

From: [James Stannard](#)
To: [Planning Comments \(HPBC\)](#)
Subject: HPK/2023/0398 - Network Rail further comments
Date: 18 January 2024 12:27:31
Attachments: [image001.png](#)

From: Diane Clarke <Diane.CLARKE@networkrail.co.uk> **On Behalf Of** Town Planning NWC
Sent: Thursday, January 18, 2024 12:02 PM
To: James Stannard <James.Stannard@highpeak.gov.uk>
Cc: Asset Protection LNW (North) <AssetProtectionLNWNorth@networkrail.co.uk>
Subject: high peak HPK/2023/0398 - Victoria Mill Woodside Street, New Mills drainage HOLDING OBJECTION revised plans

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James

As stated in the response below the applicant must interface with our asset protection team as below link for review of documents and agreement to the proposal.

All new enquiries will need to be submitted via the ***Asset Protection and Optimisation - Customer Portal***

Link to ASPRO ACE Portal [ASPRO Network Rail Implementation \(oraclecloud.com\)](#)

From there, the client can create an account and submit their enquiry. Enquiry will then be assigned to one of the Asset Protection team to progress. The assigned team member will then be in a position to review and comment on any submissions from the outside party.

Going forward in order for Network Rail to spend any time reviewing any submissions, provision of any asset information, attending any further meetings, assisting with discharging any planning conditions set etc, Network Rail will require the return of a signed BAPA (Basic Asset Protection Agreement) and relevant payment/ PO as noted in the estimate sent. Network Rail is a publicly funded entity and all outside party works, which these are, are cost recoverable as dictated to us by the ORR.

The local planning authority (LPA) are not responsible for the safe operation of the railway or our assets and the issues raised by the developer/applicant will ultimately need to be agreed by Network Rail engineering to ensure the proposed development does not interfere with the safety of the railway.

From

Diane Clarke
Town Planning Technician NW&C
AssocRTPI
Network Rail
Email: TownPlanningNWC@networkrail.co.uk

From: James Stannard <James.Stannard@highpeak.gov.uk>
Sent: 17 January 2024 11:03
To: Town Planning NWC <TownPlanningNWC@networkrail.co.uk>
Cc: Diane Clarke <Diane.CLARKE@networkrail.co.uk>
Subject: HPK/2023/0398 - Victoria Mill Woodside Street, New Mills drainage HOLDING OBJECTION

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Good Morning Diane

In light of the latest holding objection, the applicant has submitted the attached revised plans that shows a reduction in overall site area and a minor change to the red edge (site boundary).

Can you please confirm whether these revised plans address the reason for your holding objection and that the application can now be determined subject to any compliance conditions as you may suggest?

Regards

James Stannard Planning Officer
Development Services
High Peak Borough Council and Staffordshire Moorlands District Council
www.highpeak.gov.uk | Follow HPBC on [Twitter](#) | [Facebook](#)
www.staffsmoorlands.gov.uk | Follow SMDC on [Twitter](#) | [Facebook](#)

Please note that my working days are Monday-Thursday

From: Diane Clarke <Diane.CLARKE@networkrail.co.uk> **On Behalf Of** Town Planning NWC
Sent: Friday, January 12, 2024 1:02 PM
To: James Stannard <James.Stannard@highpeak.gov.uk>
Subject: high peak HPK/2023/0398 - Victoria Mill Woodside Street, New Mills drainage HOLDING OBJECTION

