

**Plan Mid Devon**

---

**From:** Grace Lewis [REDACTED]  
**Sent:** 15 February 2022 12:49  
**To:** Plan Mid Devon  
**Subject:** FW: Plan Mid Devon (LDP)

OFFICIAL

Dear Sir/Madam,

Thank you for consulting Network Rail on **Plan Mid Devon**. This email forms the basis of our response.

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 to fund such improvements. With this in mind I would strongly urge that when the council undertakes its viability testing for any proposed allocated sites it considers the impact the proposal may have on the railway infrastructure. The cost of mitigating any impact may have a bearing on the viability and deliverability of any such proposed site allocations and future masterplans.

Network Rail is a statutory undertaker responsible for maintaining and operating the country's railway infrastructure and associated estate. Network Rail owns, operates, maintains and develops the main rail network. This includes the railway tracks, stations, signalling systems, bridges, tunnels, level crossings and viaducts. The preparation of development plan policy is important in relation to the protection and enhancement of Network Rail's infrastructure.

Plan Mid Devon acknowledges the requirement to support transport needs by working with Network Rail to promote new stations at both Cullompton and Wellington (albeit Wellington is not within your plan area but the development of both stations is coming forward together). As the proposals are developed, Network Rail would request detailed consideration to the quantification of demand for rail travel and should include identification of any contributions to further improvements that would be merited at Cullompton. It could be that the predicted growth may increase future demands which may, in turn, necessitate the need for enhancements to facilities such as waiting rooms, improved passenger information, toilets and parking.

**Transport Assessments and Level Crossings**

Paragraph 8.16 of acknowledges the promotion of sustainable transport through the NPPF and makes reference to the consideration of any transport issues at the earliest stages of plan making. Where there is an adverse impact on the operation of the railway, Network Rail will require appropriate mitigation measures to be delivered as part of the planning application process. This might be an increase in the use of an existing level crossing.

Network Rail has a strong policy to guide and improve its management of level crossings, which aims to; reduce risk at level crossings, reduce the number and types of level crossings, ensure level crossings are fit for purpose, ensure Network Rail works with users / stakeholders and supports enforcement initiatives. Without significant consultation with Network Rail and if proved as required, approved mitigation measures, Network Rail would be extremely concerned if any future development impacts on the safety and operation of any of the level crossings within **Mid- Devon**. The safety of the operational railway and of those crossing it is of the highest importance to Network Rail.

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 development added over time

- By the type of crossing involved
- By the construction of large developments (commercial and residential) where road access to and from site includes a level crossing
- By developments that might impede pedestrians ability to hear approaching trains
- 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 a level crossing
- By any development or enhancement of the public rights of way

It is Network Rail's and indeed the Office of Rail Regulation's (ORR) policy to reduce risk at level crossings not to increase risk as could be the case with an increase in usage. 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 or diversions.

The Council have a statutory responsibility under planning legislation to consult the statutory rail undertaker where a proposal for development is likely to result in a material increase in the rail volume or a material change in the character of traffic using a level crossing over a railway:-

- (Schedule 4 (j) of the Town & Country Planning (Development Management Procedure) Order, 2015) requires that “...*development which is 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*” (public footpath, public or private road) the Planning Authority's Highway Engineer must submit details to both the Secretary of State for Transport and Network Rail for separate approval.

The developer is required to fund any required qualitative improvements to the level crossing as a direct result of the development proposed.

### **Consultation on pre-application and planning applications**

Network Rail is a statutory consultee for any planning applications within 10 metres of relevant railway land 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**. With this in mind any planned future development (both residential and employment) should take into account any adverse impact on railway and therefore, Network Rail will require appropriate mitigation measures to be delivered as part of the planning application process.

We would therefore appreciate the Council providing Network Rail with an opportunity to comment on any future pre-application or planning applications should they be submitted for sites adjoining the railway or within close proximity to the railway as we may have more specific comments to make (further to those above).

We trust these comments will be considered in your preparation of the forthcoming policy documents.

Yours Sincerely,

### **Grace Lewis**

Town Planning Technician Wales and Western  
Network Rail  
Temple Point, Redcliffe Way, Bristol, BS1 6NL