

From: Morgan Barbara
Sent: 24 February 2017 12:14
To: Development Plans
Subject: Kempsey Neighbourhood Plan - Regulation 16 consultation

Dear Sir/Madam

Network Rail has been consulted on the Kempsey Neighbourhood Development Plan. Thank you for providing us with this opportunity to comment on this Planning Policy document.

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. In this regard, please find our comments below.

Network Rail would draw the council's attention to the following (which applies to England only):
The Town and Country Planning (Development Management Procedure) (England) Order 2015 Publicity for applications for planning permission within 10 metres of relevant railway land 16.—(1) This article applies where the development to which the application relates is situated within 10 metres of relevant railway land.
(2) The local planning authority must, except where paragraph (3) applies, publicise an application for planning permission by serving requisite notice on any infrastructure manager of relevant railway land.
(3) Where an infrastructure manager has instructed the local planning authority in writing that they do not require notification in relation to a particular description of development, type of building operation or in relation to specified sites or geographical areas ("the instruction"), the local planning authority is not required to notify that infrastructure manager.
(4) The infrastructure manager may withdraw the instruction at any time by notifying the local planning authority in writing.
(5) In paragraph (2) "requisite notice" means a notice in the appropriate form as set out in Schedule 3 or in a form substantially to the same effect.

Level Crossings

Development proposals' affecting the safety of level crossings is an extremely important consideration for emerging planning policy to address. The impact from development can result in a significant increase in the vehicular and/or pedestrian traffic utilising a crossing which in turn impacts upon safety and service provision.

As a result of increased patronage, Network Rail could be forced to reduce train line speed in direct correlation to the increase in vehicular and pedestrian traffic using a crossing. This would have severe consequences for the timetabling of trains and would also effectively frustrate any future train service improvements. This would be in direct conflict with strategic and government aims of improving rail services.

In this regard, we would request that the potential impacts from development affecting Network Rail's level crossings, is specifically addressed through planning policy as there have been instances whereby Network Rail has not been consulted as statutory undertaker where a proposal has impacted on a level crossing. We request that a policy is provided confirming that:

- 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 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 requires that... "Where any proposed development is likely to result in a material increase in volume or a material change in the character of traffic using a level crossing over a 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".

- Any planning application which may increase the level of pedestrian and/or vehicular usage at a level crossing should be supported by a full Transport Assessment assessing such impact:
and
- The developer is required to fund any required qualitative improvements to the level crossing as a direct result of the development proposed.

Planning Applications

We would appreciate the Council providing Network Rail with an opportunity to comment on any future planning applications should they be submitted for sites adjoining the railway, or within close proximity to the railway as we may have more specific comments to make (further to those above).

We trust these comments will be considered in your preparation of the forthcoming Neighbourhood Development Plan document.

Regards,

Barbara Morgan

Town Planning Technician (Western & Wales)