

From: Howard Smith
Sent: 04 October 2023 09:57
To: Planning Admin
Subject: FW: 23/1007/OUT - Water Lane (South), Exeter
Attachments: DA1330_D176328.PDF

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From: Grace Lewis
Sent: 03 October 2023 13:59
To: Howard Smith <howard.smith@exeter.gov.uk>
Subject: 23/1007/OUT - Water Lane (South), Exeter

OFFICIAL



Network Rail
1st Floor
Bristol Temple Point
Bristol
BS1 6NL

My Ref: P/TP23/396
Your Ref: 23/1007/OUT

Date: 3 October 2023

TOWN AND COUNTRY PLANNING ACT 1990 (as amended)

APPLICATION NO: 23/1007/OUT

PROPOSAL: Demolition of existing buildings and structures and residential-led mixed use development providing new dwellings and workspace, retail, café/restaurant, community and cultural/leisure/education/hotel uses and associated infrastructure, including vehicular access, servicing, mobility hub, energy plant; alteration of ground levels; drainage and public open space; landscaping and public realm works; including pedestrian and cycle routes, with all matters reserved for future considerations, with the exception of access.

LOCATION: Water Lane (South), Exeter

Dear Sir/Madam,

Thank you for your email dated **5 September 2023** together with the opportunity to comment on this proposal.

Network Rail has no objections in principle to the development subject to clause 4.1 of the demarcation agreement being adhered to. This land is former BR land in which Network have a right of vehicular access over the land that must be maintained and safeguarded. The demarcation agreement is attached.

No drainage plans have also been provided for the site, we therefore wish the below condition to be added to the planning permission:

1. No development approved by this permission shall be commenced until a scheme, including design calculations and construction details, for the disposal of surface water which shall include the provision and implementation of a surface water regulation system and storage facility has been approved and implemented to the satisfaction of the Local Planning Authority in accordance with the details and timetable agreed. Note: no structure shall be within 5m of the railway boundary and no water shall be discharged on the adjacent railway land.

Reason: to ensure the safety of the operational railway.

Notwithstanding the above, I have included comments below that should be added to the decision notice as informatives.

SAFTEY

Any works on this land will need to be undertaken following engagement with Asset Protection to determine the interface with Network Rail assets, buried or otherwise and by entering into a Basis Asset Protection Agreement, if required, with a minimum of 3months notice before works start. Initially the outside party should contact assetprotectionwestern@networkrail.co.uk.

FENCING

Network Rail has a statutory duty to prevent trespass onto its infrastructure. So, a requirement to upgrade the fencing to NR standards and a Vehicle Incursion assessment shall be required to be undertaken. Fencing should be a minimum of 1.8m high. Network Rail's existing fencing / wall must not be removed or damaged and at no point either during construction or after works are completed on site should the foundations of the fencing or wall or any embankment therein be damaged, undermined or compromised in any way. Any vegetation on Network Rail land and within Network Rail's boundary must also not be disturbed.

SCAFFOLDING/CRANES

Any scaffold which is to be constructed adjacent to the railway must be erected in such a manner that, at no time will any poles or cranes over-sail or fall onto the railway. All plant and scaffolding must be positioned, that in the event of failure, it will not fall on to Network Rail land.

DEMOLITION

The demolition works on site must be carried out so that they do not endanger the safe operation of the railway, or the stability of the adjoining Network Rail structures and land. The demolition of the existing building, due to its close proximity to the Network Rail boundary, must be carried out in accordance with an agreed method statement. Approval of the method statement must be obtained from the Network Rail Asset Protection Engineer before the development and any demolition works on site can commence.

ACCESS TO RAILWAY

All roads, paths or ways providing access to any part of the railway undertaker's land shall be kept open at all times during and after the development.

FOUNDATIONS

Network Rail offers no right of support to the development. Where foundation works penetrate Network Rail's support zone or ground displacement techniques are used the works will require specific approval and careful monitoring by Network Rail. There should be no additional loading placed on the cutting and no deep continuous excavations parallel to the boundary without prior approval.

GROUND DISTURBANCE

The works involve disturbing the ground on or adjacent to Network Rail's land it is likely/possible that the Network Rail and the utility companies have buried services in the area in which there is a need to excavate. Network Rail's ground disturbance regulations applies. The developer should seek specific advice from Network Rail on any significant raising or lowering of the levels of the site.

SITE LAYOUT

It is recommended that all buildings be situated at least 2 metres from the boundary fence, to allow construction and any future maintenance work to be carried out without involving entry onto Network Rail's infrastructure. Where trees exist on Network Rail land the design of foundations close to the boundary must take into account the effects of root penetration in accordance with the Building Research Establishment's guidelines.

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 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.

EXCAVATIONS/EARTHWORKS

All excavations / earthworks carried out in the vicinity of Network Rail's property / structures must be designed and executed such that no interference with the integrity of that property / structure can occur. If temporary compounds are to be located adjacent to the operational railway, these should be included in a method statement for approval by Network Rail Asset Protection. Prior to commencement of works, full details of excavations and earthworks to be carried out near the railway undertaker's boundary fence should be submitted for approval of NR Asset Protection and the works shall only be carried out in accordance with the approved details. Where development may affect the railway, consultation with the Asset Protection Engineer should be undertaken.

DEMOLITION

The demolition works on site must be carried out so that they do not endanger the safe operation of the railway, or the stability of the adjoining Network Rail structures and land. The demolition of the existing building, due to its close proximity to the Network Rail boundary, must be carried out in accordance with an agreed method statement. Approval of the method statement must be obtained from the Network Rail Asset Protection Engineer before the development and any demolition works on site can commence.

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.

NOISE

Network Rail would remind the council and the applicant of the potential for any noise/ vibration impacts caused by the proximity between the proposed development and the existing railway, which must be assessed in the context of the National Planning Policy Framework (NPPF) and the local planning authority should use conditions as necessary.

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 and heavy freight trains.

There is also the potential for maintenance works to be carried out on trains, which is undertaken at night and means leaving the trains' motors running which can lead to increased levels of noise.

We therefore strongly recommend that all future residents are informed of the noise and vibration emanating from the railway, and of potential future increases in railway noise and vibration.

Yours Sincerely,

Grace Lewis

Town Planning Technician Wales and Western

Network Rail

Temple Point, Redcliffe Way, Bristol, BS1 6NL

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www.networkrail.co.uk/property

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