STIRLING-ALLOA-KINCARDINE RAILWAY AND LINKED IMPROVEMENTS BILL COMMITTEE

AGENDA

6th Meeting, 2004 (Session 2)

Thursday 1 April 2004

The Committee will meet at 12.45 pm in Committee Room 3.

1. Stirling-Alloa-Kincardine Railway and Linked Improvements Bill (in private): The Committee will consider the evidence taken on the Bill at Consideration Stage.

Callum Thomson
Clerk to the Committee
Room G7, Committee Chambers
callum.thomson@scottish.parliament.uk
The following papers are attached for this meeting—

**Agenda item 1**

<table>
<thead>
<tr>
<th>Description</th>
<th>Reference</th>
</tr>
</thead>
<tbody>
<tr>
<td>Approach Paper to evidence <em>private paper</em>)</td>
<td>SAK/S2/04/6/1</td>
</tr>
<tr>
<td>Letter of 12 March 2004 to Clerk to Committee with supplementary written evidence from promoter arising from Committee Meeting on 8 March 2004</td>
<td>SAK/S2/04/6/2</td>
</tr>
<tr>
<td>Letter of 19 March 2004 to Clerk to Committee with supplementary written evidence from promoter arising from Committee Meeting on 15 March 2004</td>
<td>SAK/S2/04/6/3</td>
</tr>
<tr>
<td>Further letter of 19 March 2004 to Clerk to Committee with supplementary written evidence from promoter arising from Committee Meeting on 15 March 2004</td>
<td>SAK/S2/04/6/4</td>
</tr>
<tr>
<td>Letter of 26 March 2004 to Clerk to Committee with supplementary written evidence from promoter arising from Committee Meeting on 22 March 2004</td>
<td>SAK/S2/04/6/5</td>
</tr>
<tr>
<td>Supplementary evidence from Group 10 relating to Noise</td>
<td>SAK/S2/04/6/6</td>
</tr>
<tr>
<td>Memorandum from promoter on possible amendments to Bill</td>
<td>SAK/S2/04/6/7</td>
</tr>
<tr>
<td>Supplementary memorandum by promoter on possible amendments to Bill</td>
<td>SAK/S2/04/6/8</td>
</tr>
</tbody>
</table>
Dear Mr Thomson

Stirling-Alloa-Kincardine Railway and Linked Improvements Bill
Consideration Stage-Promoter’s Outline Statement

I refer to your letter of 10 March 2004 and reply as follows:

1. A Report from the Promoter on the costs for the Alternative AELR is enclosed.

2. Planning permission is not required for the demolition of Diageos’ bonded warehouses as the works of demolition are “permitted development” in terms of both Classes 29 and 70 of the Town and Country Planning (General Permitted Development)(Scotland) Order 1992 (SI 1992/223) as amended.

3. The measurements between the back garden and existing line as referred to in Objection 43 are between 4.5m and 4.8m. (See drawing attached).

4. The Promoter’s position on pre-construction surveys is that it will offer these to all objectors of residential property whose land adjoins the railway line.

5. The Chimney at Tullygarth is not listed under the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997. Nevertheless, the Promoter is of the opinion that it is a local landmark and has a cultural and built heritage value.

Yours sincerely

Alastair McKie
Partner
Clackmannan Council ("Promoter")

Stirling-Alloa-Kincardine Railway and Linked Improvements Bill ("Bill")

Consideration Stage

Additional Information for the Stirling-Alloa-Kincardine Railway and Linked Improvements Bill Committee ("Committee")

On behalf of the Promoter
In respect of

Cost of Alternative Route for the Alloa Eastern Link Road
(Evidence on 8 March 2004 of Malcolm West, col. 193 and 196)

In relation to

Group 15
Diageo plc -Objection Number 51 : ("the Objectors")

1. The Objectors have referred to an alternative routing of the Alloa Eastern Link Road ("Alternative AELR") from that proposed by the Promoter in the Bill. The Promoter has been formally requested by the Committee\(^1\) to provide costs for the Alternative AELR in relation to the Diageo site.

2. The Alternative AELR is shown on plan BTR202443/DIAGEO/ALT attached and would extend northwards from the proposed new roundabout constructed on the A907 Clackmannan Road east of Alloa through agricultural land to a new roundabout on Jellyholm Road east of the Objectors' bonded warehouse at Carsebridge. The Alternative AELR would then take an alignment west from the roundabout through the Objectors' land and adjacent allotments to a proposed new roundabout on the A908 Hallpark Road. The photographs referred to below are referred to on the plan.

3. The Alternative AELR would require a significant new roundabout on the A908 with the junction of the B908 Fairfield Road. To achieve this would require an alignment through an existing residential area and to the rear of an existing petrol filling station. At least one and potentially two existing residential properties will require to be demolished and at least three other will be significantly affected (all as shown on the plan). Dependant on the

---

\(^1\) Letter from Committee Clerk to Promoter dated 10 March 2004.
detailed design the petrol filling station will remain although its mode of operation may require to be altered.

4. The Alternative AELR would be approximately 500m longer than the preferred route with an additional roundabout required. In addition a significant length of the Brothie Burn will require to be diverted or culverted and the location of the roundabout will also be more significant in terms of utility diversions. The Alternative ALER will also require more significant earthworks than the preferred route given the relative level differences and existing topography.

5. The estimated road work cost for the Alternative AELR is £4,650,000. excluding general and contingency costs (which will be proportionally higher) as well as compensation.

6. The estimated road work cost of the preferred route, as proposed in the Bill, is £2,500,000.
Photograph 1  View looking Westward from the Diageo Site.
Photograph 2  View looking Eastwards through the Diageo Site

Photograph 3  View looking South from the proposed site for Jellyholm Road roundabout
Dear Callum

STIRLING ALLOA KINCARDINE RAILWAY AND LINKED IMPROVEMENTS BILL
ADDITIONAL INFORMATION

I refer to your letter of 17 March 2004 concerning additional information to be provided to the Stirling Alloa Kincardine Railway and Linked Improvements Bill Committee arising out of the meeting on 15 March 2004.

Having examined the Official Report of the meeting, I have identified the following information which requires to be provided to the Committee by close of play today, namely, clarification of the point regarding the registration of properties in Bruce Street (evidence of Alison Gorlov, cols. 274-5) and issues raised by the Convener regarding the Kincardine Bypass route option B (col. 320).

With regard to the Committee’s query concerning missing information in the report based on searches conducted at the Registers of Scotland, initial searches undertaken at Registers of Scotland indicated that there were three properties with a nil return: 5 (East) Clackmannan Road, Alloa; 23 Clackmannan Road, Alloa; and 3 Bruce Street, Alloa. All of these properties have now been investigated. It appears that Registers of Scotland simply overlooked 5 (East) Clackmannan Road and, having sent out one search for 5 Clackmannan Road (in fact 5 (West)), they thought that they had completed the search and did not look up the other property. This has now been rectified. We have been advised by Land Aspects that there are no relevant rights relating to that property.

In respect of 23 Clackmannan Road and 3 Bruce Street, it has now been possible to locate all but one of the relevant documents with Registers of Scotland and appears from these that there are no relevant rights relating to either property. However, we are currently awaiting one further document from
Registers of Scotland in order to confirm the position for the full satisfaction of the Committee.

In respect of the inquiries regarding pylons at the suggested route for a Kincardine Bypass, I enclose a report from David Reid which contains the information requested by the Committee as regards necessity for relocation of the pylon and associated costs.

Finally, I enclose a report on behalf of the Promoter providing the information requested in relation to the wording of national and local policies on playing field lands used for other purposes.

I trust that this covers all the additional information requested by the Committee.

