

Clare Howe

---

From: Emma Foster (Town Planner) <Emma.Foster4@networkrail.co.uk>  
Sent: 21 January 2021 17:35  
To: Planning  
Subject: 6/2020/3420/MAJ- Biopark, Broadwater Road, Welwyn Garden City, AL7 3AX

OFFICIAL

**FAO – Ms Clare Howe**

**Ref – 6/2020/3420/MAJ**

**Proposal- Demolition of existing buildings and construction of 289 residential units (Use Class C3) and community hub (Use Class E/F.2), with public realm and open space, landscaping, access, associated car and cycle parking, refuse and recycling storage and supporting infrastructure.**

**Location – Biopark, Broadwater Road, Welwyn Garden City, AL7 3AX**

Thank you for your letter of 24<sup>th</sup> December 2020 providing Network Rail with an opportunity to comment on the abovementioned planning application.

Network rail own, operate and develop Britain's railway infrastructure. Our role is to deliver a safe and reliable railway. All consultations are assessed with the safety of the operational railway in mind and responded to on this basis.

#### Proximity to the railway

In relation to the protection of the railway, it is imperative that the developer liaise with our Asset Protection Team prior to the construction phase to discuss the scheme, to ensure that it can be delivered safely, and without detrimental impact on the safety of the adjacent railway environment. Issues to be discussed and agreed will include (but not necessarily be limited to) construction methodology, use of scaffolding, use of crane and plant, boundary treatments (including landscaping and anti-trespass provision where appropriate) and drainage.

#### Footbridge

We note the proximity of the development to the railway station and town centre, and the need to provide connectivity over the railway. As you are aware, provision has been made in associated developments of the former Shredded Wheat factory for some improvements to the existing footbridge over the station, though other than the initial strengthening and cosmetic improvements recently carried out by Network Rail there is no specific detail on what those further improvements entail. The introduction of yet more potential footfall over the bridge through another residential element to our mind justifies a request for a contribution towards the enhancement of the footbridge and we would be happy to discuss this with the Council as part of any S.106 package as the application is progressed.

#### Noise/ Soundproofing

The Planning Authority should be satisfied that the proposals include sufficient noise protection for the residential amenity of future residents. The site is adjacent to the East Coast Main Line and also in proximity to the train station and therefore the noise assessment should consider this 24/7 operation as appropriate.

Following assessment of the details provided to support the above application, Network Rail has no objection in principle to the development, subject to the requirements below which must be met:

#### Drainage

All surface and foul water arising from the proposed works must be collected and diverted away from Network Rail property. All soakaways must be located so as to discharge away from the railway infrastructure. We have no objections to the proposed methods of drainage outlined in the submitted Flood Risk and Drainage (Curtins Ref: 077090-CUR-00-XX-RP-D-92001 Rev P01) however should this design change, then the following points would need to be addressed:

1. There should be no increase to average or peak flows of surface water run off leading towards Network Rail assets, including earthworks, bridges and culverts.

2. All surface water run off and sewage effluent should be handled in accordance with Local Council and Water Company regulations.
3. Attenuation should be included as necessary to protect the existing surface water drainage systems from any increase in average or peak loadings due to normal and extreme rainfall events.
4. Attenuation ponds, next to the railway, should be designed by a competent specialist engineer and should include adequate storm capacity and overflow arrangements such that there is no risk of flooding of the adjacent railway line during either normal or exceptional rainfall events.

### **Fail Safe Use of Crane and Plant**

All operations, including the use of cranes or other mechanical plant working adjacent to Network Rail's property, must at all times be carried out in a "fail safe" manner such that in the event of mishandling, collapse or failure, no materials or plant are capable of falling within 3.0m of the nearest rail of the adjacent railway line, and where the railway is electrified, within 3.0m of overhead electrical equipment or supports.

### **Excavations/Earthworks**

All excavations/ earthworks carried out in the vicinity of Network Rail property/ structures must be designed and executed such that no interference with the integrity of that property/ structure can occur. If temporary works compounds are to be located adjacent to the operational railway, these should be included in a method statement for approval by Network Rail. 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 the approval of the Local Planning Authority acting in consultation with the railway undertaker 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 Project Manager should be undertaken. Network Rail will not accept any liability for any settlement, disturbance or damage caused to any development by failure of the railway infrastructure nor for any noise or vibration arising from the normal use and/or maintenance of the operational railway. No right of support is given or can be claimed from Network Rails infrastructure or railway land.

