

**From:** Keith R Mitchell [REDACTED]

**Sent:** 05 December 2012 21:06

**To:** [REDACTED]

**Subject:** RE: Neighbourhood Area Application - Adderbury Parish, Cherwell District

Thanks for this. I was aware of the Parish Council's plan and I fully support it. I am disappointed to see how "top down" the process is, bowing to Europe of all places as wholly unsuited to planning for Adderbury's needs. I also regret that the District Plan – horribly late in influencing planning decisions – comes before the neighbourhood plans when the reverse should be what true Localism demands. Finally, I hope neighbourhood planning such as Adderbury are proposing will help your council to prevent the abominations your planning decisions have created on the Milton Road in Bloxham: horribly urbanising and hopelessly inadequate facilities for rural settings.

*As ever*

*Keith*

Keith R Mitchell CBE  
County Councillor for Bloxham Division, comprising Adderbury, Bloxham, Bodicote,  
Milcombe and Milton

[REDACTED]  
Phone:  
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Dear Sirs

Thank you for your consultation with regard to the proposed Adderbury Neighbourhood Plan.

British Waterways has transferred to the charitable sector on 2nd July 2012 and is now known as the Canal & River Trust. The Trust is the new charity set up to care for England and Wales' wonderful legacy of 200-year-old waterways, holding them in trust for the nation forever. The Trust has responsibility for 2,000 miles of canals, rivers, docks and reservoirs, along with museums, archives and the country's third largest collection of protected historic buildings.

The Trust has a range of charitable objectives including:

- To hold in trust or own and to operate and manage inland waterways for public benefit, use and enjoyment;
- To protect and conserve objects and buildings of heritage interest;
- To further the conservation, protection and improvement of the natural environment of inland waterways; and
- To promote sustainable development in the vicinity of any inland waterways for the benefit of the public.

The main sources of the Trust's funding are from a 15-year contract with government and income from boating, property and utilities. This funding is important for keeping our precious 200-year old waterways running, but it is not enough to fully support our canals and rivers as valuable resources for people and nature, particularly when under increased pressure and intensified use from expanding development.

Our canals and rivers are today used by more people and for a wider variety of purposes than ever before, with over 35,000 boats and 13 million towpath visitors using them as an escape from the pressures of modern life. Once Britain's most important transport system, our waterways are now a focus for economic renewal in the towns and cities they helped to create.

The Trust works extensively with private, public and voluntary partners to conserve, enhance and improve the waterways of England and Wales. Our expertise and responsibility for water space, combined with their ownership of docks, canals and waterside properties, puts us in a unique position to facilitate redevelopment for both economic and environmental gain. The canals in particular have historically experienced a prolonged period of decline. In recent years, the canals and river navigations have experienced significant development pressures from commercial, residential and tourism/recreation developments. Attractive waterside environments have stimulated this interest and been at the heart of some of the most significant regeneration schemes. We hope that the Council will continue to view the Trust a key Delivery Partner.

The extensive towpath system is being improved and upgraded. It is a valuable asset for pedestrians, cyclists and boaters using it for a variety of reasons. These include getting to work, recreation, leisure and sport. The towpaths already contribute considerably to sustainable transport.

Nationally there are

- ☐ 5.5m visits by boaters and their passengers
- ☐ 6.8m visits by anglers
- ☐ 23.2 m visits by cyclists
- ☐ 13.8m visits to waterside attractions
- ☐ 2.8m visits by canoeists and other unpowered boaters
- ☐

58km of the Oxford Canal is located within the Cherwell District, approximately 6 km of this is within Adderbury Parish. The Canal & River Trust welcome the proposal to create a Neighbourhood Plan but wishes to be fully involved as both a landowner and Statutory consultee as the plan progresses.