Yours sincerely

Alastair McKie
Partner
Clackmannan Council ("Promoter")

Stirling-Alloa-Kincardine Railway and Linked Improvements Bill ("Bill")

Consideration Stage

Additional Information for the Stirling-Alloa-Kincardine Railway and Linked Improvements Bill Committee ("Committee")

On behalf of the Promoter
In respect of

Kincardine Bypass Option B
(Evidence on 12 March 2004 of David Reid)

In relation to

Group 9
Kincardine Railway Concern Group – Objection No. 28 ("the Objectors")

Proposal

1. The Kincardine Bypass Option B proposal\(^1\) takes a route west of the existing trackbed to pass further away from the Objectors’ properties in Ochilview, Kincardine. The proposed bypass diverted the existing route over a 750 metres length, constrained by a fixed point to the north where the existing railway line passes under Hawkhill Road Bridge. The proposed bypass alignment will traverse a low lying wetland area on a low embankment of up to 2 metres high, passing over a football pitch and very close to three overhead electricity towers.

Technical Review of Proposal

2. At the north end the Kincardine Bypass Option B alignment leaves the existing route after passing under Hawkhill Road Bridge (OB 119/21). The clearances to the bridge abutments limit the point at which the diversion can commence. The line must connect with a siding into the Kincardine Power Station by a trailing connection. The alignment of the siding is also constrained by abutments of a Kincardine Power Station Road Overbridge (OB 119/21A) passing over the line before it enters the power station. Option B has a curved connection to the siding diverging from a straight main line and heads towards the football ground. After the connection the

\(^1\) Stirling-Alloa-Kincardine Route Re-Opening: Kincardine Bypass Option Appraisal, Babtie Group, 12 December 2002.
line curves to the left on a 950m radius curve with the centre line of the track passing within 10 metres of the foundations of an overhead electricity tower (16YG). The line crosses a drainage ditch with a culvert and then passes over the football pitch after which the curve changes to a right hand 900m radius curve. The alignment then passes within 15 metres of another electricity tower (14YG), crosses a road by Kincardine Station Road Level Crossing and passes to the east of a drainage sluice. The alignment straightens before curving to the left and joining the existing alignment to pass under Kincardine Bridge / North Approach Road Bridge.

3. The 275kv overhead electricity line between Kincardine and Longannet is owned by Scottish Power (SP) Power Systems. The tower bases have piled foundations due to the poor ground conditions. SP Power Systems do not allow excavation within 5 metres of their tower foundations, and full details of the construction drawings are awaited from SP Power Systems. The new track requires a 5metre width of track bed supported by embankments on each side to carry the line 2 metres above the existing ground level. The extent of the excavation for the Kincardine Bypass Option B route would be a minimum of 6.5 metres either side of the centre line of the proposed route. Therefore excavation and construction of the supporting embankments will be necessary within 5 metres of the tower bases for tower 16YG. Drainage works will also be required alongside the foot of the embankment to make sure that the area of land between the existing and new alignments is adequately drained.

4. SP Power Systems has advised that the cost of moving the overhead electricity tower (16YG) would likely be in the order of £1million because of the difficulty in the interruption of this important power line and the piled foundations necessary for a replacement tower.

5. The alignment of the bypass line cannot be moved further away from the tower due to the constraints imposed by the clearances of the Hawkhill Road Bridge abutments and the connection into the Kincardine Power Station siding at the north end of the bypass.

6. The reconstruction of the Hawkhill Road Bridge would allow the alignment of the new bypass to commence further north, but the necessity to connect in with the Kincardine Power Station Siding would limit the additional clearance available to electricity tower 16YG. Increasing the clearance of the line at this point will move the alignment further west and cause a similar clearance problem to tower 14YG at the other end of the bypass. The proposed Kincardine Bypass Option B track is also aligned at the south end to avoid the drainage sluices.

7. The proposed alignment for Kincardine Bypass Option B passes overhead electricity tower 16YG at a clearance that is inadequate to comply with SP
Power Systems’ requirements. Moving the alignment away from the tower could require the reconstruction of Hawkhill Road Bridge, but would subsequently create further clearance problems with overhead electricity tower 14YG and conflict with the drainage sluices.

Operational Land Review

8. To satisfy Objector’s concerns, we believe that the Kincardine Bypass Option B would necessitate the abandonment of the existing operation line. To close the existing operational line, consultation with Network Rail as the owner of the railway is required, and compulsory purchase powers would be required over the existing railway.

9. To maintain the existing operational line, the Kincardine Bypass Option B alignment must allow connection(s) to the Kincardine Power Station Sidings and the existing operational line possibly at both ends (north and south). Further assessment of the feasibility to achieve this permanent way alignment is required, which will be subject to approval from Network Rail and Her Majesty’s Railway Inspectorate (HMRI).

Compensation

10. The Promoter does not believe that it would be liable to pay compensation should the railway proceed along the route of the existing operational line at Kincardine. The Promoter would be liable to pay compensation should the railway proceed along the Kincardine Bypass.
Clackmannan Council ("Promoter")

Stirling-Alloa-Kincardine Railway and Linked Improvements Bill ("Bill")

Consideration Stage

Additional Information for the Stirling-Alloa-Kincardine Railway and Linked Improvements Bill Committee ("Committee")

On behalf of the Promoter

In respect of

Planning Issues relevant to Playing Field lying to the West of Kincardine

Introduction

1. The Promoter has been formally requested by the Committee\(^2\) to provide (1) information on both the statutory planning policy and national planning policy relevant to the potential loss of the playing field ("Playing Field") lying to the West of Kincardine shown within the area delineated in black and coloured green on the Proposals Map (Excerpt attached) of the Adopted Fife Council West Villages Local Plan ("Local Plan") as a consequence of the Kincardine Bypass referred to as Line B in the Stag Appraisal\(^3\) ("Line B") and (2) an expert opinion on the application of Section 25 of the Planning Act\(^4\) to any planning decision(s) relating to the loss of the Playing Field should Line B proceed.

Local Plan

2. The Playing Field is identified on the key to the Proposals Map of the Local Plan as "Amenity/Recreational Open Space" to which Policy CLR5 applies. The Playing Field comprises both a full size football pitch, with changing facilities and adjoining amenity land lying to the east, which is bounded by the existing railway line. It is accessible to the public. Policy CLR5 states as follows: -

"Existing or proposed open spaces which are identified on the Proposals Maps or others which in view of Fife Council serve a valuable amenity or recreational purpose will be protected from development"

\(^2\) Letter from Committee Clerk to Promoter dated 17 March 2004.

\(^3\) Kincardine Bypass Option Appraisal undertaken by Babtie

\(^4\) Town and Country Planning (Scotland) Act 1997
3. This policy protection applies to land in both public and private ownership and covers parks, football grounds, bowling clubs, golf courses and other areas of recreational and amenity land. It provides a very strong policy presumption against the loss of the Playing Field. Evidence has been given to the Committee that the football pitch comprised in the Playing Field is the ground of the Kincardine Colts (who run 6 teams) and it is their current intention to relocate to the other Park in Kincardine in September 2004. A site inspection on 17 March 2004 revealed that there was evidence of recent usage of the football pitch and informal usage being made of the adjoining recreational ground by a member of the public was observed. Until Kincardine Colts relocate the Playing Field will continue to be well used for organised football. Regardless of whether the Kincardine Colts relocate, the Playing Field will continue to be used for informal recreational purposes. The Playing Field will therefore continue to serve a valuable amenity and recreational purpose. The Playing Field is therefore strongly protected in terms of Policy CLR5 from development including the provision of Line B.

Structure Plan

4. The issue of Sport, Recreation and Open Space is also considered in paragraph 2.6.9 and Policy C3 of the Approved Fife Structure Plan which states that: -

“Sport and recreation facilities, and open space in settlements, will be protected from adverse development and enhanced as follows: -

Development that would result in the loss of sports and recreation facilities and open space will not be permitted except where:

- existing sports facilities can best be retained and enhanced by redevelopment of part of the site which would not affect its sporting potential and its amenity value: or

- a long term excess of such provision can be clearly identified; and

- Alternative facilities of at least equal quality and values (for example in terms of size, accessibility and suitability) are provided in the local area”

5. The impact of the Kincardine Bypass along Line B would be to sever part of the football pitch comprised in the Playing Field and would be would be
contrary to the provisions of the Local Plan and potentially contrary to the provisions of the Structure Plan. In contrast, the route of Line A (which is identified on the Proposals Map) and shown in the Stag Appraisal is wholly in accordance with Policy T4 of the Local Plan and which states that:

"Fife Council will safeguard the Dunfermline to Kincardine coastal rail link"

National Planning Policy

6. The relevant National Planning Policy is NPPG11; Sport, Physical Recreation and Open Space ("NPPG11"). This important statement of Scottish Executive planning policy protects park and amenity spaces, playing fields and sports pitches in both public and private ownership. Paragraph 42 of NPPG 11 advises on the importance of retaining informal amenity open spaces. Paragraph 44 of NPPG 11 states that:

"Accordingly, playing fields and sports pitches should not be redeveloped except where:

The retention or enhancement of the facilities can be best achieved by the redevelopment of part of the site which would not affect its sporting potential and its amenity value; or

There would be no loss of amenity and alternative provision of equal community benefit and accessibility would be made available; and

There is a clear long term excess of pitches, playing fields and public open space in the wider area, taking into account long term strategy, recreational and amenity value and any shortfall in adjoining local plan areas."