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James

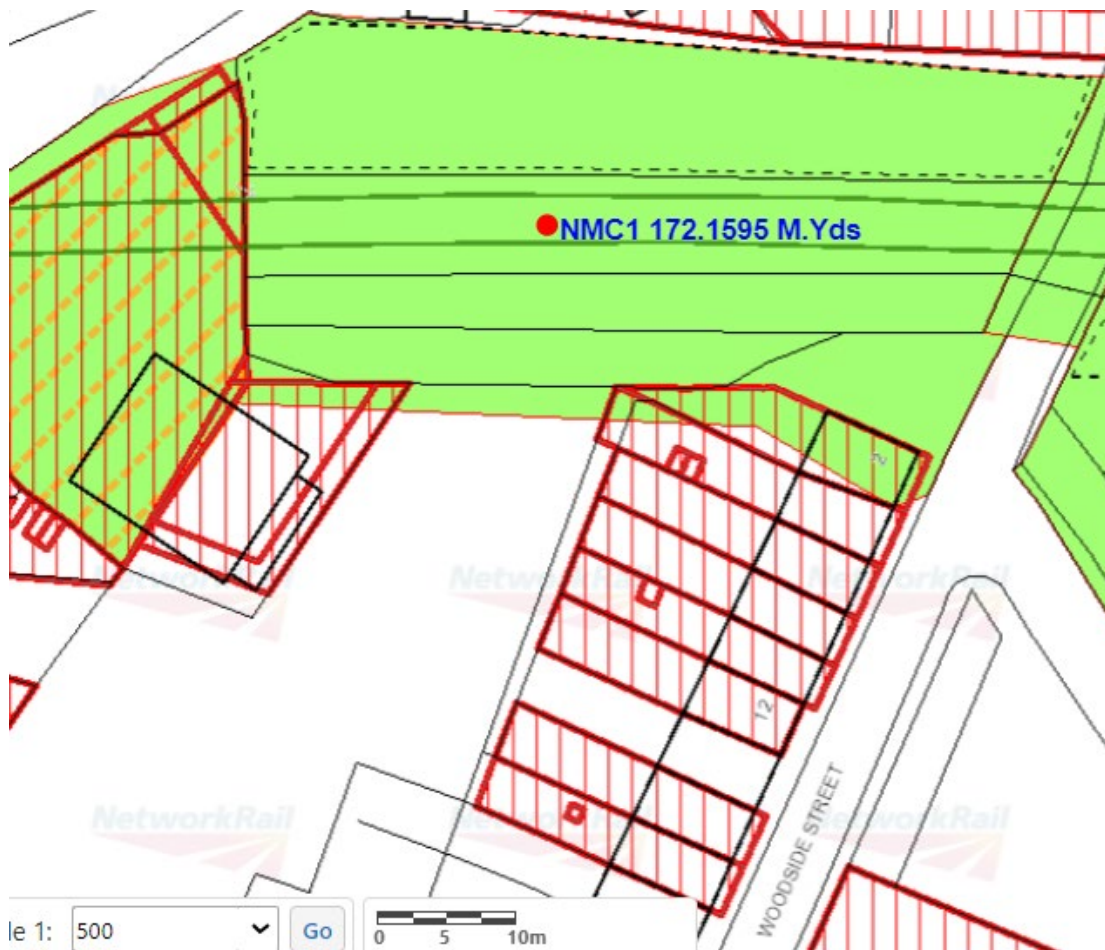
The Network Rail drainage engineers / asset protection team have the following comments:

I can confirm that we have no mapped drainage assets at this location or anything close by that would be directly impacted by this development. CARRS also doesn't not show any culverts or other drainage features at the location. It does however show a retaining wall at the site (which is also visible on aerial mapping but not shown on Geo-RINM). I've attached the latest exam report for reference which was carried out in October and possibly after the site was developed – nothing untoward identified.

Our only concerns would be for any surface water run off if they have applied tarmac on site running to the boundary (assuming any surface water could flow directly onto NR land), any new storage/buildings close to the boundary and what boundary measure is protecting the railway (and it may well be the extension of the retaining wall based on some of the images on the attached report). The plans and information supplied by planning don't tell us very much and aid in evaluating risk.

If it's possible please to ask the developer for further information of what has been carried out on site (in terms of drainage work, hard standings etc) so we could provide some more conclusive comments on this. It's also worth discussing this issue with the Structures team to see what their take is on the issue.

I also note that the site plans provided also seem to incorporate a narrow strip of NR freehold land that presumably is beyond the retaining wall and any physical demarcation boundary line – looking at the extract below, this strip of land should not be included in the developers site plans as they don't have title to the land (and therefore this perhaps provides opportunity for objection).



Network Rail therefore cannot close out because we have concerns regarding drainage that have not been addressed as outlined below by our drainage engineers. Drainage information and details of re-surfacing works creating areas of hard standing has not been provided as part of the planning application so we have no way of determining if flood risk has been increased with respect to the railway. There have been previous instances of flooding of the railway in the New Mills area so this is a major concern.

Please can you ask again for the Outside Party to complete the link for the customer portal and to also ensure that they remove all Network Rail land from the proposal area.

From

Diane Clarke

Town Planning Technician NW&C

AssocRTPI

Network Rail

Email: TownPlanningNWC@networkrail.co.uk

From: James Stannard <James.Stannard@highpeak.gov.uk>
Sent: 10 January 2024 12:14
To: Town Planning NWC <TownPlanningNWC@networkrail.co.uk>
Cc: Asset Protection LNW (North)
<AssetProtectionLNWNorth@networkrail.co.uk>
Subject: HPK/2023/0398 - Victoria Mill Woodside Street, New Mills

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Hi Diane

Thanks for the email.

