

Our Ref: 25269/VW/JC/jb
Your Ref: n/a
Email: jclemanance@firstplan.co.uk

Broadwall House 020 3096 7000
21 Broadwall info@firstplan.co.uk
London SE1 9PL firstplan.co.uk

31 July 2025

Mr Darren Ottewell
Broxtowe Borough Council
Planning and Economic Development
Council Offices, Foster Avenue,
Beeston, Nottingham,
NG9 1AB

Via email only: darren.ottewell@broxtowe.gov.uk

Dear Mr Ottewell,

**APPLICATION REF: 25/00371/OUT – LAND WEST OF STAPLEFORD LANE, STAPLEFORD,
NOTTINGHAMSHIRE
RESPONSE ON BEHALF OF DB CARGO (UK) LTD**

1. Introduction and Summary

Firstplan are instructed by DB Cargo (UK) Ltd ('DBC') to provide a response to planning application ref: 25/00371/OUT, as submitted to Broxtowe Borough Council ('BBC') by applicants, Bloor Homes.

The application relates to 'Land West of Stapleford Lane, Stapleford, Nottinghamshire' and the proposed development comprises:

“Outline Planning Application for the construction of a residential development of up to 420 residential dwellings and associated open space and infrastructure (With some matters reserved). The proposed development is classified as EIA development under the Town and Country Planning (Environmental Impact Assessment) Regulations 2017”

DBC are a local landowner and rail freight operator of Toton Sidings which is located in very close proximity and to the west of the Bloor Homes application site. Network Rail also own land and operate from Toton Sidings and it is understood they have or are also planning to make representations on this application.

DBC is the UK's largest rail freight operating company and they hold both a significant freehold and leasehold interest in part of Toton Sidings and utilise the site for a range of rail freight related functions. It is a well-used and highly important strategic location for DBC operations across the country. Rail served sites of the size and nature of Toton Sidings comprise a scarce resource which are particularly difficult to replace.

DBC's key concern in responding to this application is with regards to ensuring the safeguarding of their existing and on-going operations and functions at Toton Sidings. Indeed, the importance of safeguarding rail infrastructure and existing operations and businesses is underpinned by policy requirements at national level as contained in the NPPF and including by reference to 'Agent of Change' requirements. This policy context, together with a full appreciation of the operations at Toton Sidings is critical to understanding the basis for the objection made and initial concerns raised to the application proposals.

Given the proposed introduction of residential (noise-sensitive) development in close proximity they key intent of this response is to ensure that it is clearly confirmed and demonstrated that (a) the existing operations at Toton Sidings

have been fully assessed and taken into account and that (b) full regard has been had to the future relationship between the new residential development and the existing Toton Sidings. This is in regard to the design and layout of the proposed development and that full consideration has been given to any mitigation that may be required to be provided as part of the development. This is to ensure both the on-going safeguarding of the existing operations and to ensure appropriate amenity standards are met for future residents of the proposed development.

BBC will already be fully aware of the importance of Toton Sidings, the kinds of operations it supports and the very high likelihood that the existing uses and activities at Toton Sidings will continue in situ for the long term. This is as clearly detailed and set out in the representations made during the consultation stages of the recently adopted Toton and Chetwynd Barracks Masterplan Supplementary Planning Document (February 2023) and Toton and Chilwell Neighbourhood Plan (May 2024).

For completeness it is confirmed that the representations made to the Masterplan and Neighbourhood Plan were clear that they were made in the context of the following key considerations:

- *Should DBC remain on site, as is expected for the longer term, that its operations must be protected. Any redevelopment progressed for land surrounding DBC should be compatible with DBC's operations. This is to ensure both an acceptable level of amenity for these uses / occupiers and that new development does not impose new restrictions on the ability of DBC to operate their site in accordance with the agent of change principle.*
- *That DBC is an active business, and it may adapt its operations and / or evolve as necessary whilst also securing new opportunities as they present themselves.*

It is noted that DBC are particularly concerned that no engagement took place between the applicant and DBC prior to the submission of the application. It is understood from the Statement of Community Involvement submitted with the application (report reference: P23-2379, dated: 7 April 2025) that only residents to the south of the application site area were informed of the proposals through a leaflet drop and direction to a project website. The applicants did not seek to confirm noise generating activities, hours of operation or any other matters which could be relevant to robustly assessing the context/nearby operations at Toton Sidings in supporting a planning application for new noise sensitive uses in close proximity. This is a clear omission which requires review.

DBC were also not consulted directly by BBC as part of the formal consultation exercise post submission of the application. This is equally of key concern given the proximity of the application site and the extensive input DBC has had in responding to the Masterplan and Neighbourhood Plan as detailed above.

DBC were only made aware of the application as a result of NR advising them of the submission. On this basis DBC instructed Firstplan to make contact with BBC to confirm that we would be reviewing and responding as required on the application proposals. We acknowledge with thanks the additional time allowed for that review to take place.