7. Paragraph 94 of NPPG11 states that Local Plans should:

"Identify existing sports facilities, parks, open spaces, pitches and playing fields, and show those important for protection on the Proposals Map"

8. The severance of the Playing Field, which would be a consequence of Line B, would be contrary to the broad thrust of NPPG11. The planning authority before making a determination of a planning application which would adversely affect the Playing Field would be obliged to consult with Sportscotland for their views on the importance of retention of the Playing Field and an assessment of any alternative facilities.

---

6 Article 15 (o) of The Town and Country Planning (General Development Procedure) (Scotland) Order 1992
Sections 25 and 37(2) of the Planning Act

9. The loss of the Playing Field which may result if Line B proceeds would be contrary to the Local Plan and the potentially contrary to the Structure Plan. Section 25 of the Planning Act\(^7\) states that:

“25. Where, in making a determination under the planning Acts, regard is had to the development plan, the determination shall be made in accordance with the plan unless material considerations indicate otherwise.”

Section 37(2) of the Planning Act states that:

“In dealing with such an application the authority shall have regard to the provisions of the development plan, so far as material to the application and to any other material considerations”

We would comment that the decision of the Scottish Parliament on the Bill does not strictly amount to determination under the Planning Acts although a decision to proceed with Line B would be the equivalent of planning permission being granted for that route. In that sense Sections 25 and 37(2) are relevant.

10. Scottish Planning Policy 1: The Planning System provides advice on deciding a planning application. It states that Sections 25 and 37(2) of the Planning Act require that planning decisions be made in accordance with the development plan unless material considerations indicate otherwise. This interpretation has been clarified by the House of Lords decision in 1998\(^8\). If the application does not accord with the development plan it should be refused unless there are material considerations indicating that it should be granted. What can be said with certainty is that there is a strong legal presumption against Line B proceeding as it is contrary to the development plan and conversely a strong legal presumption in favour of Line A proceeding. It is not possible to provide an exhaustive list of the “material considerations” which might be in play in such a determination but clearly these would be the terms of NPPG11, views of statutory consultees (including Sportscotland), views of objectors, viability of the Line B, socio-economic factors, views of supporters and the land owner(s).

\(^7\) Town and Country Planning (Scotland) Act 1997
\(^8\) City of Edinburgh Council -v -the Secretary of State for Scotland 1998 SLT 120
Dear Callum

STIRLING ALLOA KINCARDINE RAILWAY AND LINKED IMPROVEMENTS BILL
ADDITIONAL INFORMATION

Further to my letter of earlier today concerning additional information required by the Stirling Alloa Kincardine Railway and Linked Improvements Bill Committee arising out of the meeting on 15 March 2004, the additional document referred to in my letter in respect of both 23 Clackmannan Road, Alloa and 3 Bruce Street, Alloa, have been scrutinised and there are no relevant rights relating to either property in respect of the Balfour Street crossing.

Yours sincerely

Alastair McKie
Partner
Dear Callum

STIRLING ALLOA KINCARIDNE RAILWAY AND LINKED IMPROVEMENTS BILL
ADDITIONAL INFORMATION FOR COMMITTEE

Further to your letter of 24 March 2004, I now enclose the additional information requested from the Promoter by the Stirling Alloa Kincardine Railway and Linked Improvements Bill Committee at its meeting on 22 March 2004. The additional information is presented in the form of two papers, one prepared by Babtie Group Ltd dealing with the additional information requested from Tara Whitworth and David Reid, and the other prepared by Scott Wilson Railways, dealing the additional information requested from Stuart Coventry and Alf Maneylaws.

On a separate point, having examined the terms of Column 456 of the Official Report of the Committee’s meeting on 22 March, it appears that there is a factual inaccuracy in Roy Martin QC’s closing submission, contained in the last sentence of the second paragraph, which states that:-

"Of course, I have already said that the Alloa eastern link road, like the railway, has been significantly supported over the years in the structure and local plans".

Having discussed this matter with Mr Martin on 26 March 2004, what he intended to submit to the Committee was that:-

"Of course, I have already said that the Alloa eastern link road has been significantly supported in the Finalised Clackmannanshire Local Plan which in respect of this proposal has been tested at the Local Plan Inquiry and supported by the Reporter.

I trust that we have provided all the additional information requested by the Committee. Should any further matters arise, please do not hesitate to contact me.
Yours sincerely

Alastair McKie
Partner
Clackmannan Council ("Promoter")

Stirling-Alloa-Kincardine Railway and Linked Improvements Bill ("Bill")
Consideration Stage

Additional Information for the Stirling-Alloa-Kincardine Railway and Linked Improvements Bill Committee ("Committee")

On behalf of the Promoter
In respect of

Air Conditioning, Taylor Woodrow, Passenger Timetable and Train Numbers

Introduction

1. Babtie Group Ltd, on behalf of the Promoter, has been formally requested by the Committee\(^1\) to provide on the following points: (1) clarification of the Promoter’s position on air conditioning relating to Objection 35, (2) clarification of the expected passenger timetable for the route from Stirling to Alloa, (3) clarification of the treatment of the proposed Taylor Woodrow development at Riverside, Causewayhead, in the Environmental Statement, and (4) clarification of the train numbers quotes in the Arthur D Little report.

2. In addition, a copy of Babtie Group’s letter dated 16 September 2003 to Taylor Woodrow Developments (Objection 44) was requested by the Committee\(^2\) and was handed to the Clerk on that date.

Air Conditioning

3. In respect of the Group 10 Objectors (Objection No 35, Mr and Mrs Brewerton), the Promoter now confirms in writing to the Committee that, in the circumstances where the Bill is approved by the Scottish Parliament, the railway reopens and the usage of the line reaches a level within 1 year of reopening at which mitigation is required in order to counter undue levels of interference with Mr and Mrs Brewerton’s enjoyment of their property, the Promoter will provide air conditioning at their property, if that is their continued wish, at no cost to Mr and Mrs Brewerton.

4. The Promoter recognises that usage of the line at current predicted levels would trigger the requirement on behalf of the Promoter to offer the installation of air conditioning at Mr and Mrs Brewerton’s property.

---

\(^1\) Letter from Committee Clerk to Promoter dated 24 March 2004.
\(^2\) Committee Meeting No 5, 22 March 2004.
Proposed Taylor Woodrow Development

5. Scott Wilson Scotland Ltd has provided clarification on the treatment of the proposed Taylor Woodrow (Group 12, Objection No. 44) development in the Environmental Statement (ES), which is summarised in the following paragraphs, and provided in Appendix A to this document.

6. The planning application for the Taylor Woodrow Development was lodged with Stirling Council as statutory planning authority in December 2002 and remains undetermined. The Taylor Woodrow Development Site is not allocated for housing in the adopted Stirling Local Plan. The Taylor Woodrow Development Site, whilst having some prospect of development (as it is a brownfield site), was not and should not have received priority as a consented site in the Environmental Impact Assessment ("EIA"). The ES has considered the Taylor Woodrow Site for each environmental topic where there was considered to be an interaction. Whilst the approach may differ topic by topic, each has been assess to an appropriate level of depth. The Promoter maintains that the consideration of the Taylor Woodrow Development in the ES is both proper and reasonable and that the ES remains robust and compliant with the Environmental Impact Assessment (Scotland) Regulations 1999.

