



MEMORANDUM OF UNDERSTANDING

BETWEEN

HERTFORDSHIRE COUNTY COUNCIL

AND

NETWORK RAIL

22/03/2018



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1 Background

1.1 North Hertfordshire District Council Local Plan

- 1.1.1 North Hertfordshire District Council (NHDC) has prepared a new Local Plan to meet their development needs to 2031. This plan is being examined by an Inspector appointed by the Planning Inspectorate between November 2017 and March 2018.
- 1.1.2 The Plan proposes to allocate land around the town of Baldock, Hertfordshire, in the ownership of Hertfordshire County Council (HCC) for housing, employment and supporting uses. The Local Plan Proposals Map (Submission Version) is appended for reference (Appendix 1).
- 1.1.3 The proposed site allocations include land to the north of the railway line (the railway line being owned by Network Rail (NR)) for housing, and land to the south of the railway line for employment. Additional land is allocated for housing further south of the railway line.
- 1.1.4 The proposed site allocation policy for the site to the north of the railway line (Policy SP14 – North of Baldock) includes requirements for development to provide:
- A vehicular bridge across the railway line as part of a new link road connecting the A505 and A507. Structure No **SBR/11B** (Dual Carriageway Bridge – SBR 37.1165).
 - A secondary rail crossing for pedestrians and cyclists in the vicinity of Ashville Way. Structure No **SBR/11AB** (Industrial Estate Foot/Cycle Bridge – SBR 37.0403);
 - A rail crossing to provide safe access routes to/from Baldock Railway Station. Structure No **SBR/11AA** (East of Station Foot/Cycle Bridge – SBR 36.1295); and
 - Upgrades to Baldock Railway Station.
- 1.1.5 Delivering these four commitments will require the support and cooperation of NR.

1.2 Planning Applications

- 1.2.1 WYG have prepared and submitted two planning applications for the development around Baldock on land in HCC ownership, which is allocated in the emerging Local Plan, on behalf of HCC.
- 1.2.2 One application relates to development north of the railway line: 'Baldock North' (planning application reference 17/04420/OP), and the other relates to land south of the railway line: 'Baldock Southeast (planning application reference 17/04417/OP)'.
- 1.2.3 The application for development at Baldock North includes provision of three bridges across the railway line (one vehicular and two pedestrian/cycle). The locations for these can be seen on the parameter plan for access (Appendix 2). The application for development at Baldock Southeast makes provision for these bridges by safeguarding the land required for the bridges within the application area. The parameter plan showing this is appended for reference (Appendix 3).
- 1.2.4 It is intended that the improvements to Baldock Railway Station and its access routes, will be funded by the new development. The scope of these improvements is currently being

discussed between HCC and NR. The scope for agreed improvements, funding arrangements, and any other related matters, would be captured in due course as part of a s106 agreement or other suitable agreement.

- 1.2.5 WYG and HCC have worked with NR in developing the application proposals. At the request of NR, the planning applications propose the re-routing of a public right of way which crosses the railway line (Bygrave Footpath 015) (Rights of Way Definitive Map and level crossing photo included at Appendix 4), which is an 'at grade' level crossing, without gates. The proposed re-routing of the footpath onto the proposed new dual carriageway bridge SBR/11B would improve safety and aligns with NR policy regarding at-grade level crossings.
- 1.2.6 The delivery of the bridges and upgrades to Baldock Railway Station is referred to as 'the Infrastructure' hereafter.

2 Purpose of MoU

- 2.1 The MoU is made between HCC and NR in respect of collaborative working in the development of the Infrastructure.
- 2.2 The MoU may be used to support the NHDC Local Plan examination into the two planning applications to demonstrate the in principle support of NR to the Infrastructure proposals.

3 Mutual Understanding

3.1 Project Status

- 3.1.1 HCC has set up Herts Living Limited to develop properties for the Council, and is currently moving through the procurement process to secure a joint venture partner. Subject to the approval of business case to use the County Council's joint venture vehicle, Baldock North is a development project likely to be led and delivered through the new company.
- 3.1.2 NR has set up a project and allocated a project manager dedicated to the delivery of the Infrastructure. (NR Project No. WB30501)
- 3.1.3 A project 'start up' meeting was held between NR, HCC and WYG on 13 December 2017.
- 3.1.4 Meetings between technical consultants of WYG and NR had been held prior to the December meeting to discuss the logistics of providing new bridges across the railway line, and the potential for upgrades to the railway station. The NR representatives were generally supportive of the proposals at this time.
- 3.1.5 The nature and scope of the wider development proposals were discussed at the project meeting in December 2017, as well as the Infrastructure.
- 3.1.6 The NR Asset Protection Management Process has formally begun, with HCCs submission of the Asset Protection Development Questionnaire, to allow surveys to be undertaken, to inform detailed bridge design and station improvements.