In light of your comments and an absence of any suggested compliance conditions, that there are no conditions that can apply to this application that are both reasonable and appropriate having regard to the relevant tests set out under the online PPG. We cannot require the applicant to submit any details unless there is identified harm by not doing so, which hasn't happened.

Regards

James Stannard Planning Officer
Development Services
High Peak Borough Council and Staffordshire Moorlands District Council
Tel: **07976 753958**
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From: Diane Clarke <Diane.CLARKE@networkrail.co.uk> **On Behalf Of**
Town Planning NWC
Sent: Wednesday, January 10, 2024 12:09 PM
To: James Stannard <James.Stannard@highpeak.gov.uk>
Cc: Asset Protection LNW (North)
<AssetProtectionLNWNorth@networkrail.co.uk>
Subject: high peak HPK/2023/0398 Victoria Mill Woodside Street

Retrospective cou to mixed use

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James

I cannot comment any further on the proposal – I have copied in Network Rail asset protection – the applicant is advised to submit the details to them (as the proposal is already undertaken) and if they have any issues ASPRO will liaise with the developer directly.

From

Diane Clarke
Town Planning Technician NW&C
AssocRTPI
Network Rail
Email: TownPlanningNWC@networkrail.co.uk

From: James Stannard <James.Stannard@highpeak.gov.uk>
Sent: 10 January 2024 09:35
To: Diane Clarke <Diane.CLARKE@networkrail.co.uk>
Subject: RE: high peak HPK/2023/0398 Victoria Mill Woodside Street
Retrospective Change of Use from Plant Hire

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Good Morning Diane

Not sure if my email on Monday reached you.

I would appreciate a swift response please so that we can determine the application.

Kind Regards

James Stannard Planning Officer

Development Services
High Peak Borough Council and Staffordshire Moorlands District Council
Tel: **07976 753958**
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Please note that my working days are Monday-Thursday

From: James Stannard
Sent: Monday, January 8, 2024 9:18 AM
To: 'Town Planning NWC' <TownPlanningNWC@networkrail.co.uk>
Subject: RE: high peak HPK/2023/0398 Victoria Mill Woodside Street
Retrospective Change of Use from Plant Hire

Morning Diane

I need further clarification on your latest comments please...

The way I read your comments is that there are no objections to the proposed uses (which are live and operational).

The application is retrospective and therefore all development has already been carried out. As such, a determination needs to be made on the application as submitted. If the scheme (as implemented) is harmful to Network Rail assets, then you need to explain why and confirm the grounds for objection that would justify a reason for refusal, or alternatively, what changes could be made which alleviate these issues. However, as stated above, I don't believe that you have identified any harm – can you please confirm?

If however the proposals in their current (implemented) form are not found to cause harm to Network Rail assets, then it would be unreasonable for the LPA to request further details prior to determination. It would of course be appropriate and reasonable to attach positively worded compliance conditions which ensure that the scheme does not cause any harm in future, which I am more than happy to apply. If it is the case that no harm currently exists but you require conditions to ensure that no such harm arises in future can you please set out a list of compliance conditions that you would wish to be attached – can you please confirm?

Regards

James Stannard Planning Officer
Development Services
High Peak Borough Council and Staffordshire Moorlands District Council
Tel: **07976 753958**
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From: Diane Clarke <Diane.CLARKE@networkrail.co.uk> **On Behalf Of**
Town Planning NWC
Sent: Saturday, January 6, 2024 12:39 PM
To: James Stannard <James.Stannard@highpeak.gov.uk>
Subject: high peak HPK/2023/0398 Victoria Mill Woodside Street
Retrospective Change of Use from Plant Hire

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James

In light of this – the applicant is to submit the details of the application as below to be reviewed by Network Rail asset protection – a site visit may be required however this would take longer than the time you have for determining this.

All new enquiries will need to be submitted via the ***Asset Protection and Optimisation - Customer Portal***

Link to ASPRO ACE Portal ASPRO Network Rail Implementation
(oraclecloud.com)

From there, the client can create an account and submit their enquiry. Enquiry will then be assigned to one of the Asset Protection team to progress. The assigned team member will then be in a position to review and comment on any submissions from the outside party.

From

Diane Clarke
Town Planning Technician NW&C
AssocRTPI

Network Rail

Email: TownPlanningNWC@networkrail.co.uk

From: Stannard, James <James.Stannard@highpeak.gov.uk>

Sent: 04 January 2024 15:31

To: Town Planning NWC <TownPlanningNWC@networkrail.co.uk>

Subject: RE: high peak HPK/2023/0398 Victoria Mill Woodside Street
Retropsectieve Change of Use from Plant Hire

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Good Afternoon

Further to your response below, I would like some clarification please on the recommended conditions that have been included.