7. The ES examined the effects of the route re-opening scheme on the WM Kerr Metal Merchant site at Causewayhead, Stirling. It should be noted that at the time the ES was prepared (June 2002 – November 2002), the Taylor Woodrow “Riverside” site was referred to as the “WM Kerr Metal Merchant” site and the proposed housing development was being progressed by Taylor Woodrow under the name of Bryant Homes. In addition, at the time the ES was prepared, a planning application had not been submitted for a residential housing development at Riverside, and was not therefore considered as a committed development proposal.

8. The ES Volume 1: Main Report presents the scheme proposals and provides a summary of the significant environmental effects. Volume 2: Topic Specific Report presents the findings of the environmental studies under taken for each topic, and Volume 3: Supporting Information contains additional information for a number of the specialist topics, references, a glossary and such like. In addition, the Non-Technical Summary (NTS) provides a brief summary of the scheme and the principal findings of the environmental assessment in non-technical language.

9. The heading used to define the topics dealt with in Volume 2 of the ES are as follows:
   - Policy context;
   - Land use;
• Community effects;
• Cultural heritage;
• Agriculture;
• Air quality;
• Landscape and visual effects;
• Ecology;
• Geology;
• Noise and vibration;
• Water resources; and
• Traffic and transport.

10. Volumes 1 and 3 of the ES and the NTS do not specifically deal with the proposed Riverside development, however they do refer to the closure of Causewayhead level crossing and the construction of an alternative permanent vehicular/pedestrian access as mitigation. This alternative access is described in Volume 1 on Figure 2.1 Scheme Design Sheet 3 of 17 as “New junction providing access to Waterside Cottage and Riverbank development”.

11. Within Volume 2 of the ES Scott Wilson considered that there were no policy, cultural heritage, agriculture, landscape and visual effects, ecology, geology, and water resource environmental issues resulting from the scheme at either Causewayhead or Waterside level crossings in respect of the WM Kerr Metal Merchant site. These topic chapters (ES Volume 2, Chapters 1 (Introduction), 2, 5, 6, 8, 9, 10 and 12), therefore, do not report in the ES on issues at these locations.

12. The remaining topic specific chapters (ES Volume 2, Chapters 3, 4, 7, 11 and 13) do consider the proposed Taylor Woodrow development and are summarised in the following paragraphs.

Chapter 3 - Land Use

13. The dominant land use around the WM Kerr Metal Merchant site is identified as vacant land in Chapter 3 Land Use, and shown as such therein at Figure 3.1. The residential land use baseline case is described in Section 3.4.2 as ‘new housing developments at various stages of implementation at the former Sunlight Factory and at Kerrs Scrapyard sites, including Riverbank Stables.’

Chapter 4 - Community Effects

14. The Taylor Woodrow development is dealt with in the Community Effects chapter of ES Volume 2 (Chapter 4), and records the various consultations undertaken with Stirling Council, Mr Kerr and Taylor Woodrow. The community effects identified are associated with the closure of Causewayhead level crossing, and are described in terms of impact on the existing vehicular and pedestrian access provision.
Chapter 7 - Air Quality

15. The Air Quality chapter (ES Volume 2, Chapter 7) refers to the closure of level crossings and the effects of traffic generation but does not predict any particular environmental effects at either Causewayhead or Waterside level crossings in respect of the WM Kerr Metal Merchant site as there were no committed development proposals to assess at the time the ES was prepared. The Air Quality chapter (ES Volume 2, Chapter 7), therefore, does not report in the ES on specific air quality impacts at these locations.

Chapter 11 - Noise and Vibration

16. The Noise and Vibration chapter (ES Volume 2, Chapter 11) refers to level crossings and the effects of railway noise but does not predict any particular environmental effects in respect of the WM Kerr Metal Merchant site as there were no committed development proposals to assess at the time the ES was prepared.

Chapter 13 - Traffic and Transport

17. The Traffic and Transport chapter of ES Volume 2 (Chapter 13), Table 13.1 describes the baseline case in respect of the WM Kerr Metal Merchant site at Causewayhead level crossing and estimates that as the existing access serves only the Kerr’s scrap yard, there are likely to be less than 100 vehicles movements per day. The effects of diverting this traffic away from the private access road and associated private level crossing (Causewayhead) and onto the public road and level crossing (Waterside) have been considered in terms of increased journey times and displacement of traffic.

Summary of Treatment

18. In summary, the ES recognises the potential Taylor Woodrow development in key chapters, but does not include it as an existing or permitted development within the base case against which the railway route re-opening scheme has been assessed.

Passenger Timetable

19. As the Committee is aware, passenger train services are provided by franchised passenger train operating companies such as ScotRail. Babtie Group has been advised that the current tender stage franchise agreement, which would cover the Stirling – Alloa route extension if the Bill is passed, sets out a passenger service requirement (PSR) which does not specify any passenger services after 21:00 hours. Therefore it

---

3 Refer to the Promoter’s Memorandum on Existing Railway Processes, SAK/S2/04/4/1
is not envisaged at present that any services will operate after 23:00 hours each day between Stirling and Alloa.

Train Numbers

20. The Promoter clarifies that to the best of its knowledge the train numbers used by Arthur D Little Ltd in its report (SAK/S2/04/5/14 and 14A) were as reported in Appendix A of that report, namely 30 passenger and 30 freight trains per day, 60 trains in total. As stated by Tara Whitworth⁴, Arthur D Little Ltd produced a draft report on 23 September 2003 which incorrectly assumed 36 passenger and 36 freight trains per day, 72 trains in total. Tara Whitworth provided comments on the draft report to Arthur D Little Ltd on 26 September 2003, stating:

“1. The number of trains (72) has been assumed to be 18 freight and 18 passenger each way per day in your report. This is incorrect and should be (60) 15 passenger and 15 freight in each direction per day, as per the timetable in our letter of 9 July 2003.”

21. Arthur D Little Ltd submitted its final report on 2 October 2003 to Tara Whitworth stating:

“I am please to attached a ‘pdf’ copy of the final report, which has been amended to include your comments.”

22. On this basis, and following further comparison of the draft and final reports, it appears that the references which suggest that 36 passenger and 36 freight trains per day or one per hour in each direction over an 18 hour period were used in the report are merely referencing errors carried over from the draft report which assumed 72 trains per day travelled to Alloa.

23. The Promoter is willing to seek written further assurances from Arthur D Little Ltd, if required.

⁴ Refer to Meeting No 4, 2004 Official Report col 432
Appendix A

Background Note Produced by Scott Wilson Scotland Ltd for the Promoter,
24 March 2004
Background Note on Wm Kerr’s Metal Merchant at Causewayhead

Background
The Environmental Statement (ES), February 2003 prepared for the re-opening of the Stirling - Alloa - Kincardine Railway examined the effects of the Scheme on the WM Kerr Metal Merchant site at Causewayhead. This background note summarises the treatment in the ES of the WM Kerr Metal Merchant site. It should be noted that at the time the ES was prepared, the Taylor Woodrow site was referred to as the WM Kerr Metal Merchant site and the proposed housing developer was Bryant Homes. In addition, at the time the ES was prepared, a planning application had not been submitted for housing development at Riverside, Causewayhead, and was not therefore considered as a committed development proposal.

Environmental Statement: Non-Technical Summary
There were no specific references to the WM Kerr Metal Merchant site in the Non Technical Summary (NTS). Although the NTS states in the description of the Scheme that six out of the 12 level crossings will be closed between Stirling and Kincardine for safety and signalling purposes. In the traffic and transportation section there is confirmation that alternative provision has been made to accommodate affected traffic movements at the closed level crossings.

The Community Effects section of the NTS confirms that ‘The closure of the Causewayhead level crossing in Stirling will permanently sever an existing vehicular/pedestrian access. There are, however, no houses south of the railway. An alternative permanent route is available via the Waterside level crossing that will add an additional journey time for pedestrians in the order of 4-12 minutes.’

