



Network Rail Consultation Response

To:	Arun District Council
Date:	17-May-22
Application reference:	BN/11/22/OUT
Location:	Barnham, Eastergate, Westergate BEW Parcel SC1 Barnham
NR Position:	More information required

Dear Planning,

Thank you for consulting Network Rail on the above planning application.

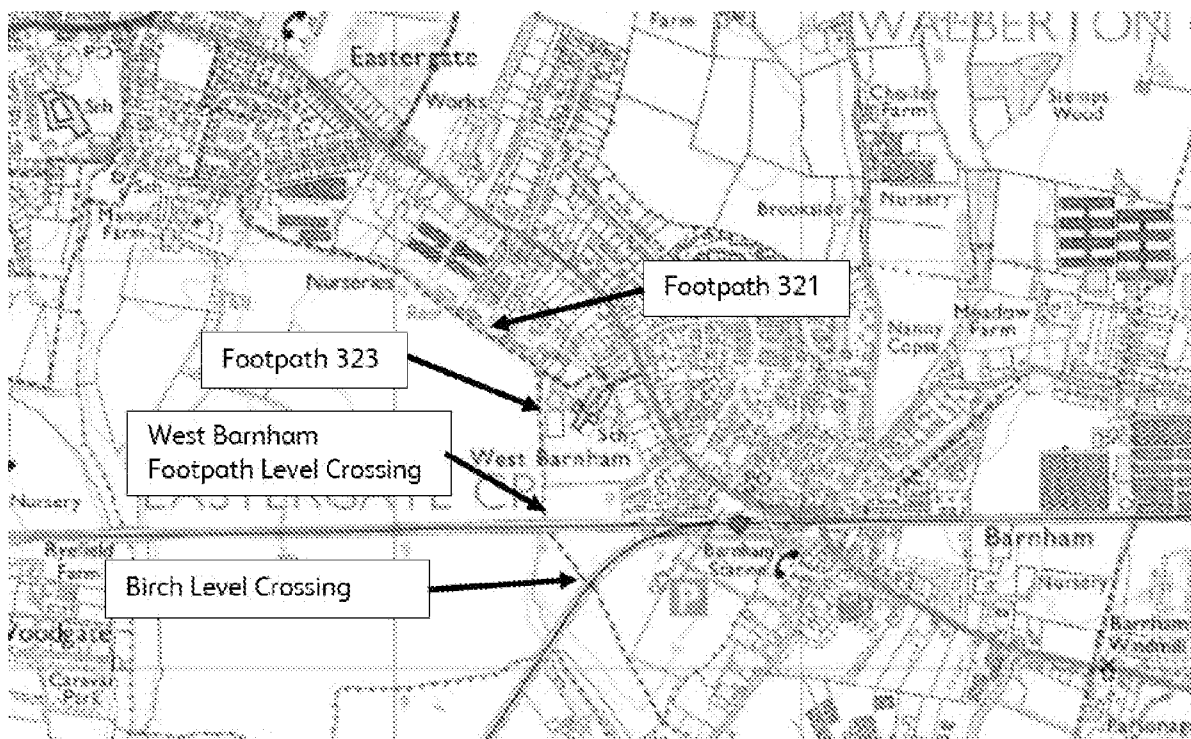
Network Rail is the statutory undertaker for maintaining and operating railway infrastructure of England, Scotland, and Wales. As statutory undertaker, Network Rail is under license from the Department for Transport (DfT) and Transport Scotland (TS) and regulated by the Office of Rail and Road (ORR) to maintain and enhance the operational railway and its assets, ensuring the provision of a safe operational railway. Consequently, any third-party proposal that impacts NR's ability to deliver a safe operational railway is a concern.

Level Crossings

As part of Network Rail's license to operate and manage Britain's railway infrastructure, Network Rail have the legal duty to protect rail passengers, the public, the railway workforce, and to reduce risk at our level crossings so far as is reasonably practicable.

West Barnham footpath level crossing and Birch footpath level crossing

Public Right of Way Footpath 323 routes through the proposed development and provides pedestrian access from footpath 321 in West Barnham to Church Lane to the south of the village. Footpath 323 passes over the railway twice at West Barnham footpath crossing and Birch footpath crossing.



Due to its scale and proximity, the proposed development is likely to have a significant impact on both Birch and West Barnham footpath crossings by increasing their use which increases the risk to the public and rail network.

