheme and the duty of care in consideration of litter, the Alliance will ensure a good housekeeping policy is observed and the site and compounds are kept tidy, safe and ordered.

3.3 Site Security

- 3.3.1 The Alliance will ensure all sites and compounds are kept secure by a permanent security presence.
- 3.3.2 Entry and exit from work sites and the compound shall be strictly organised so that the potential for unauthorised access is minimised.

3.4 Site Lighting

- 3.4.1 Site lighting and signage will be required for sites and the compound in consideration of winter working hours and non-standard working arrangements when the compound will be used. All lighting will be set up to avoid nuisance as far as is practicable so will be low-level and directional to avoid glare into residential properties.

3.5 Emergency Planning, Response and Access

- 3.5.1 The Alliance will ensure that emergency procedures are in place in consideration of the work sites, the compound and access and egress requirements. The procedures will be in consideration of the site-specific hazards and include notification procedures for the emergency services. Access points will be designed to accommodate emergency services vehicles where practicably possible.
- 3.5.2 The site-specific planning will include a consideration of the potential for flooding and inundation during extreme rain events at compound and storage areas. Emergency pollution control will take into account the relevant Environment Agency (EA) guidelines.

3.6 Fire Prevention and Control

- 3.6.1 All construction sites and associated accommodation and welfare facilities will have in place appropriate plans and management controls to prevent fires. The site fire plans will be prepared, regularly reviewed, and updated as necessary, and will have due regard to the following documents:

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- CFPA-E21:2009 Fire Prevention on Construction Site
- Fire Safety in Construction Work (HSG 168) (HSE, 2010)

3.7 Cranes

- 3.7.1 Crane arcs will be confined within the site boundary as defined in the Order unless agreed otherwise with LCC and property owners/occupiers whose air space may be affected. Cranes will be operated in accordance with the requirements of BS 7121 (BSI, 2012), Code of Practice for Safe Use of Cranes.

3.8 Underground Services and Public Utilities

- 3.8.1 The Alliance will be responsible to undertake their own surveys to establish full extent of underground services and public utilities prior to commencing works at the site.

3.9 Travel Plan

- 3.9.1 A Travel Plan for project staff is required in accordance with draft planning condition 7 Construction Traffic Management and Travel Plan (Travel Plan 7a(ii)). This is intended to encourage a sustainable arrangement for travel to and around the project site.
- 3.9.2 A Travel Plan will consider the movement of construction staff into, around and out of the Scheme and on that basis, in effect, will apply to the whole Scheme, whether they be elements that require planning permission or operate under general Permitted Development.

4. ECOLOGY AND CONSERVATION

4.1 General Requirements

- 4.1.1 Ecology and biodiversity are appropriately protected through the application of a comprehensive Landscape and Ecological management Plan (LEMP) for the Scheme. The LEMP is the subject of a draft planning condition 5 Landscape & Ecology and applies to the elements of the Scheme that require planning permission, as outlined in the request for deemed planning permission for the works authorised by the Order and must be approved by LCC.
- 4.1.2 Whilst Condition 5 Landscape & Ecology only applies to the elements of the Scheme that require planning permission, in compliance with Network Rail's CRE-015, ecological effects are assessed and mitigated for the whole Scheme that includes the general Permitted Development elements. The Environmental Report (**NR16**) includes a number of Outline Draft Land

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Restoration Proposal Figures that are the subject of an environmental commitment made to LCC.

- 4.1.3 In addition, the request for deemed planning permission includes draft condition 10 Biodiversity Net Gain (BNG) that assures 10% habitat net gain (offset all habitat loss and add 10% enhancement to that loss) in accordance with DEFRA metric 3.0. In conditioning this commitment for approval with LCC, this safeguards the overall contribution to ecology and conservation for the elements of the Scheme that require planning permission.
- 4.1.4 In addition, Network Rail commits to a BNG of 10% across the whole Scheme to include the general Permitted Development elements in accordance with the wider TRU Key Performance Indicator (KPI) for that programme of works covering the line of route from Manchester Victoria Station through to York Station, in which the Scheme is located.
- 4.1.5 The Alliance will consult with the LCC ecologist(s) in gaining approval for the LEMP and the detailing of the management of all activities required to complete the incorporated mitigation outlined in this section of the CoCP.

4.2 Breeding Birds

- 4.2.1 All vegetation clearance or other work activities that might potentially impact on nesting birds will be conducted outside the established nesting season where practicably possible, generally considered to be between March and August inclusive. The Network Rail guidance “Nesting Birds and Vegetation works” will be complied with by the Alliance to avoid any contravention of the Wildlife & Countryside Act 1981 in connection to disturbing nesting birds. The Network Rail Nesting Bird guidance can be referenced to in Appendix A of this Part A of the CoCP.
- 4.2.2 As detailed by the Network Rail guidance note, should de-vegetation or any other activity be conducted during the exclusion period identified, the services of a suitably qualified ecologist will be used to establish the absence of nesting birds, or otherwise implement protection measures if nesting birds are identified.
- 4.2.3 If nesting birds are considered likely to be disturbed, then works shall not be allowed to proceed until the ecologist has clarified that fledgling birds have left the nesting area.

4.3 Fauna

- 4.3.1 An application for a protected species licence under the Conservation of Habitats and Species Regulations 2010 will be made to Natural England (NE)

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in advance of the commencement of works will be made in respect of disturbance of identified bats.

- 4.3.2 In the event there is potential for the disturbance of any great crested newts in the compound location at Austhorpe Lane, Network Rail would utilise its operating organisational licence and submit information to NatureSpace, rather than a standard licence application made to Natural England.

4.4 Flora

- 4.4.1 The ER (NR16) details the requirement to minimise tree and vegetation removal in Chapter 9 Arboriculture and this is subject to draft condition 5 Landscape and Ecological Management Plan.

- 4.4.2 This CoCP Part A requires trees and vegetation that can be retained to be protected in the following categories:

- Confirm trees and / or root structure is not affected by any elements of the relevant works, whether permanent or temporary.
- Identify specific protection measures that may be required for trees or root structure that are adjacent to any relevant works and can be retained.

- 4.4.3 Specific protection measures for trees that can be retained are detailed in the ER (**NR16**) in Chapter 9 Arboriculture and would include the use of temporary fencing and ground protection as might be required. Current Indicative Tree Protection Plans are included in the ER in Volume 2, Figures 9.2.1 to 9.2.9. These plans shall be referenced to establish actual Tree Protection Plans in advance of works.