Environmental Statement: Volume 1: Main Report
The WM Kerr Metal Merchant site is affected by the closure of the Causewayhead level crossing and by the upgrading of the Waterside Level Crossing and ES Volume 1, Table 2.1 describes the Scheme proposals at these two locations as follows:

<table>
<thead>
<tr>
<th>Location</th>
<th>Type of Work/Operation</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Causewayhead Level Crossing</td>
<td>Level Crossing Closure</td>
<td>Current AOCL is not operational. It is to be permanently closed and vehicular access is to be provided for with the construction of new roads. There is also to be temporary works access to the line</td>
</tr>
<tr>
<td>Location</td>
<td>Type of Work/Operation</td>
<td>Description</td>
</tr>
<tr>
<td>-------------------------------</td>
<td>------------------------</td>
<td>---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Waterside Level Crossing</td>
<td>Level Crossing Upgrade</td>
<td>The Level Crossing will be upgraded to an automatic half barrier (AHB). There will be a new road junction with improved surfacing. There will be a new Relocatable Equipment Box (REB) for new signalling equipment. In addition, ES Volume 1, Table 5.1 summarises the effects of the Scheme and confirms that Causewayhead level crossing will be permanently closed, and as mitigation the Waterside level crossing will be retained and upgraded with a new permanent access route provided to the Riverside area. ES Volume 1, Figure 2.1 shows the location of the new junction at Ladysneuk Road providing access to Waterside Cottage and the riverbank development.</td>
</tr>
</tbody>
</table>

**Environmental Statement: Volume 2: Topic Specific Reports**

There were no policy, cultural heritage, agriculture, landscape and visual effects, ecology, geology, and water resource environmental issues resulting from the Scheme at either Causewayhead or Waterside level crossings in respect of the WM Kerr Metal Merchant site. These topic chapters (ES Volume 2, Chapters 1, 2, 5, 6, 8, 9, 10 and 12), therefore, do not report in the ES on issues at these locations. However, the following sections clarify the treatment of the WM Kerr Metal Merchant site in the remaining chapters of ES Volume 2.

**Chapter 3 - Land Use**

The dominant land use around the WM Kerr Metal Merchant site is identified as vacant land in the Land Use chapter of ES Volume 2, Figure 3.1(Chapter 3). The residential land use baseline case is described in ES Volume 2, Section 3.4.2 as ‘new housing developments at various stages of implementation at the former Sunlight Factory and at Kerrs Scrapyard sites, including Riverbank Stables.’

**Chapter 4 - Community Effects**

In the Community Effects chapter of ES Volume 2 (Chapter 4), Table 4.2 outlines the consultations undertaken for level crossings and ‘Mr. Kerr confirmed the Metal Merchant site and Riverside Stables had been sold to Bryant Homes. Stirling Council advised that no planning application had been received for this area. (A) planning brief (this was a development brief for the site produced by Stirling Council) advised that the developer should provide footbridge access over the railway to the development area and that vehicular access from the site should be via a junction off Ladysneuk Road.’ In addition, ‘Bryant Homes advised they were aware of railway opening but claimed not to be aware of the contents of the development brief at that stage.’
ES Volume 2, Chapter 4, Section 4.4.1 describes the Causewayhead level crossing baseline case as ‘Cleuch Road and the private level crossing currently provide the only access to a commercial business site (Wm. Kerr Metal Merchants) that is located within 50 metres - southeast of the solum level crossing. The Metal Merchants business is in the process of closing with the site (and the adjacent Riverside Stables site) having been sold to a developer (Bryant Homes) – although no planning application for new housing has yet been lodged with Stirling Council.’

ES Volume 2, Chapter 4, Table 4.3 describes the community environmental effects, impacts and mitigation for the Causewayhead level crossing as follows:

- **Construction and operation effects:** ‘Permanent closure of level crossing to vehicular traffic, cyclists and pedestrians directly related to the Scheme works severs existing sole access to/from Causewayhead Road via Cleuch Road for business premises only - Wm. Kerr Metal Merchants site’
- **Mitigation:** ‘Provide alternative vehicular and pedestrian access to Wm. Kerr owned site south of solum via Waterside level crossing and proposed new access road connection from site to Ladysneuk Road. However provision of a footbridge as Stirling Council developer brief condition requirement for the Wm. Kerr site would avoid need for diversionary pedestrian route.’
- **Predicted Residual Impacts:** ‘An illustration of the predicted impact on pedestrian journey lengths and journey times is shown in Table 4.4 with the alternative pedestrian route following the level crossing closure shown in Figure 4.1 (unless provision of a footbridge is provided by future developer as a development brief condition when no alternative pedestrian route would be required).’

ES Volume 2, Chapter 4, Table 4.4 describes the predicted journey length and time impacts for the Causewayhead level crossing and provides a route illustration which describes the Wm. Kerr Metal Merchants site as a proposed housing development site. There is a footnote to Table 4.4 (Note 1.) which states that ‘The only current receptor which would be affected by the closure of the Causewayhead level crossing is the Wm Kerr Metal Merchants business site, which at the time of drafting the ES had been sold (along with the adjacent Riverside Stables site) to Bryant Homes. It should be noted that the route illustration scenarios for the Causewayhead level crossing site therefore relate to these proposed housing development sites but for which no planning application has yet been lodged with Stirling Council. A consultation response from Stirling Council indicates that the Planning Brief for this site advises that the developer should provide footbridge access over the railway. A diversionary pedestrian route would therefore only be applicable if provision of a footbridge was in fact to be excluded as a finalised formal site.
development condition requirement for the Wm. Kerr Metal Merchant/Riverside Stables sites.'

ES Volume 2, Chapter 4, Section 4.7 describes the access effects at Causewayhead level crossing as ‘The closure of the Causewayhead level crossing in Stirling will permanently sever an existing vehicular/pedestrian access point to business premises (the Wm. Kerr Metal Merchants site which has recently been sold to Bryant Homes). Stirling Council has indicated that the planning brief for the development of the site should include the provision of a pedestrian footbridge over the railway as a developer condition requirement, which, if formally implemented, would maintain pedestrian access without the need for a diversionary route. An alternative vehicular access route from the proposed development site would be via a new road link connection from the site onto Ladysneuk Road. ‘

ES Volume 2, Chapter 4, Section 4.8 describes the cumulative community effects at Causewayhead level crossing as ‘Combined community impact considerations include temporary construction noise and permanent operational noise effects for the site northeast of the solum (including the new Bett Homes “Craiglea” housing development). The key issues for the developed Wm Kerr/Riverbank Stables sites include increased vehicular movement/access to and from the sites – from the proposed new access road link to Ladysneuk Road south of the solum which will require permanent land take - as well as the aforementioned temporary construction and permanent operational noise effects on receptors in proximity to the solum. In addition, there will be a requirement for temporary works access to the railway line along Cleuch Road during the construction phase with associated works vehicle traffic movement.’

In addition, ES Volume 2, Chapter 4, Section 4.8 describes the cumulative community effects at Waterside level crossing as ‘Permanent landtake will be required to create the access road link to the Wm. Kerr Riverbank Stables development site (as indicated in the preceding section).’

Chapter 7 - Air Quality

The Air Quality chapter (ES Volume 2, Chapter 7) refers to the closure of level crossings and the effects of traffic generation but does not predict any particular environmental effects at either Causewayhead or Waterside level crossings in respect of the WM Kerr Metal Merchant site as there were no committed development proposals to assess at the time the ES was prepared. The Air Quality chapter (ES Volume 2, Chapter 7), therefore, does not report in the ES on specific air quality impacts at these locations.
Chapter 11 - Noise and Vibration

The Noise and Vibration chapter (ES Volume 2, Chapter 11) refers to level crossings and the effects of railway noise but does not predict any particular environmental effects in respect of the WM Kerr Metal Merchant site as there were no committed development proposals to assess at the time the ES was prepared.

Chapter 13 - Traffic and Transport

The Traffic and Transport chapter of ES Volume 2 (Chapter 13), Table 13.1 describes the baseline case in respect of the WM Kerr Metal Merchant site at Causewayhead level crossing as ‘This is an existing level crossing, which is currently not used by railway traffic, with access to Causewayhead Road. It is estimated that as access is only required to serve the Kerr’s scrap yard, there will be less than 100 vehicles movements per day.’

