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11/02/2026

NR Ref: TP/ANG/2025/064 *– Sent by Email Correspondence –*

Dear Colchester Planning Policy and Local Plan team,

Network Rail Consultation Response: Colchester Preferred Options Local Plan (Regulation 18)

Background

Network Rail (NR) is the statutory owner and operator of the national rail infrastructure in England, Scotland and Wales. NR's focus is on safely and efficiently operating, maintaining, and growing the railway. At this stage, NR has provided both important general and site-specific comments on the Colchester Local Plan.

NR welcomes the recognition and support for enhancements to railway infrastructure and public transport provision within the proposed Local Plan, particularly in relation to and around Colchester, Colchester Town and Marks Tey stations. NR has engaged in discussions with internal stakeholders in relation to this consultation.

NR looks forward to working collaboratively with Colchester Borough Council (CBC) and advises working with wider industry partners in the development of this Colchester Planning Policy, future policy and development. To ensure that the necessary rail infrastructure improvements can be effectively delivered in support of the Plan's objectives.

Sub-Sections

1) Development and Freight
    a. Freight Sites – Strategic Importance for Policy and Development
    b. Local Freight and Development Sites
2) Railway Infrastructure
    a. Site Specific Level Crossings
3) Strategic Planning
    a. Wider Network Comments
    b. Future Site Specific Comments – Additional NR Policy Responses

4) Further Consultation Requirement, and Future Policy Engagement
5) Asset Protection (ASPRO)
    a. **Appendix A** – ASPRO Informatives

1. Development and Freight

To ensure the successful delivery of the required sustainability, economic, rail and community objectives and improvements, it will be essential for CBC to work in close partnership with NR and Greater Anglia. This collaboration should also extend to other stations within the Colchester district area, and assesses impacts to infrastructure beyond these district boundaries, to ensure a cohesive and future-proofed transport network.

For future development schemes in the CBC area, NR requires that if any new infrastructure requirements affect NR and the operational railway (including Stations, Maintenance Depots, Freight land, etc.) then the appropriate agreements must be entered into by the promotors.

a. Freight Sites – Strategic Importance for Policy and Development

Freight sites and equivalent land uses require strategic support, inside and outside of the rail industry. This would include strategic support from planning policy. Planning policy in the context of policy designations for freight would be identified as applicable to any site and the surrounding area. Freight sites are of notable material consideration to all developments, whether the nearest freight site is either inside or outside the Council's area of jurisdiction.

In relation to any specific sites the form and type of development permitted, then there should be relevant planning policies identified at all levels. Especially as the strategic importance of this area of policy is evident at the National level, which is set out below:

National Planning Policy Framework [NPPF] (2023)

i. In the context of facilitating the sustainable use of minerals, NPPF Paragraph 215 is clear that it is essential that there is sufficient supply of minerals to provide the infrastructure, buildings, energy and goods that the country needs.

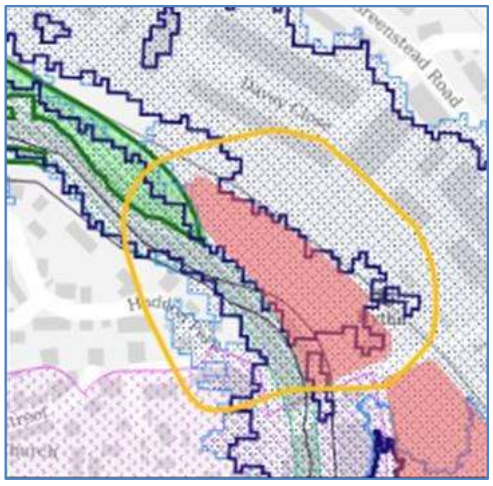
ii. Paragraph 216 (e) provides that planning policies should: "safeguard existing, planned and potential sites for: the bulk transport, handling and processing of minerals; the manufacture of concrete and concrete products; and the handling, processing and distribution of substitute, recycled and secondary aggregate material" (our underlining).

