

**TRANSPORT AND WORKS ACT 1992****TRANSPORT AND WORKS (INQUIRIES PROCEDURE) RULES 2004****THE NETWORK RAIL (CAMBRIDGE RE-SIGNALING) ORDER****PROOF OF EVIDENCE – PLANNING****STATEMENT OF ELLIOT STAMP****15<sup>th</sup> March 2023****1. INTRODUCTION**

- 1.1 My name is Elliot Stamp. I am employed by Network Rail Infrastructure Ltd (**Network Rail**) as the Town Planning Manager for the Anglia Route which sits within Network Rail's Eastern Region. I am currently providing specialist planning advice on town planning matters relating to the Project (as further described below).
- 1.2 I have a Masters in Town and Country Planning from the University of Manchester and have been a Chartered Member of the Royal Town Planning Institute since 2017.
- 1.3 I have worked at Network Rail since 2012, with 9 years of town planning experience on railway projects. My current role involves managing a team that advises on town planning matters for railway schemes within Network Rail's Anglia Route. This includes a range of diverse projects from new infrastructure and stations to routine maintenance/renewals and works to Network Rail's heritage estate.
- 1.4 Major projects of note, which I have worked on include the Network Rail (Cambridge South Infrastructure Enhancement) TWA Order, Beaulieu Park Station, Dover (Railway Sea Wall and Defence) Project and "Access for All" Schemes.

**2. INVOLVEMENT WITH THE PROJECT, SCOPE OF EVIDENCE AND STRUCTURE OF THIS STATEMENT**

- 2.1 My involvement in the Project began towards the end of 2020 and I am responsible for providing planning advice on the consenting strategy for the Project. I am supporting the Project with the Order application, and I am the town planning expert witness responsible for providing the town planning Proof of Evidence.
- 2.2 Whilst the Order does not include a request for deemed planning permission, this proof provides an explanation of the town planning situation and has been written to provide confidence to the Inspector that there are no planning impediments to the delivery of the Project.
- 2.3 In this proof I will provide evidence on all town planning matters relating to the Project, as set out below:
- a. Section 3 sets out the consenting regimes for the Project;
  - b. Section 4 provides details on the permitted development rights which are relevant to the Project;



- c. Section 5 sets out the planning policy context and details the planning permission applications associated with the Project;
- d. Section 6 explains the consultation and engagement which has taken place with the respective local planning authorities;
- e. Section 7 summarises the response to objections which have been received on town planning issues;
- f. Section 8 sets out responses to town planning related matters raised within the Statement of Matters; and
- g. Section 9 provides a conclusion.

### 3. CONSENTING REGIMES FOR THE PROJECT

- 3.1 Network Rail proposes the re-signalling of the Cambridge Station 'interlocking' area and the upgrade of a number of level crossings (**Project**). The overall objective of the Project is to renew the life expired signalling assets in the Cambridge 'interlocking' area and the replacement of the mechanical signalling system, constructed during the 1980s, with a modern digital signalling system managed from a centralised location, namely the Power Signal Box at Cambridge Station. Further information on the Project, the need for the Project and its development is provided Ms Heria's Proof of Evidence.
- 3.2 On 5 August 2022 Network Rail submitted an application to the Secretary of State for Transport to make the Network Rail (Cambridge Re-Signalling) Order (**Order**) under sections 1 and 5 of the Transport and Works Act 1992.
- 3.3 All works to be carried out in relation to the Project will either be the subject of separate applications for planning permission and/or prior approval to the relevant local planning authority (**LPA**) or will be carried out as permitted development under Class A of Part 8 and Part 18 of Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015 (**GPDO**).
- 3.4 As a result, no part of the works required for the Project is proposed to be authorised by the Order and the application for the Order does not include a request for deemed planning permission under section 90(2A) of the Town and Country Planning Act 1990 (**1990 Act**). Instead, all works required for the Project will be permitted by separate planning permissions and/or through the GPDO, as set out in this proof.
- 3.5 Table 1 below sets out the town planning consenting route for each of the seven level crossing sites and Hauxton compound site.