The nature of this development (i.e., predominantly residential) will also introduce more vulnerable users (e.g., children, elderly, and encumbered users) to the crossings. Network Rail characterises 'vulnerable users' as those who are unable to use a level crossing quickly and effectively, and/or those who are not fully aware of the dangers at a level crossing. Residential developments can also increase the likelihood of misuse as they can be a point at which youths choose to gather.

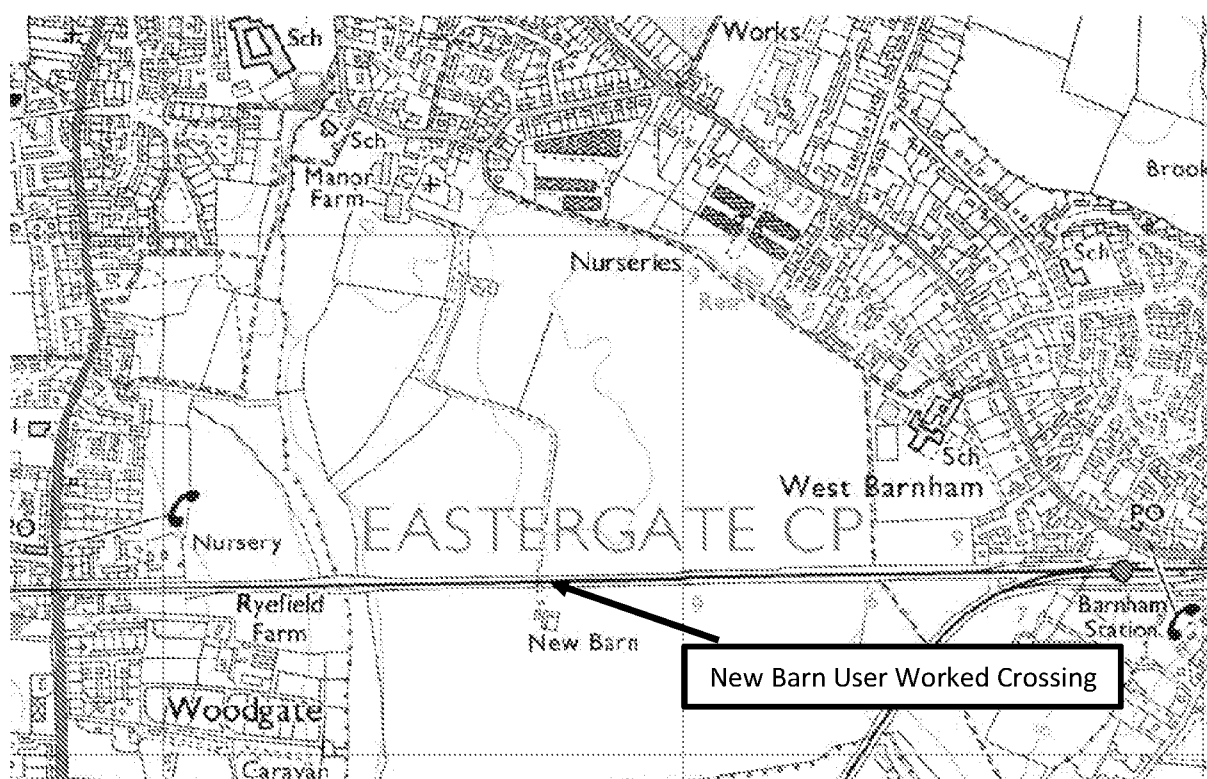
As a result of the increased risk highlighted above, there is likely to be a need to provide mitigation to lessen the harm and ensure that the development is acceptable in planning terms.

The importance of mitigating new residential development impacts on level crossings is evidence through a recent planning appeal decision which was related to West Barnham footpath level crossing and Birch footpath level crossing. The Planning Inspectorate allowed a planning appeal for up to 200 dwellings and imposed a condition that would preclude occupation of any dwelling on the appeal site until a necessary Order for the extinguishment or diversion of FP323 is in place which would then allow for the closure of the level crossings.

Network Rail request that Arun District Council make suitable provisions to ensure that this development does not increase the risk at both level crossings if they are minded grant approval. This is particularly important in the event that the other development does not come forward.

