

Stirling-Alloa-Kincardine Railway And Linked Improvements



A guide to noise and vibration

Introduction

This leaflet is being distributed by the Stirling–Alloa–Kincardine railway project. It tells you about:

- the procedures for measuring possible noise and vibration caused by trains running close to houses;
- who might be eligible to claim compensation;
- insulation for houses and noise barriers along the track;
- where you can get more information.

Clackmannanshire Council will be measuring levels of noise. Network Rail is the railway operator and will deal with any claims.

Your questions answered.

Q: How and when are noise levels going to be measured?

A: Once operational services commence on the route (from 19th May 2008) Clackmannanshire Council will measure actual noise levels at a number of locations along the route.

Measurements will be taken at the properties specifically mentioned in the project Environmental Statement as potentially being eligible for noise insulation and also at other representative locations along the route, for example at level crossings, in cuttings and on embankments. Permission will be sought from property owners to take measurements at the façade of their house. This will allow the impact of noise on local residents to be properly



measured. Measurements will be taken over a two to three day period in order that accurate data is obtained. The equipment used will record the background noise level as well as those of passing trains in order that the increase in noise due to the railway can be properly determined.

These measurements have to be undertaken when passenger and freight services are running on the railway in order to obtain the noise levels which will be experienced by residents in future. If measurements were taken during the driver training period, they would not be representative of the noise experienced in future. As an example, the driver training for passenger trains is intensive between 10am and 5pm with no services outwith this or at weekends. The actual passenger timetable operates for seven days per week with one train per hour in each direction but from just after 6am to 11pm.

By taking noise measurements over a two to three day period at each location, we will also be able to accurately predict the effects on noise levels of an increase in rail traffic. As an example, during the summer demand for electricity is less so generally there will be fewer freight trains on the route than in winter. If during the period of noise measurement only five trains per day actually run we will be able to use the information recorded to accurately predict the noise levels of a 12 train per day timetable.

We will undertake the measurement of noise levels when trains start running frequently on the SAK railway. We hope that by the end of summer 2008 the noise measurements along the route will be complete and we will be able to identify any properties which could experience noise levels to justify provision of noise insulation. We will also be able to identify the increase in noise levels experienced at properties along the route. We will then use this information to decide if other works need to be done in order to reduce the impact of noise.

Q: Am I entitled to compensation for noise and vibration?

A: Under the Land and Compensation (Scotland) Act 1973, if you can demonstrate financial loss because of the re-opened railway, you may be entitled to claim compensation.

In order to qualify for compensation, you must prove that a reduction in the value of your home was caused by noise or vibration from the railway. To do this, you will need to provide a valuation from a surveyor which shows the value of your home before the railway was reopened and the value after the railway has been operational for a year.

Q: Does where I live make a difference to the chance of success of my claim?

A: Possibly. The railway between Longannet and Kincardine and between Stirling and Cambus belongs to Network Rail and has never officially been closed.

This means these sections of railway remain classified as operational irrespective of their actual condition or to the extent to which they have been used in recent times. This may make claims for compensation due to noise and vibration more difficult to prove.

The corridor of land used to reopen the railway has been safeguarded in the Council's local plan since 1986.

Q: What is the time limit for making a claim?

A: Although you can submit a claim at any time, no claims can be assessed until at least one year after the railway has become operational; that is, open to use by the public.

The earliest a claim can therefore be assessed will be 19th May 2009. This is a legal rule. The deadline for claims for compensation is seven years after operational services commence on the railway. This means claims will only be considered as valid if submitted before 19th May 2015. The cut off point is a legal rule.

Q: Who should I submit the claim to?

A: Claims for compensation should be submitted to Network Rail, the operator of the railway.

The contact address is: Corporate Affairs, Network Rail,
Buchanan House,
58 Port Dundas Road,
Glasgow, G4 0LQ.

Claims should not be submitted to Clackmannanshire Council. It is Network Rail as the operator of the railway who is legally responsible for reviewing Claims. The Council is not involved in the operation of the railway.

Q: Am I entitled to double glazing or air conditioning?

