

PLANNING AND CONSERVATION

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10 May 2005

My reference: EDPC/MJF

Your reference:

Please ask for: Mr. French

Dear Sir/Madam

Response to Crossrail Environmental Statement

Thank you for this opportunity to comment on the environmental statement (ES) and accompanying technical reports which assess the likely significant impacts of the proposed Crossrail Scheme. Whilst we welcome the Crossrail Scheme, and the chance to work with the Department for Transport on its implementation, we still have concerns about some of the information, or lack of information, contained within the ES and the potential impact of the Scheme on the Borough.

The comments below set out the Council's concerns with regard to the way in which the ES assesses the impacts on noise, traffic, air quality, ecology and contaminated land. Highlighted (in bold) are the information that we consider is still missing (or is not sufficient) from the ES, and the proposals that we do not accept.

NOISE

Generic issues

We are concerned about the noise limit values that are proposed. The ES effectively dismisses the WHO noise limit values recommended in "Community Noise: 2000" as unrealistic, even though many of them have been incorporated within BS8233:1999 'Sound insulation and noise reduction for buildings'. This British Standard is referred to in PPG24 'Planning and Noise' to which local planning authorities must have regard for when dealing with planning applications. BS8233:1999 includes the recommendation that maximum noise levels within bedrooms at night should be limited to no more than 45 dB LA max.

- **Justification is needed on why the WHO criteria have been ignored.**

Part 4B of the London Mayor's Ambient Noise Strategy is specifically aimed at railway noise and states that many trains in London run close to noise-sensitive receptors. It is essential to ensure that any rail system is efficient, well-maintained and operated and does not generate needless noise or vibration. Investment in London's railways provides the opportunity to minimize these issues.

Five issues have been identified in the Strategy relating to railway noise management:

- track type and quality;
 - quieter rolling stock and operation;
 - railway structures and noise barriers;
 - spatial planning and urban design, and;
 - building insulation.
- **The ES must contain evidence that the Crossrail proposal specifically addresses these five key issues of the Mayor's Ambient Noise Strategy and makes a formal response to the strategic aims.**

Construction phase

Working hours

Within the Royal Borough, there are set working hours for noisy construction works. From Monday to Friday these are 0800 to 1830, on Saturdays they are 0800 to 1300, and on Sunday, no noisy works are permitted.

- **We cannot accept the hours of work proposed by Crossrail who wish to work from 07.00 to 19.00 Mon to Fri and 07.00 to 14.00 on Saturdays.**

dB Levels

Within the ES, a significant noise impact has been defined as being a 5dBA increase in the L_{Aeq} . This is not acceptable because it discounts the intrusion and disturbance caused by the maximum noise levels from impact noises superimposed upon the normal L_{A90} background levels, which is a more realistic disturbance criterion, especially for sleep disturbance during night time possessions. Crossrail also propose a lower cut off level for construction noise. This would allow Crossrail contractors to increase noise levels to $65dB L_{Aeq} (day)$, $55dB L_{Aeq} (evening)$ and $45dB L_{Aeq} (night)$ with no need for mitigation.

- **This is not acceptable and could allow significant noise level increases in relatively quiet locations.**

Receptors

Residential receptors within route window W2 are generally located at some distance from the track works. The works will be confined to the existing rail corridor. The ES states that track works on the northern side of this corridor will result in significant impacts for short durations affecting the proposed development on the former Kensal Gas works site during the day.

- **At present the ES has not included information to quantify these impacts on the proposed re-development. Outline planning permission for this development has been granted, and therefore the impact of Crossrail must be considered further, along with the cumulative effects should both developments proceed simultaneously. It is currently unclear whether works will be undertaken at night at this location, and we are in the process of seeking clarification on this matter from Crossrail.**

A significant proportion of the construction work in W1 and W2 will be carried out during possessions at night, which we accept is unavoidable.

- **We require further information on the mitigation measures planned to reduce potential sleep disturbance from high impact noises on residents at night and clarification on whether the works within route window W2 will be undertaken at night.**
- **We also want to see the detailed site noise calculations for validation including the operations involved in the construction of the reversing facility within route window W1, which have currently been excluded from the ES.**

The ES states that 81 Southern Row will experience significant daytime construction noise impacts. Octavia House, a residential block next door, is not mentioned.