The Oxford Canal is a prime example of a multi- functional asset to the parish, providing a well-used, free recreational area, wildlife habitat, educational and sustainable transport opportunities. The canal itself has Conservation Area status but it is important that the Trust is involved in the creation of the Neighbourhood plan. At present we are a Statutory Consultee for planning applications within two notified areas, one for Environmental Impact Assessment and Major scale developments and one for Minor and Household scale developments.

The notified area for Household and Minor scale development is between 50m either side of the waterway to a maximum of 150m away from waterway in certain places to address the presence of certain assets such as reservoirs, cuttings and embankments. The area of consultation for major applications or EIA applications is 150m away from the waterway. The primary reason for this consultation zone is to ensure that the navigational and structural safety of the waterway is not affected by proposals, however other issues such the impact of development on the character and appearance of the waterway, its ecology and habitat are also important factors in the suitability of development.

It is important that any development, or indeed order preventing development has no impact on our role as a statutory undertaker or prevents our current permitted development powers being undertaken. We would ask that our contact details are passed to the Parish Council in order that we can be fully involved in any aspect of the plan which will impact on the Canal.

regards

Jane Hennell  
Area Planner South

The Canal & River Trust  
The Dock Office  
Commercial Road  
Gloucester  
GL1 2EB

[REDACTED]

Date: 21 January 2013

Our ref: 72390 Adderbury NP

Head of Strategic Planning and the Economy,  
Cherwell District Council,  
Bodicote House,  
Banbury,  
OX15 4AA

**By Email Only:** [planning.policy@cherwell-dc.gov.uk](mailto:planning.policy@cherwell-dc.gov.uk)

Consultation Service  
Hornbeam House  
Electra Way  
Crewe Business Park  
Crewe  
CW1 6GJ  
T: 0300 060 3900

## Cherwell - Adderbury Parish Neighbourhood Plan

Thank you for the opportunity to provide feedback to the proposed policy.

Network Rail is the “not for dividend” owner and operator of Britain’s railway infrastructure, which includes the tracks, signals, tunnels, bridges, viaducts, level crossings and stations – the largest of which we also manage. All profits made by the company, including from commercial development, are reinvested directly back into the network.

With regard to the above policy consultation Network Rail has the following comments to make.

The neighbourhood plan includes a section of railway north of Aynho Junction.

Whilst there are no level crossings within the boundary there are several level crossings within a reasonable distance of the proposal area.

DCL	Kings Sutton FP		83	1 0	SP49136 7	OX173J P	FPS
DCL	Bishop's Itchington		98	3 8	SP40057 7	CV472S A	FPS
DCL	Manor Farm No.1		85	6	SP47639 4	OX164R Z	UWCT
DCL	Studleigh Farm No.2		82	6 8	SP49336 3	OX173R R	UWCT
DCL	Knaptons		76	5 5	SP48926 9	OX255N Q	UWCT
DCL	Somerton		77	2 4	SP49027 8	OX255Q E	UWBM( T)
DCL	Abernethys		78	5 2	SP49829 7	OX256L T	UWCT
DCL	Chiswells Farm		78	3 3	SP49829 3	OX256N D	UWCT

DCL	Whites	Manor Farm No.2	88	7 3	SP46444 7	OX171P Y	UWCT
DCL	Cherrys No.4		84	2 8	SP48338 5	OX173J W	UWCT
DCL	Clattercote Farm		91	6 1	SP45549 0	OX171Q B	FPS
DCL	Claydon		92	2 4	SP45249 8	OX171E Y	FPW
DCL	Little Bourton		88	4 1	SP46344 1	OX171R E	FPS
DCL	Little Mill No.1		89	1 1	SP46545 0	OX171P Y	FPW
DCL	Boulders Farm No.2		79	1 0	SP49930 4	OX256L U	UWCT
DCL	Jeffries		88	5 8	SP46344 4	OX171R B	UWCT
DCL	Little Bourton		88	4 1	SP46344 1	OX171R E	UWCT
DCL	Cannon		89	2 9	SP46545 4	OX171P X	FPS
DCL	Wormleighton		93	3 7	SP44651 6	OX171E J	FPG
DCL	Wormleighton		93	3 7	SP44651 6	OX171E J	UWCT