Please be aware that the application is retrospective (i.e. the use as described has already commenced) and therefore we cannot attached pre-commencement conditions as suggested.

If you could please provide a revised list of conditions that account for the fact that the use has commenced, at your earliest convenience, that would be useful.

Kind Regards

James Stannard Planning Officer

Development Services

High Peak Borough Council and Staffordshire Moorlands District Council

Tel: **07976 753958**

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Please note that my working days are Monday-Thursday

From: Diane Clarke <Diane.CLARKE@networkrail.co.uk> **On Behalf Of**
Town Planning NWC

Sent: Friday, December 15, 2023 2:03 PM

To: Burnett, James <James.Burnett@staffsmoorlands.gov.uk>

Subject: high peak HPK/2023/0398 Victoria Mill Woodside Street
Retropsectieve Change of Use from Plant Hire

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NEW APPLICATION	HPK/2023/0398
APPLICANT'S NAME	Mr Mark James
	MLJ Buildings Ltd
LOCATION	Unit 3b
	Victoria Mill Woodside Street
	New Mills
PROPOSED DEVELOPMENT	Retropsectieve Change of Use from Plant Hire (Sui Generis) to Ground Floor Car Repair Garage and Fabrication Workshop (B2 Use), First Floor Gym and Indoor Sports Facility (Class E), Basement and External Storage (B8 Use). Replacement of windows and doors. Juliet Balcony to the first floor gable
GRID REFERENCE	399813.41 384941.22

Please ensure that from now on ALL planning applications & ALL planning policy notifications are issued to this NEW address **ONLY: TownPlanningNWC@networkrail.co.uk**

Please update all the relevant council planning policy & planning applications contact databases including all personal contact emailing lists.

With reference to the protection of the railway, Network Rail has no objection in principle to the proposal, but below are requirements which MUST be met as the proposal includes works within 10m of the railway boundary and an interface with the railway boundary.

For further general information on interfacing with Network Rail please see the link on our website:

[Living by the railway - Network Rail](#)

To the council - please forward the attached documents/forms/asset protection contact details to the applicant for actioning. An interface with Network Rail is REQUIRED for this proposal – the outside party

is advised that Network Rail will need to agree and supervise this proposal.

-
This is to ensure that the works on site, and as a permanent arrangement, do not impact upon the safe operation and integrity of the existing operational railway and for the avoidance of doubt of both the council and the developer who may not be aware of the potential for outside party proposals to impact upon the railway.

Please note that Network Rail may submit further comments on this proposal if required in addition to the comments below.

Network Rail recognises that conditions are imposed for a planning purpose and that they are fairly and reasonably related to the development and not be manifestly unreasonable. We believe that the comments included in this email are indeed fair and reasonable and relate to Network Rail's need for the developer to ameliorate the impacts that might otherwise flow from the proposal and that the local planning authority should take into consideration the potential for the proposal to impact nationally significant transportation infrastructure and that this is reflected in the decision notice with the relevant conditions as outlined below.

Network Rail asset protection has informed me that they have not received an enquiry for this site prior to the planning consultation despite it being adjacent to the existing operational railway boundary. Please see the link here which quite clearly states that, *"To help you achieve your time frames please contact us as early as possible in your planning process, this will enable us to best support you in delivering successfully."* Could you please ensure that if developers contact you with proposals that could impact the railway, that they take into account its proximity to the development and mitigate their proposals as required by Network Rail including interfacing with our asset protection teams in the first instance prior to submission of a planning application.

Link: [Asset Protection and Optimisation - Network Rail](#)

Network Rail is submitting some initial comments on the above proposal. Network Rail reserves the right to amend, update, withdraw or even object to proposals if fresh information comes to light.

Please note that whilst Network Rail (NR) is submitting responses via the

planning application process, it should be born in mind by the LPA/developer that the operational railway presents risks/issues that are different/unique to the risks posed by works taking place adjacent to non-railway undertaker land. Works on this site therefore must be undertaken with the supervision of NR via the ASPRO (asset protection) team to ensure that the works on site do not impact the safe operation, stability, integrity of the railway & its boundary. The LPA/developer are advised that unauthorised works adjacent to the railway boundary could impact the operation of nationally significant infrastructure & the applicant would be liable for any and all damages & costs caused by any works undertaken in this scenario. Therefore, the developer is requested to ensure that the development meets with NR requirements for works/developments adjacent to the railway boundary which include planning material considerations as well as obligations specific to the railway undertaker. The interface is via a NR BAPA (basic asset protection agreement) – the developer is advised that the works must not commence on site (even if planning permission is granted) until agreed with NR. The applicant will be liable for all costs incurred by NR in facilitating, reviewing this proposal.