The Traffic and Transport chapter of ES Volume 2 (Chapter 13), Table 13.3 describes the effect of the level crossing closure in respect of the WM Kerr Metal Merchant site at Causewayhead level crossing as ‘The permanent level crossing closure would result in severance and a journey time penalty for the Kerr’s scrap yard requiring up to an additional approximate 1.1km vehicular journey length.’ The mitigation recommended is that ‘A new junction is to be constructed off Ladysneuk Road providing access to the area to the south of the railway including the Kerr’s scrap yard.’

The Traffic and Transport chapter of ES Volume 2 (Chapter 13), Table 13.3 describes the effect of the Causewayhead level crossing closure on the Waterside level crossing. The effect is that ‘…the closure of the Causewayhead Level Crossing will cause the displacement of about 100 vehicles onto Ladysneuk Road per day.’ The mitigation recommended is that ‘An automatic half barrier is proposed which will regulate traffic movements to facilitate controlled vehicular crossing of the railway.’

Environmental Statement: Volume 3: Supporting Information

There were no specific references to the WM Kerr Metal Merchant site in ES Volume 3. Although ES Volume 3 Appendix 5A does provide Phase 1 Target Notes describing the existing ecological features along the railway between ‘TN20 Abbeycraig Level Crossing – Scrap Metal Works Access’ and ‘TN21 Scrap Metal Works Access – Stirling RFC’.
Clackmannan Council ("Promoter")

Stirling-Alloa-Kincardine Railway and Linked Improvements Bill ("Bill")

Consideration Stage

Additional Information for the Stirling-Alloa-Kincardine Railway and Linked Improvements Bill Committee ("Committee")

On behalf of the Promoter

In respect of

Locomotive Horn at Waterside Level Crossing, Class 60 Locomotives and Peak Noise Level Duration

Introduction

1. Scott Wilson Railways Ltd, on behalf of the Promoter, has been formally requested by the Committee\(^5\) to provide on the following points: (1) impact of the use of locomotive horns on \(L_{Aeq}\) levels, duration of noise increase and the actual level of the horn itself; (2) data concerning Class 60 locomotives pulling 19 HTA wagons; and (3) a more considered response concerning peak noise level effects in respect of the impact of trains on Mr and Mrs Mr and Mrs Brewerton’s property.

Use of Locomotive Horn At Waterside Level Crossing

2. Train horns are generally only mandatory as a warning to personnel working on or near the track or where there is a whistle board (for example at an Automatic Open Crossing, Locally Monitored or User Worked Crossing). Additionally, there is a restriction on sounding the horn for whistle boards between 23:30 and 07:00.

3. The crossing presently proposed for Waterside is of the AHB type (Automatic Half Barrier crossing). It is understood that there may be no need to sound the locomotive horn on the approaches to this crossing. It follows that, in this case, there will be no increase in the daytime, evening or night-time \(L_{Aeq}\) levels due to the operation of horns on freight or passenger trains.

4. For the case where the horn is sounded, Railway Group Standard GM/RT2180 defines the audibility requirement for locomotive horns. For train speeds less than 160 km/hour (which is the case at Waterside

\(^5\) Letter from Committee Clerk to Promoter dated 24 March 2004.
level crossing), the requirement is a noise level of 115 to 125 dB at 5 metres from the horn.

5. The noise levels at the Mr and Mrs Brewerton’s property resulting from use of the horn depend on the distance from the crossing that the horn is sounded and the duration of the noise. On the assumption that the horn is sounded when the train is 100 metres from the crossing (giving just under 4 seconds warning at a train speed of 60 mph), the noise level at the residential property adjacent to the crossing (assuming no noise barriers) will be 89 to 99 dB(A). Assuming that each event lasts for one second the $L_{\text{Aeq,16h}}$ at the residential property due to horn noise (30 freight trains/day and 30 passenger trains/day) will be as given in Table 1. The provision of 2m high noise barriers would reduce the noise levels to some extent. Given the distance between source and receiver and the height of the source the barrier reduction would be of the order of 5dB.

Table 1: Estimated $L_{\text{Aeq,16h}}$ Noise Levels At Waterside

<table>
<thead>
<tr>
<th>Horn Level</th>
<th>16 hour $L_{\text{Aeq}}$ at residential property</th>
</tr>
</thead>
<tbody>
<tr>
<td>Horn level=115 dB</td>
<td>59</td>
</tr>
<tr>
<td>Horn level=125 dB</td>
<td>69</td>
</tr>
</tbody>
</table>

6. The noise levels estimated in the Environmental Statement at the residential property due to the passage of trains (excluding horns) are 57.1 dB $L_{\text{Aeq}}$ at ground floor and 60.4 dB $L_{\text{Aeq}}$ at first floor. It can be seen therefore that depending on the circumstances of the use of the horn, the horn noise level and the efficiency of noise mitigation measures, the use of air horns may have an effect on increasing the overall $L_{\text{Aeq}}$ noise levels.

Noise Data For Class 60 Locomotive Pulling 19 HTA Wagons

7. The scheme assumes that coal trains running on the re-opened route will comprise of a Class 66 locomotive pulling 19 HTA wagons. The generally accepted method for the calculation of noise levels from moving railway vehicles is that given in Calculation of Railway Noise 1995 (CRN), issued by the Department of Transport. This document contains noise source data for an extensive range of passenger coaches, freight vehicles and locomotives for use in the calculation of resultant noise levels at chosen receptors. However, data for Class 66 locomotives and HTA wagons are not available in CRN, both being of relatively recent introduction.

8. The noise source data in CRN are given in terms of single vehicle Sound Exposure Level (SEL) values which are then corrected for type of vehicle, speed and number of vehicles in a train (other corrections are for distance of receptor from line, screening, angle of view and
ground absorption). These SEL values are then adjusted for number of trains per day (and number of trains per night, if appropriate) to provide daytime (06:00 to 24:00) $L_{Aeq}$ levels and night-time (0:00 to 06:00) $L_{Aeq}$ levels.

9. Noise source data are available for Type HAA wagons in CRN. The report *Stirling – Alloa – Kincardine Rail Line Reopening Benefit Study, MVA, February 2002*, recommends that the source data for HAA wagons can be corrected by the addition of 3 dB to the SEL, to represent the source data for HTA wagons. This was done in the calculations presented in the Environmental Statement and in subsequent submissions to the Parliamentary Committee.

10. Source data not being available for Class 66 locomotives, source data for Class 60 locomotives, which are available in CRN, were used in the calculations presented in the Environmental Statement and in subsequent submissions to the Parliamentary Committee. Available source data for Class 66 locomotives, not sufficiently robust for employment in CRN calculations, indicates that Class 66 locomotives are quieter than Class 60 locomotives. Thus, it is considered that a worst-case was considered in the Environmental Statement.

**Noise Levels Internal to Specific Property (Objector 35) During Train Pass-By.**

11. Figure 1 shows the change in noise level at an outdoor receptor 20 metres from the line, for the pass-by of 19 HTA wagons pulled by a Class 60 locomotive moving at 60 mph. It is assumed that a 2 metre noise barrier is in place along the trackside. The noise level rises rapidly as the train approaches, stays reasonably steady at 75 dB(A) (with an initial “blip” up to 77 dB(A) due to the passing of the engine) for approximately 7 to 8 seconds and then decays rapidly as the train moves away.

12. The prevailing external $L_{Aeq}$ noise levels at this location are of the order of 50 dB during the daytime and 45 dB during the evening. Examination of Figure 1 shows that the prevailing external daytime level will be exceeded for approximately 55 seconds during a train pass-by and the prevailing evening level will be exceeded for approximately 100 seconds during a train pass-by.
Figure 1: Change in Outside Noise Level (At Ground Floor) During Train Pass-By
13. Assuming a 2 metre high noise barrier in place adjacent to the line (with a break at the level crossing), maximum noise levels at the property during a freight train pass-by are calculated to be as shown in Table 1.