3.1.7 The proposed structures across the railway line may carry utility services to service the new housing development. It is anticipated that such services would be included within the limits of the highway boundary and thereby subsequently protected under the New Roads and Street Works Act and other highway legislation.

3.2 Network Rail Policy

3.2.1 At the project meeting in December 2017, NR outlined their in principle commitment to working with other public sector bodies, such as Hertfordshire County Council, to work together to deliver infrastructure which supports UK growth.

3.3 Delivery of the Infrastructure

3.3.1 The timescales for the delivery of infrastructure were discussed, and it was agreed that possessions for undertaking the works on the Network Rail property will need as far as reasonably practicable to be secured in a timely manner.

3.3.2 The parties agree that, based on initial discussions regarding the nature of the proposals, there are no objections to the principle of providing the Infrastructure. The parties agree that they will continue to work together to design and plan for the delivery of the Infrastructure.

3.3.3 HCC has submitted an Asset Protection Development Questionnaire to allow topographical surveys to be undertaken on the rail corridor, which will inform the bridge designs and station improvements proposals.

3.3.4 HCC has sought an Asset Protection Agreement, which will be further developed over time to cover the initial surveys, design approvals and construction period.

3.3.5 HCC will seek to secure any necessary legal order required for the delivery of the Infrastructure, and seeks the support of NR in securing those orders. Orders may include those needed to divert public rights of way and/or the stopping up and creation of other highways.

3.3.6 The delivery of infrastructure is subject to commercial considerations including Shared Value for the grant of rights over the operational railway which facilitate development. The payment of Shared Value will be subject to the commercial viability of any scheme(s) brought forward including any direct/indirect rail benefits secured through development and will be a matter of negotiation between the parties each acting reasonably.

3.3.7 HCC and NR will work collaboratively to try to secure any NR consents and approvals necessary for the delivery of the works.

3.3.8 HCC will seek funding for the Infrastructure, and will work with NR with the aim of securing a delivery programme which aligns with funding deadlines.

3.3.9 HCC and Network Rail will work collaboratively to develop a communication and publicity strategy in relation to the works.



3.3.10 HCC and NR will work collaboratively to agree any necessary maintenance arrangements.

3.3.11 HCC and NR agree that this MoU is not legally binding, it is not intended to and shall not take effect as creating any form of partnership, is without prejudice to the parties statutory functions, powers and duties (including around asset protection) and NRs regulatory obligations (including around network and station change and the obtaining of other necessary consents both internal and external) and should be periodically reviewed, at the instigation of either party, should there be difficulties in delivery of the Infrastructure as envisaged, In this case the parties would work to give reasonable notice of any difficulties and to develop alternative options or bring the arrangements under the MoU to an end.



4 Contact Information

Network Rail

Representative: Sharon Broome

Position: Property Services Manager

Address: George Stephenson House, Toft Green, York YO1 6JT

Telephone: 07974156257

Fax

E-mail: Sharon.Broome@networkrail.co.uk

Hertfordshire County Council

Representative: Mike Younghusband

Position: Head of Highways Operations and Strategy

Address: County Hall, Pegs Lane, Hertford, SG13 8DN

Telephone: 01992 658330

Fax

E-mail: Mike.Younghusband@hertfordshire.gov.uk

Sharon Broome

Sharon R Broome 2018.03.22

19:20:59 Z
Date:

(Signature)

(Sharon Broome, Network Rail Infrastructure Ltd, Property Services Manager)