- 4.4.4 This requirement is secured through draft planning condition 4 Landscaping and Ecology – Preliminary Works. Condition 4 ensures that all relevant protection for trees will be in place in advance of any works.

4.5 Invasive and Injurious Plant Species

- 4.5.1 The presence of invasive Schedule 9 species (Wildlife and Countryside Act, 1981 (as amended)) has been identified within the Order boundary. This statement includes a consideration of Giant Hogweed, Himalayan Balsam and Cotoneaster. No Japanese Knotweed has been identified within the Scheme during site survey.

- 4.5.2 The LEMP will include a section that identifies the presence of any invasive or injurious species and how they will be dealt with as currently known and should they be identified in advance of construction for the elements of the Scheme that require planning permission. The Alliance will comply with the

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relevant Network Rail guidance notes in removing any invasive or injurious species as applicable, whether as part of the LEMP or in connection to general Permitted Development work areas.

5. HISTORIC ENVIRONMENT

- 5.1.1 The management of archaeological risk is the subject of draft condition 9 Archaeology as identified in the NR12 Request for Deemed Planning Permission.
- 5.1.2 The measures outlined in this section is in consideration of the low risk of encountering archaeological finds on the site.
- 5.1.3 Irrespective of whether excavation is conducted on elements of the Scheme that require planning permission or in areas that are the subject of general Permitted Development, the control measures have been agreed in consultation with West Yorkshire Archaeological Service (WYAS) and are outlined briefly in this section of the CoCP.
- 5.1.4 The Scheme will require a programme of archaeological work and Written Scheme of Investigation to be submitted by condition to the local authority or their designated representative, that will identify the methodology for any investigation required in anticipation of any unexpected archaeological finds.
- 5.1.5 For permitted development works, this complies with legislation and Network Rail's Contract Requirements – Environment (NR/ENV/015). Under this approach the need for a written scheme of investigation will also be considered in liaison with WYAAS.
- 5.1.6 The Alliance will appoint a suitably qualified person to conduct any required technical archaeological work such as a rapid measure survey or watching brief should this be required in discharging the approved condition.

6. LANDSCAPE AND VISUAL AMENITY

- 6.1.1 The management of Landscape and Visual Amenity is appropriately protected through draft planning condition 5 Landscaping & Ecology, as identified in NR12 request for Deemed Planning Permission. Planning condition 5 requires that a LEMP must be approved by the landscape architect representing LCC.

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- 6.1.2 As identified in section 4.1.2, for the parts of the Scheme that come under general Permitted Development, a number of Outline Draft Land Restoration Proposal Figures have been produced that are the subject of an environmental commitment made to LCC. The draft plans are included in the ER for reference in Volume 2 Figures: Figures 8.6.1 to 8.6.5 “Outline Draft Land Restoration Proposals”.
- 6.1.3 The ER identifies the incorporated mitigation in Section 8 Landscape and Visual Amenity and the identified areas to be landscaped for elements of the Scheme that require planning permission, are shown in the ER in Volume 2 Figures: Figures 8.5.1 to 8.5.6 “Outline Landscape and Ecological Mitigation Proposals”.
- 6.1.4 The Alliance will use the services of a suitably qualified landscaping specialist to agree the detail of the written landscaping scheme with LCC. A final and detailed landscaping plan will be professionally rendered using appropriate computer software and included as part of the written LEMP submission.
- 6.1.5 The Alliance will implement the approved LEMP as part of the overall detailed design of the Construction Plan.

7. WATER RESOURCES

7.1 General Requirements

Protection of Water Resources

- 7.1.1 The CoCP will act as the mechanism to ensure that water resources are appropriately protected through the application of a comprehensive Pollution Prevention and Incident Control Plan (PPICP). The PPICP will be a condition of the Scheme for the elements that require planning permission as required as part of the CoCP Part B (draft condition 6c(ii)) and must be approved by LCC.
- 7.1.2 In effect, the PPICP will apply to all parts of the Scheme whether they are elements that require planning permission or come under general permitted development. For areas outside those elements requiring planning permission, pollution prevention must comply with Network Rail’s CR-E that in effect mimic the controls that the PPICP will outline.
- 7.1.3 The PPICP will be a site-specific document considering the proximity of the compounds and work sites to watercourses with particular attention paid to the potential for the area to flood. The PPICP will address “prevention” measures as well as “response” measures.

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- 7.2.1 The PPICP will include a consideration of site drainage including surface runoff and any effluent created during de-watering activities.
- 7.2.2 The PPICP will seek where necessary any appropriate consents and approval for disposal of effluent to the public sewer or a controlled water in accordance with EA guidelines.
- 7.2.3 In consideration and compliance with Construction Industry Research and Information Association (CIRIA) guidance, particularly “Control of water pollution from linear construction projects” (Site guide (C649), 2006) so far as is reasonably practicable, to avoid any runoff containing silt will be prevented from entering watercourses via the culverts that cross the site, or highway drainage infrastructure in consideration of potential washout from temporary construction and laydown and storage areas.
- 7.2.4 The Alliance will be clear in identifying any discharge that is intended for local soakaway or drain. Water that is of contaminated quality will only be permitted to be discharged to foul sewer if consented or removed by tanker. Otherwise, water that is identified to be of suitable quality or uncontaminated will be permitted to be discharged into a soakaway subject to suitable statutory approval.

7.3 Control of Pollution of Surface Water

- 7.3.1 The PPICP will detail all potential ways in which runoff may become contaminated and also what preventative measures will be in place to reduce the risk of pollution entering watercourses or highway drainage as far as is reasonably practicable. These measures will include:
- site-specific emergency controls for all works adjacent to watercourses;
 - all refuelling and any maintenance oiling will take place in designated and bunded area and on an impermeable surface;
 - refuelling will be mandatory attended by a site representative;
 - drip trays will be placed below static mechanical and mobile plant if within 10m of any named river or feeding culvert;
 - spill kits will be available at all times to all areas of work activity; and
 - vehicles will be washed down only in designated areas.

