

[REDACTED] on behalf of Town Planning NWC

Sent: 06 February 2024 14:26
To: Planning Policy CCDC
Subject: Cannock Chase Local Plan Consultation

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OFFICIAL

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).

Network Rail is also a statutory undertaker responsible for maintaining and operating the railway infrastructure and associated estate. It owns, operates and develops the main rail network. Network Rail aims to protect and enhance the railway infrastructure, therefore any proposed development which is in close proximity to the railway line or could potentially affect Network Rail's specific land interests will need to be carefully considered.

Network Rail has the following comments on the policy.

(1) Developer Contributions

Network Rail seeks to support economic growth and connectivity, through targeting investment across the network. The LPA's strategy for Developer Contributions should identify infrastructure needs in relation to the rail network, recognising opportunities for targeted investment.

This is consistent with the guidance set out in the National Planning Policy Framework, which states:

104. Transport issues should be considered from the earliest stages of plan-making and development proposals, so that:

a) the potential impacts of development on transport networks can be addressed;

- b) opportunities from existing or proposed transport infrastructure, and changing transport technology and usage, are realised – for example in relation to the scale, location or density of development that can be accommodated;*
- c) opportunities to promote walking, cycling and public transport use are identified and pursued;*
- d) the environmental impacts of traffic and transport infrastructure can be identified, assessed and taken into account – including appropriate opportunities for avoiding and mitigating any adverse effects, and for net environmental gains; and*
- e) patterns of movement, streets, parking and other transport considerations are integral to the design of schemes, and contribute to making high quality places.*

106. Planning policies should (inter alia):

- b) be prepared with the active involvement of local highways authorities, other transport infrastructure providers and operators and neighbouring councils, so that strategies and investments for supporting sustainable transport and development patterns are aligned;*
- c) identify and protect, where there is robust evidence, sites and routes which could be critical in developing infrastructure to widen transport choice and realise opportunities for large scale development;*
- e) provide for any large scale transport facilities that need to be located in the area, and the infrastructure and wider development required to support their operation, expansion and contribution to the wider economy. In doing so they should take into account whether such development is likely to be a nationally significant infrastructure project and any relevant national policy statements;*

Network Rail is happy to work collaboratively with the LPA to identify opportunities for investment, including identification of headline costs and how Developer Contributions should be harnessed to enable schemes' delivery.

(2) Level Crossings

Councils are urged to take the view that level crossings can be impacted in a variety of ways by development proposals:

- (a) By a proposal being directly next to a level crossing
- (b) By the cumulative effect of developments added over time
- (c) 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
- (d) 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
- (e) By developments that might impede pedestrians ability to hear approaching trains at a level crossing, e.g. new airports or new runways / highways / roads
- (f) By proposals that may interfere with pedestrian and vehicle users' ability to see level crossing warning signs

- (g) By any developments for schools, colleges or nurseries where minors in numbers may be using the level crossing
- (h) By proposals that change the demographic of users – from say occasional agricultural usage to (but not limited to) increased usage by minors, dog walkers, the elderly, cyclists and mountain bikers, pedestrian using smart-phones, with ear-phones with little or no appreciation of the risks from approaching trains at footpath level crossings.

Level crossings are Network Rail’s greatest source of risk to members of the public. We have adopted a policy that, wherever possible, we will close level crossings.

It is Network Rail’s and indeed the Office of Rail Regulation policy to reduce risk at level crossings not to increase risk as would be the case with an increase in usage at the two 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.

Therefore:

1. That any proposal going forwards includes a transport assessment (TA) which should include a section on the impact of increased users (both vehicular or pedestrian) at any level crossings within the area, or which may be impacted by diversionary routes or new highways leading to or from the developments.
2. Where a proposal is determined by Network Rail to increase the type and volume of user at a level crossing, Network Rail would seek closure of that crossing via s257 of the T&CPA via the developer (including a condition in any planning consent).
3. The developer and the council agree that the level crossing(s) is / are closed / any risk mitigation completed before the dwellings are inhabited.

(3) Sustainable Drainage Proposals

Climate change and weather resilience is also a key focus for Network Rail. Land use and its intensification is a contributory factor in the impacts of climate change and our ability to be resilient as a result of the increasingly volatile weather patterns we are seeing. Land management policy and draining of land infrastructure and properties and development within urban areas with insufficient drainage solutions or water management means the negative impact on our infrastructure. There are going to be issues in terms of the unpredictability of climate change and the likelihood that storm incidents will increase, possibly rendering existing modelling insufficient; long-term maintenance of outside party assets which indirectly affect us; and trends like the removal of gardens for impermeable car parking surfacing which adds to run-off.