Measurements to railway tracks and railway boundary

When designing proposals, the developer and council are advised, that any measurements must be taken from the operational railway / Network Rail boundary and not from the railway tracks themselves. From the existing railway tracks to the Network Rail boundary, the land will include critical infrastructure (e.g. cables, signals, overhead lines, communication equipment etc) and boundary treatments (including support zones, vegetation) which might be adversely impacted by outside party proposals unless the necessary asset protection measures are undertaken. No proposal should increase Network Rail's liability. To ensure the safe operation and integrity of the railway, Network Rail issues advice on planning applications and **requests** conditions to protect the railway and its boundary.

Obligations

Properties adjoining or in the vicinity of the railway are frequently the subject of obligations, rights, exceptions and reservations for the benefit of Network Rail's land and railway. The applicant must review the title to their property to see whether any such obligations etc exist and ensure that there is no non-compliance or breaches of them or any interference with or obstruction of Network Rail's rights and reservations. If the proposed development would not comply with or would breach any of the terms of the conveyance, the developer must revise his proposals.

RAMS

The developer is to submit directly to Network Rail asset protection, a Risk Assessment and Method Statement (RAMS) for all works to be undertaken within 10m of the operational railway under Construction (Design and Management) Regulations, and this is in addition to any planning consent. Network Rail would need to be re-assured the works on site follow safe methods of working and have also taken into consideration any potential impact on Network Rail land and the existing operational railway infrastructure. Builder to ensure that no dust or debris is allowed to contaminate Network Rail land as the outside party would be liable for any clean-up costs. Review and agreement of the RAMS will be undertaken between Network Rail and the applicant/developer.

Network Rail would request that a condition is included in the planning consent as follows:

“A method statement and risk assessment must be submitted to the council and Network Rail for review and agreement prior to works commencing on site.”

REASON: To ensure that the construction and subsequent maintenance of the proposal can be carried out without adversely affecting the safety, operational needs or integrity of the railway.

Fencing

The applicant will provide at their own expense (if not already in place):

- A suitable trespass proof steel palisade fence of a minimum height of 2m adjacent to the boundary with the railway/railway land.
- The fence must be wholly constructed and maintained within the applicant's land ownership footprint.
- All foundations must be wholly constructed and maintained within the applicant's land ownership footprint without over-sailing or encroaching onto Network Rail's boundary.
- The fence is **REQUIRED** be set back at least 1m from the railway boundary to ensure that Network Rail can maintain and renew its boundary treatments.
- Existing Network Rail fencing, and boundary treatments, must not be damaged or removed in any way.
- Network Rail will not allow any maintenance works for proposal fencing or proposal boundary treatments to take place on its land.
- Proposal fencing must not be placed on the boundary with the railway.

- Any fencing over 1.8m in height will require agreement from Network Rail with details of foundations and wind loading calculations submitted for review.
- The fence should be maintained by the developer and that no responsibility is passed to Network Rail.

It would not be reasonable to require Network Rail to fund boundary works, fencing and boundary enhancements necessitated by outside party development adjacent to the railway.

A condition to be included in the planning consent as follows:

“Prior to occupation of the site the developer is to provide a suitable trespass proof fence adjacent to the boundary with the railway; the fencing details to be submitted to the council and Network Rail for agreement.”

Reason: To protect the adjacent railway from unauthorised access

Fail Safe Use of Crane and Plant

All operations, including the use of cranes or other mechanical plant working adjacent to Network Rail’s property, must at all times be carried out in a “fail safe” manner such that in the event of mishandling, collapse or failure, no materials or plant are capable of falling within 3.0m of the nearest rail of the adjacent railway line, or where the railway is electrified, within 3.0m of

overhead electrical equipment or supports. With a development of a certain height that may/will require use of a crane, the developer must bear in mind the following. Crane usage adjacent to railway infrastructure is subject to stipulations on size, capacity etc. which needs to be agreed by Network Rail prior to implementation.

Encroachment

The developer/applicant must ensure that their proposal, both during construction, and after completion of works on site, does not affect the safety, operation or integrity of the operational railway, Network Rail land and its infrastructure or undermine or damage or adversely affect any railway land and structures.

- There must be no physical encroachment of the proposal onto Network Rail land, no over-sailing into Network Rail air-space and no encroachment of foundations onto Network Rail land or under the Network Rail boundary.
- All buildings and structures on site including all foundations / fencing foundations must be constructed wholly within the applicant’s land ownership footprint.
- Buildings, windows and structures must not over-sail Network Rail air-space/boundary.