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- 7.4.1 All liquids that might potentially cause pollution shall be stored in accordance with “The Control of Substances Hazardous to Health (COSHH) Regulations 1999” or CORP, whichever is applicable.
- 7.4.2 Spill kits that are appropriate in type and quantity and that are fit for purpose will be located in proximity to all stored potentially polluting materials. All personnel will be trained in the emergency use of available spill kits.

7.5 Plant and Machinery Maintenance

- 7.5.1 Oil and diesel storage is identified as a key potential source of pollution so the following minimum measures apply:
- The Alliance will define in detail the maintenance and check regime in place for all oil and diesel storage facilities. This shall include completing all paperwork that is proof of these activities.
 - The Alliance will use sub-contractor storage units that are in good condition and fit for purpose.
 - Mobile plant shall be re-fuelled in designated re-fuelling area only unless the Alliance can provide a robust process for remote re-fuelling in the PPICP that shall be acceptable to the EA and LCC.
 - The Alliance will ensure that the sub-contractor engineer performs an appropriate set-up check of the storage facility to include the operation of the facility.
 - Plant and equipment in most cases uses hydraulics to operate. The malfunction of this equipment is identified as a key source of potential pollution, especially in consideration of the proximity to controlled waters.
 - All plant and machinery shall be the subject of a rigorous ongoing maintenance regime that shall be an auditable process.

7.6 Protection and Vandalism

- 7.6.1 Despite appropriate pollution and prevention measures, the Scheme in general may be subject to vandalism. In this respect, the Alliance will provide a permanent security presence on site based at the compound area.
- 7.6.2 The security remit shall include a requirement to periodically check the entire site during the construction phase.

7.7 Concrete Washout Facilities

- 7.7.1 After delivery of any wet concrete, delivery vehicles will need to washout any container on the delivery vehicles. The following minimum measures apply:

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- The Alliance will comply with the relevant CIRIA guidance;
- A designated concrete washout facility shall be created as far from any watercourse and feeder culverts as practically possible, and this decision shall be detailed in the PPICP;
- The washout facility shall be clearly fenced off and identified as the facility;
- The washout facility shall be lined with an impermeable membrane;
- The use of the washout shall be monitored on a daily basis with provisions in place to ensure there can be no leakage of wet concrete; and,
- The PPICP shall include the specific plan to remove dried washout concrete as a controlled waste.

7.8 Emergency Response

- 7.8.1 Network Rail has a Memorandum of Understanding (“MoU”) with the EA that identifies what constitutes a major incident that would require reporting to the EA and the attendance of an emergency spill control contractor. The detail of the MoU will be included in the PPICP.
- 7.8.2 The contractor shall acquire the call-off services of an emergency spill response specialist sub-contractor. The Alliance will acquire the services of a local specialist who can provide immediate response to a major incident. The spill response specialist will be utilised in the event of a major incident.
- 7.8.3 All site staff involved in the construction of the Scheme shall be briefed on site-specific pollution risks and the implementation of pollution response.
- 7.8.4 In accordance with the MoU, the Alliance will report all major pollution incidents to the EA hotline as follows:
- petrol spillages greater than 100 litres;
 - hydrocarbon spillages greater than 20 litres (including hydraulic oils and cutting oils);
 - any spillage in or near watercourses; and,
 - significant releases of silt / sands / cement slurry.
- 7.8.5 In connection to use of the compound and working directly adjacent to any watercourse, emergency response will also detail the protective measures in place that minimises the potential for a pollution incident to occur during times of inundation and flood.
- 7.8.6 All Work Package Plans (“WPPs”) otherwise known as Method Statements that relate to working near or over watercourses shall refer to the PPICP as appropriate and detail the protective provisions in place.

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7.8.7 All task briefings that relate to working in or over the watercourses shall include specific and applicable information that identifies potential pollution of the controlled water.

7.8.8 The site induction shall include a detailed explanation of the sensitivity of working near or over watercourses.

8. NOISE AND VIBRATION

8.1 General Requirements

8.1.1 The CoCP will act as the mechanism to ensure that N&V issues are managed during the construction of the Scheme as it requires the compilation of a NVMP as detailed in draft condition 6c(v) submitted in **NR12** Request for Deemed Planning Permission The detailed N&V mitigation is identified in the ER (**NR16**) in Chapter 10 Noise and Vibration.

8.1.2 The NVMP will apply to both the elements of the Scheme that require planning permission and the general Permitted Development sections, and the Alliance will engage with LCC on that basis to protect the amenity of all residents living adjacent to the Scheme.

8.1.3 In general, the NVMP will identify:

- those activities likely to generate noise and vibration;
- the levels of N&V likely to be generated;
- any sensitive receptors close enough to the works to be exposed to raised levels of N&V; and
- the mitigation measures to be adopted.

8.1.4 The Alliance will control and limit N&V levels, so far as is reasonably practicable, so that residential properties and all other sensitive receptors are protected from excessive noise and vibration levels arising from the construction activities. The Alliance will demonstrate and implement Best Practicable Means (BPM), as defined under Section 72, Part III of the Control of Pollution Act (CoPA) 1974 and will conduct all work in accordance with the recommendations of BS5228, "Noise Control on Construction or Open Sites". The Alliance's plant shall be sited and operated in a manner which will minimise noise nuisance to those on the respective site and in adjacent occupied buildings and shall be effectively attenuated by means of efficient silencers, mufflers, acoustic linings, shields, enclosures or screens.

8.1.5 The main mitigation measures related to minimising noise and vibration issues are contained in the confirmation that the Alliance will apply for a

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Section 61 agreement under the Control of Pollution Act 1974 to LCC should the Section 61 screening exercise require such a submission.

- 8.1.6 The NVMP will outline a criteria based screening of distinct packages of work to identify if a Section 61 would be required for specified works. This process must be agreed with LCC as part of the approval of the NVMP (draft condition 6c(v)). Its aim would be to screen out low-risk works from the need to acquire Section 61 consent whilst still retaining the need to apply Best Practicable Means (BPM) in accordance with BS5228 as outlined in section 8.1.4 and section 8.2.4.

