

BY EMAIL: planning.general@gravesham.gov.uk



Gravesham Borough Council,
Planning Department,
Civic Centre,
Windmill Street,
Gravesend,
DA12 1AU

Network Rail,
1 Puddle Dock,
London,
EC4V 3DS

T 07732 639934

E Nicholas.Donoghue@networkrail.co.uk

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Gravesham Borough Council,

APPLICATION FOR PRIOR APPROVAL UNDER PART 18 (CLASS A) OF THE TOWN AND COUNTRY PLANNING (GENERAL PERMITTED DEVELOPMENT) (ENGLAND) ORDER 2015

ERECTION OF A STEPPED FOOTBRIDGE – SHORNEMEAD LEVEL CROSSING, QUEEN'S FARM ROAD, SHORNE, DA12 3HS

I write to inform you that Network Rail Infrastructure Ltd (Network Rail) intends to erect a stepped footbridge at Shornemead Level Crossing, Queen's Farm Road, Shorne DA12 3HS (Easting: 569466, Northing: 173659). The proposed footbridge will enable the existing pedestrian crossing to be closed. The user worked (authorised users only) vehicle crossing would remain in place.

Network Rail seeks to apply for these works via a prior approval application under Part 18 (Class A), Schedule 2, of the General Permitted Development Order (GPDO) 2015. Prior approval is required as the proposed works result in a material change to the external appearance of the bridge. More detail is given in the Part 18 section below.

Prior approval was granted for the erection of a footbridge on the 18th of November 2022. Following completion of the detailed design phase of the project, minor alterations to the scale of the bridge are required.

As there is no approved drawings compliance condition attached to the previous prior approval consent, the variation of condition route under Section 73 of the Town and Country Planning Act 1990 is not available to update the drawings and therefore a new prior approval consent is required.

1. Project Context and Site Location

Network Rail is the statutory undertaker for maintaining and operating railway infrastructure of England, Scotland and Wales. As statutory undertaker, NR is under license from the Department for Transport and Transport Scotland and regulated by the Office of Rail and Road to maintain and enhance the operational railway and its assets, ensuring the provision of a safe operational railway.

Shornemead level crossing is a hybrid crossing comprising a user worked (authorised users only) vehicle crossing and a public footpath pedestrian crossing. It provides access to National Grid, nature reserve (Shorne Woods Country Park), cycle/walking routes and farmland on the North Kent coast. The access extends to Shornemead Fort (a disused artillery fort) and historical landmark. The location of the crossing is shown in Figure 1.



Figure 1 - Site location

A Public Right of Way (PROW) (Saxon Shore Way) is present across the pedestrian route of Shornemead Level Crossing.

The level crossing has historically suffered from high levels of misuse and near miss events, including a pedestrian being struck by a train in 2007. The pedestrian crossing was closed in 2009, however, this was challenged by Kent County Council and the pedestrian crossing was re-opened in May 2016 from which it has continued to see high levels of misuse and near miss events. Additionally, Shornemead level crossing is also located immediately adjacent to Hoo Junction depot. As such, the crossing sees freight movements which can block the crossing for a period of time which exacerbates the risk to pedestrians.

Since the footpath reopened in 2016 there have been at least 11 Near Miss events at this location with a most serious occurrence taking place on 20th October 2019. Following this near miss, the risk to pedestrians has now been deemed intolerable and as of 31 October 2019 the pedestrian crossing has been closed on a temporary basis pending development of a permanent solution.

A footbridge is therefore proposed over which the pedestrian crossing can be diverted in order to mitigate the risk to pedestrians.

A Temporary Traffic Regulation Order (TTRO) is in place until February 2025, which enables Network Rail to close (locked by a padlock arrangement) the pedestrian gated access for public use.



Figure 2 - Photograph of Shornemead Level Crossing looking north.



Figure 3 - Aerial photograph of Cattle Creep Under Bridge looking west (October 2016).

2. Proposal

This section provides the latest details of the footbridge to be constructed at Shornemead level crossing.