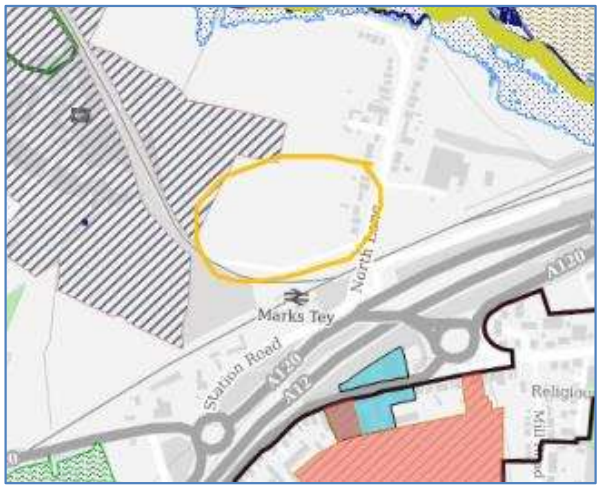
Local Freight Sites

The Tarmac rail served aggregates terminal at Mark Tey is an active facility as well as a site of general importance for rail freight; the continuation of this active site carries great importance in order for rail industry to provide greener and sustainable mode of transport. Especially promotion if rail freight growth is to achieve the Government target – i.e. 75 % by 2050

Local Development Sites

Hythe Yard (see annotated screenshot below - Left) has an allocation in the plan. However, this site has Level Crossing and operational railway concerns if pursued for residential land use. So is being prioritised for industrial use.





Any developments at and around Marks Tey station, whether directly allocated in the plan or not will have direct impacts on the station and railway. Especially, the site being promoted for residential just to the North of the station (see annotated screenshot above - Right).

2. Railway Infrastructure (and Level Crossings)

NR has a key requirement to manage risk appropriately for all rail infrastructure on safety grounds, to reduce risk so that it is as low as reasonably practicable. This is especially important when developments occur near existing infrastructure as these new communities can create a substantial increase in the risk if not mitigated. This increase in risk can impact safety, efficiency, and operational performance. NR is not bound to accommodate changes in the use of private land that impose a greater burden on the railway and will object to all proposals where an adverse impact on the railway is reasonably foreseeable.

NR also requests that any developer and other key stakeholders engage with us early to discuss opportunities and enter into the necessary agreements. Where rail infrastructure will be affected by a development, for example, new crossings of the railway are possible, but these must be by bridge, and we would expect the resulting structure to be vested in the highway authority or another statutory undertaker. In all cases where new crossings of the railway are required, NR's shared value policy will apply.

There may also be some road bridges where enhancements to footway provision (necessitating a widening or restriction on traffic) are suitable. Again, we would expect the developer(s) to fund any such works.

Aside from bridges and crossings, improvement to railway boundary fences may be required if areas that are currently remote are developed for housing or industry. We would expect developers to fund necessary upgrades.

a. Site Specific Level Crossings

There are 14 level crossings in the Colchester district.

From Colchester North to Alresford (COC line):

East Gates	2	Public Road
Hythe	4	Public Road
Wivenhoe Park	8	Occupation & Public Footpath
Spring Lane	10	Public Footpath
Paget	11	Public Footpath

From Kelvedon to Manningtree (LTN1 line):

Brooms	29	Public Footpath
Chitts Hill	35	Public Road
Dedham	47	Public Footpath

From Marks Tey to Bures (SUD line):