8.2 Section 61 Control of Pollution Act

- 8.2.1 The criteria based screening exercise will be followed on all works, as described in section 8.1.6, to identify whether a Section 61 application is required for any specific package of work.
- 8.2.2 Once the requirement for a S61 is confirmed, construction works will be managed through a Section 61 application(s) through consultation with LCC. Section 61 of the CoPA allows developers to apply for 'prior consent' for noise and vibration generating activities during the construction phase of a development provided that BPM are employed to minimise the effects of noise and/or vibration.
- 8.2.3 The Alliance will engage the services of a professionally qualified acoustician to manage the production of a draft Section 61 consent to take to discussion with LCC ahead of any formal submission for consideration. It is expected that a discussion and formal consent will confirm sensitive working locations, plant and equipment to be used, proposed hours of operation, duration of works, delivery schedules and routes. The consents will contain:
- location and nature of short-term activities which will generate construction noise and the measures which will be taken to reduce the related noise and its duration in accordance with BPM;
 - any potentially noise generating activities which may be required outside of the agreed normal working hours for construction and the measures and procedures to be adopted to limit potential nuisance.
 - monitoring as appropriate where construction works with higher noise generating potential proceed in proximity to identified sensitive locations.
- 8.2.4 The Alliance will assess the potential for nuisance on a site-specific basis and measures adopted will include where appropriate and practicable:
- use of acoustic enclosures or portable screens;
 - use of modern, silenced and well-maintained plant;

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- mandatory shutting down of machinery and vehicles when not in use;
- mandatory closure of engine compartments when equipment is in use;
- use of dampening materials where there is clearly discernible resonance of body panels and cover plates;
- use of mains electricity rather than generators;
- correct maintenance and frequency of maintenance to prevent rattling and screeching associated with the operation of plant, machinery and vehicles;
- siting of semi-static equipment in consideration of noise sensitive receptors;
- fitting of acoustic dampening where plant known to generate significant vibration levels is to be used;
- super-silencing or screening where there is requirement for 24-hour; and,
- use of burning equipment in preference to cold cutting.

8.2.5 It may be appropriate to produce a number of Section 61 consents based on appropriate staging of the works rather than attempting to produce a blanket application covering the authorised works within the Order in entirety. This will also allow a detailed assessment of the predicted noise effects immediately in advance of specified works when the construction methodology will be more accurately programmed.

8.2.6 The Section 61 consent will set out the monitoring regime to be adopted during the Works as the mechanism to validate the predictions made in assessing the N&V generated by the construction activity. The monitoring regime will ensure that compliance with BPM and any noise levels predicted in the relevant S61 agreement will be adhered to.

8.3 Notification Periods

8.3.1 The Alliance will notify residents and landowners in the vicinity of the works in advance of the start of construction activity in the area a minimum of 14 days in advance.

8.3.2 Prior notice will be given to residents and landowners in the vicinity of the works relative to the timing and duration of any short-term activities which are likely to exceed the agreed Section 61 thresholds a minimum of 14 days in advance.

8.3.3 The Alliance will align the complaints procedure outlined in the Section 61 consent with the process outlined as part of the External Communications Plan that is required as part of the CoCP Part B condition.

The Network Rail (Leeds to Micklefield Enhancements) Order*NR17 Code of Construction Practice**July 2023***9. AIR QUALITY****9.1 General Requirements**

- 9.1.1 The Alliance will, as far as reasonably practicable, control and limit emissions to the atmosphere in terms of gaseous and particulate pollutants from vehicles and plant used on the site, and dust from construction activities. The Alliance will identify potential sources and apply appropriate control techniques.
- 9.1.2 Control of dust is captured under the production of a Nuisance management Plan (NMP) which is required as part of the CoCP Part B through the draft planning condition 6c(iv) as put forward in NR12 Deemed Planning Permission. The NMP addresses the potential for the uncontrolled mobilisation of construction dust, mud on neighbouring roads and light spillage during the construction period.
- 9.1.3 The NMP is considered to be a Scheme-wide environmental document and will apply equally to elements of the scheme that require planning permission and to those covered by general Permitted Development, given that it protects the amenity of residents wherever they live adjacent to the Scheme as a whole.

9.2 Particulate Dust from Vehicle and Plant Emissions

- 9.2.1 The Alliance will minimise so far as reasonably practicable the generation of particulate dust by vehicle and plant emissions thorough various methods on site that will include the following measures:
- ensuring that the engines of all vehicles and plant on site are not left running unnecessarily;
 - using low emission vehicles and plant fitted with catalysts, diesel particulate filters or similar devices;
 - requiring that plant will be well maintained, with routine servicing of plant and vehicles to be completed in accordance with the manufacturers recommendations and records maintained for the work undertaken;
 - requiring that all project vehicle, including off-road vehicles, will hold current MOT certificates, where required due to the age of the vehicle, (or to be tested to an equivalent standard) and that they will comply with exhaust emission regulations for their class;
 - siting plant away from potential sensitive receptors;
 - maximising energy efficiency [this may include maximising vehicle utilisation by ensuring full loading and efficient routing]; and

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- all commercial road vehicles used in construction must meet the European Emission Standards pursuant to the EC Directive 98/69/EC of Euro 5 and Euro 6 under the Regulation (EC) No 715/2007.

9.3 Construction/Visible Dust

9.3.1 The Alliance recognises that the management of construction dust is a key aspect of the environmental controls on site given that the Scheme will be constructed in relatively close proximity to specific residential properties.

9.3.2 The NMP will include the following aspects at minimum:

- ensure no burning of waste materials takes place on site;
- ensure an adequate water supply on the site;
- ensure appropriate disposal of run-off water from dust suppression activities, in accordance with legal requirements;
- maintain all dust control equipment in good condition and record maintenance activities;
- keep site fencing, barriers and scaffolding clean;
- provide easily cleaned hardstanding for vehicles;
- ensure regular cleaning of hardstanding;
- provide and ensure the use of wheel cleaning facilities near the site exits wherever there is a potential for carrying dust or mud off the site;
- clean the public highway using wet sweeping methods when necessary;
- ensure all vehicles carrying loose or potentially dusty material to or from the site are fully sheeted;
- ensure bulk cement and other fine powder materials are delivered in enclosed tankers and stored in silos with suitable emission control systems to prevent escape of material and overfilling during delivery;
- mix large quantities of cement, bentonite, grouts and other similar materials in designated areas which will be enclosed or shielded;
- store materials with the potential to produce dust away from site boundaries where reasonably practicable;
- ensure sand and other aggregates are stored in bunded areas and are not allowed to dry out;
- minimise the amount of excavated material held on site;
- sheet, seal or damp down unavoidable stockpiles of excavated material held on site, where required;
- avoid double handling of material wherever reasonably practicable;