In summary it is confirmed that notwithstanding that the application proposals are in outline form at this stage, the application submission should nonetheless robustly demonstrate that the development does not have the potential to introduce new sensitive uses which could give rise to conflict with existing operations and which would be contrary to agent of change requirements. At this stage it is not clear that that has been achieved and for that reason an objection is being made.

It is confirmed that DBC are very open to working with BCC and the applicant to ensure that a robust assessment is progressed and if required to identify and confirm any mitigation which may be required and/or conditions required to ensure that the future operations at Toton Sidings are not negatively impacted.

2. DBC, Toton Sidings and Summary of Operations

i) DBC

As detailed, DBC is the UK's largest rail freight operating company. As a freight operating company, DBC are charged with making best use of their operational railway land to facilitate the transfer of freight from road to rail. DBC is a statutory railway undertaker and Toton Sidings comprises operational railway land and as a result much of the development progressed on the site by DBC has been progressed under rail related permitted development rights.

ii) Toton Sidings and Summary of Operations

Toton Sidings is jointly owned and operated by DBC and Network Rail. DBC specifically hold both a significant freehold and leasehold interest in Toton Sidings and utilise the site for a range of rail freight related functions. Land in the control of Network Rail (who equally as a statutory undertaker also benefit from rail related permitted development rights on their operational land) is utilised as a High Output Operations Base (HOOB) and Local Distribution Centre (LDC). A broad outline for all land containing rail operations at Toton Sidings is identified in red on the annotated Google Earth image provided at Figure 1 alongside the application site boundary for 25/00371/OUT.

Figure 1: Google Earth Annotated Aerial Image indicatively identifying land comprising Toton Sidings (Land in control of DBC and NR) (Red Dashed Outline) and Application Site Ref: 25/00371/OUT (Yellow Dashed Outline).



In addition to Figure 1, Plan Reference Toton LP1 is provided at Document 1 detailing the location and extent of land in the control of DB Cargo at Toton Sidings and the operations and uses it supports.

By reference to Document 1 the key site characteristics, operations and functions are as follows:

- The wider Toton Sidings site extends to some 40 ha either side of the mainline railway to the south of Sandiacre and Stapleford and north of Long Eaton.
- The operational areas of Toton Sidings are characterised by a surrounding buffer of open vegetated and treed land which separates it from open countryside and surrounding urban areas.

Vehicular access to Toton Sidings for DBC (shared with NR) is provided from the north via the B5010, Station Road. Additional access to the public highway is available at Bessel Lane, Stapleford and via Mayfield Grove, Long Eaton. Rail access is provided from the north just below the bridge at Brian Clough Way and there are also a number of rail connections to the south of the site.

- The Toton Traction Maintenance Depot (TMD) is one of two principal facilities operated by DBC at Toton Sidings. The main Traction Maintenance Shed (No. 5) is the only heavy maintenance depot for diesel locomotives operated by DBC in the UK and undertakes both heavy and light maintenance of DBC's diesel locomotive fleet. The TMD facility maintains a fleet of in excess of 250 DBC locomotives and Toton is also home to DBC's UK components supply warehouse.
- The Toton TMD comprises a workforce of approximately 250 (of which circa. 150 are Engineering Staff and 50 are Support Staff) and consists of the following key elements which are all critical to DBC's operation at Toton Sidings:
 - Secured vehicle and pedestrian entrance with gatehouse and 24/7 security.
 - Good rail access.
 - Traction Maintenance Shed (as detailed above).
 - Associated facilities including: Fuel tanks, Infrastructure Maintenance Compound, Parts Storage, Paint Shop, Wagon Repair Depot, Engine Testing Area.
 - Significant banks of rail sidings for site circulation, train stabling, storage of operational trains, rolling stock and surplus stock. It is relevant that old trains cannot simply be sent for recycling due to regulatory requirements, limited recycling facilities and that out of use trains must be stored for extended lengths of time. The bank of surplus trains form DB Cargo's strategic reserve of locomotives.
 - Administerial functions including: Admin, office and welfare buildings, training and driver simulator and staff car parking.
- The TMD operation conducts a range of enclosed and open potentially noisy rail related functions such as locomotive testing which requires running diesel locomotive engines at full power over extended periods. By nature of the business it will also evolve and grow and in this regard, it is also noted that the business is currently installing a second load bank at Toton which will provide them with capability to have two locomotives being tested at any one time in the near future compared to one at present.
- DB Cargo have relatively recently invested in development a new on-site operation comprising a car transshipment facility on circa 3 ha of land located centrally within the Toton Sidings site. This services the rail distribution needs of the nearby Toyota manufacturing facility at Burnaston to transport cars to and from Europe via the channel Tunnel. This development (similarly to much of the development across the Toton Sidings site) was progressed under permitted development rights available to DBC as a statutory railway undertaker. It is able to operate without restriction, for example in terms of vehicle movements and hours of operation.