Table 1: Town planning consenting routes

Level Crossing Works Area	Relevant Local Authority	Proposed Works	Consenting Route
<b>Croxton</b>	Breckland District Council	Change of use of part of the land to operational railway land, installation of full barrier solution, Relocatable Equipment Building ( <b>REB</b> ) and ancillary works	Application for express planning permission via the 1990 Act.
<b>Meldreth</b>	South Cambridgeshire District Council	Change of use of part of the land to operational railway land, installation of full	Application for express planning permission via the 1990 Act.



		barrier solution, REB and ancillary works.	
<b>Foxton (Hauxton)</b>	South Cambridgeshire District Council	Change of use of part of the land to operational railway land and installation of REB.	Application for express planning permission via the 1990 Act.
<b>Milton Fen</b>	South Cambridgeshire District Council	Installation of full barrier solution, REB and ancillary works.	Prior Notification (Class A of Part 8 and 18 of GPDO (not requiring Prior Approval).  Temporary works areas outside of Network Rail's ownership to be consented via Part 4, Class A of the GPDO.
<b>Six Mile Bottom</b>	South Cambridgeshire District Council	Installation of full barrier solution, REB and ancillary works.	Prior Notification (Class A of Part 8 and Part 18 of the GPDO) (not requiring Prior Approval).  Temporary works areas outside Network Rail's ownership to be consented via Part 4, Class A of the GPDO.
<b>Waterbeach</b>	South Cambridgeshire District Council	Installation of full barrier solution, REB and ancillary works.	Part 8 and Part 18 of the GPDO. Prior Notification (not Prior Approval).  Temporary works areas outside of Network Rail's ownership to be consented via Part 4, Class A of the GPDO.
<b>Dullingham</b>	East Cambridgeshire District Council	Installation of full barrier solution, Power Supply Point, REB and ancillary works.	<b>Original approach:</b> Prior Notification (Class A of Part 8 and Part 18 of the GPDO) (not requiring Prior Approval).  <b>Current Approach:</b> Prior Approval under Class A of Part 18 of the GPDO.
<b>Dimmocks Cote</b>	East Cambridgeshire District Council	Installation of full barrier solution, REB and ancillary works	<b>Original approach:</b> Prior Notification (Class A of Part 8 and Part 18 of the GPDO) (not requiring Prior Approval).  <b>Current Approach:</b> Prior Approval under Class A of Part 18 of the GPDO.

3.6 As detailed within Table 1, the original town consenting strategy for the proposed works at the Dullingham and Dimmocks Cote level crossings was that the works were permitted by virtue of Part 8, Class A and Part 18, Class A (not requiring prior approval) of the GPDO and that Prior Notifications would be sent to the East Cambridgeshire District Council (**ECDC**) setting out the proposed works and permitted development position.

3.7 However, due to ECDC's initial responses to the EIA Screening Opinion Requests, which stated that the proposed works are EIA development, the town planning consenting strategy for the Dullingham and Dimmocks Cote level crossing sites was reassessed and Prior Approval applications under Part 18 of the GPDO have now been submitted to ECDC for these works. Paragraphs 0 - 4.44 of this proof provide further details on this matter.

#### 4. NETWORK RAIL PERMITTED DEVELOPMENT RIGHTS

4.1 Network Rail has extensive permitted development rights under Part 8 and Part 18 of Schedule 2 to the GPDO, as further set out below.



Class A of Part 8 of the GPDO

- 4.2 Part 8 of the GPDO permits *"development by railway undertakers on their operational land, required in connection with the movement of traffic by rail."*
- 4.3 The use of Part 8 permitted development rights is restricted to Network Rail's existing land ownership and operational boundary and is not permitted if it consists of or includes:
- a. the construction of a railway;
  - b. the construction or erection of a hotel, railway station or bridge; or
  - c. the construction or erection otherwise than wholly within a railway station of: -
    - i. an office, residential or education buildings, or a building used for an industrial process; or
    - ii. a car park, shop, restaurant, garage, petrol filling station or other building or structure provided under transport legislation.