Councils are urged to take the view that level crossings can be impacted in a variety of ways by planning proposals:

- (a) By a proposal being directly next to a level crossing
- (b) By the cumulative effect of developments added over time
- (c) By the type of level crossing involved e.g. where pedestrians only are allowed to use the level crossing, but a proposal involves allowing cyclists to use the route
- (d) By the construction of large developments (commercial and residential) where road access to and from the site includes a level crossing or the level / type of use of a level crossing increases as a result of diverted traffic or of a new highway
- (e) By developments that might impede pedestrians ability to hear approaching trains at a level crossing, e.g. new airports or new runways / highways / roads

- (f) By proposals that may interfere with pedestrian and vehicle users' ability to see level crossing warning signs
- (g) By any developments for schools, colleges or nurseries where minors in numbers may be using the level crossing

**Cherwell** Council have a statutory responsibility under planning legislation (**Schedule 5 (f)(ii) of the Town & Country Planning (Development Management Procedure) Order, 2010**) to consult the statutory rail undertaker where a proposal for development is likely to result in a material increase in the volume or a material change in the character of traffic using a level crossing over a railway. Therefore, as the Adderbury Parish Neighbourhood Plan Area will be the authority in this case they will still need to consult with Network Rail under Schedule 5.

Whilst Network Rail has no objection in principle to the **Adderbury Parish Neighbourhood Plan Area and Forum Application**, we are concerned developments within the boundary red line will not require planning permission. Network Rail is a statutory undertaker and as such LPAs consult our Town Planning Teams on a wide variety of proposals that may impact upon Network Rail land and infrastructure. We are consulted about proposals next to, near to, on, under or over the railway as well as schemes for stations, mining and mineral extraction and also proposals that might impact upon Network Rail access points, level crossings etc.

We are concerned that the **Adderbury Parish Neighbourhood Plan Area** which shares a boundary with the railway may result in proposals being undertaken near to or next to the operational railway / Network Rail land which may impact upon its safety and operation as we will not have had the opportunity (as via the current planning application notification process) to review and pass comments on vital asset protection measures to the council and developer / applicant. Equally we would be concerned if any Network Rail rights of access were affected by proposals, as these require unblocked access around the clock including emergency vehicles.

In light of the above we would request that the Adderbury Parish Neighbourhood Plan Area authority / group should contact Network Rail for any proposals within the area to ensure that:

- (a) Access points as mentioned above are not impacted
- (b) That any proposal does not impact upon the railway infrastructure / Network Rail land e.g.
  - Drainage works / water features
  - Encroachment of land or air-space
  - Excavation works
  - Siting of structures/buildings less than 2m from the Network Rail boundary / Party Wall Act issues
  - Lighting impacting upon train drivers ability to perceive signals
  - Landscaping that could impact upon overhead lines or Network Rail boundary treatments
  - Any piling works
  - Any scaffolding works
  - Any public open spaces and proposals where minors and young children may be likely to use a site which could result in trespass upon the railway (which we

would remind the council is a criminal offence under **s55 British Transport Commission Act 1949)**

- Any use of crane or plant
- Any fencing works
- Any demolition works
- Any hard standing areas

We would very strongly recommend that the Adderbury Parish Neighbourhood Plan Area authority / group are made aware that any proposal within 10m of the operational railway boundary will also require review and approval by the Network Rail Asset Protection Team, and such schemes should be accompanied by a risk assessment and a method statement.

We would request that the Adderbury Parish Neighbourhood Plan Area authority / group when submitting proposals for a development contact Network Rail's Town Planning Team and include a location plan and a description of the works taking place for review and comment.