The Toton Sidings site is a secure facility and operates on an up to 24/7, 360 days a year basis.

- The site is further characterised by significant external lighting in the form of high level lighting columns to accommodate operations taking place outside of daylight hours.

In terms of Network Rail, who DBC understand are also making representations, they occupy an approximate area of 12.9ha within the wider sidings. Operations undertaken by Network Rail include a Local Distribution Centre (LDC) for receipt and transfer of ballast and stabling / maintenance of a High Output Ballasting Train which operates to replace rail track ballast, within a High Output Operations Base (HOOB). Associated functions include, loading fresh ballast into the train wagons, unloading old ballast, dividing and forming the train, stabling of the train and general maintenance, fuelling and crewing. Alongside the operations undertaken by NR under permitted development rights there is also planning permission for the manufacture of aggregate from used track construction materials by crushing and screening.

Additional land provides open areas with sidings access and are used on an ad-hoc basis for a range of functions.

iii) Potential for Relocation

As detailed representations were made by DBC (jointly with Network Rail) to the Toton and Chetwynd Barracks Masterplan SPD. Those representations were clear that it would be a major failing of the Masterplan process if it were predicated on the basis that the Network Rail/DB Cargo activities will be relocated. For the Masterplan to be sound it was clearly stated that it must conform with the adopted development plan and it must deal with the likely scenario that these uses will remain on the site and in probability, for the long term. The representations were clear that the Masterplan must have in built flexibility to deal with phasing and the assumption that the rail related uses will not be relocated for some time and potentially not at all.

This situation remains unchanged from that as detailed when reps were made to the draft Masterplan. It is confirmed that DBC are committed to their long term occupation and operation of their business at Toton Sidings. As detailed in representations made to the Masterplan any prospect of relocation would be challenging. To reiterate from those representations, and to provide a level of understanding as to the challenge that relocation poses and what would be required in that respect, key relocation requirements are identified as follows:

- **Operations:** Any alternative site would require provision of the following:
 - Approx. 5500m of rail track with accompanying points
 - Large warehouse buildings to house the Traction Maintenance Shed, Parts Store Paint Shop.
 - Offices and Car Parking for up to 250 people.
 - Land to accommodate associated functions of Infrastructure Maintenance Compound, Wagon Repair Depot, Engine Testing Area, training, and driver simulator
 - Land to accommodate fuel tanks of approx. 500,000l in capacity.
- **Location:**
 - Site to be open, level uninterrupted land with no environmental constraints.
 - Any site would need to be of considerable size to accommodate the required functions (in the region of 12.5ha and above) and be of an appropriate land value.
 - The DBC workforce comprises a collection of locally based skilled workers and a location within the vicinity of the existing Toton Sidings site is required to ensure retention of the existing skilled workforce.
- **Access:**
 - Excellent rail access is required including easy routing to all other regions and ability to provide several connections to the rail network.
 - The site will also need to be accessible for the workforce.
- **Environmental:**

- Any location will need to be suitably separated from any sensitive neighbouring land uses to allow the unrestricted operation of the facility as it currently enjoyed (24/7/365 days a year).
- Any location will need to be clear of any planning restrictions in terms of hours of operation or other operational controls.
- **Transitional/De-canting Arrangements:**
 - It is critically for any alternative site to be secured, built out and operational prior to relocation taking place to ensure no interruption to the business and continuity of operations.

The above criteria is not an exhaustive list, but merely sets out the range of fundamental requirements when assessing both viability and identification of alternative sites. The situation remains that DBC is not aware of any suitable sites that have been identified, and certainly none that have been proposed to them in recent times. DBC are of the clear view that securing an alternative site in the short to medium term will be extremely challenging. Even in the long term it is considered that meeting their relocation requirements will equally prove challenging.

It is reiterated that Toton Sidings and the DBC Toton TMD is a highly important, strategic facility for DBC and the wider rail freight industry and its operation is planned to continue for the long term.

On this basis there should be no assumption that the rail dependent operations at Toton Sidings will cease.

3. Relationship of Application Proposals to DBC Toton Sidings

The annotated Google Earth Map provided at Figure 1 shows the location of Toton Sidings in the context of the application site. It is evident from Figure 1 that the application site is located in close proximity to the railway and Toton Sidings.

As detailed under the Planning Policy review which follows, there are clear requirements to ensure that sites such as Toton Sidings and existing businesses are appropriately safeguarded and that regard is had to the agent of change principle. In the context of identifying the relationship between the application site and Toton Sidings, 'Illustrative Masterplan' (Ref: P23_2377_DE_O14) is also useful in identifying the relationship that would result. An extract is provided at Figure 2 for ease of reference.

Figure 2: Extract of 'Illustrative Masterplan' Drawing No. P23_2377_DE_O14 and Key. (Rail Land at Toton Sidings indicatively shaded blue by Firstplan)



It is apparent from Figure 2 that the boundary of the site lies in close proximity to land at Toton Sidings and only separated by a small strip of undeveloped land incorporating Bridleways. Whilst an area of public open space is shown at the boundary of the site, the areas proposed for residential development within the development would be circa 190m from the nearest boundary of the Toton Sidings site.