Class A of Part 18 of the GPDO

- 4.4 Part 18 of the GPDO permits *"development authorised by a local or private Act of Parliament"* and allows Network Rail to rely on the statutory powers set out in the relevant Railway Acts that authorise the original construction of the railway.
- 4.5 Each Railway Act is accompanied by a set of parliamentary plans showing the "limits of deviation" (**LoD**) within which works can be carried out. Part 18 provides that certain types of development, which consist of or include:
- a. the erection, construction, alteration or extension of any building, bridge, aqueduct, pier or dam;
  - b. the formation, laying out or alteration of a means of access to any highway used by vehicular traffic,
- do not benefit from deemed planning permission under part 18 *"unless the prior approval of the appropriate authority to the detailed plans and specifications is first obtained."*
- 4.6 Condition A.2, of Part 18, explains that:
- "The prior approval referred to in paragraph A.1 is not to be refused by the appropriate authority nor are conditions to be imposed unless they are satisfied that-*
- (a) the development (other than the provision of or works carried out to a dam) ought to be and could reasonably be carried out elsewhere on the land; or*
- (b) the design or external appearance of any building, bridge, aqueduct, pier or dam would injure the amenity of the neighbourhood and is reasonably capable of modification to avoid such injury."*



- 4.7 Class A of Part 18 can also be relied on in circumstances where elements of works are located outside of Network Rail's operational boundary, provided the proposed works are consistent with the nature of works set out in the relevant Railway Act and within the LoD.

Prior Notifications under Part 8 and Part 18 (not requiring prior approval): Milton Fen, Waterbeach and Six Mile Bottom

- 4.8 The proposed upgrade works at Milton Fen, Waterbeach and Six Mile Bottom level crossings comprise of railway operational development for which Network Rail has statutory powers and planning permission is therefore granted by virtue of Part 8, Class A and Part 18, Class A of Schedule 2 of GPDO 2015.
- 4.9 The proposed installation of the REB modules, upgrade of crossing barriers and other works located within Network Rail's existing land ownership are permitted by virtue of Part 8.
- 4.10 Where minor works associated with the upgrade of the level crossings are situated outwith Network Rail's existing land ownership, these works are permitted by virtue of Part 18. These works do not fall under Condition A.1 of Part 18 and therefore do not require prior approval from South Cambridgeshire District Council (**SCDC**) / Greater Cambridge Shared Planning (**GCSP**).
- 4.11 In relation to the works at Milton Fen, Waterbeach and Six Mile Bottom level crossings, Network Rail submitted Prior Notifications under Part 8 and Part 18 of the GPDO to SCDC. Please see submission dates below for the respective sites:
- Milton Fen submitted (24/11/2022). GCSP ref no. 22/05141/PDNOT
  - Waterbeach submitted (16/11/2022). GCSP ref no. 22/05022/PDNOT
  - Six Mile Bottom submitted (08/11/2022). GCSP ref no. 22/04960/PDNOT
- 4.12 Following the submission of the Prior Notifications, further email and telephone correspondence between GCSP and Network Rail took place. During this correspondence GCSP requested further information and plans in relation to the Railway Acts relevant to the sites. GCSP also requested additional plans and further justification in relation to the use of Part 18 (not requiring prior approval) for certain elements of the proposed works.
- 4.13 Network Rail responded to GCSP's request on 10 January providing further information and plans requested by GCSP. A copy of the letter is appended to this Proof of Evidence **[ES1]**.
- 4.14 In response, on 13 January 2023 GCSP issued letters in relation to each level crossing, which set out GCSP's position on the Prior Notifications and Network Rail's letter dated 10 January 2023. Copies of these letters are appended to this proof **[ES2]**.
- 4.15 Network Rail sent a further letter to GCSP on 22 February 2023 **[ES3]** responding to the key points raised within GCSP's letters and re-iterated its position that the proposed works are considered to be permitted development and, as such, no further applications will be made to GCSP in relation to these works.
- 4.16 GCSP's responded to the letter via email on 23 February 2023 **[ES4]**. GCSP's email acknowledged the letter and explained that copies would be put on GCSP's application files for the three sites. The email stated that GCSP would not be responding formally to the letter and that their email response did not prejudice their position with respect to any future enforcement matters.