- Any future maintenance must be conducted solely within the applicant's land ownership.
- Rainwater goods must not discharge towards or over the railway boundary
- Should the applicant require access to Network Rail land to facilitate their proposal they would need to approach the Network Rail Asset Protection Team at least 20 weeks before any works are due to commence on site. The applicant would be liable for all costs incurred in facilitating the proposal and an asset protection agreement may be necessary to undertake works. Network Rail reserves the right to refuse any works by an outside party that may adversely impact its land and infrastructure.
- Any unauthorised access to Network Rail air-space or land will be deemed an act of trespass.
- **Network Rail land must not be included in the proposal / red line location plan area. Where any works are proposed the applicant is advised to contact: PropertyServicesNWC@networkrail.co.uk in addition to any planning consultation comments to determine if the proposal will impact any Network Rail land ownership rights or any rights of access for the avoidance of doubt.**

Lighting

To ensure the ongoing safety of the operational railway the applicant's lighting design must demonstrate no overspill of light onto Network Rail land.

Scaffolding

Scaffolding which is to be constructed within 10 metres of the Network Rail / railway boundary must be erected in such a manner that at no time will any poles over-sail the railway and protective netting around such scaffolding must be installed. The applicant / applicant's contractor must consider if they can undertake the works and associated scaffolding / access for working at height within the footprint of their land ownership boundary. The applicant is reminded that when pole(s) are erected for construction or maintenance works, they must have a minimum 3m failsafe zone between the maximum height of the pole(s) and the railway boundary.

This is to ensure that the safety of the railway is preserved, and that scaffolding does not:

- Fall into the path of on-coming trains
- Fall onto and damage critical and safety related lineside equipment and infrastructure
- Fall onto overhead lines bringing them down, resulting in serious safety issues (this is applicable if the proposal is above the railway and where the

line is electrified).

Network Rail would request a condition is applied as follows within the planning consent:

“Details of scaffolding works within 10m of the railway boundary, to be submitted to the council and Network Rail for agreement.”

Reason - In the interests of protecting the railway and its boundary from over-sailing scaffolding.

Vibro-Impact Machinery

If vibro-compaction machinery / piling machinery or piling and ground treatment works are to be undertaken as part of the development, details of the use of such machinery and a method statement must be submitted to the Network Rail for agreement.

- All works shall only be carried out in accordance with the method statement and the works will be reviewed by Network Rail. The Network Rail Asset Protection Engineer will need to review such works in order to determine the type of soil (e.g. sand, rock) that the works are being carried out upon and also to determine the level of vibration that will occur as a result of the piling.
- The impact upon the railway is dependent upon the distance from the railway boundary of the piling equipment, the type of soil the development is being constructed upon and the level of vibration. Each proposal is therefore different and thence the need for Network Rail to review the piling details / method statement.

Maximum allowable levels of vibration - CFA piling is preferred as this tends to give rise to less vibration. Excessive vibration caused by piling can damage railway structures and cause movement to the railway track as a result of the consolidation of track ballast. The developer must demonstrate that the vibration does not exceed a peak particle velocity of 5mm/s at any structure or with respect to the rail track.

If vibro-impact equipment is to be used we would request a condition is added to the planning consent as follows:

“Prior to any vibro-impact works on site, a risk assessment and method statement shall be submitted to the LPA and Network Rail.”

Reason – to prevent any piling works and vibration from de-stabilising or impacting the railway.

Access to Railway

All roads, paths or ways providing access to any part of the railway undertaker's land both temporary and permanent, must remain open and unblocked (24/7, 365 – around the clock) both during construction works

and as a permanent arrangement.

- The proposal must not encroach onto any Network Rail access road, paths or ways of access to any part of Network Rail land. This also includes emergency vehicles ability to access and exit Network Rail land.
- The applicant is reminded that each Network Rail has a specific right of way and as such any developer is requested to contact the Network Rail Property Services Team to discuss the impact of the proposal upon our access.