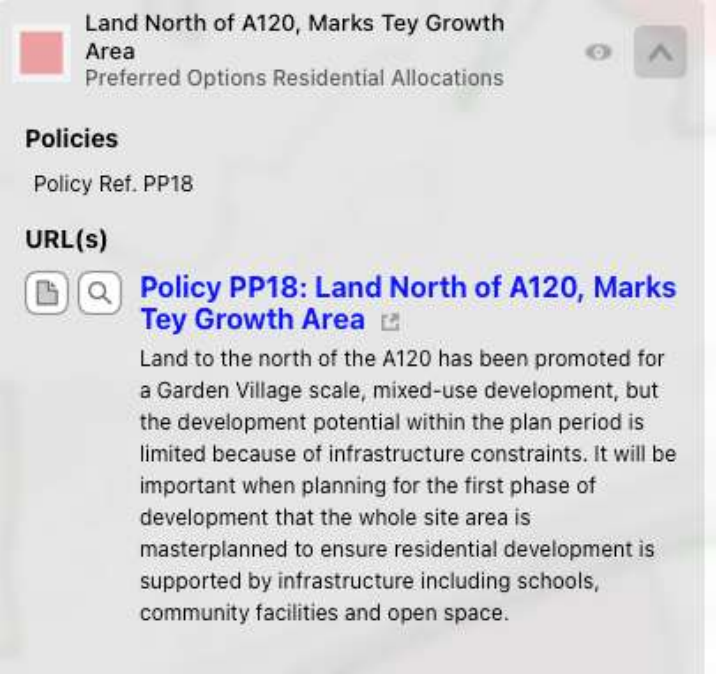
Marks Tey Station	--	Station Barrow Crossing (alt. access exists)
Church House Farm	1	Occupation & Public Bridleway
Thornfield Wood	3	Public Footpath
Golden Square	4	Public Footpath
Josselyns	5	Public Footpath
Mount Bures	7	Public Road

In general, any developments that may increase the usage of, or otherwise materially change the risk of, any level crossings (whether inside the Colchester City area or outside) must be consulted with Network Rail, which will look for ways to mitigate the risks at the developers' expense.

Network Rail continues to regularly assess and mitigate level crossing risks with proportionate interventions; closure of level crossings, where reasonably practicable, is the safest mitigation.

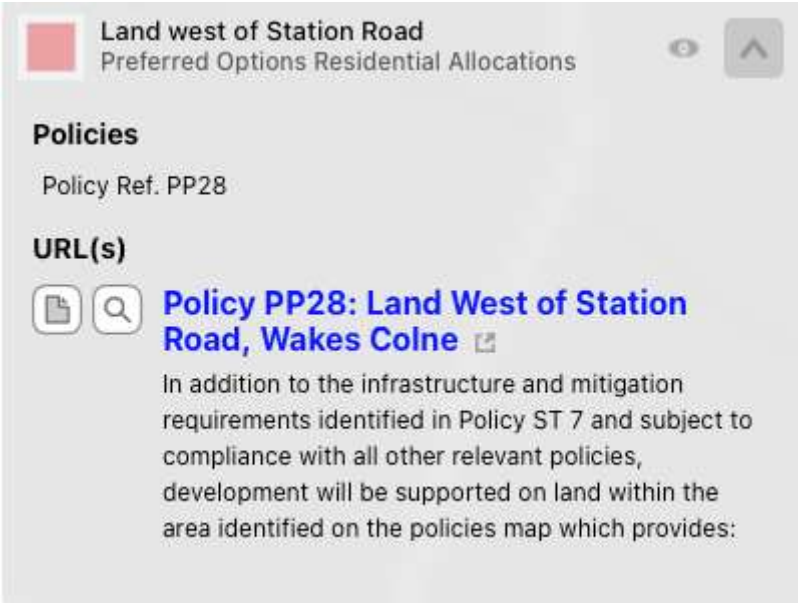
In addition to risk on the railway, some of the above-mentioned crossings interface with busy public roads (notably East Gates) which are a barrier to free-flowing traffic (and would also cause further traffic delays were rail services to be increased).

For Marks Tey station: NR seeks for options to provide step-free interchange within the station and remove the barrow crossing to the car park to accommodate more use and facilitate interchange. This will benefit both new Marks Tey and Chappel & Wakes Colne residents, as well as existing users.



Impact of this development on Church House Farm level crossing. Look to close crossing and replace with bridleway bridge with separate provision for vehicular use.

Increased traffic on the A12/A120 junction may lead to people cutting through local roads to reach the A12, putting additional strain on roads through Feering which are not suitable for increased traffic. People may also try to use Domsey Chase, which is a private road. It is essential to provide sufficient free-flowing road connectivity to discourage this. Bus priority to maintain reliability of the X20 Colchester to Stansted service, which connects with Marks Tey station (and local services) should be considered.



3. Strategic Planning

At this early policy stage, it is difficult to measure exact impacts, however the overall numbers of housing proposed does require consideration in terms of transport assessments, especially for capacity on stations, trains or the railway as a whole. However, this may be subject to change and Network Rail, as well as the train operator(s), should be regularly contacted.

