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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

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

I hereby enclose, on behalf of Network Rail Infrastructure Limited, a prior approval application for construction of a stepped footbridge at Shornemead Level Crossing, Queen's Farm Road, Shorne DA12 3HS (Easting: 569466, Northing: 173659). This is submitted under Schedule 2, Part 18 Class A of the General Permitted Development Order 2015. The proposed footbridge will enable the existing pedestrian crossing to be closed. The user worked (authorised users only) vehicle crossing would remain in place.

Project Context

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

Shornemead level crossing (located HDR 27m 01ch) 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 11 January 2023, which enables Network Rail to close (locked by a padlock arrangement) the pedestrian gated access for public use. This TTRO will need to be extended and the PROW permanently diverted.

Part 18 of the GPDO 2015

The works described above comprise railway operational 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) (England) Order 2015, which relates to development authorised by a local or private Act of Parliament. The proposed bridge is wholly located on Network Rail's operational land.

The Authorising Act for the railway at this location was the Gravesend and Rochester Railway & Canal Act, 1845, which incorporates (by Section 6) The Railways Clauses Consolidation Act, 1845.

Section 16 of the RCC Act 1845 (copy enclosed) enlarges upon the works which may be carried out and this includes the power *“They may erect and construct such houses, warehouses, offices, and other buildings, yards, stations, wharfs, engines, machinery, apparatus and other works and conveniences as they think proper”*.

It is acknowledged that under condition A1 of Part 18, it is necessary for details to be submitted to the Council for Prior Approval to the design and siting of the proposed works. It should 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.

Assessment

Condition A.1 – Details

Enclosed with this submission is the following supporting material to demonstrate the proposals:

- Railways Clauses Consolidation Act 1845 – Section 16
- Site Photographs
- Drawings:
 - TP-0001 Rev A - Site Location Plan
 - S2021-137-DRG-CIV-101 Rev A01 – Standard Notes Drawing
 - S2021-137-DRG-CIV-101 Rev A01 – Existing Site Layout
 - S2021-137-DRG-CIV-102 Rev A01 – Temporary Works Plan and Construction Sequence
 - S2021-137-DRG-CIV-103 Rev A01 – General Arrangement Plan and Elevations
 - S2021-137-DRG-CIV-104 Rev A01 – Footbridge Structure General Arrangements
 - S2021-137-DRG-CIV-105 Rev A01 – General Arrangement Staircase Details
 - S2021-137-DRG-CIV-106 Rev A01 – Foundation Plan and Load Tables
- Illustrative CGIs
- Taziker Legacy Footbridge Brochure

There is no prescribed application form for these submissions nor any fee payable.

Condition A.2 – Location and design/appearance

The bridge needs to be located as close as possible to the existing crossing to minimise the length of the 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.

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.

The new railway crossing must go over the railway line 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.



British Standard Green (14-C-40)



British Standard Willow (12-B-17)

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.

On the basis of the above, Network Rail do not consider that the development ought to be and could reasonably be carried out elsewhere on the land and has been designed to minimise the impact on neighbourhood amenity as far as possible.

To confirm acceptance of the proposed development under Part 18, Schedule 2 of the GDPO, a decision notice should state that 'prior approval' has been granted.

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

Yours faithfully,

Vanessa Smith MRTPI
Town Planning Manager
Network Rail Property (Southern)