Drainage proposals and Network Rail land

The applicant must ensure that the proposal drainage does not increase Network Rail's liability, or cause flooding pollution or soil slippage, vegetation or boundary issues on railway land. Therefore, the proposed drainage on site will include the following:

- All surface waters and foul waters must drain away from the direction of the railway boundary.
- Soakaways for the proposal must be placed at least 30m from the railway boundary.
- Any drainage proposals for less than 30m from the railway boundary must ensure that surface and foul waters are carried from site in closed sealed pipe systems.
- Suitable drainage or other works must be provided and maintained by the developer to prevent surface water flows or run-off onto Network Rail's land and infrastructure.
- Proper provision must be made to accept and continue drainage discharging from Network Rail's property.
- Drainage works must not impact upon culverts, including culverts/brooks etc that drain under the railway. The applicant will not be permitted to direct surface or foul waters into culverts which run under the railway – any discharge of surface water under the railway via a culvert will require review and agreement from Network Rail who reserve the right to refuse use of any culverts.
- The developer must ensure that there is no surface or sub-surface flow of water towards the operational railway.
- Rainwater goods must not discharge in the direction of the railway or onto or over the railway boundary.
- Consideration of the impacts upon railway drainage of Astro-Turf/plastic lawn replacements, both during construction and any future inclusion of said Astro-turf by residents going forward.

NB: Soakaways can materially affect the strength of soil leading to stability issues. A large mass of water wetting the environment can soften the

ground, and a build-up of water can lead to issues with the stability of Network Rail retaining walls/structures and the railway boundary. Network Rail does not accept the installation of soakaways behind any retaining structures as this significantly increases the risk of failure and subsequent risk to the travelling public.

If the developer and the council insists upon a sustainable drainage and flooding system then the issue and responsibility of flooding, water saturation and stability issues should not be passed onto Network Rail. We recognise that councils are looking to proposals that are sustainable, however, we would remind the council that flooding, drainage, surface and foul water management risk as well as stability issues should not be passed ‘elsewhere’, i.e. on to Network Rail land.

The drainage proposals are to be agreed with Network Rail and surface water drainage on the site should be removed by a closed sealed pipe system.

The HSE identifies railways as a Major Hazard Industry. An earthwork failure within a high-hazard area has the potential to result in a catastrophic accident with multiple fatalities or long-lasting environmental issues. It should be noted that where the actions of an adjacent landowner have caused a landslip on the railway the loss adjusters are likely to advise recovery of Network Rail costs from the 3rd party, which would include costs of remediation and recovery of costs to train operators. Many railway earthworks were constructed in the Victorian period and are susceptible to failure by water saturation. Water saturation leads to an increase in pore water pressure within the earthwork material. Please also note that railways, and former railway land adjacent to it, is considered as contaminated land due to historic use of railways, which can affect the suitability of infiltration drainage.

Network Rail would request that a condition is included in the planning consent as follows:

Condition:

“Prior to the commencement of the development details of the disposal of both surface water and foul water drainage directed away from the railway shall be submitted to the Local Planning Authority and Network Rail.”

Reason: To protect the adjacent railway from the risk of flooding, soil slippage and pollution.

The Council must ensure that suitable arrangements are in place for the

maintenance and renewal of all new/amended drainage for the life time of the development, to mitigate risk of flooding to any adjoining land.

Excavation and Earthworks and Network Rail land:

The applicant will agree all excavation and earthworks within 10m of the railway boundary with Network Rail. Network Rail will need to review and agree the works to determine if they impact upon the support zone of our land and infrastructure as well as determining relative levels in relation to the railway. Network Rail would need to agree the following:

- Alterations to ground levels
- De-watering works
- Ground stabilisation works
- Works to retaining walls
- Construction and temporary works
- Maintenance of retaining walls
- Ground investigation works must not be undertaken unless agreed with Network Rail.
- Confirmation of retaining wall works (either Network Rail and/or the applicant). Prior to the commencement of works on site the applicant must confirm with Network Rail if there are any retaining walls/structures and the applicant must interface with Network Rail to ensure that no retaining structures are impacted on a permanent basis by their proposal.
- Alterations in loading within 15m of the railway boundary must be agreed with Network Rail.
- For works next to a cutting or at the toe of an embankment the developer / applicant would be required to undertake a slope stability review.

Network Rail would need to re view and agree the methods of construction works on site to ensure that there is no impact upon critical railway infrastructure. No excavation works are to commence without agreement from Network Rail. The council are advised that the impact of outside party excavation and earthworks can be different depending on the geography and soil in the area. The council and developer are also advised that support zones for railway infrastructure may extend beyond the railway boundary and into the proposal area. Therefore, consultation with Network Rail is requested. Any right of support must be maintained by the developer.

Network Rail requests a condition is included in the planning consent as follows:

Condition:

“Prior to the commencement of the development full details of ground levels,

earthworks and excavations to be carried out near to the railway boundary shall be submitted to the Local Planning Authority and Network Rail.”

Reason: To protect the adjacent railway and its boundary.

Boundary treatments

Any structures on the applicant's land which runs seamlessly into a section of Network Rail infrastructure will require Network Rail agreement/comments and interface/supervision to ensure that there is no impact to or increase in risk to Network Rail assets.

