

Dear Sir or Madam,

Thank you for consulting us on the Malvern Town Neighbourhood 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.

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.

Level Crossings

There are several level crossings in the plan area.

- Newlands Level Crossing at Stocks Lane – Manual Controlled Barriers (although this crossing is just outside the plan area it still could be impacted by any nearby development within the plan area.
- Lower Howsell – Footpath Crossing
- Jamaica Road – Footpath Crossing

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.

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**

We support Policy MI1: Development and Infrastructure which requires developers to contribute towards the provision of appropriate infrastructure.

It 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 or 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".

Network Rail supports Policy MT3: Malvern Link Rail Station Opportunity Area which aims to improve parking provision at Malvern Link station.

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, Lisa Bullock



Lisa Bullock MRTPI

Town Planner (Western and Wales) | Property Network Rail
1st Floor | Temple Point | Redcliffe Way | Bristol | BS1 6NL

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www.networkrail.co.uk/property