Developers of prospective sites should consider improvements to stations as part of their applications. For instance, numerous sites and especially the large sites near Marks Tey in particular could fund station improvements, especially upgrades to interchange and step-free access between platforms.

NR would welcome appropriate contributions to finance alterations/improvements to the areas identified, or required, to accommodate increasing traffic levels and improve sustainable transport.

a. Wider Network Comments

- **Spatial Strategy:** Welcoming private (and public) investment to make capacity and/or accessibility improvements at stations, such as new/improved entrances or step-free access if it is poor or lacking completely, which will play a vital role in supporting Local Plan objectives.
- We would expect large developments with significant changes of use levels to provide transport assessments at the appropriate time to enable us to review and comment more specifically.

- **Securing Funding & Infrastructure Improvements:** NR welcomes the inclusion of mechanisms within policy that support the funding and delivery of essential improvements to the railway network and stations, which will be critical in accommodating the proposed level of growth across this part of Anglia
- This investment in the network will enable service improvements to be made.
    - E.g., journey times or stopping patterns in CBC and the neighbouring boroughs.

- **Connectivity:** Welcoming integrated travel improvements and greater connectivity, such as bringing buses closer or directly adjacent to station frontages or expanding cycle parking. These conversations would probably ultimately be with the Train Operating Companies (TOCs) and other stakeholders, but we can facilitate conversations if needed.

b. Future Site Specific Comments – Additional NR Policy Reponses

Key Goals in the Colchester Local Plan and Site Allocations, have local and regional consequences.

Therefore, early developer and Council(s) engagement would also be required for wider infrastructure improvements such as station improvements for active travel, buses, car parking, accessibility, etc. These are additional points that any individual developments would ultimately be responsible for bringing forward, thus please inform all developers to factor this in at the earliest stage.

4. Further Consultation Requirement

Furthermore, it is difficult at this early policy stage, and from the information provided to determine exactly what the impacts will be for all of CBC policy sites. Therefore, NR requires the Council to make it a requirement for appropriate developers to consult with us in the future as plans develop at each site.

However, for information, please find enclosed a series of informatives that should be taken into account for any works or proposals that are in proximity to NR's infrastructure. NR is keen to engage with the Council and would welcome the opportunity to be involved further in the ongoing preparation of the Colchester Local Plan, plus subsequent planning policy and development consultations.

Future Policy Engagement

NR would welcome the opportunity to discuss further policy and possible site policy protection and infrastructure intensification of land in, and neighbouring, Colchester Borough Council. Whether the extent of this/other SPDs, Policies, and plan(s) impacts NR on the local, regional, or national level. We particularly welcome the opportunity to work with the Council in relation to its urban expansion/regeneration aspirations.

NR places importance on infrastructure plans and intensification of sites impacting the operational railway. Therefore, it should not be assumed that development sites will not have any impact and thus should not be allocated favourable in policy for any residential or mix-use allocation with this assumption. Unless it is supported by and of benefit to the railway undertaker or is confirmed to be of no notable detrimental impact to the railway.

5. Asset Protection (ASPRO)

Engagement with Network Rail's Asset Protection and Optimisation team

Any site allocations or future developments that are located either adjacent to or in close proximity to NR owned land including Level Crossings, and operational railway infrastructure could impact on safely, maintaining and efficiently operating the UK's railways, Consequentially, potential developers looking to bring forward development in these locations will need to engage with NR's Asset Protection and Optimisation (ASPRO) team at an early stage of the development process to ensure that the works can be completed without any risk to the operational railway.

To start the process with our ASPRO team, the Applicant should use the Asset Protection Customer Experience (ACE) system found on NR's Rail's Asset Protection website (https://www.networkrail.co.uk/running-the-railway/looking-after-the-railway/asset-protection-and-optimisation/). This website also provides more information about the Network Rail ASPRO team and the services they offer.

If you have any questions regarding NR's response or wish to discuss any of the above matters further. Then please do not hesitate to contact me on 07734 648 158 or, email me at David.Brierley1@networkrail.co.uk if you, as well as other stakeholders, have any queries on this matter or require any further information.

We look forward to engaging with Colchester Borough Council on this developing policy, and future policies.

