

DPD

From: Morgan Barbara
Sent: 13 July 2016 15:26
To: DPD
Subject: Statement of Community Involvement (SCI)

Follow Up Flag: Follow up
Flag Status: Completed

Dear Sir/Madam

Network Rail has been consulted by Mid Devon District Council on the Statement of Community Involvement (SCI). 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.

Wind Turbines

Developers of turbines must consider shadow flicker and its effect upon railway infrastructure. Network Rail would request that developers must consider when constructing wind turbines or wind farms the likely effect upon the railway, particularly where safety is critical. There may be a minimal risk to driver's vision (how they perceive signalling, the route ahead, stopping in the case of emergency etc) which may be impacted by a wind turbine(s).

Network Rail utilises radio/signalling equipment and we would not want to see this interfered with by wind farms/wind turbines, particularly as it is safety critical and absolutely integral to the operation of the railway.

There is some concern that vibration from turbines can affect ground conditions; with the possible issue here being embankments and potential instability, in which case Network Rail would raise an objection to any applications for turbines close enough to the railway to create these issues and would wish consultation on a possible repositioning. The construction of the towers, heavy blades, gearbox and generator as well as guy lines to hold the tower in place put strain on the ground at the base of the structure.

Many wind turbines are now a minimum of a 45 metre long tall tower with concomitant long blades, as such it may be necessary for the developer of any proposal for a wind turbine or turbines to gain consent from Network Rail's Structures Engineers and Level Crossing Managers to gain permission to cross Network Rail infrastructure in particular over a Network Rail bridge prior to construction on site. Consent may be needed as bridges have a maximum load and a wind turbine(s) plus blades and vehicle transporting said equipment may be over the limit for that bridge.

Network Rail should be consulted on applications for wind turbine(s) as standard, and this should be added to the council's policy. We would also request the policy to require applicants to engage in pre-application consultation with the Network Rail Asset Protection Team to determine if a proposed wind turbine(s) / wind farm(s) impacts upon Network Rail land and the safety, integrity and operation of the railway and its infrastructure for the reasons as stated above.

At this stage the construction and usage of wind turbine(s) is relatively rare, but Network Rail Town Planning has seen an increase in applications and it is highly probable that the numbers of developments with wind turbine(s) will increase as the drive toward sustainable, renewable, carbon neutral energy production increases.

Solar Array

Any proposed installation of Solar Panels adjacent to the railway should consider the following point at design stage to eliminate any risk to railway operations; the provision of any reflective material used in the solar collecting equipment should not interfere with the line of sight of train drivers and the potential for glare or reflection of light from the panels that may impact upon signalling must be eliminated.

Mid Devon District Council should be made aware that any proposed Wind Turbine scheme or Solar Farms that include as part of the remit the installation of cables under the railway to facilitate any works on site or any method of electricity transmission would invariably be objected to as this would necessitate works that could damage or undermine the safety, operation and integrity of the railway. Any proposal for a wind turbine or solar farm that necessitated any cabling/high tension lines over the railway would also be objected too pending negotiation/consents/agreements with our National Business Team.

Network Rail would wish to see our comments as above included in council documentation in connection with wind turbine(s) and solar farms highlighted to developers for consideration and action.

Developer Contributions

The Statement of Community Involvement should set a strategic context requiring developer contributions towards rail infrastructure where growth areas or significant housing allocations are identified close to existing rail infrastructure.

Many stations and routes are already operating close to capacity and a significant increase in patronage may create the need for upgrades to the existing infrastructure including improved signalling, passing loops, car parking, improved access arrangements or platform extensions.

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.

Specifically, we request that a Policy is included within the document which requires developers to fund any qualitative improvements required in relation to existing facilities and infrastructure as a direct result of increased patronage resulting from new development.

The likely impact and level of improvements required will be specific to each station and each development meaning standard charges and formulae may not be appropriate. Therefore in order to fully assess the potential impacts, and the level of developer contribution required, it is essential that where a Transport Assessment is submitted in support of a planning application that this quantifies in detail the likely impact on the rail network.

To ensure that developer contributions can deliver appropriate improvements to the rail network we would recommend that Developer Contributions should include provisions for rail and should include the following:

- A requirement for development contributions to deliver improvements to the rail network where appropriate.
- A requirement for Transport Assessments to take cognisance of impacts to existing rail infrastructure to allow any necessary developer contributions towards rail to be calculated.
- A commitment to consult Network Rail where development may impact on the rail network and may require rail infrastructure improvements. In order to be reasonable these improvements would be restricted to a local level and would be necessary to make the development acceptable. We would not seek contributions towards major enhancement projects which are already programmed as part of Network Rail's remit.

Planning Applications

We would appreciate Mid Devon District 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 and Wales)
1st Floor, Temple Point
Redcliffe Way, Bristol BS1 6NL

www.networkrail.co.uk/property

The content of this email (and any attachment) is confidential. It may also be legally privileged or otherwise protected from disclosure.

This email should not be used by anyone who is not an original intended recipient, nor may it be copied or disclosed to anyone who is not an original intended recipient.

If you have received this email by mistake please notify us by emailing the sender, and then delete the email and any copies from your system.

Liability cannot be accepted for statements made which are clearly the sender's own and not made on behalf of Network Rail.

Network Rail Infrastructure Limited registered in England and Wales No. 2904587, registered office
Network Rail, 2nd Floor, One Eversholt Street, London, NW1 2DN