Figure 3 also provides an extract of the submitted Parameters Plan and key identifying the proposed height of development which at up to 13m in height, especially taking into account the raised ground level compared to Toton Sidings would be likely to overlook and have direct line of sight to Toton Sidings.

Figure 3: Extract of 'Parameters Plan' Drawing No. P23_2379_DE_O15 Rev B and Key. (Rail Land at Toton Sidings indicatively shaded blue by Firstplan)



Further with regard to layout of the scheme the Figure contained in Section 5.51 of the Design and Access Statement (extract provided at Figure 4) indicates that the residential development to the west of the site would include 'frontages overlooking formal open space' and therefore face toward the railway / Toton Sidings.

Figure 4: Extract of Design and Access Statement (Figure at 5.51) and key. (*Rail Land at Toton Sidings indicatively shaded blue by Firstplan*)



4. Policy Context

Critical to the consideration of the application in the context of the Toton Sidings site are direct guidance and policy requirements as set out at National and Local Plan policy level.

i) National Planning Policy

At national level, there is clear policy support and direction in the National Planning Policy Framework (NPPF, 2024) with regards to ensuring that rail served sites and established businesses such as those at Toton Sidings are appropriately safeguarded and that conditions are created where businesses can invest and expand.

Paragraph 85, in the context of building a strong, competitive economy, is clear that planning policies should:

“...help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development”.

Paragraph 200, in the context of the ‘agent of change’ principle is clear that planning decisions should:

“...ensure that new developments can be integrated effectively with existing businesses...Existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established. Where the operation of an existing business or community facility could have a significant adverse effect on new development (including changes of use) in its vicinity, the applicant (or ‘agent of change’) should be required to provide suitable mitigation before the development has been completed.”

The National Planning Policy Framework (“NPPF”), December 2024, is clear at paragraph 223 (e) as to the importance of the need to:

“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.”

The DBC TMD at Toton sidings, whilst not undertaking bulk transport of minerals or waste operations itself, is critical to the maintenance of DBC’s extensive locomotive fleet. This performs vital maintenance for rail freight locomotive workhorses. Such locomotives comprise a key part of the supply chain in the context of bulk transport of both minerals and waste. Land in the control of Network Rail is of course directly utilised for the bulk transport of materials by rail.

ii) Nottinghamshire Minerals Local Plan (March 2021)

Whilst there is no direct reference to Toton Sidings within the Minerals Local Plan, there is significant support to maximise the sustainable transport of minerals, including by rail, under Policy SP4 – Sustainable Transport.

iii) Greater Nottingham Part 1 Local Plan – Aligned Core Strategy (September 2014)

Policy 2 ‘The Spatial Strategy’, part 3 (a) iii, of the Aligned Core Strategy (‘ACS’), confirms that approximately 24,995 homes in or adjoining the existing main built up areas of Nottingham areas to be provided and distributed across three boroughs including 3,800 in Broxtowe Borough Council. This provision is to include:

‘A Strategic location for growth on land east and west of Toton Lane including Toton Sidings in the vicinity of the proposed HS2 station at Toton, in Broxtowe. This will include a minimum of 500 homes with the appropriate mix of this and other development to be recommended by Broxtowe HS2 Working Group and determined in Broxtowe’s part 2 Local Plan’.

iv) Broxtowe Local Plan Part 2 (October 2019)

The adopted Policies Map for the Broxtowe Part 2 Local Plan identifies the DBC/Toton Sidings site as part of the ‘Toton Mixed Use Allocation’ and partly within Safeguarded Land for HS2.

Policy 3.2 ‘Land in the vicinity of the HS2 Station at Toton (Strategic Location for Growth)’, refers to the site as a Strategic Location for Growth and introduces the requirement for a strategic masterplan to be prepared to help deliver development at the site. Part (d) of this policy relates to key development requirements to be subject to the Strategic Masterplan and confirms that:

“Land allocated at Toton Strategic Location for Growth is expected to be brought forward for the following development, on a phased basis to achieve a comprehensive, high quality development. The precise type, quantum and form of development including infrastructure will be subject to further assessment as part of the preparation of the Strategic Masterplan and future revisions to the Infrastructure Delivery Plan”

Policy 3.2 (d), amongst other things, is clear in confirming what is envisaged in terms of ‘Land Assembly’. The policy is very specific in its terms:

“xxiii. Relocate the plant nursery, electricity substation, sewage works and Network Rail / DB Schenker off site subject to the viability of such proposals and appropriate relocation sites being identified and secured” (Our Underline)

v) Toton and Chetwynd Barracks Strategic Masterplan SPD (February 2023)

The Toton and Chetwynd Barracks Strategic Masterplan SPD was adopted in February 2023. It provides a framework for development coming forward within the AAP area following the closure of Chetwynd Barracks and promotion of a new railway station at Toton.