- **Why are residential premises immediately adjacent to 81 Southern Row not affected?**

Spoil removal

Spoil removal from the tunnel workings will be transported away by train on existing track at night.

- **No noise and vibration assessment has been included within the ES that looks at these movements as intensification to existing night time train movements. Such an assessment must include details of the number of train movements, the number of wagons on each train and the speed that they will travel at etc.**

Freight wagons heavily laden with spoil have the potential to generate high impulse noise levels and vibration at joints and crossovers, which could lead to sleep disturbance.

- **Track designated for hauling spoil that is close to residential property should be inspected for rail discontinuities, as they are likely to be sites of significant noise and vibration generation. Where track inspection identifies locations that are likely to generate significant noise and/or vibration from haul trains the BPM must be adopted to minimise these impacts. A specific proactive inspection needs to be undertaken.**

Track alteration work for the Crossrail development on the rail corridor in windows W1 and W2 and possibly C1 will result in subsequent work for Network Rail:

- **The ES needs to specify that Network Rail will follow the standard set by the Crossrail Construction Code, ES and the associated Technical Reports. We also require confirmation that this work will be included within the CoPA 1974 s61 application.**

Operational phase

Crossrail propose that an increase in airborne rail noise of 3dBA should not be considered significant, however 'The Noise Insulation (Railways and Other Guided Transport Systems) Regulations 1996' (NI Regs) will apply to rail traffic using the new, additional or altered railway system associated with Crossrail. The Regulations impose a duty upon the developer to offer noise insulation (or equivalent compensation) to properties subject to rail noise levels

equal to, or in excess of 68dB_{L_{Aeq}}, 18hr(daytime) or 63dB_{L_{Aeq}}, 6hr (night-time). A contribution of at least 1.0dBA from the initial, additional or altered railway and an increase of at least 1.0dBA over the prevailing noise level are required for eligibility to arise. A 1dBA increase is therefore significant in implementation of the NI.Regs.

- **We therefore do not accept the Crossrail position that an increase of 3dBA in train noise is insignificant and will require full details of the CRN assessment to enable us to validate operational noise in particular, including the noise impact of Crossrail on the proposed development on the former Canal Way Gasworks site and 81 Southern Row and Octavia House.**

Crossrail proposes that ground borne noise or re-radiated noise from vibration has no significant impact below 40dB_{L_{Amax}(slow)}.

- **We require evidence of the reasonableness and the source of this criterion.**

We are particularly concerned regarding the use of slow frequency response and the ‘A’ weighting scale. If existing internal levels within residential premises from re-radiated noise from train vibration were well below 40dB_{L_{Amax}} we consider that no increase to this level would be acceptable.

- **We require full details of track form, (including ballast mats, resilient rail pads etc if proposed), train type, and frequency of the Crossrail service in order to carry out our own validation of noise impacts in the operational phase.**

Crossrail propose that static noise sources are designed to a noise Rating Level of +5dBA as per BS 4142 1997 (revised). Crossrail therefore seek a noise criterion on fixed permanent plant of 5dBA above L_{A90} background level.

- **This is 15dBA above our existing criterion secured by conditions attached to planning permissions granted by the Council for noisy plant and is not acceptable.** Our standard condition for developments that comprise of noisy plant is as follows:

“Noise emitted by external building services plant, shall not increase the existing lowest L_{A90(10min)} background noise level at any time when the plant is operating. The noise emitted shall be measured or predicted at 1.0m from the façade of the nearest residential premises and/or at 1.2m above any adjacent residential garden, terrace, balcony or patio. The plant shall be serviced regularly in accordance with manufacturers instructions and as necessary to ensure that the requirements of the condition are maintained”.

- **Confirmation is needed on where the rating level will be assessed. Is it in the same locations as our standard condition above i.e. “...predicted at 1.0m from the façade of the nearest residential premises and/or at 1.2m above any adjacent residential garden, terrace, balcony or patio.”**

TRANSPORTATION ISSUES

24 hour traffic flow data, including data on the percentage that is HGV traffic, has been provided in respect of a number of roads in Route Windows W1, W2 and C1, and compare figures for two scenarios: “without a scheme” and “with a scheme”. It appears that here, ‘with scheme’ refers to the period of construction.