A: Clackmannanshire Council and Transport Scotland have agreed to provide noise insulation on the same basis as in the Noise Insulation (Railways and Other Guided Systems) Regulations 1996 which apply in England & Wales.

Under these regulations buildings should be either provided with insulation against noise or a grant should be paid for works to be carried out to. You are entitled to claim for this if your home meets the following specific criteria:

1. The noise level at your home must exceed the defined threshold levels (68 dBA Leq18h during the daytime or 63 dBA Leq6h during the night time);
2. The noise has increased (by at least 1.0 dB(A)) due to the railway traffic;
3. Your home is within 300m of the railway; and
4. Your home was occupied before the railway was built (not necessarily by you). So if your house was built after the railway was built you will not be entitled to make a claim.



Noise levels are measured 1 metre from the outside of a living room or bedroom window. If the above criteria are met, insulation can take the form of secondary glazing, supplementary ventilation, and where applicable, venetian blinds and double or insulated doors. The insulation measures will depend upon what is reasonably required for each individual property.

If your home meets the noise and distance rules referred to above, noise insulation will only be provided for certain rooms. In order to qualify a room must be a living room or a bedroom which has one or more walls with windows or doors facing the railway which are exposed to noise at or above the specified level. "Living room" includes a dining room, a study or a bed-sitter.

Q: How can I be considered for this?

A: Once trains start running frequently, Clackmannanshire Council will undertake measurements of actual noise levels at a number of representative locations along the route of the railway.

The key locations will be where it appears to the Council that criteria that are set out above may be met and will include the properties identified in the project Environmental Statement as potentially qualifying for noise insulation. If you agree to have a survey undertaken on your property we will need to enter your home and garden to test noise levels. This will not damage your property in any way. After the survey we will let you know the noise levels at your property and how existing noise levels have changed because of the operation of the railway.

By the end of the summer the actual noise measurements will have been completed and checked. The information will be used to identify all properties along the route which may qualify for noise insulation. We will then write to the occupier (or in certain circumstances the landlord) of every building eligible for insulation. We will make an offer to carry out insulation work or make money available. The amount of the grant will be equal to the actual costs of carrying out the insulation works to a certain specification.

If you do not receive a letter offering a survey but feel you are entitled to insulation then please contact us.

If you receive a letter you have six months to accept the offer on the form provided. You can accept the offer to carry out insulation work on one, some or all of the rooms listed, or the offer of a grant, or insulation work on one room and a grant in respect of others.

We will then contact you to arrange for the works to be carried out.

If you accept a grant you must complete the work to the specification agreed with us within 12 months. If you undertake the work yourself you will not be able to claim for the cost of your own labour. Once you or your contractors have completed the work we will inspect it and so long as the work has been completed in accordance with the agreed specification we will make a payment up to the agreed limit.



Q: Why have the noise barriers listed in the Environmental Statement not been provided?

A: The Environmental Statement which supported the Parliamentary Bill granting the powers to reopen the railway showed that 7km of the route might benefit from the provision of noise barriers.

This assessment did not take the topography (ground levels) along the route into account. Nor did it take account of the type of trains that will run on the route. Both of these factors are important when assessing the impact of noise and vibration.

More detailed assessments have been undertaken during the construction phase of the project.

For a noise barrier to provide any benefit from freight trains it must be four metres high, above the level of the track. This is because the main noise source for a freight train is the engine exhaust. Where the railway runs on embankment, that is the track is raised above the surrounding ground level, the noise barriers would have to be even higher.

Noise barriers of such size pose the following problems:

Safety: On curves, noise barriers can compromise line of sight ahead for train drivers and maintenance staff working on the track and therefore may have to be ruled out for safety reasons.

Visual Impact: In semi-rural locations like Clackmannanshire, the visual intrusiveness of noise barriers may create a worse environmental impact than the benefit they bring in reducing noise. This is because the height of the barriers may block attractive views and/or natural light.

Crime: In built up areas, such as near stations, noise barriers can create areas where anti social or criminal activity can be hidden from view. Noise barriers also attract graffiti.