All initial proposals and plans should be flagged up to the Network Rail Town Planning Team London North Western Route at the following address:

**Town Planning Team LNW**  
**Network Rail**  
**1<sup>st</sup> Floor**  
**Square One**  
**4 Travis Street**  
**Manchester**  
**M1 2NY**

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

Regards

**Diane Clarke**

Town Planning Technician LNW

Network Rail

Town Planning Team LNW

Desk 122 - Floor 1

Square One

4 Travis Street

Manchester, M1 2NY

Tel: [REDACTED]

Int Tel: [REDACTED]

[TownPlanningLNW@networkrail.co.uk](mailto:TownPlanningLNW@networkrail.co.uk)

**[www.networkrail.co.uk/property](http://www.networkrail.co.uk/property)**

We have no comments on the designation of Adderbury Parish as a Neighbourhood Area.

However, this Parish boundary is constrained by flood risk. Therefore the Environment Agency request to be consulted as this Neighbourhood Plan progresses.

Best regards,

Lesley Tims  
Major Projects Officer  
Environment Agency – West Thames Area

t: [REDACTED]

e: [REDACTED]

p: *West Thames Area Office, Howbery Park, Crowmarsh Gifford, Wallingford, Oxon, OX10 8BD*

*National Customer Contact Centre: 08708 506 506*



Good Afternoon

Thank you for consulting South Northamptonshire Council on the above neighbourhood area application.

I am writing to confirm that this Authority has no objections to the application.

Kind regards

Ros

Rosalind Brettle  
Senior Technical Support Officer  
Strategic Planning & the Economy  
South Northamptonshire Council  
Direct Dial [REDACTED]  
Email [REDACTED]  
[www.southnorthants.gov.uk](http://www.southnorthants.gov.uk)

Thank you for consulting the Joint Planning Unit. Just to confirm we do not have any comments on the Neighbourhood Area Application.

Regards

**Colin Staves**

Principal Spatial Planner  
West Northamptonshire Joint Planning Unit  
The Guildhall, St Giles Square, Northampton NN1 1DE

Tel: [REDACTED] Fax: [REDACTED]

Email: [REDACTED]

Dear Sir,

Thank you for your email regarding the designation of the above. There is little information other than that pertaining to the administrative boundaries relating to the proposed neighbourhood, although the HA appreciate it operates as a precursor to guiding potential new development, conservation and re-generation.

On this basis and given the information that has been presented, the Highways Agency has 'no comment' to make. However, bearing in mind the location of the village near the M40, if any future proposal could be deemed to have a significant impact on the safe and reliable operation of the nearby motorway, then we would like to be consulted at that stage.

I trust this is of some assistance.

**Anthony Powell, Asset Manager**

Highways Agency | Federated House | London Road | Dorking | RH4 1SZ

Tel: [REDACTED]

Web: <http://www.highways.gov.uk>

GTN: [REDACTED]

Date: 21 January 2013  
Our ref: 72390 Adderbury NP



Head of Strategic Planning and the Economy,  
Cherwell District Council,  
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Consultation Service  
Hornbeam House  
Electra Way  
Crewe Business Park  
Crewe  
CW1 6GJ

Dear Sir/Madam,

**Re: Adderbury Parish – Neighbourhood Area**

Thank you for your consultation on the above, which was received by Natural England on the 05 December 2012.

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

We acknowledge the intention to commence work on the preparation of a Neighbourhood Plan and would like to draw your attention to the joint guidance issued by Environment Agency, English Heritage, Forestry Commission and Natural England which can be found at <http://publications.environment-agency.gov.uk/PDF/GEHO0212BWAZ-E-E.pdf>.

We trust that these comments are useful. For any correspondence or queries relating to this consultation only, please contact Jamie Melvin using the details given below. For all other correspondence, including in relation to forward planning consultations, please contact the address above or email [consultations@naturalengland.org.uk](mailto:consultations@naturalengland.org.uk).

Yours sincerely,

Mr Jamie Robert Melvin  
Land Use Operations Team  
Tel: [REDACTED]  
Email: [REDACTED]

Address: Block B, Government Buildings, Whittington Road, Worcester, WR5 2LQ