BEDFORD, Karen

From: Acton Parish Council Clerk <clerk.actonpc@googlemail.com>
Sent: 15-Apr-2019 07:12
To: BEDFORD, Karen
Subject: Fwd: Acton, Edleston and Henhull Parish Neighbourhood Development Plan

Sent from myMail for iOS

From:
To: clerk.actonpc@googlemail.com <clerk.actonpc@googlemail.com>
Date: Wednesday, 3 April 2019, 14:02 +0100
Subject: Acton, Edleston and Henhull Parish Neighbourhood Development Plan

Dear Sir or Madam,

Acton, Edleston and Henhull Parish Neighbourhood Development Plan

Thank you for consulting us on the Acton, Edleston and Henhul Parish Neighbourhood Development Plan. This email forms the basis of our response.

Network Rail is a statutory undertaker responsible for maintaining and operating the country's railway infrastructure and associated estate. Network Rail owns, operates, maintains and develops the main rail network. This includes the railway tracks, stations, signalling systems, bridges, tunnels, level crossings and viaducts. The preparation of development plan policy is important in relation to the protection and enhancement of Network Rail's infrastructure.

Having reviewed your consultation as part of the Neighbourhood Planning (General) Regulations 2012 (Regulation 14), Network Rail have no objection to the proposed policies. We would however provide the following standing advice that should be considered as part of the development of the Neighbourhood Plan.

As Network Rail is a publicly funded organisation with a regulated remit it would not be reasonable to require Network Rail to fund rail improvements necessitated by commercial development. It is therefore appropriate to require developer contributions to fund such improvements.

Development next to the railway

Network Rail supports the requirement for an acoustic assessment to ensure noise levels are acceptable for future residents. The following should also be considered during the master plan of the site: -

- If not already in place, the Developer must provide, at their own expense, a suitable trespass proof steel palisade fence of at least 1.8m in height adjacent to Network Rail's boundary and make provision for its future maintenance and renewal without encroachment upon or over-sailing of Network Rail land.
- Soakaways, as a means of storm/surface water disposal must not be constructed near/within 5 metres of Network Rail's boundary or at any point which could adversely affect the stability of Network Rail's property. Storm/surface water must not be discharged onto Network Rail's property or into Network Rail's culverts or drains. Suitable drainage or other works must be provided and maintained by the Developer to prevent surface water flows or run-off onto Network Rail's property.
- Where trees/shrubs are to be planted adjacent to the railway boundary these shrubs should be positioned at a minimum distance greater than their predicted mature height from the boundary. Certain broad leaf deciduous species should not be planted adjacent to the railway boundary as the species will contribute to leaf fall which will have a detrimental effect on the safety and operation of the railway.

Level Crossings

Any development of land which would result in a material increase or significant change in the character of traffic using a rail crossings should be refused unless, in consultation with Network Rail, it can either be demonstrated that the safety will not be compromised, or where safety is compromised serious mitigation measures would be incorporated to prevent any increased safety risk as a requirement of any permission.

There are three Level Crossings in the plan area: -

1. Green Lane– SYC 4 miles 74 chains Shrewsbury and Crewe Railway Line
2. Fields Farm –SYC 4 miles 57 Chains Shrewsbury and Crewe Railway Line
3. Nantwich Distant- SYC 5 Miles 25 Chains Shrewsbury and Crewe Railway Line

Network Rail has a strong policy to guide and improve its management of level crossings, which aims to; reduce risk at level crossings, reduce the number and types of level crossings, ensure level crossings are fit for purpose, ensure Network Rail works with users / stakeholders and supports enforcement initiatives. Without significant consultation with Network Rail and if proved as required, approved mitigation measures, Network Rail would be extremely concerned if any future development impacts on the safety and operation of any of the level crossings listed above. The safety of the operational railway and of those crossing it is of the highest importance to Network Rail.

Level crossings can be impacted in a variety of ways by planning proposals:

- By a proposal being directly next to a level crossing

- By the cumulative effect of development added over time
- By the type of crossing involved
- By the construction of large developments (commercial and residential) where road access to and from site includes a level crossing
- By developments that might impede pedestrians ability to hear approaching trains
- By proposals that may interfere with pedestrian and vehicle users' ability to see level crossing warning signs
- By any developments for schools, colleges or nurseries where minors in numbers may be using a level crossing
- By any development or enhancement of the public rights of way

is Network Rail's and indeed the Office of Rail Regulation's (ORR) policy to reduce risk at level crossings not to increase risk as could be the case with an increase in usage at the three level crossings in question. The Office of Rail Regulators, in their policy, hold Network Rail accountable under the Management of Health and Safety at Work Regulations 1999, and that risk control should, where practicable, be achieved through the elimination of level crossings in favour of bridges or diversions.

The Council have a statutory responsibility under planning legislation to consult the statutory rail undertaker where a proposal for development is likely to result in a material increase in the rail volume or a material change in the character of traffic using a level crossing over a railway:-

- (Schedule 5 (f)(ii) of the Town & Country Planning (Development Management Procedure) order, 2010) to requires that where a proposed development is likely to result in a material increase in the volume " a material change in the character of traffic using a level crossing over the railway (public footpath, public or private road) the Planning Authority's Highway Engineer must submit details to both Her Majesty's Railway Inspectorate and Network Rail for separate approval".

We would appreciate the Council's providing Network Rail with an opportunity to comment on any future planning policy documents. We look forward to continuing to work with you to maintain consistency between local and rail network planning strategy.

We trust these comments will be considered in your preparation of the forthcoming Plan documents.

Yours faithfully,

Town Planner Western and Wales
Network Rail

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