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- ensure that any plant identified above is operated in accordance with the conditions set out in the permit and a copy of the permit is held on site;
- use enclosed rubble chutes and conveyors where reasonably practicable or use water to suppress dust emissions from such equipment;
- sheet or otherwise enclose loaded bins and skips;
- use design/prefabrication to reduce the need for grinding, sawing and cutting on site wherever reasonably practicable;
- only use cutting, grinding or sawing equipment fitted or in conjunction with suitable dust suppression techniques such as water sprays or local extraction;
- carry out site inspections regularly to monitor compliance with dust control procedures set out above and record the results of the inspections, including nil returns, in a site log book;
- increase the frequency of site inspections when activities with a high potential to produce dust are being carried out and during prolonged dry or windy conditions;
- record any exceptional incidents causing dust episodes on or off the site and the action taken to resolve the situation in the site log book referred to above; and,
- appropriate speed limits on access roads will be imposed and enforced for safety reasons and for the purposes of suppressing dust emissions.

10. RESOURCE AND WASTE MANAGEMENT**10.1 General Requirements**

- 10.1.1 The Alliance will produce a Waste Management and Materials Plan (WMP) as part of the CoCP Part B as identified in the proposed CoCP planning condition 6c(iii) and will comply with all relevant waste legislation in discharging the plan.
- 10.1.2 The WMP is considered to be a Scheme-wide environmental document and will apply equally to elements of the scheme that require planning permission and to those covered by general Permitted Development, given that it effectively establishes how waste will be managed in compliance with waste legislation wherever the location on the Scheme.
- 10.1.3 As required by the CoCP planning condition 6c(iii), the WMP must include a consideration of materials management. The Scheme will ensure that material resource management minimises the production of waste. Procurement of materials will be in consideration of the MMP and the strategy to reduce the amounts of material required and the likely waste to be generated.

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10.2 Waste Hierarchy

10.2.1 The Alliance will manage materials and generated waste in accordance with the waste hierarchy. The waste hierarchy sets out the options in order of preference. It is usual for the most efficient management of materials and waste is found in selecting a combination of the options as follows:

- efficient resource management to minimise the generation of waste in using selected products;
- efficient resource management to minimise the generation of excavated wastes and on-site fabrication;
- re-use and recycle excavated materials and waste in accordance with the Contaminated Land: Applications in Real Environments (CL:AIRE) protocol or some other exemption permit;
 - for use as direct construction material on the Scheme; for use on other construction / exempted sites in close proximity;
- recycle unusable waste at designated recycling facilities: and
- dispose of surplus excavated materials and waste at licensed landfill sites.

10.2.2 The Alliance will ensure that the requirements of the waste hierarchy are enforced and the duty of care placed on all parties to take responsibility for protecting the interests and safety of others from the potential effects of handling, storing, transporting and depositing of excavated materials and wastes. The Contractor will ensure that waste is managed in accordance with relevant waste legislation and comply with the Waste Acceptance Criteria in assessing and assigning any generated waste destined for landfill.

10.3 Waste Management Plan

10.3.1 Though an initial version WMP will be submitted in response to the Alliance developing Part B of this CoCP (condition 6c(iii)), the WMP will remain a live document that will require updated versions to reflect the overall effort to “design out” waste on the Scheme on an ongoing basis in accordance with observing the waste hierarchy.

10.3.2 The Alliance will develop the WMP which will identify:

- responsibilities for overall waste management;
- the waste category and initial quantities of materials projected to be produced by the Scheme;
- initial proposals and innovations for re-use and recycling of identified material and waste streams;
- proposal for recycling and / or re-use of such materials;

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- the proposed method of storage, handling and transportation of waste;
- the authorised waste carrier details and their waste carrier registration number;
- the means and routes of disposal and the relevant consents;
- details of the site that the wastes is to be taken to;
- details of the environmental permit of exemption held by the disposal site where material is taken; and
- requirements for Waste Management Licenses and / or waste management licence exemptions.

10.3.3 The WMP will also address the logistics of waste management on site in terms of efficient storage, designated and suitably identified waste storage areas on site and other aspects in compliance with the requirement of duty of care.

10.3.4 The Alliance will ensure surplus material is retained on site so far as is reasonably practicable to maximise on the environmental benefits and reduce the adverse environmental effects of increased transportation and disposal. Any re-use of surplus material will be in compliance with the CL:AIRE protocol.

10.3.5 The WMP will require the Alliance to periodically re-visit the decisions made on each waste stream and check with material and waste receivers and also operating landfills. This will ensure the case for waste management remains robust.

10.4 Materials Management

10.4.1 The management and re-use of site won materials during excavation activities will be outlined in the Waste Management Plan (WMP) as stated in section 10.1.3.

10.4.2 The materials management, as included in the WMP, will include a consideration of temporarily excavated soil and how it will be stored, maintained and restored on land that is to be returned to 3rd party ownership.

10.4.3 This requires a detailed consideration of the soil formation and segregation and storage of different soil types to facilitate appropriate replacement at the conclusion of the Scheme.

10.5 Duty of Care

10.5.1 The Alliance is required to comply with its “Duty of Care” that means bearing the responsibility for protecting the interests and safety of others from the potential effects of handling, storing , transporting and depositing of excavated

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materials and wastes. In practice Duty of Care is observed by complying with the Site Waste Management Plan Regulations 2008 and the Hazardous Waste (England & Wales) Regulations 2005.

- 10.5.2 It is unlikely that there will be a significant volume of hazardous waste generated during the construction period. However, in observing duty of care, hazardous waste produced will be disposed of in compliance with the Hazardous Waste (England & Wales) Regulations 2005 (as amended).

11. PUBLIC ACCESS AND HIGHWAY**11.1 General Requirements**

- 11.1.1 The Alliance is required to comply with the Order provisions regarding works affecting highways. The detail of proposals for the management of traffic affected by the construction of the works will be captured by the TMP which is proposed planning condition 7 Construction Traffic Management & Travel Plan and hence must be approved by the relevant local authority.
- 11.1.2 The TMP is considered to be a Scheme-wide environmental document and will apply equally to elements of the scheme that require planning permission and to those covered by general Permitted Development, given that it effectively establishes management of traffic issues across the whole Scheme.
- 11.1.3 The TMP will result from close liaison with the relevant traffic authority and the detail of the recommended mitigation is contained in the ER in chapter 11 Traffic and Transport.

