

Gulley, Nicola

**From:** Local Development Plan  
**Sent:** 16 September 2013 17:19  
**To:** Gulley, Nicola  
**Subject:** FW: Community Infrastructure Levy (CIL) Draft Charging Schedule and Supplementary Planning Guidance Consultation

**From:** Morgan Barbara [mailto:Barbara.Morgan@networkrail.co.uk]  
**Sent:** 02 August 2013 09:30  
**To:** Local Development Plan  
**Subject:** Community Infrastructure Levy (CIL) Draft Charging Schedule and Supplementary Planning Guidance Consultation

Dear Sir/Madam,

Network Rail has been consulted by Rhondda Cynon Taf County Borough Council on the Community Infrastructure Levy (CIL) Draft Charging Schedule and Supplementary Planning Guidance Consultation. Thank you for providing us with this opportunity to comment on this document.

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. In this regard, please find our comments below.

#### Developer Contributions

The Community Infrastructure Levy (CIL) Draft Charging Schedule and Supplementary Planning Guidance document should set a strategic context requiring developer contributions towards rail infrastructure where growth areas or significant housing allocations are identified close to existing rail infrastructure.

Many stations and routes are already operating close to capacity and a significant increase in patronage may create the need for upgrades to the existing infrastructure including improved signalling, passing loops, car parking, improved access arrangements or platform extensions.

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.

Specifically, we request that a Policy is included within the document which requires developers to fund any qualitative improvements required in relation to existing facilities and infrastructure as a direct result of increased patronage resulting from new development.

The likely impact and level of improvements required will be specific to each station and each development meaning standard charges and formulae may not be appropriate. Therefore in order to fully assess the potential impacts, and the level of developer contribution required, it is essential that where a Transport Assessment is submitted in support of a planning application that this quantifies in detail the likely impact on the rail network.

To ensure that developer contributions can deliver appropriate improvements to the rail network we would recommend that Developer Contributions should include provisions for rail and should include the following:

- Network Rail believes that developments on the railway infrastructure should be exempt from CIL or that its development should at least be classified as payments in-kind.
- We would encourage the railways to be included on the Regulation 123 list of the types of infrastructure projects that will be funded through CIL.
- Network Rail would like to seek a clear definition of buildings in the draft charging schedule. Railway stations are open-ended gateways to railway infrastructure and should not be treated as buildings. Likewise lineside infrastructure used to operate the railway (such as sheds, depot buildings etc) should be classed as railway infrastructure and not treated as buildings for the purposes of the charging schedule.
- Network Rail would like confirmation that its developments over 100sqm undertaken using our Permitted Development Rights will not be CIL chargeable.
- We consider that imposing a charge on one infrastructure project to pay for another in an inefficient way of securing funding.
- A requirement for development contributions to deliver improvements to the rail network where appropriate.
- A requirement for Transport Assessments to take cognisance of impacts to existing rail infrastructure to allow any necessary developer contributions towards rail to be calculated.
- A commitment to consult Network Rail where development may impact on the rail network and may require rail infrastructure improvements. In order to be reasonable these improvements would be restricted to a local level and would be necessary to make the development acceptable. We would not seek contributions towards major enhancement projects which are already programmed as part of Network Rail's remit.

#### Level Crossings

Development proposals affecting the safety of level crossings is an extremely important consideration for emerging planning policy to address. The impact from development can result in a significant increase in the vehicular and/or pedestrian traffic utilising a crossing which in turn impacts upon safety and service provision.

As a result of increased patronage, Network Rail could be forced to reduce train line speed in direct correlation to the increase in vehicular and pedestrian traffic using a crossing. This would have severe consequences for the timetabling of trains and would also effectively frustrate any future train service improvements. This would be in direct conflict with strategic and government aims of improving rail services.

In this regard, we would request that the potential impacts from development affecting Network Rail's level crossings, is specifically addressed through planning policy as there have been instances whereby Network Rail has not been consulted as statutory undertaker where a proposal has impacted on a level crossing.

As such, we strongly believe that the importance of Level Crossing safety warrants a specific Policy included in the Supplementary Planning Guidance Document which will help to elevate the importance of Level Crossings within the development management and planning process. We request that a policy is provided confirming that:

- 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 volume or a material change in the character of traffic using a level crossing over a railway:
  - *Schedule 4 (d)(ii) of the Town & Country Planning (Development Management Procedure) (Wales) order, 2012 requires that... "Where any proposed development is likely to result in a material increase in 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 Welsh Ministers and Network Rail for separate approval".*
- As a first principle, Network Rail would seek to close Level Crossings where possible.
- Any planning application which may increase the level of pedestrian and/or vehicular usage at a level crossing should be supported by a full Transport Assessment assessing such impact and
- The developer is required to fund any required qualitative improvements to the level crossing as a direct result of the development proposed.

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

16/09/2013

Regards,



Property

**Barbara Morgan**  
Town Planning Technician (Western)  
3<sup>rd</sup> Floor, Temple Point  
Redcliffe Way, Bristol BS1 6NL

Email: [townplanningwestern@networkrail.co.uk](mailto:townplanningwestern@networkrail.co.uk)

[www.networkrail.co.uk/property](http://www.networkrail.co.uk/property)

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