- **Confirmation is needed on whether ‘with scheme’ means the construction phase.**

In the information provided, it appears that that RBKC should not expect *any* additional traffic, whether HGV or other types, to use roads in the Royal Borough as a result of the construction works. This is surprising, particularly when considering spoil will initially be transported away by road until the track works are ready.

- **We require confirmation that no construction traffic will be using any roads that are situated in the Royal Borough.**

It is noted that the traffic flow data provided relates to “construction traffic”, implying an aggregated or averaged figure for the life of the construction period. In practice, traffic generation is likely to vary according to different stages of the project. For instance, when Paddington Station is closed for two weeks, it is likely that there will be additional road traffic, possibly including special bus services, in the area.

If there is likely to be an increase in construction (or other) traffic on the roads within Kensington and Chelsea, in order to assess the impact we require traffic information for the following stages of the project:

- **Setting up the worksites, in particular those at Paddington and Canal Way access point**
- **Start of tunnelling, prior to the spoil going out by rail – we would like details on lorry traffic in particular**
- **Relaying of existing track and laying of Crossrail track – we would like details of lorry traffic on Canal Way and Ladbroke Grove, and as noted above, details of any additional road traffic**
- **Tunnelling underway and spoil going out by rail – we would like details of lorry traffic.**

AIR QUALITY AND DUST

From the information presented in the ES, it is difficult to follow the modelling process undertaken. The data inputs have been included, as have the results, but the underlying assumptions, and details on how the model works appear to be missing.

Data for 2003 have been included so that assessment results can be put into context in relation to existing air quality concentrations. 2003 was a particularly unusual weather year and resulted in the reversal of some downward trends of air pollution. In Kensington and Chelsea alone, seven major pollution episodes occurred. Therefore using 2003 could have caused the impact of the development to be concealed.

- **Data from another year should be used.**

A screening model called 'Design Manual for Roads and Bridges' (DMRB) was used to carry out the assessment. We are currently seeking advice from external consultants as to whether this is an appropriate model to use. We have concerns because this model is not known for its ability to take atmospheric chemistry and weather conditions into account when predicting air quality.

- **It would be useful if Mott McDonald who undertook this work could confirm whether it does.**
- **As part of work to validate the model, monitoring data from the Borough's own monitoring stations should be used. This is available on the LAQN website.**

Table 2.2, Volume 1 of the air quality technical report compares the National Atmospheric Emissions Inventory with the London GLA data, and there is a significant difference (30% for transport emissions) between the two. The GLA data has been taken from the 1999 inventory. This is not the most recent. In October 2003, the 2001 London Atmospheric Emissions Inventory was released, and since then, a 2002 version has been produced.

- **The most recent emissions inventory should have been used.**

Mott MacDonald suggests this 30% difference stems from their prediction that 70% of NO_x emissions relate to transport, whereas the GLA estimates that 56% does. In 2002, the Council commissioned 'source apportionment' work which estimated that the maximum contribution to NO_x emissions from traffic within Kensington was 48%, and across the whole of London was 51%.

- **We need to understand why these assumptions have been made.**

No increases in air pollution are predicted for the construction phase. Whilst we would not expect a significant increase, we are surprised that there is none. Material is due to be transported to and from the site mostly by rail, and these trains are likely to be operated using diesel. However, before the tracks have been constructed, it is likely that material will be brought to the work sites by road, and we could not find reference to any proposed vehicle movements and routes for this (as is highlighted above in our comments on transportation).

We have requested, above, that a Traffic Assessment (TA) be carried out for four sections of the construction phase. We would like an air quality assessment to accompany this, based on the information provided in the TA.

On P55 (Vol 1 of the Technical Report), works identified for route window W1 include a reduction in the number of tracks on the line from six to four. Other information within the document suggests the tracks will in fact be increased from four to six. This needs to be confirmed.

On P163 (Vol 1 of the Technical Report), works identified for route window W2 suggest a 'Crossrail Flyover' is to be constructed. Is this a new structure? In addition, it is added that 'some building demolition is also under consideration'. Has this been included within the modelling exercise? We have without success tried to contact Crossrail to confirm this.

Crossrail do not propose to monitor dust levels prior to any works commencing.