**Table 1: Calculated Noise Levels (2 metre barrier adjacent to line)**

<table>
<thead>
<tr>
<th>Scenario</th>
<th>Maximum Noise Level dB(A)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Ground Floor</td>
</tr>
<tr>
<td>Free field noise level in garden</td>
<td>75 - 77</td>
</tr>
<tr>
<td>Internal noise level with window closed</td>
<td>50 - 52</td>
</tr>
<tr>
<td>Internal noise level with window partially open</td>
<td>65 - 67</td>
</tr>
</tbody>
</table>

14. The change in noise level with time as the train approaches, passes and moves away from the property is illustrated in Figure 1, which shows the noise level in the garden plotted against time in seconds. The maximum noise level is present for only 7 to 8 seconds, which is the time that a train of this length would take to pass by. The noise level increases rapidly as the train approaches and decreases rapidly as the train moves away. This change in noise level will be mirrored inside the property, but at lower overall levels.

15. Table 7 of BS8233:1999 *Sound Insulation and Noise Reduction for Buildings-Code of Practice* provides maximum levels of steady background noise to ensure reliable speech communication. The table is reproduced exactly below as Table 2.

**Table 2: Maximum Background Noise Levels For Reliable Speech Communication (taken from BS8233:1999)**

<table>
<thead>
<tr>
<th>Distance Between Talker and Listener (metres)</th>
<th>Background Noise Level dB(A)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Normal Voice</td>
</tr>
<tr>
<td>1</td>
<td>57</td>
</tr>
<tr>
<td>2</td>
<td>51</td>
</tr>
<tr>
<td>4</td>
<td>45</td>
</tr>
<tr>
<td>8</td>
<td>39</td>
</tr>
</tbody>
</table>

16. Taking a worst-case of talker and listener (or television and listener) being 4 metres apart, the maximum background noise level for reliable speech communication is 45 dB(A). This equates to a noise level outside in the garden of 70 dB(A) if windows are closed, and 55 dB(A)
if windows are partially open. Examination of Figure 1 shows that 70 dB(A) will be exceeded for only 10 seconds as a train passes, and 55 dB(A) will be exceeded for 33 seconds. It follows that, with windows closed, conversation (or television listening) may be disrupted for 10 seconds or so as a train passes by. With windows partially open, conversation (or television listening) may be disrupted for 33 seconds or so. If the noise barrier is extended from the level crossing along the boundary of the property fronting Ladysneuk Road, additional noise attenuation is achieved. The results are shown in Table 3.

**Table 3: Calculated Noise Levels (2 metre barrier adjacent to line and extended barrier along front of property)**

<table>
<thead>
<tr>
<th>Scenario</th>
<th>Maximum Noise Level dB(A)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Ground Floor</td>
</tr>
<tr>
<td>Free field noise level in garden</td>
<td>72 - 74</td>
</tr>
<tr>
<td>Internal noise level with window closed</td>
<td>47 - 49</td>
</tr>
<tr>
<td>Internal noise level with window partially open</td>
<td>62 - 64</td>
</tr>
</tbody>
</table>

17. This extended noise barrier provides approximately 3 dB(A) additional attenuation for rolling noise at ground floor level and approximately 1 dB(A) at first floor level. With this additional attenuation at ground floor level, a noise level in the garden of 70 dB(A) will be exceeded for approximately 9 seconds, and a level of 55 dB(A) will be exceeded for approximately 26 seconds.

18. It follows that, with windows closed, conversation (or television listening) may be disrupted for 9 seconds or so as a train passes by. With windows partially open, conversation (or television listening) may be disrupted for 26 seconds or so.

19. With respect to the use of the garden, the prevailing $L_{\text{Aeq}}$ noise levels at this location are of the order of 50 dB during the daytime and 45 dB during the evening. With this additional attenuation, the prevailing daytime level will be exceeded for approximately 45 seconds during a train pass-by and the prevailing evening level will be exceeded for approximately 81 seconds during a train pass-by.

20. The foregoing analysis does not apply to passenger trains. The pass by noise levels of these would be about 10db quieter than for a freight train. The duration would also be much reduced, a train taking less
than 2 seconds to pass any given point. It is unlikely that such events would disturb conversation within the property.
Figure 1: Change in Outside Noise Level (At Ground Floor) During Train Pass-by

NOISE LEVEL IN GARDEN OF PROPERTY
TRAIN SPEED = 60 MPH

A-WEIGHTED NOISE LEVEL

TIME (SECONDS)
Background

1. At its meeting on 22 March 2004, the Committee took oral evidence in respect of the group 10 objection. At this meeting, the Convener asked Mr Brewerton, who was appearing as a witness for the group, what the source was of the information from Network Rail on noise impacts that was referred to in the group’s written evidence (SAK/S2/04/5/26) (Official Report, 22 March, col. 400).

2. A copy of this source is now attached for the Committee’s information.

Conclusion

3. The Committee is invited to note this supplementary written evidence.

Private Bills Unit
29 March 2004
Noise

The level of disturbance felt by an individual from noise is largely subjective, but will tend to increase with noise level. The diagrams below show the relative noise levels for a range of activities at various distances (top), and a typical noise profile (below) showing the decay of noise level over distance from source. Noise levels are measured on a logarithmic Decibel (dB) scale, where an increase/decrease of 10dB represents a doubling / halving of noise level. To better reflect the sensitivities of the human ear to certain sound frequencies, a weighted scale (dBA) is normally used.
Railway operations generate a number of noise impacts, including:

**Locomotive**
- Power unit, roof exhaust, cooling fans, air compressors
- Bogies, brakes, couplings
- Warning horns

**Rolling stock**
- Bogies, brakes, couplings
- Bodywork flex

**Wheel/rail interface**
- Running noise along rail
- Passing over switches (points), crossings, track joints and sharp curves (‘squeal’)

**Structures**
- Re-radiated noise and vibration from bridges and tunnels

**Level crossings**
- Warning horns or bells
**Terminals**

- Machinery
- Vehicle movements (road / rail)
- Warning horns or bells

**Infrastructure**

- Construction
- Maintenance

Mitigation of these impacts can be partially achieved by improved locomotive and rolling stock design to minimise noise generation at source and/or use of dampening to reduce noise transmission from source to receptor. The latter can help reduce noise levels from vehicle movements by up to 10 dB, effectively a halving of noise levels.

Freight terminals will also be potential noise sources, from vehicle movements on site (both road and rail) and to and from the terminal, as well as other related operations on site. Dampening and building insulation may be used to mitigate such noise impacts, as well as use of landscaping to provide more natural screening.

Government noise standards apply to new railway lines, and are measured on the average equivalent noise level (Leq) which would apply over the whole period in question, as follows:

- Daytime (06:00 - Midnight) 65 dBA Leq
- Night-time (Midnight - 06:00) 63 dBA Leq

The use of the Leq average noise level standard enables both the number of noise ‘events’ (i.e. passing trains) and the loudness of each event to be taken into consideration. A single loud noise event could generate the same Leq level over a given time period as a number of quieter noise events.

In terms of comparing noise levels between road and rail, a single freight train will comprise the equivalent volume to as much as 100 lorry loads. The equivalent noise level (Leq) comparison therefore needs to account for the number of vehicle movements by road and rail (i.e. 100 lorries or 1 train) and the noise level produced by each vehicle movement.

Railway noise is widely accepted as being less disturbing than road/aircraft noise and railways are often given a ‘bonus’ (or correction factor) of 5dB for rail against road and 10dB for rail against air.

www.networkrail.co.uk/freight/about/issues/noise.htm
22.3.04

SCOTTISH PARLIAMENT
Session 2

STIRLING-ALLOA-KINCARDINE RAILWAY AND LINKED IMPROVEMENTS BILL

CONSIDERATION STAGE

AMENDMENTS
to be tabled on behalf of the Promoter

HMRI
1. In section 4, page 2, line 4, leave out <and> and insert <or>
2. In section 9, page 3, line 14, leave out subsection (4) and insert
   <(4) Nothing in subsection (3) above enables the authorised undertaker to
   provide any equipment otherwise than in accordance with any
   requirement of the Secretary of State made under any enactment.>
3. In section 9, page 4, line 6, leave out from <the> to <or > in line 7
4. In section 9, page 4, line 7, leave out <other>
5. In section 9, page 4, line 7, after <be> insert <required for compliance with
   any requirement of the Secretary of State, and, subject to such compliance, as
   may be>
6. In section 9, page 4, line 9, after <crossing> insert <and approved by the
   Secretary of State>
7. In schedule 4, Part 3, page 23, line 7, after <made> insert <before this Act
   comes into force>
8. In schedule 5, page 23, line 20, leave out column (4).