### **Security of Mutual Boundary**

Security of the railway boundary will need to be maintained at all times. If the works require temporary or permanent alterations to the mutual boundary the applicant must contact Network Rail's Asset Protection Project Manager.

### **Asset Protection**

Once planning permission has been granted and at least six weeks prior to works commencing on site the Asset Protection Project Manager MUST be contacted, contact details as below. The Asset Manager will require to see any method statements/drawings relating to any excavation, drainage, demolition, lighting and building work or any works to be carried out on site that may affect the safety, operation, integrity and access to the railway.

#### ***Method Statements/Fail Safe/Possessions***

Method statement(s) may be required to be submitted to Network Rail's Asset Protection Project Manager at the below address for approval prior to works commencing on site. This should include an outline of the proposed method of construction, risk assessment in relation to the railway and construction traffic management plan. We note submission of the draft Construction Management Plan (HG Construction Issue 01) however this is in draft form and we are unable to locate the site logistics plan or traffic management plan within appendix 1 and 2. Where appropriate, an asset protection agreement will have to be entered into. Where any works cannot be carried out in a "fail-safe" manner, it will be necessary to restrict those works to periods when the railway is closed to rail traffic i.e. "possession" which must be booked via Network Rail's Asset Protection Project Manager and are subject to a minimum prior notice period for booking of 20 weeks. **Generally if excavations/piling/buildings are to be located within 10m of the railway boundary a method statement should be submitted for NR approval.**

**Please note we will be unable to agree to discharge of a method statement condition without direct discussion and agreement with our Asset Protection Team and the developer entering into a Basic Asset Protection Agreement (where appropriate). We would advise that the developer discuss the proposals with Asset Protection prior to applying for the discharge of condition. Contact details for Asset Protection are below.**

#### ***Demolition***

Demolition and/or refurbishment works must not be carried out on the development site that may endanger the safe operation of the railway, or the stability of the adjoining Network Rail structures. The demolition of buildings or other structures must be carried out in accordance with an agreed method statement. Approval of the method statement must be obtained from Network Rail's Asset Protection Project Manager before the development can commence.

### ***Vibro-impact Machinery***

Where vibro-compaction machinery is to be used in development, details of the use of such machinery and a method statement should be submitted for the approval of the Local Planning Authority acting in consultation with the railway undertaker prior to the commencement of works and the works shall only be carried out in accordance with the approved method statement

### ***Cranes***

Given the scale of the development it is likely use of a crane will be required. The developer must bear in mind that crane usage adjacent to railway infrastructure is subject to stipulations on size, capacity etc. which needs to be agreed by the Asset Protection Project Manager prior to implementation.

The method statement will need to be agreed with:

Asset Protection Project Manager  
Network Rail (London North Eastern)  
Floor 3B  
George Stephenson House  
Toft Green  
York  
Y01 6JT

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

### **Noise/Soundproofing**

As noted above the site is located adjacent to operational railway which may result in neighbour issues arising on occupation given the 24hr use of the lines. We note the submission of a Noise Assessment (NSL December 2020) which recognises that the railway is a major noise source affecting the site and suggests mitigation in the form of specialised ventilation, glazing and acoustic fencing. The LPA should be satisfied that the proposed ventilation and glazing are sufficient to mitigate any noise impact from the railway whilst not compromising the housing environment and amenity of future occupiers.

### **Lighting**

Where new lighting is to be erected adjacent to the operational railway the potential for train drivers to be dazzled must be eliminated. In addition the location and colour of lights must not give rise to the potential for confusion with the signalling arrangements on the railway. Detail of any external lighting should be provided as a condition if not already indicated on the application.

### **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.

In summary I would advise that in particular the method statements, soundproofing and lighting should be the subject of conditions, the reasons for which can include the safety, operational needs and integrity of the railway. For the other matters we would be pleased if an informative could be attached to the decision notice. We would also welcome discussions in respect of a contribution towards the enhancement of the footbridge as part of any S106 agreement.

I trust full cognisance will be taken in respect of these comments. If you have any further queries or require clarification of any aspects, please do not hesitate to contact us.

Kind regards



**Emma Foster**

Town Planner

Network Rail Property | Eastern Region

George Stephenson House | Toft Green | York | YO1 6JT