

Eden Lazonby Neighbourhood Plan Pre-Submission Draft

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As you are aware Network Rail is a statutory consultee for any planning applications within 10 metres of relevant railway land (as the Rail Infrastructure Managers for the railway, set out in Article 16 of the Development Management Procedure Order) and for any development 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 (as the Rail Network Operators, set out in Schedule 4 (J) of the Development Management Procedure Order); in addition you are required to consult the Office of Rail and Road (ORR).

As can be seen from the neighbourhood map, the railway runs through the plan area, there is also Lazonby Tunnel, Lazonby Railway Station and to the south Eden Lacy Level Crossing.

(1)

Within Transport Assessments there is a review of local needs regarding public transport; this usually focuses on buses. However, Transport Assessments should also take into account their impact upon footfall at railway stations. Developers are encouraged to consider including within Transport Assessments trip generation data at Railway Stations. Location of proposals, accessibility and density of developments should be considered in relation to railway stations, in this case, Lazonby Railway Station. Where proposals are likely to increase footfall at railway stations developer contributions should be considered (either via CIL, S106 or unilateral undertaking) to provide full funding for enhancements at stations as a result of increased numbers of customers.

(2)

Eden Lacy Level Crossing

Development proposals should be accompanied by a TS/TA which includes consideration of the impact of proposals upon level crossing(s) with mitigation implemented as required. Network Rail would encourage the council to adopt specific policy wording to ensure that

- a) The impact of proposed new development (including cumulative impact) on the risk at existing level crossings is assessed by the developer(s), and
- b) suitable mitigation incorporated within the development proposals and fully funded by the developer(s). TS/TAs should be undertaken in conjunction with the local highways authority with advice from Network Rail.

There is a duty to consult Network Rail as follows on the matter of level crossings.

*The Town and Country Planning (Development Management Procedure) (England) Order 2015
SCHEDULE 4 Consultations before the grant of permission*

Development which is likely to result in a material increase in the volume or material change in the character of traffic using a level crossing over a railway.

The operator of the network which includes or consists of the railway in question, and the Secretary of State for Transport.

The neighbourhood plan team are advised that 'traffic' over a level crossing can be vehicular, pedestrian, cyclists or horse-riders and that proposals do not have to be adjacent to a level crossing to potentially impact the crossing.

Councils are urged to take the view that 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 developments added over time in the vicinity of a level crossing
- By the type of level crossing involved e.g. where pedestrians only are allowed to use the level crossing, but a proposal involves allowing cyclists to use the route
- By the construction of large developments (commercial and residential) where road access to and from the site includes a level crossing or the level / type of use of a level crossing increases as a result of diverted traffic or of a new highway

- By developments that might impede pedestrians ability to hear approaching trains at a level crossing, e.g. new airports or new runways / highways / roads
- 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 the level crossing
- By any proposal that may cause blocking back across the level crossing
- By any proposal which may see a level crossing impacted by the introduction of cycling or walking routes

(3)

Guidance for future in regards to tunnels is attached.

(4)

Developments in the neighbourhood area should be notified to Network Rail to ensure that:

- (a) Access points / rights of way belonging to Network Rail are not impacted by developments within the area.
- (b) That any proposal does not impact upon the railway infrastructure / Network Rail land e.g.
 - Drainage works / water features
 - Encroachment of land or air-space
 - Excavation works
 - Siting of structures/buildings less than 2m from the Network Rail boundary / Party Wall Act issues
 - Lighting impacting upon train drivers ability to perceive signals
 - Landscaping that could impact upon overhead lines or Network Rail boundary treatments
 - Any piling works
 - Any scaffolding works
 - Any public open spaces and proposals where minors and young children may be likely to use a site which could result in trespass upon the railway (which we would remind the council is a criminal offence under s55 British Transport Commission Act 1949)
 - Any use of crane or plant
 - Any fencing works
 - Any demolition works
 - Any hard standing areas

For any proposal adjacent to the railway, Network Rail would request that a developer constructs (at their own expense) a suitable steel palisade trespass proof fence of at least 1.8m in height.

All initial proposals and plans should be flagged up to the Network Rail Town Planning Team London North Western Route at the following address:

Town Planning Team LNW
 Network Rail
 1st Floor
 Square One
 4 Travis Street
 Manchester
 M1 2NY

Email: TownPlanningLNW@networkrail.co.uk

Regards

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