11.2 Road and Street Works

- 11.2.1 The Alliance will conduct any required street works and street stopping up in accordance with provisions of the Order.

11.3 Traffic Management PlanGeneral Provisions

- 11.3.1 The Alliance will produce a TMP as standalone condition 7 as outlined in section 11.1.1, which will comply with the measures set out in the ER.
- 11.3.2 The TMP shall contain at minimum:
- temporary and permanent road closures and diversions as identified in the draft Order;

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- construction traffic routes including access and egress from the main trunk roads and also at site level;
- imposed time restrictions on use and any routes strictly prohibited from use;
- controls to minimise any interference with a carriageway or footway, including control of tracking of mud and rubble by construction traffic from the Site;
- temporary traffic control measures as may be required;
- means of monitoring construction Heavy Goods Vehicle (HGV) compliance with the agreed traffic routes;
- site specific controls in consideration of the potential for nuisance (noise and vibration, mud and dust);
- mirrors placed at critical turning junctions to assist drivers, if requested by and agreed with the Local Highway Authority; and
- prohibition of parking of any construction site vehicles along public roads.

Construction Vehicle Routing

- 11.3.3 The Alliance will strictly audit and / or perform monitoring of construction traffic to ensure that agreed traffic routes are being used.
- 11.3.4 All HGV and other construction vehicles will use a form of identity that will be visible on the vehicle.
- 11.3.5 The TMP will identify the plans to maintain access to local residents and community facilities.

Nuisance Management Measures

- 11.3.6 The TMP must clearly provide information that will show how nuisance from construction delivery to local residents and businesses will be avoided.
- 11.3.7 The contractor will design the compound so that HGVs making deliveries do not attract mud to the wheels of each vehicle, avoiding unsealed areas where reasonably practicable.
- 11.3.8 Wheel wash facilities that will be regularly maintained will be situated at the egress to the compound where the potential to track mud on to a public road exists. Close supervision of the HGV activity will allow wheel wash facilities to remain redundant if the HGV movements are noted as not tracking mud on to public roads.

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- 11.3.9 The Alliance will organise the presence of a mechanical road sweeper combined with water spray for the suppression of dust on public roads where there is a perceived risk that tracking mud on to public roads will be unavoidable. The provision may be for a call-off road sweeper contract if the Alliance can show that there are robust measures in place in the TMP to manage the occurrence.
- 11.3.10 All HGV deliveries will provide sheeting to cover deliveries both in access to and egress from site.
- 11.3.11 The TMP will also explain the measure in place to reduce the generation of visible dust during dry conditions generated by construction vehicles. The provision for damping down of site and public roads will be catered for in consideration of extended dry conditions.
- 11.3.12 The site layout will be designed to minimise the need for vehicles to reverse, both for safety and to reduce the number of events when there is noise generated by use of a reversing alarm.
- 11.3.13 All site-based vehicles will use white-noise directional reversing alarms in preference to traditional reversing alarms.

12. SOCIO ECONOMIC**12.1 General Requirements**

- 12.1.1 The socio-economic impact is in general reflected throughout the assessment in the ER with mitigation proposed then described in this CoCP for implementation.
- 12.1.2 In addition, the Alliance will ensure that the use of local labour will comply with the Alliance Key Performance Indicators (KPIs).
- 12.1.3 The Alliance will ensure that employment opportunities will be advertised and promoted locally and that sub-contractors will be encouraged to consider local employment opportunities in providing a service to the Alliance.
- 12.1.4 The Alliance will periodically organise local events where the supply chain will be briefed on upcoming works.
- 12.1.5 The Alliance will seek opportunities to work with local educational establishments to help equip people with the right skills to match the requirements of the labour market.

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- 12.1.6 The Alliance will capture and measure data identifying the geographic residential spread of staff who have worked on the Scheme.

13. DIVERSION OF UTILITIES (PROVISIONAL)**13.1 General Requirements**

- 13.1.1 The diversion of utilities is intended to be undertaken by statutory undertakers required as an ancillary activity to the wider Scheme development. However, there remains a possibility that the utility diversion will be undertaken by the Alliance and as such the provision is included in the Order. If the Alliance undertakes the diversion of utilities, this will fall under the provision of this CoCP.
- 13.1.2 The management of environmental impacts will be incorporated into the CoCP as described in this document with the detail to be established with the production of Part B of the CoCP should the utility diversion be undertaken under the powers established in the Order.
- 13.1.3 The Scheme requires that there be a diversion of two gas main lines that currently would interfere with the replacement of bridge decks. Other utility works may be required.

14. SUMMARY

- 14.1.1 The CoCP Part A is the mechanism by which the mitigation outlined in the ER is secured and acts as the Environmental Management System (EMS) for the delivery of the works by requiring Part B environmental control documents to be produced and approved by condition by LCC for elements of the Scheme that require planning permission.
- 14.1.2 At the same time, this CoCP Part A document establishes that the controls set out in the CoCP Part B documents for the elements of the Scheme that require planning permission, will also be applied to the general Permitted Development parts of the Scheme.
- 14.1.3 The Part B documents are:
- An external communications programme;
 - A Pollution Prevention and Incident Control Plan;
 - A Waste Management and materials plan;

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- A Nuisance Management Plan concerning dust, wheel washing measures, air pollution and temporary lighting;
- A Noise and Vibration Management Plan including a construction methodology assessment; and,
- A demolition methodology statement for relevant buildings.

14.1.4 In addition to the CoCP Part B environmental documents and in consideration of construction activity, the Alliance will also be required, by condition, to produce and have approved by LCC:

- A Construction Traffic Management & Travel Plan (TMP);
- a Landscape and Ecological Management Plan (LEMP);
- an Archaeological written scheme of investigation; and,
- a Biodiversity Net Gain strategy with the commitment to achieve 10% net gain.

14.1.5 This is the mechanism that ensures the mitigation outlined in the ER during the construction period is secured.

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APPENDICES

Appendix A: Network Rail Nesting Bird Guidance

ENVIRONMENTAL GUIDANCE NOTE:

Nesting Birds & Vegetation Works

Introduction

It is important that Network Rail undertake vegetation works to ensure the safe and efficient running of the network. However, it is also important to be aware of the potential threat that vegetation works pose to nesting bird species. A number of Network Rail activities could affect nesting birds if carried out during the breeding season. These include scrub clearance, tree felling, bridge maintenance and even grass cutting. Birds generally nest between March and August, but it is important to always be aware of the risks, as there will be geographical variations in bird behaviour and they are protected if nesting at **ANY** time of the year.