- **A baseline dust study should be undertaken otherwise it will be difficult for the developer to monitor during works and manage dust levels. A comprehensive dust strategy is required.**

The higher the dust classification category, the higher the level of mitigation proposed. However, most dust mitigation measures are listed as ‘should’ rather than ‘will’.

- **All mitigation measures must be amended to ‘will be carried out’.**

Where a site has been classified as ‘high’ risk of dust, on-site monitoring is not definitely proposed. It is merely an option.

- **This is not adequate. Dust monitoring must be carried out at all our medium and high risk sites.**
- **In addition, a the roads identified as having any potential risk of dust nuisance should be listed.**

As was mentioned in the noise section above, if development proceeds on the former Kensal Gasworks site, the cumulative impacts of construction on air quality and dust will have to be considered, or the effects on the residents if the development is occupied by the time Crossrail goes ahead.

ECOLOGY

Volume 2, para 2.4 of the technical report contains a list of data received from contacts. Lists of designated sites appear to have been based on a 1992 Habitat Survey of Kensington and Chelsea.

- **This was updated in 2002, and the most recent version should be used, as it is more relevant.**

There are several inaccuracies in section 6.1 of volume 2, and these are repeated elsewhere in the report regarding the designation of sites. Examples from the sites within 500m of the track and closer include:

- The British Rail Western Region Land was de-designated in 2002 survey. An area of this that remains undeveloped has been added to the Hammersmith and City line Site (Borough grade II) – and comprises a patch of amenity grassland with Buddleia scrub.
- Kensal Green (the formal Kensal Gasworks site) has also been de-designated following remediation (2002 survey).
- Meanwhile Gardens is a site of Borough Importance Grade 2 and a description of the habitat and species is available.

- The Carmelite Monastery (SB12) includes habitats that are rare in Kensington and Chelsea, particularly an old orchard and allotments. Significant species include London notable dark mullein.

These are not the only inaccuracies within volume 2.

There are also gaps and inaccuracies in the Biodiversity Action Plan information and species survey records. These include:

- (Para 7.1) The Species and Habitats listed in the Local Biodiversity Action Plan have changed – this list was based on a draft for consultation. The Water Vole has been dropped as a key species and the Peacock Butterfly adopted. Wetlands have been added as a key habitat.
- (Para 8, 9 &10) More detailed species lists for sites in Kensington and Chelsea are available, for example in the Borough Breeding Survey 2004, Amphibian Survey 1995, Mammal Survey 1997 and Lepidoptera Survey 1998.

The ES must be updated to incorporate all this information, and we are keen to pass on more up-to-date information to the consultants who have undertaken the assessment. We are not able to make any further assessment until it has been updated.

CONTAMINATED LAND

We accept that the issue of contamination is likely to be a localised one, with individual site investigations taking place at work sites. However, we have concerns with the methodology that has been put forward for the site investigations that should take place.

- **Neither the Environmental Statement nor the Technical Report has addressed the demands of either *CLR 11 – Model Procedures for the Management of Contaminated Land* or *PPS23 – Planning Pollution Control*. Both of these documents would have to be adhered to in any other development process.**

With regard to the proposed work to be carried out in the Borough, it appears that only track realignment will be taking place in windows W1 and W2. Within the Technical Statement the assumption is made that all railway land, including tracks, embankments and associated works are contaminated.

- **A full site investigation will therefore need to be undertaken as part of this track realignment work, the methodology of which we will want to approve prior to it happening. At the moment, the ES does not confirm that this will be the case.**

In the Crossrail Bill, land within the Borough has been identified for acquisition; this is a section of land to the South of the former Kensal Gasworks site. It has been suggested that this acquisition is the road located alongside the rail track, and will be used to allow road access for track realignment work, however this has not been confirmed. The Technical Report has stated that, as this site has been allocated a low risk score, no further site investigation will take place.

- **If works are to take place at this site, a site investigation is required. We have records at the Council of the works previously undertaken, and can confirm that some contamination was left in situ.**

We trust the above comments are useful, and will be taken into consideration. If you would like clarification on any of the above, then please do not hesitate to contact me.

Yours faithfully,

M. J. French,
Executive Director, Planning and Conservation.

c.c. Councillor Daniel Moylan,
Deputy Leader and Cabinet Member for Planning Policy and Transportation.