- 4.17 It is my view that through the submission of Prior Notification letters and the subsequent additional information and plans, Network Rail have carried out appropriate consultation and cooperated fully with GCSP's requests for additional information. The comments raised by GCSP during this process have been fully addressed. It is considered that no further action is required from Network Rail on the subject of the use of permitted development rights at these three sites.
- 4.18 I do not consider that there is any planning impediment to the upgrade works at Milton Fen, Waterbeach and Six Mile Bottom proceeding. Network Rail will be relying on Part 8 and Part 18 (not requiring prior approval) of the GPDO in order to carry out works at these sites as part of the delivery of the Project.

Impact on Environmental Impact Assessment on Network Rail Permitted Development Rights

- 4.19 Paragraph 10 of Article 3 of the GPDO provides that no development is permitted under Schedule 1 or Schedule 2 of the GPDO unless the relevant LPA for the area has adopted a screening opinion under regulation 5 confirming that the development in question is not EIA development. However, paragraph 12(b) states that paragraph 10 does not apply to development under Class A of Part 18 so that development under Part 18 can proceed even if it is EIA development or, if prior approval under Part 18 is required, an application for prior approval can be accompanied by an Environmental Statement.
- 4.20 Screening opinion requests have been submitted to all LPAs affected by the Order and I have set out below a summary of the EIA Screening Opinion Request process which has taken place in relation to the Project.
- 4.21 **Initial EIA Screening Opinion Requests (July 2021):** Network Rail submitted an EIA Screening Opinion Request for the Project to each of the relevant LPAs on 7 July 2021. Please see Table 2 below which provides a summary of the EIA Screening Opinion responses from the respective LPAs.

Table 2: Summary of 1<sup>st</sup> EIA Screening Opinion Requests

LPA	EIA Screening Request Reference No.	EIA Screening Opinion
South Cambridgeshire and Cambridge City Council – Greater Cambridge Shared Planning Service	21/03205/SCRE & 21/03253/SCRE	<b>Negative EIA Screening</b> - The LPAs concluded that the Scheme as proposed was neither Schedule 1 or Schedule 2 development as per the EIA Regulations 2017 and so there was no requirement for the submission of an Environment Statement with any future applications for express planning permission. A request for works to be assessed through an Ecological Impact Assessment in response to comments from Natural England was highlighted.
Breckland District Council	3SR/2021/0003/SCR	<b>Negative EIA Screening</b>
West Suffolk Council	DC211420	The LPA concluded that the works solely within their administrative area, did not meet the description of works set out



		in Schedules 1 or 2 of the EIA Regulations 2017 and are therefore they were not likely to result in significant environmental effects.
East Cambridgeshire District Council	21/01029/SCREEN	<b>Positive EIA Screening Opinion</b> - The LPA reached this position based on Natural England's consultation response of potential significant ecology effects at the Dimmocks Cote and Dullingham Level Crossings.