Legislation

With regard to birds and their nests the key pieces of legislation in the UK are the **Wildlife and Countryside Act 1981 (as amended)** (the 1981 Act) and the **Countryside and Rights of Way Act 2000** (the 2000 Act). Under the 1981 Act, all wild birds, their eggs and their nests are protected. Additional protection is given to certain rare bird species, as listed on Schedule 1 of the 1981 Act (refer to Appendix 1). The police have prime responsibility for enforcing this legislation and more recently some police forces have employed Wildlife Liaison Officers specifically tasked with enforcing this legislation. Furthermore, the RSPB has an Investigations Department who will assist the police.

Offences

Section 1(1) of the Wildlife and Countryside Act 1981 states that a person is guilty of an offence if they intentionally:

- (a) kill, injure or take any wild bird;
- (b) take, damage or destroy the nest of any wild bird while that nest is in use or being built; or
- (c) take or destroy an egg of any wild bird.

Section 1(2) of the 1981 Act makes it an offence for a person to have in their possession or control:

- (a) any live or dead wild bird or any part of, or anything derived from, such wild bird; or
- (b) an egg of a wild bird or any part of such an egg.

Section 1(4) imposes a special penalty onto any person convicted of an offence under subsection (1) or (2) where the species involved is a bird included in Schedule 1.



Poor Vegetation Management
– may pose a safety risk



Well Managed Lineside
– reduces the risk

Under Section 1(5) a person is guilty of an offence and liable to a special penalty if they intentionally:

- (a) disturb any wild bird in Schedule 1 while it is building a nest or is in, on or near a nest containing eggs or young; or
- (b) disturb dependent young of such a bird.

Furthermore, the Countryside and Rights of Way Act 2000 (Schedule 12) makes it an offence to “recklessly” disturb such a bird.

Exceptions

The law allows some defences and within Section 4(2) of the 1981 Act, a person shall not be guilty of an offence if he persuades the court that the act (e.g. destruction of a bird’s nest) was the incidental result of a lawful operation and could not reasonably have been avoided. Moreover, within Section 4(3) an authorised person shall not be guilty of an offence by reason of the killing or injuring of any wild bird, other than a bird included in Schedule 1, if he proves to the courts satisfaction that his action was necessary for the purpose of preserving public health or public or air safety.

Licences

The legislation does allow for a licence to be obtained for anything done for the purposes of preserving public health or public or air safety if it is done under and in accordance with the terms of a licence granted by the appropriate authority. Known as a ‘Section 16’ licence, it can be obtained from: the Department for Environment, Food and Rural Affairs (Defra) for England only; the National Assembly for Wales Agriculture Department (NAWAD) for Wales; and the Scottish Executive Environment and Rural Affairs Department (SEERAD) in Scotland and a licence must be applied for at least 20 working days before operations. A general licence (refer to Appendix 2) may be obtained from the Defra website for species of birds listed in Schedule 2 Part II, but is only valid in England.

Vegetation Works Guidance

There is no reference in the Wildlife and Countryside Act 1981 to specific dates when vegetation work cannot be carried out. This is intentional as birds may nest at different times depending on variables such as geographic location and the weather. NOTE: The only dates quoted in the 1981 Act refer to the closed season for certain bird species listed in Schedule 2 Part II of the Act – not to be confused with the nesting season.

Vegetation management activities must be planned to avoid committing an offence in the first place rather than relying on the available statutory defence as outlined in ‘Exceptions’ and ‘Licences.’ It must be recognised that vegetation operations required as a result of poor planning might not be acceptable to the courts as falling within the statutory defence.

Essential Safety Work

Where there are nesting birds it is not essential to obtain a licence for works required for the purposes of preserving public health or public or air safety. However, if a licence is not obtained prior to the removal of vegetation, and a company’s actions are challenged, then the actions have to be defended in court by that company. But, if a licence is obtained from Defra prior to any vegetation works in the nesting season, then the company carrying out the vegetation works in accordance with the terms of the licence cannot be prosecuted. However, there can still be implications in terms of reputation.

There are very few situations where preserving public safety will mean that works might go ahead without a licence, but these may include: signal sighting and where a tree is in imminent danger of falling and causing an accident.

Planning Vegetation Works

To reduce the risk of prosecution, where at all possible vegetation work should be carried out in the late autumn/winter or a survey of the area carried out to assess the likelihood of nesting birds being present. This survey would need to be carried out by a competent person and identify areas where birds may be nesting – this information can be used to populate a licence application. Immediately prior to operations, work sites should be checked for presence of nesting birds to enable work to be delayed or exclusion zones to be set up. Essential safety work should be carried out in accordance with the advice given above.

Vegetation operations include not only tree felling but also any tree surgery, scrub clearance and any activities impacting on vegetation, such as spoil dumping. It must be remembered that birds nest in trees, shrubs, scrub and on the ground. They can also nest in bridges and buildings, and along watercourses.

Update the Network Rail Asset Register by sending any new records of protected bird species on Network Rail land to the Region Asset Information Manager and the Region Environment Manager.

Contractual Issues

All Network Rail contracts specify that contractors should comply with legislation. Contractors should therefore arrange to carry out vegetation works with this in mind and any work specification should include measures to avoid any contravention of legislation. Decisions must be made concerning the timing of the operations, whether they could be delayed, whether work may damage nests (or otherwise break the law) and whether it is appropriate to apply for a licence.