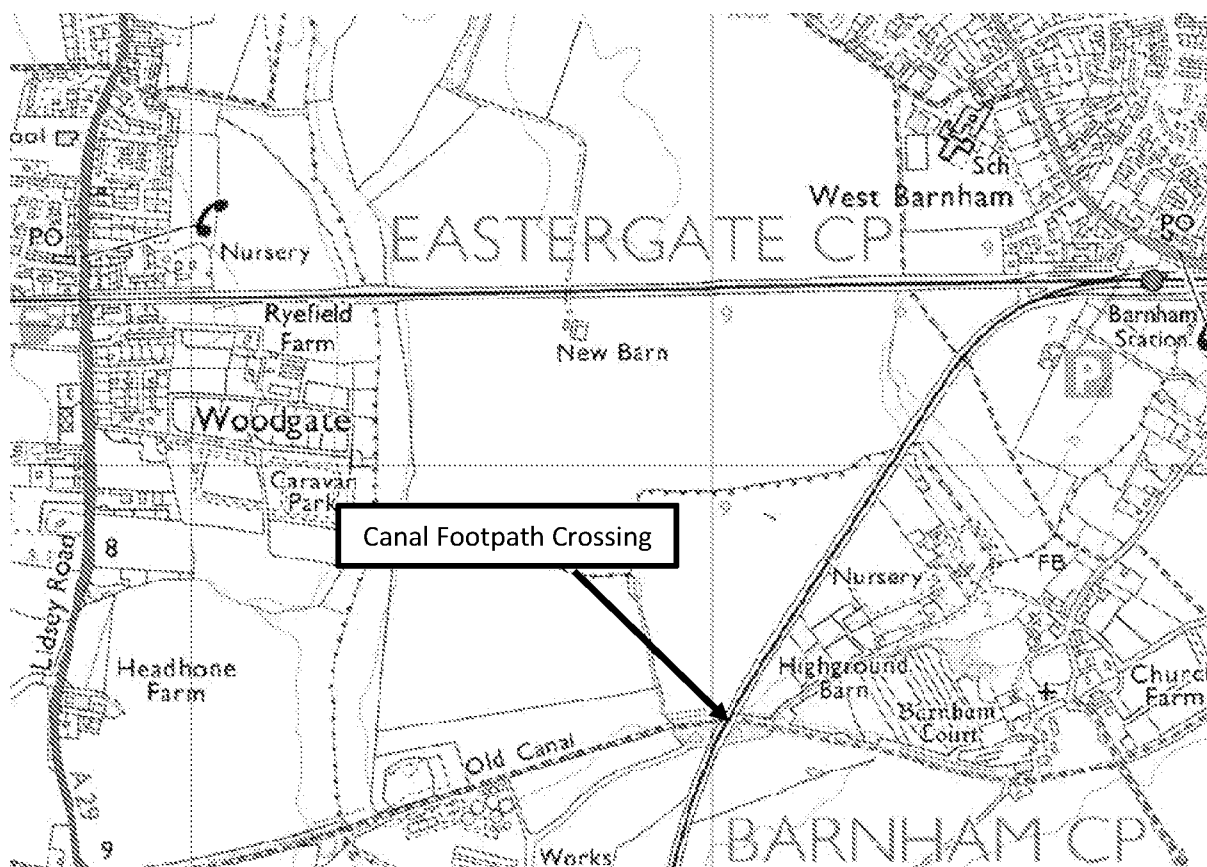
New Barn User Worked Crossing

We also ask that the applicant provides more information on the situation with New Barn User Worked Crossing which is located approximately in the centre of the southern boundary of the



Canal Footpath Crossing

Whilst unlikely to be directly impacted by Parcel SC1 of the Barnham Eastergate and Westergate (BEW) allocation, we would like to take this opportunity to highlight that Network Rail have concerns about the increase in risk of Canal footpath crossing located in the south eastern corner of the BEW allocation. Network Rail's initial view is that the crossing will need to be closed and the PRoW diverted.



Barnham railway station

Dedicated pedestrian and cycle link

Network Rail welcome the proposal to improve the access to Barnham Station by way of a dedicated pedestrian and cycle link. Ideally it should be continuous and connect right up the station, not ending at Gospond Road.

Please could the applicant provide more information on the pedestrian and cycle link and how it connects to Bosham station.

Station improvements

As a public funded company, Network Rail has responsibilities to spend public funds efficiently which consequently means we do not have the funds available to mitigate the impact of third-party development on railway stations. Where a significant amount of rail trips are generated by a third-party development, Network Rail request that the development provides a contribution to mitigate

the addition usage, ensuring that the station can continue to operate effectively and provide a good standard for rail passengers.

An initial review of Barnham station has identified that there may be a need for additional cycle parking to accommodate the additional cycle trips.

