

Dear Kirsty.

Thank you for sending me Network Rail's rebuttal to the St Edmundsbury Borough Council proof of evidence for the Network Rail (Suffolk Level Crossing Reduction) Order public inquiry. Rebuttal reference Andrew Kenning S25 crossing.

I apologise for the delay but I was unable to check our records before. Pont 13 of Andy Kennings rebuttal states

13. The application for the 500 houses and other facilities south of Cattishall level crossing (the Moreton Hall development), referred to paragraph 37 of Mr White's proof has reference DC/14/1881/HYB. Network Rail's Town Planning department was not consulted on this application.

Our records show that we did consult Network Rail on application DC/14/1881/HYB. I was the case officer for that application and my memory tells me that as I had not heard from Network Rail I phoned them to ensure I was going to receive comments. Following that the attached letter dated the 25th June 2015 was sent to me confirming that Network Rail did not object to the application. I note the letter states that Network Rail were not consulted on the application but clearly they became aware of the application via the council's consultation, my phone call or another avenue. In any event the attached letter sets out that Network Rail's position to application DC/14/1881/HYB was one of no objection as I previously stated in my proof of evidence.

I have Cc the programme officer.

Regards

Pete

Peter White
Principal Planning Officer Major Projects
Economic Development
Direct dial: 01284 757357
Email: peter.white@westsuffolk.gov.uk
www.westsuffolk.gov.uk
Forest Heath District and St Edmundsbury Borough councils

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Peter White

planning.help@westsuffolk.gov.uk

25/06/15

Katie Brown

Network Rail

Planning & Land Services

1 Eversholt Street

London

NW1 2DN

T 0207 904 7585

M 07713301739

E katie.brown@networkrail.co.uk

Dear Peter White,

DC/14/1881/HYB: Hybrid Application - Planning Application - 100 dwellings and garages (including 30 affordable), access roads, parking, open space and drainage infrastructure; Outline Planning Application (All Matters Reserved) - (i) Up to 400 no dwellings, associated landscaping and roads (ii) Strategic Open Space and children's play area (iii) Local centre with associated retail units and (iv) Foul and surface water drainage.

Land East Of Moreton Hall Mount Road Bury St Edmunds Suffolk.

Further to our conversation yesterday afternoon, it has come to my attention that Network Rail's Planning & Land Services Team has not been consulted on the above application.

I appreciate that West Suffolk District Council has been in discussions with a project team at Network Rail in regards to a proposed development site to the north of the railway. However, please be advised that all future consultations should be sent to townplanningse@networkrail.co.uk in accordance with the requirements of The Town and Country Planning (Development Management Procedure) (England) Order 2015. I'm sure you can appreciate that within an organisation of 34,000 employees it is necessary to have a central team to co-ordinate responses to planning applications to ensure all respective specialists are consulted with internally before a formal representation is submitted. I will also re-emphasise to project teams that they should also be handing these contact details to their LPA contacts.

From my discussions with the project team it is clear that there is currently no agreement in place with the developer in relation to opening up the existing public right of way in the form of a subway and the construction of a proposed footbridge across the railway to facilitate the closure of Cattishall Level Crossing. That is not to say an agreement will not be finalised but I believe it is important to highlight nonetheless.

In regards to the above application, whilst there is no objection in principle to this scheme the developer/applicant must ensure that the proposal, both during construction and after completion of works on site, does not:

- encroach onto Network Rail land
- affect the safety, operation or integrity of the company's railway and its infrastructure
- undermine its support zone
- damage the company's infrastructure
- place additional load on cuttings
- adversely affect any railway land or structure
- over-sail or encroach upon the air-space of any Network Rail land
- cause to obstruct or interfere with any works or proposed works or development both now and in the future

As such Network Rail would advise that the following informative is placed on any planning permission granted:

Informative

Network Rail strongly recommends the developer contact The Anglia Asset Protection Team via the following email address AssetProtectionAnglia@networkrail.co.uk prior to any works commencing on site to discuss the potential impact of the proposed development on the railway.

Future maintenance

The development must ensure that any future maintenance can be conducted solely on the applicant's land. The applicant must ensure that any construction and any subsequent maintenance can be carried out to any proposed buildings or structures without adversely affecting the safety of, or encroaching upon Network Rail's adjacent land and air-space, and therefore all/any building should be situated at least 2 metres (3m for overhead lines and third rail) from Network Rail's boundary. The reason for the 2m (3m for overhead lines and third rail) stand off requirement is to allow for construction and future maintenance of a building and without requirement for access to the operational railway environment which may not necessarily be granted or if granted subject to railway site safety requirements and special provisions with all associated railway costs charged to the applicant. Any less than 2m (3m for overhead lines and third rail) and there is a strong possibility that the applicant (and any future resident) will need to utilise Network Rail land and air-space to facilitate works. The applicant / resident would need to receive approval for such works from the Network Rail Asset Protection Engineer, the applicant / resident would need to submit the request at least 20 weeks before any works were due to commence on site and they would be liable for all costs (e.g. all possession costs, all site safety costs, all asset protection presence costs). However, Network Rail is not required to grant permission for any third party access to its land. No structure/building should be built hard-against Network Rail's boundary as in this case there is an even higher probability of access to Network Rail land being required to undertake any construction / maintenance works. Equally any structure/building erected hard against the boundary with Network Rail will impact adversely upon our maintenance teams' ability to maintain our boundary fencing and boundary treatments.