Relevant to Toton Sidings is that the AAP aligns with Policy 3.2 (d) of the Broxtowe Local Plan Part 2 at Paragraph 3.35 in confirming that:

“The operational railway assets west and east of the Erewash Valley Railway Line are owned by Network Rail and a rail depot operator. The Toton Traction Maintenance Depot complex (TMD) owned by a rail operator will only be re-located subject to an appropriate relocation site being identified and secured, and these proposals being demonstrated to be both feasible and viable.” (Our Underline)

Paragraph 3.35 also goes on to state that:

“In the event that relocation of the TMD cannot be secured, its ongoing operation will be protected. These matters will be considered by the East Midlands Development Corporation programme, working in partnership with the rail depot operator and other local partners. Therefore, this SPD contains proposals which set out what could be achieved if the railway assets are re-located. It also includes guidance on how development should have regard to ‘agent of change’ principles which will ensure that any development in the vicinity of existing railway assets is compatible with their ongoing operation.” (Our Underline)

Such guidance is detailed at Paragraph 4.4 and 4.5 which states:

“Proposals will need to demonstrate how they comply with Policy 19 of the Part 2 Local Plan, ensuring that development identifies potential nuisance issues and addresses impacts accordingly.

This applies to the impacts of development within the Masterplan area on existing communities, as well as new development within the Masterplan having regard to existing and committed future sources of noise, light and odour in accordance with the ‘agent of change’ principles set out at paragraph 182 of the National Planning Policy Framework. This requires that existing businesses, uses and operations should not have unreasonable restrictions placed upon their operation as a result of development permitted after they were established – this includes businesses, uses and operations which are proposed for relocation in the masterplan, given that these will continue to operate in the short term and that their relocation in the long term cannot be guaranteed. Where an existing business, use or operation could have a significant adverse impact on new development in the vicinity, the new development will need to provide suitable mitigation. Details of such mitigation measures should be included as part of any planning application.”

vi) Greater Nottingham Strategic Plan (Publication Draft March 2025)

The Strategic Plan is an emerging document covering the Greater Nottingham Area and centres on how Greater Nottingham’s longer-term development needs can be met up to 2038. It will replace the Aligned Core Strategy for each of the partner authorities involved in preparation of the plan (Broxtowe Borough Council, Nottingham City Council and Rushcliffe Borough Council).

It has most recently undergone a Regulation 19 stage consultation between March and April 2025. Submission of the plan for examination is expected to take place in September 2025.

Contained in the document is reference to the Toton Strategic Area for Growth and Toton and Chetwynd Barracks Strategic Site, the policy context for which is set out at Policy 21 '*Strategic Allocation Toton and Chetwynd Barracks*'.

The policy requires development to accord with the Toton and Chetwynd Barracks Strategic Masterplan SPD and in particular states at Part H 'Other Issues', Part 20, that development must include:

"Relocation of utility and transport infrastructure or mitigation of its impacts." (Our Underline)

vii) Policy Considerations

At national level there is strong policy support for safeguarding of sites for bulk transport, handling and processing of minerals. As already confirmed, whilst the DBC activities at Toton Sidings are not for the bulk transport of minerals, they do perform an essential maintenance function to support the rail freight industry in this respect. The NR function does however include the receipt and bulk transport of railway ballast for use across the country and performs a critical maintenance function to the wider rail network. There is also a strong emphasis on ensuring existing businesses are not unduly compromised by restrictions placed on them as a result of development permitted after they were established under the agent of change principle.

This policy context supports the safeguarding and retention of Toton Sidings and resistance to any sensitive development being provided in the near vicinity of the site that may impact on the operation.

At regional and local level, policies and guidance are in place in relation to broad development goals for Toton Sidings, in association with the new train station being promoted, and closure of Chetwynd Barracks, which forms the backbone to preparation of the Masterplan SPD. However, there are clear controls in place governing how any relocation will take place and that the sidings must be protected whilst in situ.

We would reiterate Broxtowe Part 2 Local Plan Policy 3.2 (d) with regard to land assembly, where relocation of Network Rail and DB Schenker is very much predicated on the basis of it being ***'subject to the viability of such proposals and appropriate relocation sites being identified and secured'*** and paragraph 3.35 of the Strategic Masterplan SPD.

The Toton and Chetwyn Barracks Strategic Masterplan SPD is clearly written in terms that it is expected that the rail facility at Toton will remain for the foreseeable future and potentially permanently. It is clear that full regard should be had to its operation to ensure that the facility is not impacted in any way and that any new sensitive uses are sufficiently mitigated and protected to provide acceptable levels of amenity for any new residents.

As detailed, the likely scenario is that the rail related uses at Toton Sidings will remain and in all probability for the long term and potentially not relocating at all. In this context any new development coming forward must have full regard to safeguarding and agent of change requirements.

