

**From:** Robert Major  
**Sent:** 06 February 2019 11:34  
**To:** planning  
**Subject:** FW: Ribble Valley ref 3-2019-0012 SW of Barrow-Whalley Rd 233 dwellings layout landscaping

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**From:** TownPlanning LNW [mailto:TownPlanningLNW@networkrail.co.uk]  
**Sent:** 06 February 2019 11:33  
**To:** Robert Major  
**Subject:** Ribble Valley ref 3-2019-0012 SW of Barrow-Whalley Rd 233 dwellings layout landscaping

**3/2019/0012**  
**Land SW of Barrow and West of Whalley Road, Barrow**  
**Full: 233 dwellings – layout, scale, landscaping**  
**Taylor Wimpey / Barrett Homes**  
**373341 / 437935**

FAO Robert Major

Network Rail has the following comments to make:

#### **(1) Level Crossings**

As you will be aware, under the provisions of the Town & Country Planning (Development Management Procedure) (England) Order 2015, Network Rail is a Statutory Consultee for all planning applications for “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” (Schedule 4(j)).

Permission was granted in 2014 for the residential scheme comprising 504 residential units. The current proposal site forms part of that larger site. As you will be aware Network Rail objected to the 2012 proposal and highlighted the location of the two level crossings (Lamb Roe and Brook House Farm) and changes to the safety risk as a result of the application.

Network Rail would point out to the council that the NPPF states:

***Pg31. Considering Development Proposals***

*108. In assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that:*

*b) safe and suitable access to the site can be achieved for all users;*

*110. Within this context, applications for development should:*

*c) create places that are safe, secure....- which minimise the scope for conflicts between pedestrians, cyclists and vehicles;”*

The impacts of increased numbers of users **and** the change in the character of users (including vulnerable users) should be considered in the council's decision going forward in line with the NPPF. A definition of 'vulnerable users' is sited below the signature.

Network Rail will be monitoring closely the usage of both Lamb Roe and Brook House Farm Level Crossings. Should there be a need to upgrade or close the crossings, as a result of the development, we would expect the LPA and County Council to support Network Rail in taking that forward.

#### **(2) Asset Protection**

When designing proposals, the developer and LPA are advised, that any measurements must be taken from the operational railway / Network Rail boundary and not from the railway tracks themselves. From the existing railway tracks to the Network Rail boundary fence, the land will include critical infrastructure (e.g. cables, signals, overhead lines, communication equipment etc) and boundary treatments which might be adversely impacted by outside party proposals unless the necessary asset protection measures are undertaken. No proposal should increase Network Rail's liability.

(a)

The developer is to submit directly to Network Rail, a Risk Assessment and Method Statement (RAMS) for all works to be undertaken within 10m of the operational railway under Construction (Design and Management) Regulations, and this is in addition to any planning consent. Network Rail would need to be re-assured the works on site follow safe methods of working and have also taken into consideration any potential impact on Network Rail land and the existing operational railway infrastructure. Builder to ensure that no dust or debris is allowed to contaminate Network Rail land as the outside party would be liable for any clean-up costs. Review and agreement of the RAMS will be undertaken between Network Rail and the applicant/developer. The applicant /developer should submit the RAMs directly to:

[AssetProtectionLNWNorth@networkrail.co.uk](mailto:AssetProtectionLNWNorth@networkrail.co.uk)

(b)

The applicant will provide at their own expense (if not already in place):

- A suitable trespass proof steel palisade fence of a minimum height of 1.8m adjacent to the boundary with the railway/railway land.
- The fence must be wholly constructed and maintained within the applicant's land ownership footprint.
- All foundations must be wholly constructed and maintained within the applicant's land ownership footprint without over-sailing or encroaching onto Network Rail's boundary.
- The fence must be set back at least 1m from the railway boundary to ensure that Network Rail can maintain and renew its boundary treatments.
- Existing Network Rail fencing and boundary treatments must not be damaged or removed in any way.
- Network Rail will not allow any maintenance works for proposal fencing or proposal boundary treatments to take place on its land.
- Proposal fencing must not be placed on the boundary with the railway.
- Any fencing over 1.8m in height will require agreement from Network Rail with details of foundations and wind loading calculations submitted for review.
- The fence should be maintained by the developer and that no responsibility is passed to Network Rail.

(c)

The developer/applicant must ensure that their proposal, both during construction and as a permanent arrangement, does not affect the safety, operation or integrity of the existing operational railway / Network Rail land. There must be no physical encroachment of the proposal onto Network Rail land, no over-sailing into Network Rail air-space and no encroachment of foundations onto Network Rail land and boundary treatments. Any construction works on site and any future maintenance works must be conducted solely within the applicant's land ownership.