3m Gap

Network Rail **REQUIRES** that the developer includes a minimum 3 metres gap between the buildings and structures on site and the railway boundary. Less than 3m from the railway boundary to the edge of structures could result in construction and future maintenance works being undertaken on Network Rail land, and close to the railway boundary potentially impacting support zones or lineside cabling. All the works undertaken to facilitate the design and layout of the proposal should be undertaken wholly within the applicant's land ownership footprint including all foundation works. Network Rail requires a minimum 3m easement between structures on site and the railway boundary to ensure that we can maintain and renew our boundary treatments. No part of the structure should over-sail the railway boundary or discharge rainwater goods onto or toward the railway boundary.

Trees

Proposals for the site should take into account the recommendations of, 'BS 5837:2012 Trees in Relation to Design, Demolition and Construction', which needs to be applied to prevent long term damage to the health of trees on Network Rail land so that they do not become a risk to members of the public in the future.

No trees shall be planted next to the boundary with the railway land and the operational railway, except for evergreen shrubs which shall be planted a minimum distance from the Network Rail boundary that is equal to their expected mature growth height. The vegetation planting must be in line with the attached matrix which has been agreed with the Tree Council. This is to prevent long term issues with leaf fall impacting the operational railway.

Parking / Hard Standing Area

As the proposal calls for the following adjacent to the boundary with the operational railway, running parallel to the operational railway or where the

existing operational railway is below the height of the proposal site:

- hard standing areas
- turning circles
- roads, public highways to facilitate access and egress from developments

Network Rail requests the installation of suitable high kerbs or crash barriers (e.g. Armco Safety Barriers).

This is to prevent vehicle incursion from the proposal area impacting upon the safe operation of the railway.

Network Rail requests that a condition is included within the planning consent as follows:

“Details of appropriate vehicle safety protection measures along the boundary with the railway shall be submitted to the Local Planning Authority (in consultation with Network Rail).”

Reason: to prevent the design and layout of the road and parking spaces from impacting the adjacent operational railway with accidental vehicle incursion.

BAPA (Basic Asset Protection Agreement)

As the proposal includes works which could impact the existing operational railway and in order to facilitate the above, a **BAPA** (Basic Asset Protection Agreement) will need to be agreed between the developer and Network Rail. The developer will be liable for all costs incurred by Network Rail in facilitating this proposal, including any railway site safety costs, possession costs, asset protection costs / presence, site visits, review and agreement of proposal documents and any buried services searches. The BAPA will be in addition to any planning consent.

All new enquiries will need to be submitted via the ***Asset Protection and Optimisation - Customer Portal***

Link to ASPRO ACE Portal ASPRO Network Rail Implementation (oraclecloud.com)

From there, the client can create an account and submit their enquiry. Enquiry will then be assigned to one of the Asset Protection team to progress. The assigned team member will then be in a position to review and comment on any submissions from the outside party.

No works are to commence until agreed with Network Rail. Early

engagement with Network Rail is strongly recommended.

Should the above proposal be approved by the council and should there be conditions, where the proposal interfaces with the railway (as outlined in this response) the outside party is advised that a BAPA (Basic Asset Protection Agreement) must be in place, in order for Network Rail to review and agree the documentation and works outlined in conditions (and those areas covered by the discharge of conditions). Network Rail recommends that the applicant ensures that the BAPA is in place and that Network Rail has reviewed and agreed the documents as part of the discharge of any conditions.

The applicant is advised that before the proposal progresses (should it be approved) they will be required to submit the development form to Network Rail's Asset Protection team and agree the BAPA before any works commence on site.

Network Rail is a Government funded Organisation and we are expected to recover our involvement costs from this type of interface, to proceed in more detail with discussions a signed Basic Asset Protection Agreement (BAPA) would be required to be in place.

Permanent impacts of development are usually material considerations (such as the position of permanent structures, or drainage design etc) and where these are likely to occur, requests for planning conditions or scheme amendments are requested to protect the existing railway infrastructure from the impacts of the works on site and as a permanent arrangement.

Controls on the temporary impact of construction to outside party land should also be picked up via building control, or in some cases a party wall surveyor.

Once the attached Asset Protection Questionnaire/dev link has been completed and forwarded to the team the enquiry will then be processed and an email sent to the applicant giving a project reference number and name of person with the asset protection team that will deal with the enquiry.

From

**Diane Clarke
Town Planning Technician NW&C**

AssocRTPI

Network Rail

Email: TownPlanningNWC@networkrail.co.uk

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