- 4.22 GCSP and Breckland District Council's EIA Screening Opinion responses are appended to this proof [ES5] and [ES6]. Network Rail's letter to West Suffolk Council agreeing to withdraw the EIA Screening Request as result of their position on the EIA Screening Request is also appended to this Proof [ES7].
- 4.23 **2<sup>nd</sup> EIA Screening Request (June 2022):** A subsequent EIA Screening Opinion Request (ref: 22/00753/SCREEN) was submitted to ECDC on the 13 June 2022 to reflect updated works boundaries and further survey information at the Dimmocks Cote and Dullingham level crossings sites. This additional information included a Preliminary Ecological Assessment (**PEAR**) and Ecological Impact Assessment (**EclA**) which set out the ecological surveys that had been undertaken at each site. The documents reported the potential impacts and residual effects on all ecological receptors including statutorily designated nature conservation sites in line with UK guidance provided by the Chartered Institute of Ecology and Environmental Management.
- 4.24 Following the submission of EIA Screening Opinion Request (22/00753/SCREEN), Network Rail contacted ECDC on a number of occasions for an update and whilst discussions took place, ECDC did not provide a response to EIA Screening Opinion Request until 29 November 2022. This timeframe was well beyond the regulation timeframes set out by Regulation 6 of The Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (**EIA Regulations 2017**) which states that '*A relevant planning authority must adopt a screening opinion within—(a) 3 weeks beginning with the date of receipt of a request made pursuant to paragraph (1); or (b) such longer period, not exceeding 90 days from the date on which the person making the request submits the information required under paragraph (2) or (3) as may be agreed in writing with the person making the request.*'
- 4.25 ECDC made no attempt to seek an agreement with Network Rail for an extension to these regulation timeframes.
- 4.26 In lieu of a formal response from ECDC on EIA Screening Request (22/00753/SCREEN), as set out in more detail within paragraphs 4.29 - 4.368 of this proof, in November 2022 Network Rail proceeded to submit Prior Notifications under Part 8 and Part 18 of the GPDO to ECDC in relation to the Dimmocks Cote and Dullingham level crossing sites.
- 4.27 ECDC responded to the Prior Notifications by issuing EIA Screening Opinions for both sites, Dimmocks Cote and Dullingham. The EIA Screening Opinions and EIA Screening Matrixes were received by email on 29 November 2022 [ES8].
- 4.28 ECDC's EIA Screening Opinions stated:
- 'From the information supplied it is considered that an Environmental Statement is required. For the most part the works being undertaken are upgrading and replacement of existing level crossing infrastructure and as such will not likely lead to significant effects. However, the information provided does not enable a full assessment of the impacts, particularly when*



*these relate to statutorily designated nature conservation sites and landscapes, when the sites are in close proximity to SSSI and there are known protected species, habitats and landscape in the area’.*

Original Approach - Part 8 and Part 18 (not requiring prior approval): Dullingham and Dimmocks Cote

- 4.29 Akin to the works at Milton Fen, Waterbeach and Six Mile Bottom level crossings, the proposed level crossing upgrade works at Dullingham and Dimmocks Cote comprise of railway operational development for which Network Rail has statutory powers and planning permission is therefore granted by virtue of Part 8, Class A and Part 18, Class A of Schedule 2 of GPDO.
- 4.30 The proposed installation of the REB modules, upgrade of crossing barriers and other works located within Network Rail’s existing land ownership are permitted by virtue of Part 8.
- 4.31 Where minor works associated to the upgrade of the level crossings are situated outwith Network Rail’s existing land ownership, these works are permitted by virtue of Part 18. These works do not fall under Condition A.1 of Part 18 and therefore the works do not require prior approval.
- 4.32 In relation to the works at Dullingham and Dimmock’s Cote level crossings, Network Rail submitted Prior Notifications under Part 8 and Part 18 of the GPDO to ECDC. Please see submission dates below for the respective sites.
- Dullingham submitted (18/11/2022). ECDC ref no. 22/01078/P18. Withdrawn (15/12/2022)
  - Dimmock’s Cote submitted (08/11/2022). ECDC ref no. 22/01026/P18. Withdrawn (15/12/2022)
- 4.33 On the 29 November 2022, ECDC provided a response to Network Rail’s Prior Notifications. In summary, ECDC advised that they considered the proposed works to be EIA development and that as a result, Network Rail’s ability to rely on Part 8 of the GPDO for elements of the works was removed. ECDC’s email, which is appended to this proof **[ES9]**, stated that *‘in accordance with Regulation 11 of The Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (as amended) that an Environmental Statement is required’* and that *‘Under Article 3(11) of the Town and Country Planning (General Permitted Development)(England) Order 2015 (as amended), on the basis of the enclosed screening opinions, it is therefore considered that the proposed development is not permitted by the Order. The applications will therefore be recommended for refusal on this basis.’*
- 4.34 In response, on 9 December and 14 December 2022 Network Rail sought to address the EIA Screening Opinion situation by providing further clarity and by referencing the findings of the updated EclA and Arboricultural Impact Assessment (**AIA**) which were included within the Prior Notification submissions. The EclA, which had been updated since the submission of the EIA Screening Request (22/00753/SCREEN), confirmed that subject to appropriate mitigation the proposed works would result in either ‘minor positive’ or ‘negligible’ residual ecological impacts.
- 4.35 Network Rail continued to try to engage with ECDC to discuss the matter but was unsuccessful. Network Rail requested a meeting with ECDC during the week commencing the 12 December 2023, however there was no response from ECDC to this request.



