

From: [Bullock Lisa](#)  
To: [Strategy](#)  
Subject: Network Rail  
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Attachments: [image001.png](#)

Dear Gill Littlewood

Network Rail would like to make comment on the Local Plan Issues and Options. This email forms the basis of our response.

**Question 4b:** The recent housing and employment land study gives a picture of the current level of employment land. This shows that there is far and above the required level set out in the Core Strategy at Policy CP 2 which forecast the need for 36.5 ha of business use, 49,500 m2 of office space and 93,150m2 of retail. The study published March 2019 reports that there is 94.9 ha of industrial land within the area and this does not include the additional 25ha which is to be provided by the Nexus 25 site.

It would seem that some allocated sites are out of date and are no longer required to meet the need as there is sufficient land elsewhere in the plan area having 200% more land available for light industrial uses, in addition to this whilst there is sufficient land available for housing in the plan area year on year, there is not enough housing being delivered. It could be argued that Policy FP 9 of the TTCAAP is out of date as the provision of land is far greater than the demand. The NPPF is clear that when determining applications where policies are out-of-date the presumption should be in favour of sustainable development. This is reflected in Section 11 of the NPPF and paragraph 120 informs that decisions need to reflect changes in the demand for land. With this in mind there is scope to lose some existing allocated sites especially where they are regarded as sustainable locations for housing and meets the requirements of the suggested housing policies you are suggesting (Objective 2).

The site relevant to Network Rail is 'Obridge Yard' which is currently being used for temporary parking whilst work is taking place at Taunton Station. Policy Fp 9 of the Area Action Plan allocates this site for light industry, storage and distribution. This policy is out-of-date and the site would be better used to provide housing close to the Town Centre and public transport hubs. With the current data contained within the recent land study its clear there is no justification for the council to keep this site allocated for employment.

**Question 5a and 5b:** 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 like to point out that the residual surpluses available to support s.106 infrastructure costs could include any mitigation required where development has an adverse impact on the railway infrastructure. The cost of mitigating any impact may have a bearing on the viability and deliverability of any such proposed site.

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.

#### Level Crossings

Any development of land which would result in a material increase or significant change in the character of traffic using a rail crossings should be refused unless, in consultation with Network Rail, it can either be demonstrated that the safety will not be compromised, or where safety is compromised serious mitigation measures would be incorporated to prevent any increased safety risk as a requirement of any permission.

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 by the impact the proposed site allocation would have on the safety and operation of these level crossings. The safety of the operational railway and of those crossing it is of the highest importance to Network Rail.

Councils are urged to take the view that 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.

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 at the three level crossings in question. 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.

We would appreciate the Council's providing Network Rail with an opportunity to comment on any future planning policy documents as we may have more specific comments to make (further to those above). We look forward to continuing to work with you to maintain consistency between local and rail network planning strategy.

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

Yours sincerely,



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