M. Younghusband Date: 22/03/2018

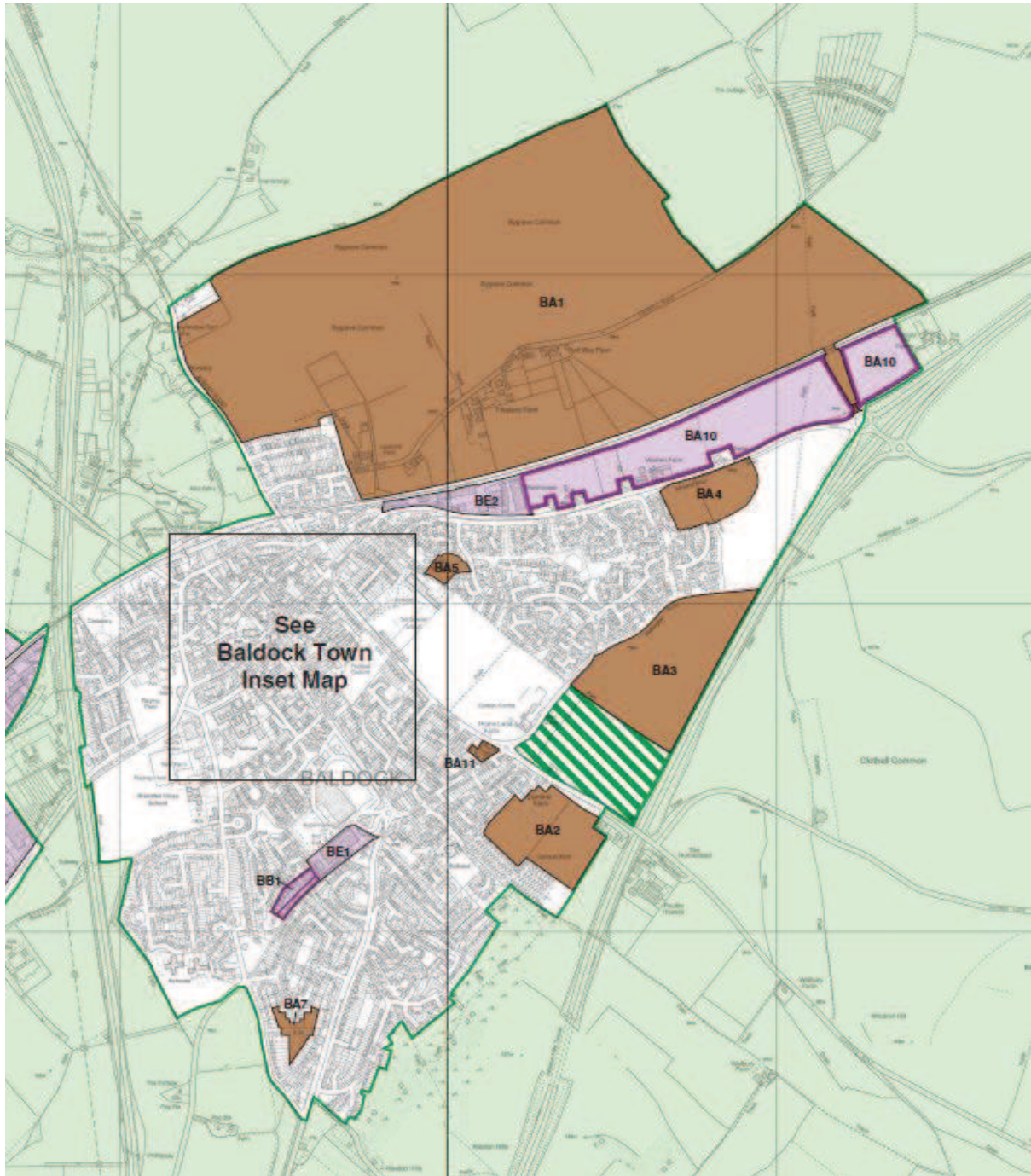
(Signature)

Mike Younghusband, Hertfordshire County Council, Head of Highways Operations and Strategy