- 4.36 Due to the lack of progress being made with ECDC in terms of resolving the EIA Screening Opinion situation and with a view to moving things forward, on 15 December 2022, Network Rail emailed ECDC to formally withdraw the Prior Notifications at Dimmocks Cote and Dullingham. This request was processed by ECDC and the relevant information was updated on ECDC's website.
- 4.37 Following email communication with ECDC in early January 2023, Network Rail reassessed the consenting approach for these two sites and decided to submit Prior Approval applications under Part 18 of the GPDO to ECDC in relation to the proposed works at Dullingham and Dimmocks Cote. The prior approval applications were submitted without prejudice to any future use of Part 8 and/or Part 18 (not requiring prior approval) at the sites or locality. The submission of Prior Approval applications would allow ECDC to re-screen the proposed developments as part of the Prior Approval validation process.
- 4.38 In parallel to discussions with ECDC, Network Rail also engaged Natural England on this matter through their Discretionary Advice Service.

Current Approach - Part 18 Prior Approval applications: Dullingham and Dimmock's Cote

- 4.39 Please see submission dates below for the respective sites:
- Prior Approval Application for "*redevelopment and upgrade works*" at Dullingham level crossing was submitted to ECDC on 26/01/2023 and allocated reference number 23/00048/P18. The application was validated on 26/01/2023 and, at the date of this Proof of Evidence, the target determination date is 23/03/2023.
  - Prior Approval Application for "*level crossing upgrade/redevelopment*" at Dimmocks Cote level crossing was submitted to ECDC on 26/01/2023 and allocated reference number 23/00043/P18. The application was validated on 26/01/2023 and, at the date of this Proof of Evidence, the target determination date is 23/03/2023.
  - Natural England Discretionary Advice Service request was submitted on 26/01/2023 and Natural England's response was received on 14/02/2023.
- 4.40 Natural England provided a formal response to Network Rail's Discretionary Advice Service request on 14 February 2023. A copy of Natural England's response letter has been appended to this Proof [ES10]. In terms of the residual ecological impact of the proposed works at Dullingham and Dimmocks Cote, Natural England concluded within their letter as follow:
- 'Natural England is satisfied, based on the assessment presented within the EcIA, that potential impacts associated with the proposed works on the Cam Washes SSSI, Devil Dyke SAC/SSSI and Newmarket Heath SSSI are likely to be negligible. However, this is subject to best practice pollution control and other construction measures being implemented, secured through an appropriate planning mechanism.'*
- 4.41 After undertaking a re-screening exercise as part of the validation process associated with the Prior Approval applications at Dullingham and Dimmocks Cote, ECDC confirmed, in an email dated 3 March 2023, that based on Natural England's consultation response, the proposed works at Dullingham and Dimmocks Cote level crossing are not considered EIA development and Environmental Statements are not required.