The proposed bridge measures 7.33m high from the running rail of the railway to the top of the bridge parapet. The staircases measure 17.35m long, broken with two landings. The central span over the railway measures 15.02m wide between the top landings.

The parapet height is 1.5m and the width of the walkway is 2.18m.

When compared to the 2022 approved footbridge, the latest footbridge design measures 235mm wider (including the top landings), the staircases are 475mm longer and the height between the running rail of the railway and top of bridge parapet is 0.09m less. The platform width has increased by 180mm, and the parapet height from the bridge deck has reduced by 300mm.

The overall aesthetics of the bridge remain the same to that approved in 2022, with a spindle parapet on the staircase and a trestle design parapet across the central span.

The colours are British Standard Green and British Standard Willow, the same as the previously approved bridge.

The altered design continues to make passive provisions for future ramps.

The works are expected to start in January 2025.

Please refer to the drawings enclosed within this application for more information on the proposed works.

3. Part 18 (Class A) of the GPDO 2015

The proposed works detailed above are classed as operational railway development, for which Network Rail has statutory powers and planning permission is therefore granted by virtue of Part 18 (Class A) of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015, which relates to development authorised by a local or private Act of Parliament.

The Authorising Act (Act of Parliament) for the railway at this location is the 'Gravesend and Rochester Railway & Canal Act, 1845'.

Section 6 of the Authorising Act incorporates the Railway Clauses Consolidation Act (RCCA) 1845.

Section 16 of the RCCA provides powers for railway undertaker (Network Rail) to *"make or construct in, upon, across, under, or over any lands, or any streets, hills, valleys, roads, railroads, or tramroads, rivers, canals, brooks, streams, or other waters, within the lands described in the said plans, or mentioned in the said books of reference or any correction thereof, such temporary or permanent inclined planes, tunnels, embankments, aqueducts, bridges, roads, ways, passages, conduits, drains, piers, arches, cuttings, and fences, as they think proper;"*

Furthermore, it provides the powers to *"alter, repair, or discontinue the before-mentioned works, or any of them, and substitute others in their Stead; and they may do all other Acts necessary for making, maintaining, altering, or repairing and using the Railway".*

Section 16 of the RCCA is enclosed within this application.

4. Assessment for Prior Approval

It is acknowledged that under condition A.1 of Part 18, it is necessary for details to be submitted to Gravesham Borough Council for prior approval of the design and siting of the proposed works. It should also be noted however that under condition A2, the prior approval cannot be refused unless you are satisfied that the development ought to be and could reasonably be carried out elsewhere on the land, or the design or external appearance would injure the amenity of the neighbourhood and is reasonably capable of modification so as to avoid such injury.

Condition A.1 – Submitted Details

The proposal is for the construction of a stepped footbridge.

There is no prescribed application form or validation requirements for this type of prior approval application and no fee is payable.

However, it is acknowledged that under Condition A1 of Part 18, it is necessary for details to be submitted to the Council for prior approval of the detailed plans and specifications of the proposed works.

Enclosed with this submission are the following plans and specification documents:

Table 1: Schedule of Drawings and Documentation

Drawing Title	Drawings Reference
Site Location Plan	TP100001 Rev A01
Existing site layout and location plan	S2021-137-DRG-CIV-101 Rev. A03
Proposed General Arrangement	70111061-WSP-BR-DR-000001 Rev. P03
North Staircase Elevation Details	70111061-WSP-BR-DR-000006 Rev. P02
South Staircase Elevation Details	70111061-WSP-BR-DR-000007 Rev. P02
Site Photographs	N/A
Railways Clauses Consolidation Act 1845 - Section 16	N/A
Illustrations of proposed bridge;	N/A
Taziker Legacy Footbridge Brochure	N/A

Network Rail consider that the information provided within this application fulfils the requirements of condition A1.

Condition A.2 – Location and design or external appearance

Condition A.2 of Part 18 of the GPDO 2015 states that the prior approval referred to in paragraph A.1 is not to be refused by the appropriate authority, nor are conditions to be imposed unless they are satisfied that—

“(a) the development (other than the provision of or works carried out to a dam) ought to be and could reasonably be carried out elsewhere on the land; or

(b) the design or external appearance of any building, bridge, aqueduct, pier, or dam would injure the amenity of the neighbourhood and is reasonably capable of modification to avoid such injury.”