(d)

Any scaffolding which is to be constructed within 10 metres of the Network Rail / railway boundary must be erected in such a manner that at no time will any poles over-sail the railway and protective netting around such scaffolding must be installed. The applicant / applicant's contractor must consider if they can undertake the works and associated scaffolding / access for working at height within the footprint of their land ownership boundary. The applicant is reminded that when pole(s) are erected for construction or maintenance works, must have at least a 3m failsafe zone between the maximum height of the pole(s) and the railway boundary.

(e)

If vibro-compaction machinery / piling machinery or piling and ground treatment works are to be undertaken as part of the development, details of the use of such machinery and a method statement must be submitted to the Network Rail Asset Protection Engineer for agreement.

- All works shall only be carried out in accordance with the method statement and the works will be reviewed by Network Rail. The Network Rail Asset Protection Engineer will need to review such works in order to determine the type of soil (e.g. sand, rock) that the works are being carried out upon and also to determine the level of vibration that will occur as a result of the piling.
- The impact upon the railway is dependent upon the distance from the railway boundary of the piling equipment, the type of soil the development is being constructed upon and the level of vibration. Each proposal is therefore different and thence the need for Network Rail to review the piling details / method statement.

Maximum allowable levels of vibration - CFA piling is preferred as this tends to give rise to less vibration. Excessive vibration caused by piling can damage railway structures and cause movement to the railway track as a result of the consolidation of track ballast. The developer must demonstrate that the vibration does not exceed a peak particle velocity of 5mm/s at any structure or with respect to the rail track.

(f)

The applicant must ensure that the proposal drainage does not increase Network Rail's liability, or cause flooding pollution or soil slippage, vegetation or boundary issues on railway land. Therefore, the proposal drainage on site will ensure that:

- All surface waters and foul waters drain away from the direction of the railway boundary.
- Any soakaways for the proposal must be placed at least 30m from the railway boundary.

- Any drainage proposals for less than 30m from the railway boundary must ensure that surface and foul waters are carried from site in closed sealed pipe systems.
- 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.
- Drainage works must not impact upon culverts on developers land including culverts/brooks etc that drain under the railway.
- The developer must ensure that there is no surface or sub-surface flow of water towards the operational railway.
- Rainwater goods must not discharge in the direction of the railway or onto or over the railway boundary.

(g)

Network Rail will need to review and agree all excavation and earthworks within 10m of the railway boundary to determine if the works impact upon the support zone of our land and infrastructure as well as determining relative levels in relation to the railway. Network Rail would need to agree to the following:

- Alterations to ground levels
- De-watering works
- Ground stabilisation works

Network Rail would need to review and agree the methods of construction works on site to ensure that there is no impact upon critical railway infrastructure. No excavation works are to commence without agreement from Network Rail. The LPA are advised that the impact of outside party excavation and earthworks can be different depending on the geography and soil in the area. The LPA and developer are also advised that support zones for railway infrastructure may extend beyond the railway boundary and into the proposal area. Therefore, consultation with Network Rail is requested. Any right of support must be maintained by the developer.

(h)

Network Rail requests that the developer ensures there is a minimum 3 metres gap between the buildings and structures on site and the railway boundary. Less than 3m from the railway boundary to the edge of structures could result in construction and future maintenance works being undertaken on Network Rail land. This would not be acceptable. All the works undertaken to facilitate the design and layout of the proposal should be undertaken wholly within the applicant's land ownership footprint.

(i)

The LPA and the developer (along with their chosen acoustic contractor) are recommended to engage in discussions to determine the most appropriate measures to mitigate noise and vibration from the existing operational railway to ensure that there will be no future issues for residents once they take up occupation of the dwellings.

Network Rail is aware that residents of dwellings adjacent to or in close proximity to, or near to the existing operational railway have in the past discovered issues upon occupation of dwellings with noise and vibration. It is therefore a matter for the developer and the LPA via mitigation measures and conditions to ensure that any existing noise and vibration, and the potential for any future noise and vibration are mitigated appropriately prior to construction.

The NPPF states, "182. Where the operation of an existing business or community facility could have a significant adverse effect on new development (including changes of use), in its vicinity, the applicant (or 'agent of change') should be required to provide suitable mitigation before the development has been completed."

