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| **From:** | Diane Clarke on behalf of Town Planning NWC |
| **To:** | Planning (HPBC) |
| **Subject:** | high peak DOC/2025/0021 Hallsteads Close Discharge of conditions 17 and 19 in relation to HPK/2019/0028 |
| **Date:** | 06 March 2025 13:40:36 |

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| **NEW APPLICATION** | **DOC/2025/0021** |
| **APPLICANT'S NAME** | **HJK Construction (Northern) Limited** |
| **LOCATION** | **Land Off Hallsteads Close Hallsteads Close Dove Holes** |
| **PROPOSED DEVELOPMENT** | **Discharge of conditions 17 and 19 in relation to HPK/2019/0028** |
| **GRID REFERENCE** | **407704.2 378688.52** |

Network Rail has the following comments on the variation / discharge of conditions.

Network Rail town planning cannot variation/discharge the conditions. This proposal – as per the original response – will require an interface with Network Rail due to the proximity of works to the existing operational railway boundary. *These comments from Network Rail Town Planning NWC is not acceptance of the proposal – only Network Rail Asset Protection can accept or agree the proposal works. Agreement to the proposal works must be undertaken via a formal interface with Network Rail Asset Protection*.

Going forward in order for Network Rail to spend any time reviewing any submissions, provision of any asset information, attending any 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 interfere with the safety of the railway.

The applicant is to submit details as follows:

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.
Pending initial review / site visit the documents will be assessed under a basic asset protection agreement (BAPA) and no works are to commence until agreed with Network Rail.
Any comments regarding asset protection issues should be taken forward as part of the interface between the developer and Network Rail. Network Rail Town Planning NWC has submitted comments in response to the consultation as issued by the LPA which has stated that an interface is required between the developer and Network Rail in order to agree the layout and construction works on site and to ensure that they do not impact the safe operation of the existing operational railway. There is also a requirement from Network Rail to agree the layout and construction works which is in addition to the planning consent.
For future reference, it is imperative developers/applicants consult neighbouring/affected statutory undertakers in advance of any construction work, to identify and mitigate potential risks to both sites including people using or working on the sites, in line with CDM 2015 and HSW 1974 legislation. Network Rail's ASPRO (Asset Protection) team's role is to support external parties in identifying risks associated with construction near the railway and mitigating these in advance of work starting. Most insurance policies include clauses relating to consultation with statutory undertakers, and external parties who do not consult appropriately in advance may find their insurance policy becomes invalid.

**From**
**Diane Clarke**
**Town Planning Technician NW&C**
**AssocRTPI**
**Network Rail**
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