- 4.42 ECDC's Screening Opinion Report (dated 3 March 2023) which relates to Dimmocks Cote concluded that:

*'From the information supplied it is considered that an Environmental Statement is not required. For the most part the works being undertaken are upgrading and replacement of existing level crossing infrastructure and as such will not likely lead to significant effects. Since earlier screening decisions (LPA Ref. 21/01029/SCREEN and 22/01026/P18), further information has been provided by the Applicant as to the ecological impacts of the proposed development, and that of the entire C3R project. Following a review of this assessment, the consultation response from Natural England confirms that significant effects of the proposed development upon statutorily designated nature conservation sites and landscapes is considered to be unlikely. It is therefore considered that significant biodiversity effects arising from the proposal are unlikely, as well as when assessed cumulatively as part of the wider C3R project, and therefore an Environmental Statement is not considered to be required.'*

- 4.43 ECDC's Screening Opinion Report (dated 3 March 2023) which relates to Dullingham concludes that:

*'From the information supplied it is considered that an Environmental Statement is not required. For the most part the works being undertaken are upgrading and replacement of existing level crossing infrastructure and as such will not likely lead to significant effects. Since earlier screening decisions (LPA Ref. 21/01029/SCREEN and 22/01078/P18), further information has been provided by the Applicant as to the ecological impacts of the proposed development, and that of the entire C3R project. Following a review of this assessment, the consultation response from Natural England confirms that significant effects of the proposed development upon statutorily designated nature conservation sites and landscapes is considered to be unlikely. It is therefore considered that significant biodiversity effects arising from the proposal are unlikely, as well as when assessed cumulatively as part of the wider C3R project, and therefore an Environmental Statement is not considered to be required'*

- 4.44 Copies of ECDC's Screening Opinion Reports for Dullingham and Dimmocks Cote are appended to this proof **[ES11]** and **[ES12]**.

Dimmocks Cote - 23/00043/P18

- 4.45 A Prior Approval Application under Part 18 of the GDPO was submitted to ECDC on the 26 January 2023. The application (ECDC ref: 23/00043/P18) has a target determination date of 23 March 2023.
- 4.46 The Prior Approval Covering Letter which was submitted in support of the application has been appended to this proof **[ES13]**. The letter provides details of the site, proposed works and further information relating to Part 18 of the GPDO.
- 4.47 There are currently no consultation responses objecting to the Prior Approval Application. Natural England, ECDC's Conservation Officer and the Wildlife Trust (who provide professional ecological advice to ECDC) have all issued no objections to the proposed works.
- 4.48 The consultation response from the Wildlife Trust, which was issued on the 10 February 2023 **[ES14]**, states that *'The Wildlife Trust has not assessed this application because the proposed development appears to represent a low risk of ecological impacts. If evidence to the contrary is provided we will review these comments. As is standard practice, any mitigation or enhancement measures proposed within accompanying ecological reports*



*should be incorporated into the development design or secured through appropriately worded conditions.'*

- 4.49 Natural England's consultation response, dated 28 February 2023 **[ES15]**, confirms that they have no objection and *'Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes.'*
- 4.50 At the time of writing, ECDC have raised no further comments in relation to the prior approval application.
- 4.51 As highlighted within the cover letter and within paragraph 4.6 of this proof, under Part 18, Class A, Condition A.2, the Prior Approval cannot be refused unless ECDC are satisfied that the development ought to be and could reasonably be carried out elsewhere on the land, or the design or external appearance would injure the amenity of the neighbourhood and is reasonably capable of modification to avoid such injury.
- 4.52 In relation to the first consideration, given the nature of the proposed level crossing upgrade works, the location of the works is dictated by the location of the existing level crossing and railway infrastructure at Dimmocks Cote. Therefore, I do not believe there are any reasonable grounds that could require the works to be located elsewhere.
- 4.53 Furthermore, the design and external appearance of proposed level crossing upgrade and associated works will not injure the amenity of the neighbourhood. The works are not located in a Conservation Area or area of high landscape value. The proposed works are of a contextually appropriate design that is consistent with Network Rail standards and typical railway infrastructure and equipment. The new REB will be green in colour in response to the countryside which surrounds the crossing.
- 4.54 To date no concerns have been raised by ECDC or through consultation responses on these points. Therefore, I am confident that there will be no reason or justification to prevent ECDC from approving the Prior Approval application and as such there is no planning impediments to the delivery of the works at Dimmocks Cote.