Licences, advice and further information can be applied for from:

England

Wildlife Administration Unit
Defra
Burghill Road
Westbury-on-Trym
BRISTOL
BS10 6NJ

www.defra.gov.uk
08459 33 55 77

Wales

National Assembly for Wales
Agriculture Department
Food Farming Development Division
Yr Hen Ysgol Gymrag
Ffordd Alexandra
ABERYSTWYTH
Ceredigion
SY23 1LD

www.wales.gov.uk
02920 825 111

Scotland

Environment and Rural Affairs Department (ERAD)
PEP2 Division
Branch 2 – Agricultural Pollution, Pesticides and
Pest Control
Pentland House
47 Robbs Loan
EDINBURGH
EH14 1TY

www.scotland.gov.uk
0131 556 8400

If nesting birds may be affected by any proposed work:

- comply with the procedures established in Environment Management System Procedure Template: **Network Rail EMS Part 2 Protected Species** (RT/EMS/(REGION)/PRC/09).
- you may also need to consult English Nature, Scottish Natural Heritage or the Countryside Council for Wales if you are working near species protected in Schedule 1.
- read the **Network Rail Biodiversity Action Plan** species guidance sheet 7, 'Birds.'

Before work starts on a site where birds are present or may be present, brief all site personnel to ensure they are aware of any special working restrictions (such as areas to fence off and protect) and the appropriate procedures to follow.

Further Information

The RSPB provides a guidance note "Wild Birds and the Law - A Plain Guide to Bird Protection Today," a copy of which is held by the Head of Environment or is available at www.rspb.org.uk

This worksheet is intended as a basic general guide for working on Network Rail land and should not be used as a substitute for professional, ecological or legal advice where necessary

APPENDIX I

Schedule I – List of Protected birds protected by special penalties at all times.

Avocet	Grebe, Slavonian	Sandpiper, Wood
Bee-eater	Greenshank	Scaup
Bittern	Gull, Little	Scoter, Common
Bittern. Little	Gull, Mediterranean	Scoter, Velvet
Bluethroat	Harriers (all species)	Serin
Brambling	Heron, Purple	Shorelank
Bunting, Cirl	Hobby	Shrike, Red-backed
Bunting, Lapland	Hoopoe	Spoonbill
Bunting, Snow	Kingfisher	Stilt, Black-winged
Buzzard, Honey	Kite, Red	Stint, Temminck's
Chough	Merlin	Stone-curlew
Corncrake	Oriole, Golden	Swan, Bewick's
Crake, Spotted	Osprey	Swan, Whooper
Crossbills (all species)	Owl, Barn	Tern, Black
Divers (all species)	Owl, Snowy	Tern, Little
Dotterel	Peregrine	Tern, Roseate
Duck, Long-tailed	Petrel, Leach's	Tit, Bearded
Eagle, Golden	Phalarope, Red-necked	Tit, Crested
Eagle, White-tailed	Plover, Kentish	Treecreeper, Short-toed
Falcon, Gyr	Plover, Little-ringed	Warbler, Cetti's
Fieldfare	Quail, Common	Warbler, Dartford
Firecrest	Redstart, Black	Warbler, Marsh
Garganey	Redwing	Warbler, Savi's
Godwit, Black-tailed	Rosefinch, Scarlet	Whimbrel
Goshawk	Ruff	Woodlark
Grebe, Black-necked	Sandpiper, Green	Wryneck
	Sandpiper, Purple	

DEFRA

Department for
Environment,
Food & Rural Affairs

WLF100088

WILDLIFE AND COUNTRYSIDE ACT 1981

LICENCE TO KILL OR TAKE CERTAIN BIRDS, INCLUDING THE TAKING, DAMAGING OR DESTRUCTION OF THEIR NESTS OR THE TAKING OR DESTRUCTION OF THEIR EGGS.

The Secretary of State for Environment, Food and Rural Affairs, in exercise of the powers conferred on him by Section 16(1)(i) and (5) of the Wildlife and Countryside Act 1981, after consultation with English Nature and being satisfied that as regards the purpose set out at paragraph 1 that there is no other satisfactory solution, hereby grants the following licence: -

PURPOSES

1. The purpose for which this licence is granted is preserving public health or public or air safety
2. Subject to the terms and conditions below, this licence permits any authorised person to kill, injure in the course of attempting to kill or take any of the wild birds listed in this paragraph, or to take, damage or destroy the nests or eggs of the said birds, for the purpose set out in paragraph 1 below. The wild birds are: -

Crow	<i>Corvus corone</i>
Collared Dove	<i>Streptopelia decaocto</i>
Great Black-backed Gull	<i>Larus marinus</i>
Lesser Black-backed Gull	<i>Larus fuscus</i>
Herring Gull	<i>Larus argentatus</i>
Jackdaw	<i>Corvus monedula</i>
Jay	<i>Garrulus glandarius</i>
Magpie	<i>Pica pica</i>
Feral Pigeon	<i>Columba livia</i>
Rook	<i>Corvus frugilegus</i>
House Sparrow	<i>Passer domesticus</i>
Starling	<i>Sturnus vulgaris</i>
Woodpigeon	<i>Columba palumbus</i>

TERMS AND CONDITIONS

3. This licence only applies to the killing, injuring in the course of attempting to kill in accordance with this licence, taking, damaging or destroying (as mentioned in paragraph 1 above) by means which are not prohibited by Section 5 of the Wildlife and Countryside Act 1981, or the use of a cage trap or net, with the minimum of distress to the birds.

4. Every cage trap, used under the authority of this licence, shall be inspected by an authorised person on a daily basis when the cage trap is in use except where this is not possible because of severe weather conditions e.g. as a result of heavy snowfall. In such cases, every effort must be made to inspect the cage trap as soon as possible. At each inspection any birds caught in the trap shall be removed from it.

5. Where cage traps are left in the open but not in use, they must be rendered incapable of holding or catching birds.

6. This licence applies to England and is valid, unless previously revoked, for the period from **1 January 2003 to 31 December 2003.**

DEFINITION

7. "Authorised person" has the same meaning as in section 27 of the Wildlife and Countryside Act 1981.

8. In this licence "wild bird" means any bird of a kind that is ordinarily resident in or is a visitor to Great Britain in a wild state, and any game bird.



SARAH JONES

Authorised by the Secretary of State
for the Environment to sign in that
behalf

Department for Environment
Food and Rural Affairs
European Wildlife Division
Species Conservation Branch
Room 1/08
Temple Quay House
2 The Square
Temple Way
Bristol BS1 6EB

1 January 2003

Tel: 0117 372 8903

NOTES

1. Failure to comply with the terms and conditions of this licence may lead to an offence.

2. The Scottish Executive in respect of Scotland and the National Assembly for Wales in respect of Wales have issued a licence in similar terms.

3. Where the action licensed includes the use of firearms, it is the authorised person's responsibility to ensure that he complies with all relevant legislation.