5. Application Response

It is acknowledged that the application at this stage is submitted in outline only. Whilst this is the case, this does not release the applicant from the requirement to ensure that the LPA are clear as to what they are permitting and the likelihood that at reserved matters stage a proposal will be able to come forward that will not prejudice the operation of Toton Sidings. As detailed in Section 4 of this response the policy context there is a clear 'agent of change' requirement at play here.

The over-riding concern is that given the sensitivities of the site and proposed uses insufficient regard has been given to the relationship and full range of rail operations at Toton Sidings to enable a reasonable assessment of the likelihood of there being issues between the proposed development and the existing rail infrastructure and operations.

The Planning Statement and Design and Access Statement prepared by Pegasus, both make very limited mention of Toton Sidings and the activities which occur at the site. There does not appear to be any direct reference made to policy requirements for new development to be suitably designed, laid out and mitigated in the context of Toton Sidings. Similarly there is no reference to the requirements, by way of introducing new sensitive development, to adhere to agent of change requirements in respect to Toton Sidings. As a result there is a significant concern that the preparation and assessment of the application proposals have had limited regard to the potential implications of the new development in the context of Toton Sidings. This is both in terms of the amenity of future residents of the proposed development and in terms of safeguarding of the existing operations from likelihood of future complaints which could potentially lead to curtailment of activities at Toton Sidings.

As the proposals currently stand the parameters set out within the submission do not currently ensure an appropriate level of control over the detailed design to be delivered under the reserved matters in the context of the Toton Sidings site considerations.

It is considered that in light of the comments made within this letter that the submission documents (and in particular the noise assessment) should be reviewed and where relevant revised/supplemented to ensure agent of change principles have been fully addressed. Subject to the result of that they may have implications for the layout, design and embedded mitigation of the proposals which may need to form part of the design principles and/or be secured by condition.

a) Noise & Vibration

The noise chapters of the Planning Statement, Design and Access Statement and Environment Statement in addition to the Hoare Lea Acoustics Planning Report in respect of assessing noise levels have been reviewed.

In overarching terms DBC confirm that the proximity of the proposed dwellings to the Depot raises significant concerns about noise and vibration, particularly during static locomotive testing. There are significant concerns that the timing and duration of noise surveys do not reflect on normal operations. It is noted again that DBC are currently installing a second load bank at Toton so there is potential to have two locomotives on test at any one time and would not be reflected in the assessment work undertaken. DBC are significantly concerned that these disturbances could severely impact the quality of life for future residents and will likely lead to ongoing complaints and dissatisfaction. Early engagement with DBC would have ensured that the applicant was fully aware of existing and new operations at the site and would have ensured a robust assessment and identification of any implications in terms of the design, layout and mitigation of the proposed development.

More specifically, it is noted that the Hoare Lea assessment of October 2024 appears to rely on noise survey data in proximity to the sidings which was obtained between 4pm on the 7 October and 2pm on the 9th October 2024 only. It is considered that this is a wholly insufficient basis to appropriately assess the noise climate and activity in respect of Toton Sidings. DBC confirm that a two day (46 hour) survey period cannot possibly reflect the full range of operations at the site which would be experienced by any neighbouring development.

It is noted that reference to Toton Sidings is simply summarised as:

“An investigation of the noise levels measured at Position L2 located to the west of the site indicated that the sound of trains was dominant at all times of the day and night. At all times, the sound of trains idling was audible, with occasional train pass-bys, and the sounding of train horns. An assessment of the data indicated that there were 5 or fewer horns per night

exceeding a level of LA_{max} 78dB at the site boundary. Given that the soundscape to the west of site is dominated at all times by train noise activity absolute noise levels will be assessed in accordance with the requirements of BS8233”

On a similar theme with regard to the extent of the noise survey, the summary of prevalent noise sources at the sidings appears to fall significantly short of the type and range of activities that are undertaken at Toton Sidings and there is a very real risk that the report is not fully reflecting the potential activity and noise that could be generated.

On this basis, such are the concerns with the extent of the noise assessment undertaken, DBC are considering instructing a noise consultant to review the noise assessment on their behalf and further advise as to how robust the assessment is. We will advise further if this is progressed by DBC and any arising advice received to what specifically is required to ensure the full scope of activities at Toton Sidings is properly taken into account and / or identify any conditions relating to noise levels and future testing/compliance which may be required to be imposed. In the meantime, at minimum DBC would expect that the applicants would review their noise assessment to ensure they have captured all existing and proposed activities at Toton Sidings and across a longer and more robust assessment period. DBC confirm they are very happy to provide further information and provide access to review and assess their operations as required.