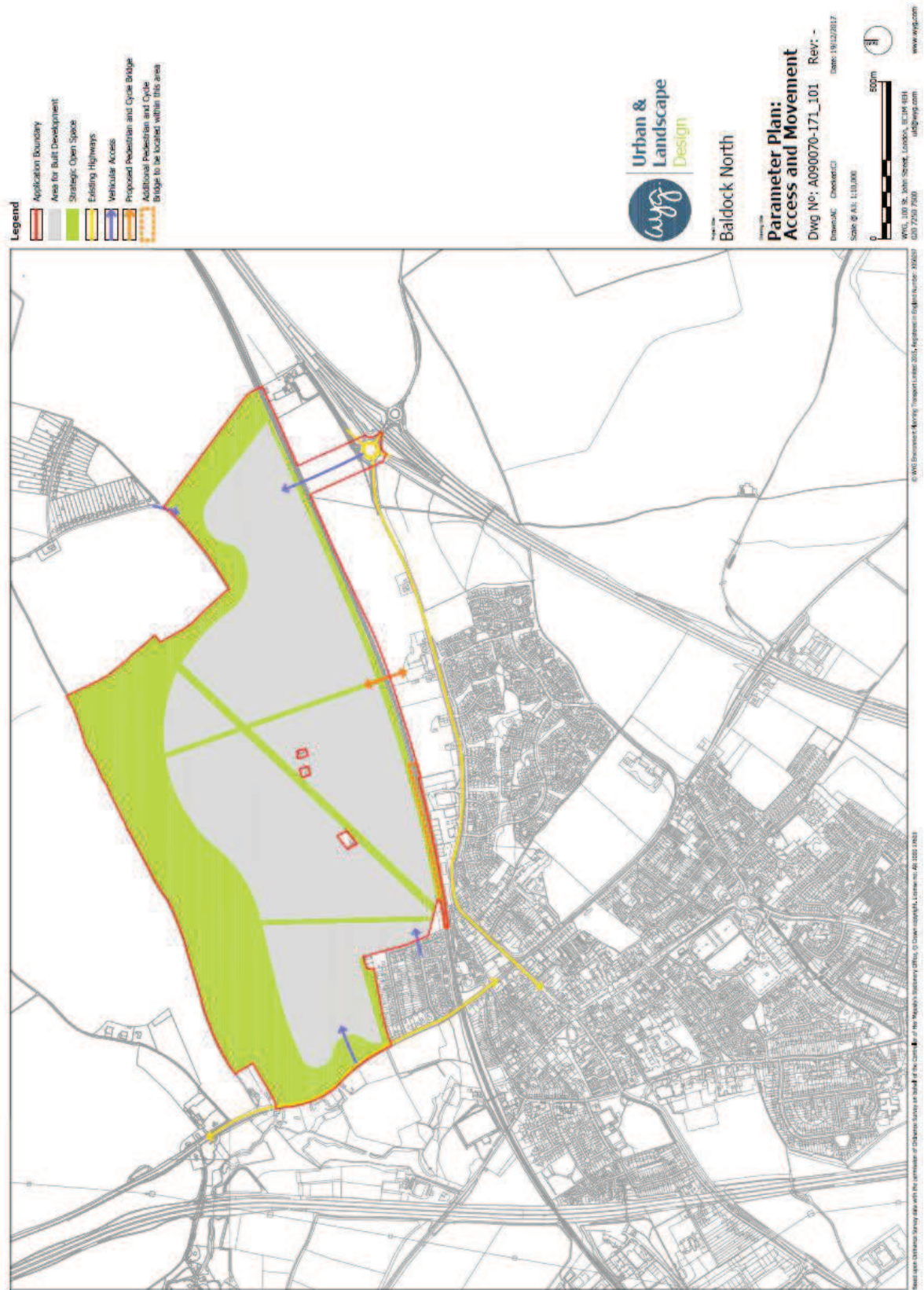
5 Glossary

HCC	Hertfordshire County Council (The planning applicant).
Local Plan	The plan prepared by NHDC to meet their development needs to 2031.
NR	Network Rail (The landowners of the railway line and Baldock Railway Station).
NHDC	North Hertfordshire District Council (The Local Planning Authority).
Planning Applications	<p>The two applications prepared and submitted by WYG for the development around Baldock on land in HCC ownership, which is allocated in the emerging Local Plan, on behalf of HCC.</p> <p>One application relates to development north of the railway line: 'Baldock North' (planning application reference 17/04420/OP), and the other relates to land south of the railway line: 'Baldock Southeast (planning application reference 17/04417/OP)'.</p>
The Infrastructure	<p>The package of infrastructure works proposed through the planning applications requiring cooperation on the part of NR, namely:</p> <ul style="list-style-type: none">• A vehicular bridge across the railway line as part of a new link road connecting the A505 and A507. Structure No SBR/11B.• A secondary rail crossing for pedestrians and cyclists in the vicinity of Ashville Way. Structure No SBR/11AB;• A rail crossing to provide safe access routes to/from Baldock Train Station. Structure No SBR/11AA; and• Upgrades to Baldock Train Station.
WYG	The consultants employed by HCC.

