

[REDACTED]

From: Nicholas Donoghue [REDACTED]
Sent: 11 May 2021 09:45
To: Planning.Responses <Planning.Responses@arun.gov.uk>
Cc: Asset Protection London South East <[REDACTED]>, Town Planning Southern <[REDACTED]>
Subject: FAO A Gardner - Network Rail Consultation Response: A/26/21/RES - Land West Of Brook Lane And South Of A259 Angmering BN16 3JL

OFFICIAL

Dear Anita,

Thank you for consulting Network Rail on the planning application A/26/21/RES, please see our formal comments below.

The proposed layout of the development is in conflict with Network Rail's Asset Protection informatives (attached). As a result, we request that the applicant / developer contacts Network Rail's Asset Protection and Optimisation (ASPRO) team via [REDACTED] as soon as possible.

Our ASPRO team will review the details of the proposal to ensure that the works can be completed without any risk to the operational railway. The applicant / developer may be required to enter into an Asset Protection Agreement to get the required resource and expertise on-board to enable approval of detailed works. More information can also be obtained from our website <https://www.networkrail.co.uk/running-the-railway/looking-after-the-railway/asset-protection-and-optimisation/>.

As well as contacting Network Rail's ASPRO Team, the applicant / developer must also follow the attached Asset Protection informatives (compliance with the informatives does not remove the need to contact ASPRO).

I trust the above is clear, however, if you require any additional information from Network Rail, please do not hesitate to contact me.

Kind Regards,



Nick Donoghue
Town Planning Technician
Network Rail Property (Southern)
Office Address: 1 Eversholt Street, London, NW1 2DN

[REDACTED]

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Asset Protection Informatives for works in close proximity to Network Rail's infrastructure

The developer must ensure that their proposal, both during construction and after completion 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 Network Rail development both now and in the future

Network Rail strongly recommends the developer complies with the following comments and requirements to maintain the safe operation of the railway and protect Network Rail's infrastructure.

Future maintenance

The applicant must ensure that any construction and 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. Therefore, any buildings are required to be situated at least **2 metres (3m for overhead lines and third rail)** from Network Rail's boundary.

This requirement will allow for the construction and future maintenance of a building without the need to access the operational railway environment. 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 as well as adversely impact upon Network Rail's maintenance teams' ability to maintain our boundary fencing and boundary treatments. Access to Network Rail's land may not always be granted and if granted may be subject to railway site safety requirements and special provisions with all associated railway costs charged to the applicant.

As mentioned above, any works within Network Rail's land would need approval from the Network Rail Asset Protection Engineer. This request should be submitted at least 20 weeks before any works are due to commence on site and the applicant is liable for all associated costs (e.g. all possession, site safety, asset protection presence costs). However, Network Rail is not required to grant permission for any third-party access to its land.

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.

Drainage

Storm/surface water must not be discharged onto 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 within **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.

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 during or post construction should the foundations of the fencing or wall or any embankment therein, be damaged, undermined or compromised in any way. Any vegetation within Network Rail's land boundary must 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 hold 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.

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.

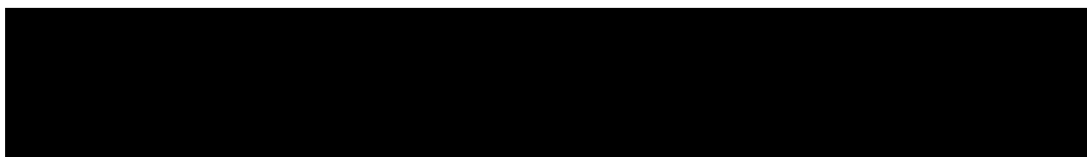
Landscaping

Any trees/shrubs 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. Network Rail wish to be involved in the approval of any landscaping scheme adjacent to the railway. 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. If required, Network Rail's Asset Protection team are able to provide more details on which trees/shrubs are permitted within close proximity to the railway.

Existing Rights

The applicant must identify and comply with all existing rights on the land. Network Rail request all existing rights, covenants and easements are retained unless agreed otherwise with Network Rail.

If you would like to discuss any of the above, please contact your local Network Rail's Asset Protection team:



To identify your route, please use the link: <https://www.networkrail.co.uk/running-the-railway/our-routes>



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Littlehampton
West Sussex BN17 5LF
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National Town Planning Manager
Network Rail
Planning Team th Floor
1 Eversholt Street
London
NW1 2DN

Case officer: Mrs A Gardner
Telephone: 01903 737529
Email: Anita.Gardner@arun.gov.uk

4th March 2021

Town & Country Planning Act 1990 (as amended)
Town and Country Planning (Development Management Procedure) (England) Order 2015

Notice under Article 16

Arun District Council has received application: **A/26/21/RES** for **Approval of reserved matters following outline consent A/44/17/OUT for appearance, landscaping, layout & scale for the demolition of existing buildings on site & erection of a mixed use development comprising of 90 No. residential dwellings & a care home & ancillary facilities including railway crossing together with associated access, car parking & landscaping. This application also lies within the parishes of Rustington & Littlehampton. at Land West Of Brook Lane And South Of A259 Angmering BN16 3JL**

Arun District Council accepted a valid application from Store Property Investments Limited, for the above proposal on 3rd March 2021. The proposed development to which the application relates is situated within 10 metres of relevant railway land and under the above regulations I am required to notify you as the railway infrastructure manager.

If you wish to make representations about this application please ensure they are received by me before 10th April 2021.

Representations can be made online by clicking into the link <https://www.arun.gov.uk/weekly-lists> and clicking into 'Enter Comment' or by emailing planning.responses@arun.gov.uk

If you have any further queries please contact the above case officer.

Yours sincerely

Neil Crowther
Group Head of Planning

PLEASE NOTE: Essential IT work will be carried out during the week of 12 April 2021 and there will be no access to the planning records on the website. It will not be possible to follow the progress of an application, view any documents or make on line comments. To ensure that no one is disadvantaged the publicity period will be extended by a week on planning applications where the publicity period falls over

this week. The site notices and documentation will quote the extended date if this is applicable.

If you do need to contact the case officer during this week you will need to be able to provide the exact reference number and as much detail as possible. The service will be extremely limited and it would be best to contact us either before 12 April, or after, when the work is completed on 19 April 2021.

For details of how the Council will deal with your data please refer to our privacy notices on the website www.arun.gov.uk/planning-privacy-statements

If you have provided an email address, all correspondence including the decision notice will be sent by email. It is therefore important that you keep us informed if this changes during the course of this application.

To register to receive notification of planning applications in your area, please go to <https://www.arun.gov.uk/planning> and click into Local Planning Application Finder.