

**From:** Grace Lewis [REDACTED]  
**Sent:** 31 January 2023 09:46  
**To:** Planning Policy  
**Subject:** emerging new East Devon Local Plan 2020 to 2040

**Follow Up Flag:** Follow up  
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Network Rail  
1<sup>st</sup> Floor  
Bristol Temple Point  
Bristol  
BS1 6NL

My Ref: P/TP21/

Your Ref:

Date: 31 January 2023

**TOWN AND COUNTRY PLANNING ACT 1990 (as amended)**

**PROPOSAL: East Devon Local Plan**

Dear Sir/Madam,

Thank you for consulting us on the emerging East Devon Local Plan. This email forms for the basis of our response.

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.

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.

**Chapter 11 – Prioritising sustainable travel and transport**

We welcome good design to improve the health and wellbeing of visitors and residents, the provision of quality green space and community facilities are supported, alongside the promotion of sustainable transport. The plan looks to encourage physical exercise with the provision of safe and pleasant cycling and walking routes between

services and facilities. Encouraging traffic whether it is vehicle, cycle or pedestrian over any level crossing on the railway network should be fully assessed. Where there is an increase in the use, or alteration to the environment of a level crossing, contact with Network Rail should be made to assess this change against the risk rating for any such level crossing. An increase in risk will require suitable mitigation.

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 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:-

- (Schedule 4 (j) of the Town & Country Planning (Development Management Procedure) Order, 2015) requires that "...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" (public footpath, public or private road) the Planning Authority's Highway Engineer must submit details to both the Secretary of State for Transport and Network Rail for separate approval.

### **Chapter 8- Meeting Housing Needs for All**

NR understand the need to address housing need and deliver more affordable housing across East Devon. Increasing footfall into town centres such as Cranbrook town centre, which has access to the town centre via a railway level crossing should assess and such level crossing to ascertain the impact the new policy will have on any such level crossing.

#### **Cranbrook**

Whilst the plan is not specifically consulting on Cranbrook there is still a need to resolve the unsatisfactory situation regarding the level crossing at Crannaford which needs to be addressed as part of the scheme to create a new loop through the site. Serious consideration needs to be given to the potential closure of the crossing to vehicles.

During the development of The Cranbrook Plan, and in response to the various planning applications submitted following the allocation of this planned new town, Network Rail have raised concerns and objections (at every opportunity) in regard to the change of environment surrounding the crossing and the likely increase in volume of traffic, both vehicle and pedestrian traversing over Crannaford Level Crossing. Crannaford Level Crossing is within the plan area. This level crossing is a public highway automatic half barrier type crossing. The line speed is 90 mph and currently 24 trains travel along here per day with further development in the area increasing the usage of the crossing to an extent which increases the risk rating, and the safety for users of the crossing.

Any development which would result in a material increase or significant change in the character of traffic using a rail crossing 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.

With this in mind it is strongly urged the council considers the impact the proposals at Cranbrook will have on railway infrastructure and the Crannaford Level Crossing.

We trust these comments will be useful in the preparation of the forthcoming plan documents.

Yours Sincerely,

#### **Grace Lewis**

Town Planning Technician Wales and Western  
Network Rail  
Temple Point, Redcliffe Way, Bristol, BS1 6NL

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