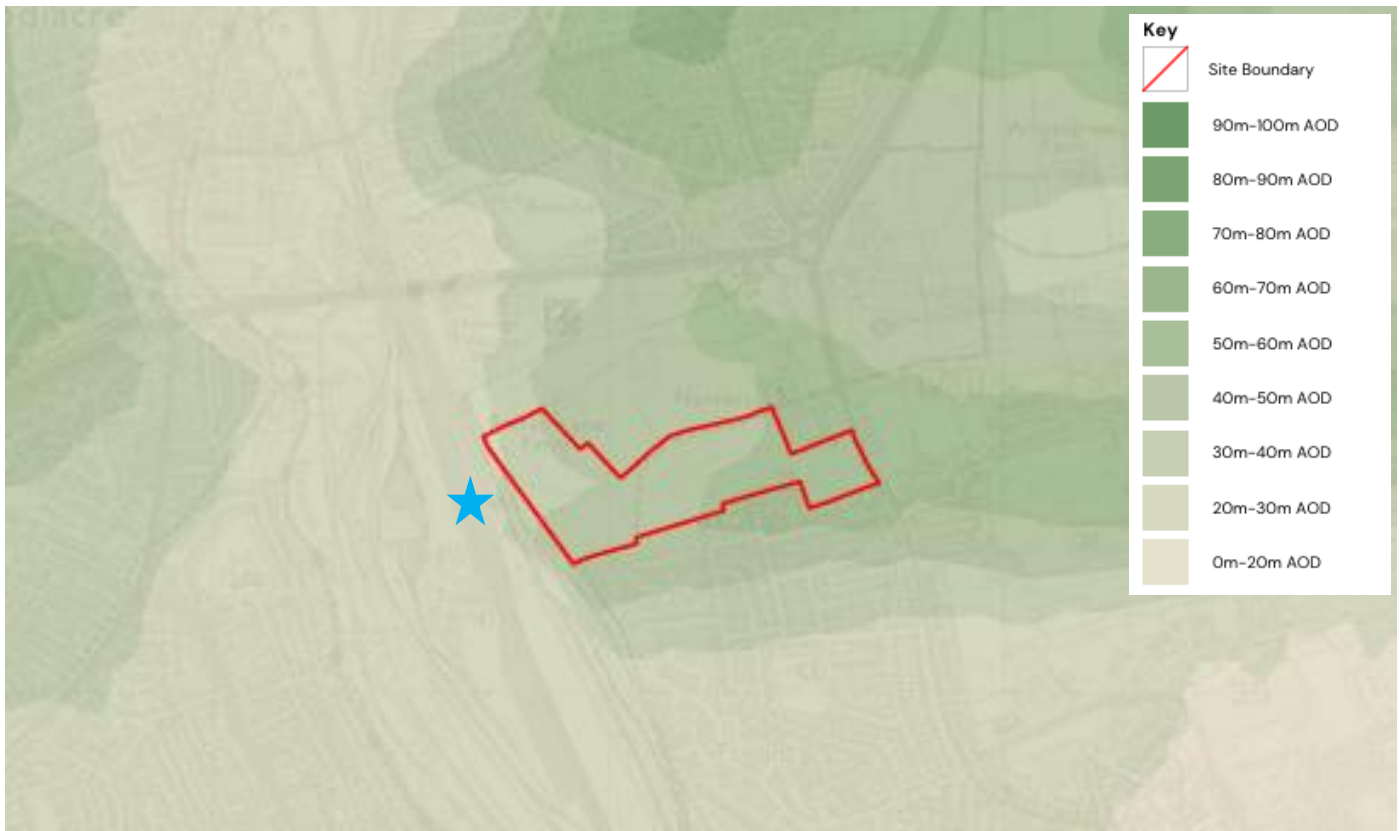
In more general terms DBC/Firstplan would very much invite and welcome direct discussion with the applicant and the LPA on the issues raised with a view to agreeing a way forward.

b) Layout and Design

In the context of the noise position as outlined and whilst the layout is reserved at this stage, it is still critical to ensure that consideration has been given to the layout and orientation of the proposals in the context of the Toton Sidings. This should ensure mitigation is designed into the proposal in terms of building layout, orientation, and general positioning and reflected as appropriate in the illustrative masterplan and Parameter's Plan.

In particular development to the west of the site is identified to include frontages facing west and directly overlooking Toton Sidings. The proposed dwellings in this location are likely to have views to Toton Sidings, especially for upper floors. This is particularly relevant as it is noted that the application site sits at a higher level than that of Toton Sidings and therefore proposed development at the site will command a higher position with clear views towards the rail infrastructure. This has the potential to raise issues of noise impact through direct line of sight between noise source and receptor. The levels are in fact identified within ES Figure 6.3 'Topography' (Drawing No: P23-2379_EN_00)3_-_1TP) and reproduced at Figure 6 which shows that the sidings lies at between 20-30m AOD and the application site between 30-40m and 50-60m AOD in parts.

Figure 6: Extract of ES Figure 6.3 'Topography' (Drawing No: P23-2379_EN_00)3_-_1TP). Toton Sidings indicatively identified by blue star (added by Firstplan).