Network Rail welcome further discussions with the applicant to identify suitable improvements to the station.

Drainage

The 'Sustainable Drainage Report' by Pell Frischmann relating to the residential element of this outline application could not be located within the application documents. As a result, Network Rail's Drainage Team have only been able to provide comments based on the Link Road drainage strategy, the Illustrative Masterplan (drawing no. 00605B_S_06 Rev P1), Land and Green Infrastructure Plan (drawing no. 00605B PP04 Rev P1) and Composite Drainage Plan (drawing no. A13394-PEF-ZZ-XX-DR-CD-0511) along with the Flood Risk Assessment (report ref: 100148-PEF-ZZ-XX-RP-YE-000020-S2-P03_FRA) and other general documents included within the application.

Residential Drainage

It is noted that there is at least a 7m buffer from the railway boundary to any large attenuation features (basins) which is suitable in principle however, we will need to see more design details if and when a detailed application is submitted. Our biggest concern regarding the drainage will be to ensure that these basins are designed with a suitable freeboard and exceedance flow routing away from the railway to ensure that any overtopping does not cause issues to the railway or any of our assets.

Based on the Composite Drainage Plan referenced above, there are a number of formal outfalls into the ordinary watercourse that runs along the eastern boundary of the site. With the proposed new link road and these formal outfalls into a more concentrated section of ditch (when compared to the existing scenario), we will need to see evidence that the proposals are either not increasing the flow into the ordinary watercourse or that the approved increase (subject to land drainage consent as noted by the Arun District Council Drainage Engineer) has been assessed. This is to determine if the downstream culvert, which runs beneath the railway at W3W: [///poem.unable.daisy](https://poem.unable.daisy) (<https://what3words.com/poem.unable.daisy>), has the capacity to deal with the additional flow. This assessment should also be undertaken for the river culvert along the western boundary, this

modelling has also been requested by the Environment Agency as part of their objection to this application.

Link Road Drainage

Each of the points raised above for the residential drainage are also pertinent for the link road drainage. We note that there is no proposed drainage over the track/Network Rail boundary, with a system of pipes and gullies taking runoff from both ramps north and south respectively. We have a network of track drainage here with some earthwork's drainage in the vicinity so we will need to ensure that the construction of any bridge over NR land has no detrimental impact on our assets.

General Comments

The overall principle of the development is not detrimental to the railway from a flood risk and drainage perspective, however, as the site layout and design progresses, we will need to ensure that this remains the case.

We will also need details of who will be responsible for the management and maintenance of the site drainage and open spaces when these become available for our records, to ensure that we have a reliable point of contact in case of any future issues. Network Rail would also expect the LPA to require a Management Plan for the drainage and green spaces too, so we could review and save this once that is available, so we are aware of their expected maintenance frequencies and activities.

Whilst not essential at this stage, it would be really useful if the applicant could provide a copy of the topographical survey for the site, preferably in dwg format as the pdf within the report was difficult to view with any real clarity.

Asset Protection

Due to the close proximity of the proposed development to Network Rail's land and the operational railway, Network Rail requests the applicant / developer engages Network Rail's Asset Protection and Optimisation (ASPRO) team via [REDACTED] once planning permission has been granted, prior to works commencing. This will allow our ASPRO team to 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/>.

The applicant / developer must also follow the attached Asset Protection informatives which are issued to all proposals within close proximity to the railway (compliance with the informatives does not remove the need to engage with our ASPRO team).

Shared Value

Where third parties require use of, or rights over Network Rail land, additional value in that adjacent land can be generated. Network Rail may expect to receive a share of this additional value as consideration for its own disposal of land, grant of rights, or the use of its land. This is a valuable source of income for NR and is known as shared value and is a recognised part of the regulatory targets imposed on NR through the Office of Rail and Road settlement process. The provision of a new road bridge over the railway may provide a shared value opportunity. This will be discussed once the applicant has approached NR's Asset Protection team.

I trust that the above clearly sets out Network Rail's position on the proposal, should you require any further information please do not hesitate to contact me.

Kind regards,

Nick Donoghue

Town Planner | Property (Southern)

Network Rail

1 Puddle Dock, London, EC4V 3DS



www.networkrail.co.uk/property

Appendix – Asset Protection Informatives

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.

Property Rights

notwithstanding the above, if any property rights are required from NRIL in order to deliver the development, NRIL's Property team will need to be contacted'

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

Anglia: [REDACTED]

Kent and Sussex: [REDACTED]

Wessex: [REDACTED]

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