Drainage

No Storm/surface water or effluent should be discharged from the site or operations on the site into Network Rail's property or into Network Rail's culverts or drains except by agreement with Network Rail. 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

property. Proper provision must be made to accept and continue drainage discharging from Network Rail's property; full details to be submitted for approval to the Network Rail Asset Protection Engineer. Suitable foul drainage must be provided separate from Network Rail's existing drainage. Soakaways, as a means of storm/surface water disposal must not be constructed near/within 10 – 20 metres of Network Rail's boundary or at any point which could adversely affect the stability of Network Rail's property. After the completion and occupation of the development, any new or exacerbated problems attributable to the new development shall be investigated and remedied at the applicants' expense.

Plant & Materials

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 plant or materials are capable of falling within 3.0m of the boundary with Network Rail.

Scaffolding

Any scaffold which is to be constructed within 10 metres of the railway boundary fence must be erected in such a manner that at no time will any poles over-sail the railway and protective netting around such scaffold must be installed. The applicant/applicant's contractor must consider if they can undertake the works and associated scaffold/access for working at height within the footprint of their property boundary.

Piling

Where vibro-compaction/displacement piling plant is to be used in development, details of the use of such machinery and a method statement should be submitted for the approval of the Network Rail's Asset Protection Engineer prior to the commencement of works and the works shall only be carried out in accordance with the approved method statement.

Fencing

In view of the nature of the development, it is essential that the developer provide (at their own expense) and thereafter maintain a substantial, trespass proof fence along the development side of the existing boundary fence, to a minimum height of 1.8 metres. The 1.8m fencing should be adjacent to the railway boundary and the developer/applicant should make provision for its future maintenance and renewal without encroachment upon Network Rail land. Network Rail's existing fencing / wall must not be removed or damaged and at no point either during construction or after works are completed on site should the foundations of the fencing or wall or any embankment therein, be damaged, undermined or compromised in any way. Any vegetation on Network Rail land and within Network Rail's boundary must also not be disturbed. Any fencing installed by the applicant must not prevent Network Rail from maintaining its own fencing/boundary treatment.

Lighting

Any lighting associated with the development (including vehicle lights) must not interfere with the sighting of signalling apparatus and/or train drivers vision on approaching trains. The location and colour of lights must not give rise to the potential for confusion with the signalling arrangements on the railway. The developers should obtain Network Rail's Asset Protection Engineer's approval of their detailed proposals regarding lighting.

Noise and Vibration

The potential for any noise/ vibration impacts caused by the proximity between the proposed development and any existing railway must be assessed in the context of the National Planning Policy Framework which holds relevant national guidance information. The current

level of usage may be subject to change at any time without notification including increased frequency of trains, night time train running and heavy freight trains.

Landscaping

Where trees/shrubs are to be planted adjacent to the railway boundary these shrubs should be positioned at a minimum distance greater than their predicted mature height from the boundary. Certain broad leaf deciduous species should not be planted adjacent to the railway boundary as the species will contribute to leaf fall which will have a detrimental effect on the safety and operation of the railway. We would wish to be involved in the approval of any landscaping scheme adjacent to the railway. Where landscaping is proposed as part of an application adjacent to the railway it will be necessary for details of the landscaping to be known and approved to ensure it does not impact upon the railway infrastructure. Any hedge planted adjacent to Network Rail's boundary fencing for screening purposes should be so placed that when fully grown it does not damage the fencing or provide a means of scaling it. No hedge should prevent Network Rail from maintaining its boundary fencing. Lists of trees that are permitted and those that are not permitted are provided below and these should be added to any tree planting conditions:

Permitted: Birch (Betula), Crab Apple (Malus Sylvestris), Field Maple (Acer Campestre), Bird Cherry (Prunus Padus), Wild Pear (Pyrus Communis), Fir Trees – Pines (Pinus), Hawthorne (Cretaeagus), Mountain Ash – Whitebeams (Sorbus), False Acacia (Robinia), Willow Shrubs (Shrubby Salix), Thuja Plicatata "Zebrina"

Not Permitted: Alder (Alnus Glutinosa), Aspen – Poplar (Populus), Beech (Fagus Sylvatica), Wild Cherry (Prunus Avium), Hornbeam (Carpinus Betulus), Small-leaved Lime (Tilia Cordata), Oak (Quercus), Willows (Salix Willow), Sycamore – Norway Maple (Acer), Horse Chestnut (Aesculus Hippocastanum), Sweet Chestnut (Castanea Sativa), London Plane (Platanus Hispanica).

Vehicle Incursion

Where a proposal calls for hard standing area / parking of vehicles area near the boundary with the operational railway, Network Rail would recommend the installation of a highways approved vehicle incursion barrier or high kerbs to prevent vehicles accidentally driving or rolling onto the railway or damaging lineside fencing.

Please don't hesitate to contact me if you have any queries.

Yours sincerely

Katie Brown MRTPI
Senior Town Planner