The key concern in this regard is the potential number of residential windows and balconies which could face directly over the rail site from a higher level and the apparent lack of assessment and / or consideration in the design development to the inter-relationship between the proposed development and existing industrial and rail related operations particularly in terms of impact in terms of noise from the nearby Toton Sidings site.

Particular attention should be given to layouts, orientation, public realm, landscaping, soundproofing, and other design mitigation in the residential development.

c) Trespassing, Boundary Treatment and Safety Risk

DBC confirm that due to the location of the site there have been a number of recorded issues with trespassers accessing the site and envisage there being a risk of this increasing if the proposed development is permitted through bringing significant numbers of new residents in close proximity to the site. Operational railway lines present inherent safety hazards.

Accordingly, this risk should be pro-actively managed by the applicants. There is currently no detail in respect of boundary treatment and this should be detailed in the submission to provide appropriate boundary treatment with the effect of limiting access to the west of the site aside from the Bridleway PROW routes. This can include signage advising of the rail infrastructure and associated risks.

It is also requested that any new residents within the development be actively informed of the railway and associated railway infrastructure identifying the associated risks and warning against trespassing.

A planning condition should be applied to require the applicants to submit a railway risk assessment and management strategy to detail how the proposals will advise residents of the railway infrastructure and deter residents from the railway through physical intervention measures and other written notification / warnings as necessary.

6. Consultation on Future Applications

It is clear that many of the requirements identified to ensure that the operation of Toton Sidings is safeguarded cannot be provided or actioned until Reserved Matters stage or by discharge of condition. On this basis it is considered essential that an informative is attached to any grant of planning permission confirming that DBC will be consulted on any Reserved Matters application made, any relevant discharge of condition application made and on any NMA applications made. This is to ensure that clear opportunity is provided for review and input on relevant applications going forward.

7. Conclusion and Next Steps

In summary, we are instructed by DBC to object to the application on the grounds that the proposals have the potential to introduce sensitive uses, which have not yet been appropriately and robustly assessed in the context of noise which could prejudice the future operation of Toton Sidings.

Given the proposed introduction of residential (noise-sensitive) development in close proximity the key intent of this response is to ensure that it is clearly confirmed and demonstrated that (a) the existing operations at Toton Sidings have been fully assessed and taken into account and that (b) full regard has been had to the future relationship between the new residential development and the existing Toton Sidings. This is in regard to the design and layout of the proposed development and that full consideration has been given to any mitigation that may be required to be provided as part of the development. This is to ensure both the on-going safeguarding of the existing operations and to ensure appropriate amenity standards are met for future residents of the proposed development.

The application and supporting documents should ensure that the local planning authority, when considering whether to grant planning permission does so in the full knowledge of the likely significant effects and takes these into account in the decision making process. The onus lies firmly with the decision maker to ensure that the submission is complete and that the objectives of the relevant policy requirements are met. It is incumbent on the LPA to ensure that the future residents will be protected from significant adverse impacts and that the safeguarded operations of Toton Sidings are also protected in accordance with policy requirements at every level. The apparent failure to robustly assess (particularly in noise terms) the inter-relationship between the application site and the existing Toton Sidings site means that this clear requirement is not met.

Such is the level of concern arising from this planning review of the application, as confirmed DBC are considering directly instructing a noise consultant to also review the application submission. Either way, in the meantime it is reiterated again that DBC/Firstplan would very much welcome direct discussion with the applicant (and the LPA) with a view to reviewing what can be done to address the points of objection raised, and significant areas of concern identified with a view to agreeing a way forward.

For now we would be grateful in the first instance for your confirmation that this letter of objection has been received and accepted as duly made and that a copy has been passed directly to the applicant's agent.

Yours Faithfully,



JACK CLEMANCE
Senior Associate



Enc.

DOCUMENT 1

Land Ownership

- DBC Ownership Boundary
- DBC Leashold Boundary

Operations / Uses

1. Site Entrance Including DBC Security Gatehouse and main vehicular access to depot.
2. Meadow Sidings - Network Rail owned land and utilised for NR HOOB Depot
3. Rail access to TMD building and storage of surplus locomotives.
4. Loadbank. Locomotive Engine Testing Area
5. Traction Maintenance Depot (TMD)
6. Fuel tanks for locomotive fuelling - open access to other train operators.
7. DBC Admin Building
8. Sewage plant and storage area
9. DBC Train Crew Building & Driver Training Simulator
10. Staff Carparking
11. Depot Rail Arrivals Road and Locomotive Storage
12. Storage of surplus rolling stock.
13. DBC Stores
14. Paint Shop
15. Wagon Repair Depot (Nissen Hut)
16. Down Sidings Required to accommodate train movements in and out of Toton and stable operational trains.
17. Surplus land outside main depot.
18. Former wagon repair shed - now demolished and surplus to requirements.
19. Up Sidings - Required for long term storage of surplus and operational wagons.