The following section provides an assessment of parts (a) and (b) in relation to the proposal:

a) Whether the development ought to be and could reasonably be carried out elsewhere on the land

The bridge needs to be located as close as possible to the existing crossing to minimise the length of the PRow diversion. The height and width of the footbridge are dictated by the minimum clearances that must be achieved from the running lines, as shown on the drawings. This option also minimises the amount of land required. The construction of a Network Rail non-station standard footbridge is proposed that will be compliant with current regulations and designed to existing codes and standards.

The bridge cannot be located on the eastern side of the crossing due to the presence and amount of railway infrastructure/equipment. In the proposed location it is in reasonable proximity to existing buildings to the south. Locating it further west would increase the visual impact.

It is therefore considered that the bridge could not be reasonably carried out elsewhere.

b) The design or external appearance of the amended design would injure the amenity of the neighbourhood and is reasonably capable of modification to avoid such injury

The design for the pedestrian stepped footbridge will include passive provision for ramps should these become a requirement in the future. The project has based this decision (not to install ramps) on usage of the Crossing before it was temporarily closed, the characteristics of the area in which the Crossing is located and other reasons.

The most recent narrative risk assessment contains details of a census which indicates that when the Crossing was open, no users with protected characteristics used it during a 5-day period.

The Crossing is situated on a road that does not have dedicated walkway for pedestrians. South of the Crossing there is an industrial estate. North of the Crossing there are a number of amenities including a nature reserve as well as historical sites. However, these are a considerable distance from the Crossing for individuals who may find it difficult to walk for long periods of time. Therefore, travelling to or from the Crossing would entail walking for a long distance. This suggests that the access routes for the Crossing may not be the most convenient paths for users with protected characteristics.

The design and construction of a ramped footbridge would incur significantly higher costs that are currently not within the budget allocated to creating a safer means of travelling across the railway at this location. Therefore, a stepped footbridge is a more adequate, reasonable, and proportionate solution in this instance.

It should also be noted that the introduction of ramps introduces the risks associated with misuse by bicycles/motorbikes. Moreover, there will be a real risk to users of the bridge as persons could try and ride bicycles/motorbikes over the bridge and come into conflict with pedestrian users. The proposed bridge includes cycle gutters/channels.

A bridge is the only option as a subway is not feasible in this location. A more bespoke bridge design was discounted for several reasons including increased inspection and maintenance regime, no existing design codes or standards, long design programme and complex construction.

The bridge will be constructed from durable materials and be low maintenance. The footbridge will be painted in a standard two-tone green system of dark green for the main bridge and light green for the lattice work (Green 14-C-40 and Willow 12-B-17) as noted on the proposed drawings. This will help tie it in with its rural surroundings.



The current crossing is unlit, and therefore no lighting is proposed in this application. Guidance for the lighting of subways, footbridges, stairways and ramps is laid out within BS 5489-1. Within section 7.4.7.1 general guidance is given for rural locations: Rural footbridges and subways should be lit to lighting levels appropriate to the ambient luminance in the vicinity by day and by night.

Network Rail will comply with all relevant ecological and wildlife legislation and obtain any necessary consents.

For more information in relation to the proposed works please refer to the supporting information, plans and drawings that have been submitted as part of this Prior Approval application.

5. Conclusion

This application seeks prior approval consent for the construction of a footbridge at Shornemead Level Crossing. The proposed location of the bridge is considered the most appropriate to continue to provide access over the railway and tie into the existing public footpath network. The design will not injure the amenity of the area.

It is therefore considered that the two matters to be considered under Part 18 (Class A) are satisfied.

Network Rail awaits formal correspondence confirming Gravesham Borough Council is satisfied with the proposed development and that prior approval has been granted. In the meantime, please acknowledge this letter upon receipt via email.

If you require any further information to process this proposal, please do not hesitate to contact me.

Yours faithfully,

Nick Donoghue

Senior Town Planner | Property (Southern)