Because they are responsible for dealing with public funds, Clackmannanshire Council and Transport Scotland must also take into account the cost of providing noise barriers against the level of benefit achieved in terms of number of properties affected and the degree of noise reduction they provide. If the benefits do not justify the costs because the barriers will not be effective, then noise barriers will not be provided.

Q: Are any noise barriers being provided?

A: Our current assessment is that it is unlikely that any of the properties along the route will benefit from providing noise barriers because of the reasons given above.

Along most of the route, the topography of the surrounding land makes providing noise barriers either unnecessary or impracticable. Where barriers could be effective a four metre high wall is likely to lead to more in the way of negative visual impact than it will deliver in terms of reducing noise and will not be cost effective for the benefits it will bring. A standard two metre high barrier will not provide any reduction in noise against the exhaust noise of freight trains running on the reopened railway.

The railway has been specifically designed to keep noise and vibration impacts to a minimum. The track has been laid on extra deep ballast and continuously welded rail is used throughout the route. The railway has been designed to minimise future maintenance and an access point for maintenance staff is provided on average every 1,100 metres. Much of the equipment is contained within specialist buildings and can be inspected during the day. This means access to the track for maintenance purposes during the night (when trains are not running) can be kept to a minimum and should be limited to short periods of time. Modern trains will be used on the railway and the timetable has been developed to minimise early morning and late evening services.

However, Clackmannanshire Council will measure actual noise levels generated once trains start running frequently. We expect this to be in the summer of 2008. This information will be used to re-check the theoretical analysis. We may find that whilst full scale noise barriers do not provide the correct solution, installing close boarded fencing on the boundary between residents properties and the railway is effective. A final decision on what should be provided in certain locations will therefore be taken based on the measurements of actual noise levels experienced.

Q: What about vibration?

A: We do not believe vibration will be an issue on the reopened railway because modern trains will use the route and it has been constructed with continuously welded track sitting on an extra deep layer of ballast.

During the consultation phase of the project, condition surveys were undertaken at 189 properties along the route of the railway. During the first year of operation, all recipients of the survey will be contacted and a follow up survey offered. This will check for any deterioration in the structure of the property as a result of the construction works and operation of the railway. If these surveys detect any impact of vibration caused by operation of the railway, we will undertake further checks at neighbouring properties and work to repair any damage and remove the source of the vibration.

Q: What is my legal position?

A: There are no statutory requirements to control noise from railways in Scotland. This is unlike the situation for new railways in England and Wales.

However, Clackmannanshire Council as the Promoter of the project is required and wants to act responsibly. Accordingly, the Council will apply the Noise Insulation (Railways and Other Guided Systems) Regulations 1996 as if they were in force in Scotland.



The Council will also undertake works to reduce the impact of noise and vibration wherever it is reasonably practicable to do so, but there will be cases where there are practical limitations as to what can be achieved. As an example, significant sums of money have been expended already to reduce the sources of noise and vibration from the railway, rather than the more visible shielding provided by noise barriers.

Where an individual feels they have incurred a direct financial loss as a result of noise and vibration from the operation of the railway, a claim for compensation can be submitted to the operator of the railway under the Land & Compensation (Scotland) Act 1973. The operator of the railway is Network Rail.

Q: How can I get further information?

A: If, having read this leaflet, you are still unclear about the statutory process and require further explanation, or simply wish to discuss any particular aspect in more detail, please get call the Project Community Helpline on 0141 229 7648 or email info@s-a-k.co.uk

Disclaimer

The law and procedures relating to noise and vibration are complex. Out of necessity the information set out in this leaflet is a simplification and cannot cover every circumstance that may arise. This leaflet is not intended to be a guide to the law and carries no legal force. If your property is, or seems likely to be, affected by the SAK Project, you should seek advice from a professionally qualified person such as a surveyor or a solicitor. Further information can be found at the Communities and Local Government website www.communities.gov.uk/publications/planningandbuilding/compulsorypurchase.

The Royal Institution of Chartered Surveyors operates a Compulsory Purchase Helpline which can be contacted on 0870 333 1600.



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