PURPOSE-
Amendments nos. 1 to 8 are sought following discussions with Her Majesty’s
Railway Inspectorate (“HMRI”). Stated broadly, HMRI’s objection to the Bill was
that, as drafted, it appeared to them to oust the jurisdiction of the Secretary of State in
relation to level crossings and level crossing equipment.\textsuperscript{1} The problem arose largely because of the impact of devolution on the operation of precedented provisions.

It was not the Promoter’s intention that the Bill should have the effect feared by HMRI. Amendments nos. 1 to 8 were agreed with HMRI (subject to the Parliament’s approval) as overcoming their objection.

**SEPA / PRINTING**

9. In section 12, page 6, line 14, leave out <30A> and insert <30F>

**Purpose-**

The incorrect reference to section 30A of the Control of Pollution Act 1984 is a typographical error. The Promoter is grateful to SEPA for pointing it out.

**BRB (RESIDUARY) LIMITED**

10. In section 29, page 15, line 17, after <subject to> insert <any statutory or other obligations or liabilities (including>

11. In section 29, page 15, line 19, after<undertaker> close bracket

12. In section 36, page 18, line 3, leave out <taking> and insert <having>

13. In section 36, page 18, line 4, leave out subsection (2) and insert –

<\(2\)Except as may be otherwise provided in this Act, as from the coming into force of this Act the authorised undertaker shall–

(a) be subject to all statutory and other provisions applicable to the existing railways (but only insofar as such provisions are still subsisting and capable of having effect); and

(b) to the exclusion of all other parties, be entitled to the benefit of and to exercise all rights, powers and privileges and be subject to all obligations (in both cases whether statutory or otherwise) relating to the existing railways insofar as the same are still subsisting and capable of having effect, to the intent that such other parties shall be released from all such obligations.

(2A) Subsection (2) above shall not apply to the exercise by Network Rail otherwise than as the authorised undertaker of any function in relation to the authorised works; and, accordingly, the existing enactments shall apply to such exercise.

(2B) In subsection (2) above “other parties” includes (without prejudice to the generality of that expression) the statutory successors to the parties authorised or obligated by virtue of the existing enactments or the enactments incorporated by section 37(1) below.>

**Purpose-**

\textsuperscript{1}Railway safety is within the matters reserved to the Secretary of State. (Scotland Act 1998 (c.46), Schedule 5, Head E)
Amendments nos. 10 to 13 are the product of discussions with BRB (Residuary) Limited (“BRB(R)”). In its objection to the Bill BRB (R) was concerned to secure that the statutory burdens it inherited on railway privatisation in relation to former operational railway assets (largely structures) would, so far as relating to the railway works and the functions of the authorised undertaker, be assumed by the authorised undertaker. It was contended that section 36(2) of the Bill failed to achieve this and in the Addendum to the BRB(R) objection alternative words were proposed. The Promoter and BRB (R) were in agreement as to the legislative intention behind section 36(2) and, on reconsidering the subsection, the Promoter agreed that it did not succeed in its purpose so far as BRB(R) was concerned. The wording proposed by BRB (R) was not appropriate as it stood because of the particular circumstances of this project, in particular the position of Network Rail in relation to the railway from Kincardine to Longannet. The Promoter has evolved the amendments now sought, which meet the case and are agreed by BRB (R) as making the provision it was seeking.

Telecommunications
14. Page 32, line 22, leave out <telecommunications operator> and insert <communications provider>
15. Page 33, line 2, leave out paragraph (a) and insert –
   <(a) public communications provider has the same meaning as in section 151(1) of the Communications Act 2003 (c.21);>

Purpose-
Amendments nos. 14 and 15 are consequential amendments on the passing of the Communications Act 2003 (c.21).

Promoter
16. Leave out section 27.
17. In section 29, page 15, line 18, after <given> insert <before or after the date on which this Act comes into force by Clackmannanshire Council or after that date>

Purpose-
Amendment no. 16:
Section 27 of the Bill provides in detail for the treatment of compensation payable in respect of mortgaged land. It alters the general law in this respect in accordance with precedents that have on occasion been included in Scottish Provisional Orders. On reconsidering the operation of this provision in practice the Promoter has concluded that it is preferable to leave the general law to apply unaltered. Amendment no. 16 therefore seeks the omission of this section.

Amendment no. 17:
The purpose of section 29(6) is to secure that any authorised undertaker will be subject to all relevant obligations or liabilities resulting from any undertaking or
agreement given as regards the authorised undertaker. The intention is to include anything done by Clackmannanshire Council as Promoter and undertakings or agreements after Royal Assent given by the Council or any other authorised undertaker. The amendment now sought clarifies that intention.

************************************

Balfour Street level crossing
17. In schedule 5, Part 2, page 24, after line 7 insert

| Clackmannanshire | Sheet 19 | Balfour Street level crossing, Alloa |

Amendment no. 17, when taken with section 9 of the Bill, provides for the closure of Balfour Street level crossing, Alloa. The Bill does not at present refer to this crossing in the list of private crossing closures because it had been thought that this was no longer a crossing of the railway to which rights of way attached. It having come to light that there are existing rights to use the crossing, it is necessary to amend the Bill so as to provide for the closure of a crossing that cannot be accommodated in the context of a modern railway.

The amendment is included in this paper for the sake of completeness. As the Committee knows, it is subject to advertisement and an objection period to allow objection from anyone adversely affected by the proposal.

JOHN KENNEDY & CO
Agents for the Promoter
22.3.04
MEMORANDUM ON BEHALF OF THE PROMOTER
for the Private Bill Committee

Omission of Section 27

1. The Committee has had evidence about the circumstances in which compensation is payable in respect of the depreciation in value of land. Section 27 of the Bill deals specifically with such compensation. It applies where the land in respect of which the compensation is paid is subject to a heritable security i.e. mortgaged.

2. In the normal course compensation for depreciation would be the subject of a claim by the landowner, to whom any compensation would be payable. Section 27(1)(b) enables a claim for compensation to be made by the heritable creditor i.e. the lender. This does not prevent the landowner making a claim but it brings the lender into the negotiations. By virtue of section 27(1)(c), the compensation, when agreed or determined, is payable to the lender.

3. The effect of section 27 is, therefore, that compensation for the depreciation in value of land will be applied to reduce the amount due under a heritable security. This will happen whether or not the landowner/borrower wants to reduce the amount owed to the lender.

4. Section 99 of the Lands Clauses Consolidation (Scotland) Act 1845 enables an acquiring authority to redeem mortgages. Section 103 of the 1845 Act also allows for compensation for the acquisition of land to be negotiated with, and paid to, a lender. Section 103 only applies (a) to compensation for the land itself and (b) where there has been a compulsory purchase of part of land such as to reduce the value of the remainder below what is required to secure the outstanding mortgage. By contrast, section 27 would apply only in relation to compensation for depreciation and whether or not it prejudiced the lender's security.

5. Under the normal rules compensation for depreciation would be negotiated with, and paid to, the landowner without reference to any lender. There would be no question of the authorised undertaker paying the compensation to a lender because section 103 of the 1845 Act has no application to compensation for depreciation. On reflection, Promoter sees no reason to depart from this general position.

6. Further, the Promoter does not believe that the Bill proposals could result in depreciation such as to reduce the value of mortgaged land so as to prejudice
any security. Even if it did, the Promoter does not wish the authorised undertaker to be placed in the position of effectively forcing landowners to pay off mortgages when they do not want to do so. The Promoter considers that any compensation payable in respect of the depreciation in land should be paid to landowners, in accordance with the normal rules, leaving the landowner to use the compensation as he or she sees fit.

JOHN KENNEDY & CO
29.03.04