Therefore, the impacts of climate change on the existing operational railway should also be a factor in any surface water drainage proposal.

We ask that all surface and foul water drainage from development areas are directed away from Network Rail’s retained land and structures into suitable drainage systems, the details of which are to be approved by Network Rail before construction starts on site.

Water must not be caused to pond on or near railway land either during or after any construction-related activity and as a permanent arrangement.

The construction of soakaways for storm or surface water drainage should not take place within 30m of the Network Rail boundary. Any new drains are to be constructed and maintained so as not to have any adverse effect upon the stability of any Network Rail equipment, structure, cutting or embankment.

The construction of soakaways within any Network Rail lease area is not permitted.

The construction of surface water retention ponds/tanks, SuDS or flow control systems should not take place within 30m of the Network Rail boundary where these systems are proposed to be below existing track level. Full overland flow conditions should be submitted to Network Rail for approval prior to any works on site commencing.

If a Network Rail-owned underline structure (such as a culvert, pipe or drain) is intended to act as a means of conveying surface water within or away from the development, then all parties must work together to ensure that the structure is fit for purpose and able to take the proposed flows without risk to the safety of the railway or the surrounding land. Usage of any Network Rail culverts are to be agreed with Network Rail. It must not be assumed that Network Rail will grant any access to its drainage to outside parties.

Wayleaves and or easements for underline drainage assets

The position of any underline drainage asset shall not be within 5m of drainage assets, sensitive operational equipment such as switches and crossings, track joints, welds, overhead line stanchions and line side equipment, and not within 15m of bridges, culverts, retaining walls and other structures supporting railway live loading.

Protection of existing railway drainage assets within a clearance area

There are likely to be existing railway drainage assets in the vicinity of proposed works. Please proceed with caution. No connection of drainage shall be made to these assets without Network Rail's prior consent to detailed proposals. Any works within 5m of the assets will require prior consent. There must be no interfering with existing drainage assets/systems without Network Rail's written permission. The developer is asked to ascertain with Network Rail the existence of any existing railway drainage assets or systems in the vicinity of the development area before work starts on site. Please contact Network Rail Asset Protection for further information and assistance.

Before the submission of a planning application outside parties are to submit details drainage proposal details to Network Rail – it is advised that agreement to development drainage to agreed prior to submission of plans to determine any impacts of the proposal and to ensure that the developer includes and funds any mitigation measures as required by Network Rail. The applicant is liable for all costs incurred by Network Rail in facilitating the proposal.

(4) Impacts of proposals on existing railway stations

Where growth areas or significant housing allocations are identified close to existing rail infrastructure it is essential that the potential impacts of this are assessed. 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 or CIL contributions to fund such railway improvements; it would also be appropriate to require contributions towards rail infrastructure where they are directly required as a result of the proposed development and where the acceptability of the development depends on access to the rail network.

The National Planning Policy Framework states that councils should, *“work with...transport providers to develop strategies for the provision of viable infrastructure necessary to support sustainable development...or transport investment necessary to support strategies for the growth of ...other major generators of travel demand in their areas.”*

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 impacts on the rail network.

Developer contributions should be sort to mitigate the impacts of increased footfall at railway stations as a result of new residential or commercial development. The need to mitigate the impacts of increased footfall at railway stations with enhanced services (e.g. CCTV, CIS, increased car parking) should be considered as part of the S106 contributions in the same way as local services or highways works.

From

Diane Clarke
Town Planning Technician NW&C
AssocRTPI
Network Rail

From: Planning Policy CCDC <PlanningPolicy@cannockchasedc.gov.uk>
Sent: 05 February 2024 16:01
To: Planning Policy CCDC <PlanningPolicy@cannockchasedc.gov.uk>
Subject: Cannock Chase Local Plan Consultation

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Dear Consultee

Please find a letter attached regarding a public consultation on the Cannock Chase Local Plan.

More information is also available at www.cannockchasedc.gov.uk/planningpolicy

Kind regards

Planning Policy Team
Cannock Chase Council
planningpolicy@cannockchasedc.gov.uk