Yours Faithfully,

David Brierley
Town Planner

Appendix A – Asset Protection (ASPRO) Informatives

Proposal(s) Risk Mitigation Requirements:

- *Please note, not all these requirements may be applicable to this policy at this stage but will be required during design policy adoption and any future developments.*

SAFETY:

Any works by the developer on the land adjacent to Network Rail (NR) infrastructure will need to be undertaken following engagement with NR ASPRO to determine the interface with NR assets, buried or otherwise and by entering into a BAPA (Basic Asset Protection Agreement), with a specified minimum notice period before commencement of physical works on the site. Risk of Building glare will need to be considered and must not cause NR drivers any sighting issues.

Fail Safe Use of Crane and Plant

All operations, including the use of cranes or other mechanical plant working adjacent to NR'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, or where the railway is electrified, within 3.0m of overhead electrical equipment or supports.

With a development of a certain height that may/will require use of a crane, the developer must bear in mind the following. 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.

Excavations/Earthworks

All excavations/earthworks carried out in the vicinity of NR 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 NR. 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.

NR 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 NR's 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 NR's Asset Protection Project Manager.

FENCING:

NR'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 be damaged, undermined or compromised in any way. Any vegetation on NR land and within NR's boundary must also not be disturbed.

DEMOLITION:

Any demolition or refurbishment 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 NR structures and land. The demolition of the existing building, due to its close proximity to the NR boundary, must be carried out in accordance with an agreed method statement. Approval of the method statement must be obtained from the NR Asset Protection Engineer before the development and any demolition works on site can commence.

Considering the above paragraph, if permission is granted for the development, NR requests that a planning condition requiring the approval of the proposed demolition methodology is attached to the consent. Please contact NR if you would like to discuss this further.

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.

Scaffolding

Any scaffold which is to be constructed within 10 metres of the railway boundary fence must be erected in such a manner that at no time will any poles over-sail the railway and protective netting around such scaffold must be installed.

Bridge Strikes

Applications that are likely to generate an increase in trips under railway bridges may be of concern to NR where there is potential for an increase in 'bridge strikes'. Vehicles hitting railway bridges cause significant disruption and delay to rail users. Consultation with the Asset Protection Project Manager is necessary to understand if there is a problem. If required there may be a need to fit bridge protection barriers which may be at the developer's expense.

Abnormal Loads

From the information supplied, it is not clear if any abnormal loads will be using routes that include any NR assets (e.g. bridges and level crossings). We would have serious reservations if during the construction or operation of the/any site, abnormal loads will use routes that include NR assets. NR would request that the applicant contact our Asset Protection Project Manager to confirm that any proposed route is viable and to agree a strategy to protect our asset(s) from any potential damage caused by abnormal loads. I would also like to advise that where any damage, injury or delay to the rail network is caused by an abnormal load (related to the application site), the applicant or developer will incur full liability.

Site Layout & Two Metre Boundary

Consideration should be given to ensure that the construction and subsequent maintenance can be carried out to any proposed buildings or structures without adversely affecting the safety of, or encroaching upon NR's adjacent land, and therefore all/any building should be situated at least 2 metres from NR's boundary. This will allow construction and future maintenance to be carried out from the applicant's land, thus reducing the probability of provision and costs of railway look-out protection, supervision and other facilities necessary when working from or on railway land.

Where trees exist on NR 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.

ENCROACHMENT

The developer/applicant must ensure that their proposal, both during construction, and after completion of works on site, does not affect the safety, operation or integrity of the operational railway, NR and its infrastructure or undermine or damage or adversely affect any railway land and structures.

There must be no physical encroachment of the proposal onto NR land, no over-sailing into NR airspace and no encroachment of foundations onto NR land and soil. There must

be no physical encroachment of any foundations onto NR land. Any future maintenance must be conducted solely within the applicant's land ownership. Should the applicant require access to NR land then must seek approval from the NR Asset Protection Team. Any unauthorised access to NR land or airspace is an act of trespass and we would remind the council that this is a criminal offence (**s55 British Transport Commission Act 1949**). Should the applicant be granted access to NR land then they will be liable for all costs incurred in facilitating the proposal.

Access to the 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.