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28th March 2014

Dear Sir/Madam

**Re: BORDERS LDP 2013: NETWORK RAIL COMMENTS**

### **Introduction**

Thank you for consulting Network Rail about the new Borders Development Plan. I was unable to complete these comments online as OLDP was withdrawn on Friday 28th. I have provided our detailed comments in this letter. Please advise whether you require these comments in any other format to consolidate them with the other submissions to the LDP.

I would like to note that Network Rail broadly supports the current LDP's approach to the protection of railway infrastructure and its operations including; Policies IS3 and IS4. Our comments endeavour to reinforce the policy framework set out in the SES Plan and to ensure that the LDP accommodates reasonable foreseeable future demands on both existing and new railway infrastructure in the Borders.

In summary, we are keen to seek continued support for safeguarding and improving the safety and capacity of the existing and (under construction) railway network in tandem with new development, and that where improvements are required, that they are considered at the right time as part of the planning for new development and appropriate contributions applied.

I have provided detailed comments on specific parts of the LDP in the list below by providing the page number and the paragraph number, or Policy to which the comment refers.

- p.8 **Introduction 1.11.** Network Rail supports references to the SES Plan; which provides the strategic framework for development of railway services in the district. We are keen to promote safeguarding and improving the existing and (under construction) railway network in tandem with new development from which appropriate contributions are taken towards development of the railway network.

p 16 **Local Development Plan Aims paragraph 3.9** A key plank of the LDP strategy is to safeguard existing, and promote new, railway routes. Does the phrase *‘To encourage better connectivity by transport and digital networks’* go far enough to fully articulate this aspiration or could it be better linked to the Council’s corridor safeguarding strategy. It is noted that the list in 3.10 uses the term ‘protect’ in relation to other assets. Further, Key Output 5 earlier in the LDP seeks *improvements* to road and rail networks, and thus this aim could be more positive in regard to the need to actively promote the protection and enhancement of the railway network.

p17 **Spatial Strategy 3.14** The paragraph refers to proposing *to enhance the quality of the existing supply of industrial and business land at Tweedbank to provide for the anticipated demand in industrial land.* Is it intended that this also mean quantity?

p 23 **1.1 Policy PMD1 Sustainability** seeks to ensure the;

d) *The protection of built and cultural resources; and*

e) *The efficient use of energy and resources, particularly non-renewable resources*

Network Rail considers that the development, maintenance and enhancement of its railway infrastructure is included in this overarching objective to the extent that its built form, function and the need for its efficient development is supported by these policies.

p 29 **Policy PM4: Development outwith development boundaries** should add that the one of the criteria for ‘exceptions’ should be the functional and operational requirements of providers of linear land-based infrastructure. The plan’s key objective to ‘increase connectivity’ should ensure that development needed to support linear infrastructure, including for transport purposes such as the railway, is an anticipated ‘exception’ provided there is a functional and justifiable need. While any works associated with protecting a corridor are arguably provided for under d) *it is a development that it is considered would offer significant community benefits that outweigh the need to protect the Development Boundary* it may not be ‘significant’ enough to qualify here and the clause should be amended by adding the following to the criteria’

d) *it is a development that it is considered would offer significant community benefits or **maintains a strategic connected network (or similar wording)** that outweighs the need to protect the Development Boundary.*

p96 **Policy EP6:** the concerns raised in PM4 are better addressed in to Policy EP6: Countryside around Towns, where there is an exception criteria which allows exceptions criteria based on strategic need in e) *subject to satisfactory design and setting, it has a proven national or strategic need and no alternative is suitable.* This policy better illustrates the range of criteria that linear infrastructure providers may

be better able to meet regarding exceptions which may arise under the LDP.

p116 **Policy EP 14 Coastline;** Network Rail is keen to ensure that essential infrastructure like the railway network is, where it is located in or near the coast is protected to the extent that its maintenance, enhancement and development is not prohibited by policies in the LDP. Whilst only a small portion of the network might be affected in the Borders, any location point failure can create problems for an entire network. We therefore consider that Policy EP14 Coastline should therefore be amended to clearly provide for existing strategic infrastructure, which is already located in the coastal environment, to be supported, maintained and, if necessary, enhanced. This would be achieved by adding the following to the existing Policy criteria:

*c) the development requires a coastal location, **including whether it is an extension of existing strategic infrastructure***

p123 **Policy IS2 Developer contributions:** Some development plans have a clause which exempts providers of ‘social infrastructure’ (such as the NHS) from making developer contributions. The LDP should make it clear that Network Rail is included within this category. As a not-for-dividend infrastructure provider our profits, including those from commercial developments, have to be re-invested in the railway. Improvements to rail transport contribute to the public good and railway developments should not be expected to support other public projects. Our infrastructure projects and station developments and improvements support regeneration, increase the attractiveness of settlements and benefit communities and as such are undoubtedly social infrastructure.

p126 **Policy IS3: developer contributions related to the Borders Railway.** Network Rail supports this policy.

p128 **Policy IS4:** Transport development and Infrastructure. Network Rail broadly supports this policy but has some concerns about the wording of specific clauses. For example the Policy states that the Council will support proposals for transport infrastructure that meets certain criteria including that it will;

*d) have no adverse impact on the natural and built environment; and*

*e) have no adverse impact on the occupiers of adjacent land by virtue of **noise**<sup>1</sup>, smell and noise pollution*

These statements are both strong and sweeping; as it would be hard for any reasonably sized transport project not to have some sort of impact on some element of the environment. It is not possible for

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<sup>1</sup> The word ‘Noise’ appears twice in this criteria.

any development to have ‘no’ impact whatsoever. Many effects however, are capable of being mitigated or met via contributions/legal agreements or can be acceptable in the round and therefore the wording should be altered to read;

d) *have no **or minor** adverse impact on the natural and built environment; and*

e) *have no **or minor** adverse impact on the occupiers of adjacent land by virtue of noise, smell and noise pollution*

Further in the Policy it states that *proposals that generate significant travel demand will be required to provide the following criteria:*

a) *Transport assessments and Travel plans* b) *developer contributions where appropriate*

Level crossing safety is of utmost importance to Network Rail and we’re committed to reducing the risk at level crossings where reasonably practicable. While there are no crossings on the new Borders route we are keen to ensure that this remains the case and seek that the Council support this by ensuring that developments which might cross the railway provide grade separated crossings at the developer’s expense.

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**Appendix A – Transport Assessments** sets out some matters in regard to transport assessments including; *The developer will be expected to pay for or contribute towards the cost of identified off-site roadwork required as a result of their development and/or the cumulative effect of overall development.* As Transport Assessments are mainly concerned with road and related transport, matters that impact of a development on the wider railway network, including level crossings, are often neglected. Our experience is that whilst local authorities readily make the link between new development and the capacity of the local road network, there is less consideration in terms of the capacity of station facilities (i.e. parking, cycle shelters). To ensure that future TA’s take a holistic view of the dynamic transport network it would be reasonable to make some reference to the railway network, so that this is not overlooked. The following could be inserted behind the sentence quoted above: **Transport Assessments should assess and address the effects the development will have on railway infrastructure; including stations and any crossings (noting that any new at-grade crossings will not be supported).** Further we would be keen to see that this is reinforced by altering the above selected text from the LDDP to read

*The developer will be expected to pay for or contribute towards the cost of identified off-site roadwork **(including any grade separated crossing of the railway network)** required as a result of their development and/or the cumulative effect of overall development.*

Network Rail would be happy to discuss any issues raised above. Please feel free to contact me if you require anything further.

Regards,



Pam Butler

Network Rail Town Planner