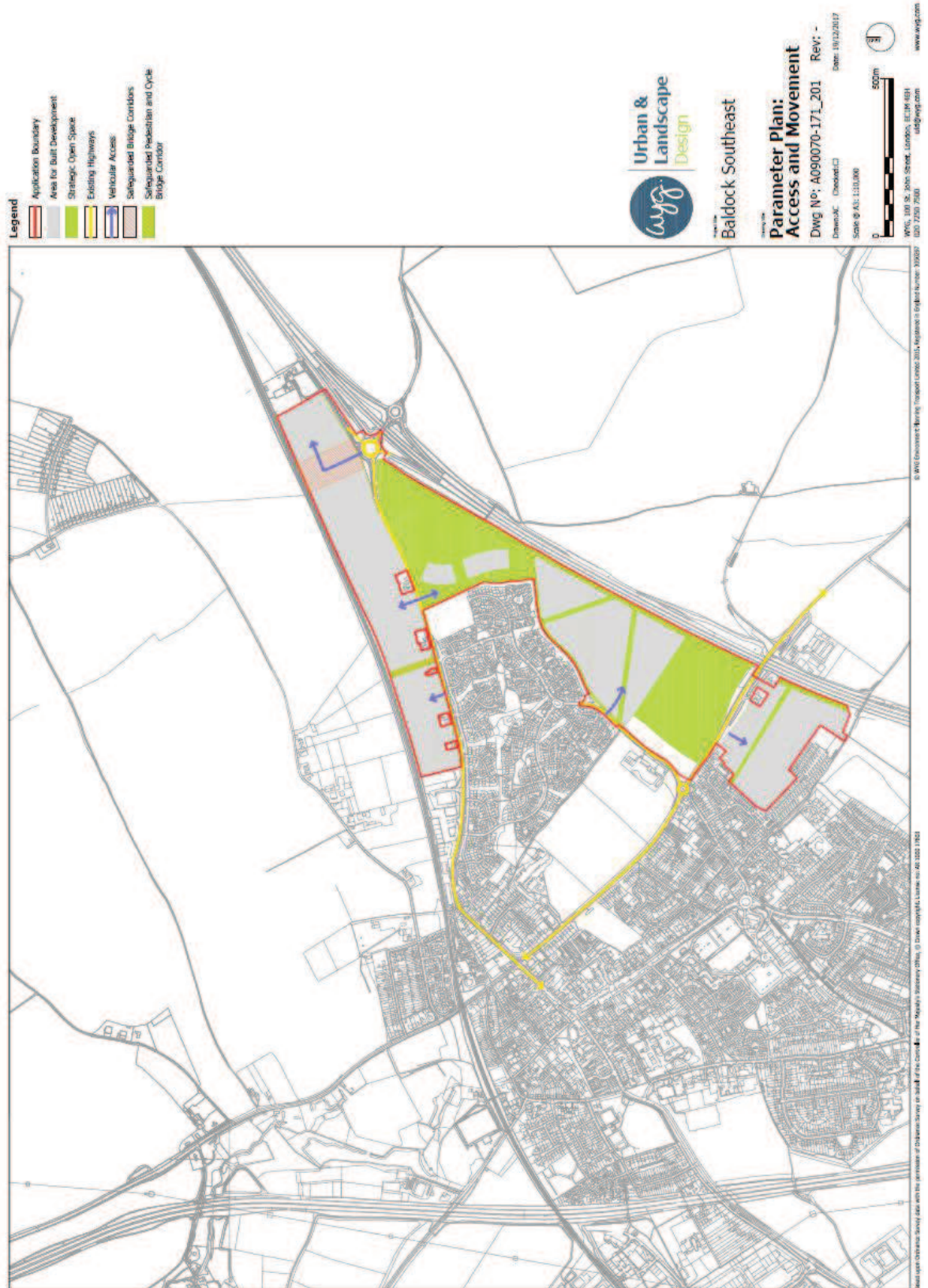
Appendix 1: North Hertfordshire District Council Proposals Map Extract: Baldock (Submission Version)



Appendix 2: Baldock North Planning Application Access Parameter Plan



Appendix 3: Baldock Southeast Planning Application Access Parameter Plan



Appendix 4: Rights of Way Map Extract & Level Crossing Photo



(Photo taken on 27 July 2017 from the south of the railway line, at the level crossing point, looking north)