To note are:

- The current level of railway usage may be subject to change at any time without prior notification including increased frequency of trains, night time train running, heavy freight trains, trains run at weekends /bank holidays.
- Maintenance works to trains could be undertaken at night and may mean leaving the trains' motors running which can lead to increased levels of noise and vibration.
- Network Rail carry out works at night on the operational railway when normal rail traffic is suspended and these works can be noisy and cause vibration.
- Network Rail may need to conduct emergency works on the existing operational railway line which may not be notified to residents in advance due to their safety critical nature, and may occur at any time of the day or night, during bank holidays and at weekends.
- Works to the existing operational railway may include the presence of plant and machinery as well as vehicles and personnel for works.
- The proposal should not prevent Network Rail from its statutory undertaking. Network Rail is a track authority. It may authorise the use of the track by train operating companies or independent railway operators, and may be compelled to give such authorisation. Its ability to respond to any enquiries regarding intended future use is therefore limited.

- The scope and duration of any Noise and Vibration Assessments may only reflect the levels of railway usage at the time of the survey.
- Any assessments required as part of CDM (Construction Design Management) or local planning authority planning applications validation process are between the developer and their appointed contractor.
- Network Rail cannot advise third parties on specific noise and vibration mitigation measures. Such measures will need to be agreed between the developer, their approved acoustic contractor and the local planning authority.
- Design and layout of proposals should take into consideration and mitigate against existing usage of the operational railway and any future increase in usage of the said existing operational railway.

(j)

Proposals for the site should take into account the recommendations of, 'BS 5837:2012 Trees in Relation to Design, Demolition and Construction', which needs to be applied to prevent long term damage to the health of trees on Network Rail land so that they do not become a risk to members of the public in the future.

All vegetation on site should be in line with the recommended tree matrix for the reasons outlined in the document.

<http://wcms-internet.corp.ukrail.net/community-relations/trees-and-plants/>

(k)

Where a proposal calls for the following adjacent to the boundary with the operational railway, running parallel to the operational railway or where the existing operational railway is below the height of the proposal site:

- hard standing areas
- turning circles
- roads, public highways to facilitate access and egress from developments

Network Rail would very strongly recommend the installation of suitable high kerbs or crash barriers (e.g. Armco Safety Barriers).

This is to prevent vehicle incursion from the proposal area impacting upon the safe operation of the railway.

(l)

As the proposal includes works which may impact the existing operational railway and in order to facilitate the above, a **BAPA** (Basic Asset Protection Agreement) will need to be agreed between the developer and Network Rail. The developer will be liable for all costs incurred by Network Rail in facilitating this proposal, including any railway site safety costs, possession costs, asset protection costs / presence, site visits, review and agreement of proposal documents and any buried services searches. The BAPA will be in addition to any planning consent.

The applicant / developer should liaise directly with Asset Protection to set up the BAPA (form attached).

[AssetProtectionLNWNorth@networkrail.co.uk](mailto:AssetProtectionLNWNorth@networkrail.co.uk)

From

**Diane Clarke**

**Town Planning Technician LNW**

**Network Rail**

[TownPlanningLNW@networkrail.co.uk](mailto:TownPlanningLNW@networkrail.co.uk)

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**\* 'Vulnerable Users' are characterised as those who are unable to use the level crossing quickly and effectively and are not fully aware of the dangers at a level crossing.** This term does not relate exclusively to disabled or elderly people with impaired mobility; but also those with impaired hearing or vision, learning difficulties or do not speak English, young children who do not have a mature perception of the risks that are inherent in crossing the railway, older children in groups and fully able bodied people who are vulnerable because, say, they may be carrying heavy bags, or pushing buggies, or walkers with a dog either on, or off the lead. Many pedestrians now wear head-obscuring clothing and/or earphones and just do not see or hear an approaching train until it is too late. Those who walk/lead a dog (or dogs) import a real possibility for vulnerability, albeit we do not say that every dog walker will always exhibit an equally high level of vulnerability. Again, the approach is measured and ultimately, public safety-led.

There is high-level Parliament recognition of adopting categories of vulnerable users specifically in connection with assessing level crossings in public safety terms: see House of Commons Safety at Level Crossings (Eleventh Report of Session: 2013-2014): Part 4I from paragraph 41: "young people" are vulnerable persons crossing, inter alia, *"because they cannot process correctly the speed of objects coming towards them"*; older users may be vulnerable, by reason of mobility and sighting impairment.

Network Rail's approach to categorising 'vulnerable users' has been proven to be eminently pragmatic, properly reflective of Parliament's own approach, and is robust. It is one that has been accepted in previous PINS decisions made on behalf of the Secretary of State and consequently, no credible challenge can be made that the particularly young, the aged – who may disclose a comparatively high propensity for disclosing a sight, hearing and/or mobility impairment, others with sight, hearing and/or mobility impairments, or persons with improvised impairment (sensibly including persons wearing hoodies/obstructing headwear or using head/ear phones, or those burdened by a bag, trolley or cycle) are 'vulnerable' in safety terms.

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Network Rail, 2nd Floor, One Eversholt Street, London, NW1 2DN

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