#### Dullingham - 23/00048/P18

- 4.55 A Prior Approval Application under Part 18 of the GDPO was submitted to ECDC on the 26 January 2023. The application (ECDC ref: 23/00048/P18) has a target determination date of 23 March 2023.
- 4.56 The Prior Approval Covering Letter which was submitted in support of the application has been appended to this proof **[ES16]**. The letter provides details of the site, proposed works and further information relating to Part 18 of the GPDO.
- 4.57 In terms of consultations responses received to date, ECDC's Conservation officer's consultation response explained that there were no conservation implications.
- 4.58 Natural England's consultation response, dated 27 February 2023 **[ES17]** advised that:
- 'Further information required to determine impacts on protected species. As submitted, the application could have potential significant effects on protected species. Natural England requires further information in order to determine the significance of these impacts and the scope for mitigation. The following information is required: • Bat roost survey to be conducted*



*on sycamore tree 'T4'. Please re-consult Natural England once this information has been obtained.'*

*'Bat Roost Survey - As noted in the Biodiversity Ecological Assessment, tree names 'T4', a semi-mature sycamore tree, has bat roosting potential and is proposed to be removed as part of these works. Natural England are of the position that a further bat roost inspection, such as an aerial tree climbing inspection or two bat emergence surveys, are necessary before planning permission is granted. If a bat roost is confirmed, the applicant should seek to secure a European Protected Species mitigation licence. Please refer to Natural England's protected species standing advice.'*

- 4.59 In accordance with the recommendations set out within the EclA (which was included within the prior approval application submission), Network Rail will be carrying out further bat roost surveys in relation to the sycamore tree 'T4'. As bat emergence surveys can only be undertaken between May and September, Network Rail will instruct its Ecology Consultant to undertake these surveys in May/June 2023.
- 4.60 Network Rail contacted ECDC's case officer on 8 March 2023 to begin discussion on the bat roost survey matter and how to progress with it in the context of the prior approval application. At the date of this Proof of Evidence, Network Rail's Ecology Consultant is in the process of preparing an addendum to the EclA which will set out a bat mitigation strategy relating to the proposed removal of 'T4'. The strategy will include further details of the surveys which will need to be undertaken and will set out the appropriate bat mitigation that may be required in relation to potential bats / bat roosts. The addendum will then be formally submitted to ECDC with a view to agreeing a compliance and pre-commencement condition that requires compliance with the submitted bat mitigation strategy and the submission of the future bat surveys which will be carried out in May/June 2023.
- 4.61 At the time of writing, ECDC have raised no further comments in relation to the prior approval application.
- 4.62 In the context of Part 18, Class A, Condition A.2, akin to Dimmock Cote, the location of the proposed works at Dullingham is determined by the location of the existing level crossing and railway infrastructure at Dullingham. As a result of this, I do not believe there are any reasonable grounds that could require the works to be located elsewhere.
- 4.63 In terms of design and external appearance, the proposed works at Dullingham are of a contextually appropriate design that is consistent with Network Rail standards and typical railway infrastructure and equipment. The site is not situated within a Conservation Area or area of high landscape value. The new REB and fencing will be green in colour in response to the level crossing's rural countryside setting. Thus, the design and external appearance of proposed level crossing upgrade and associated works will not injure the amenity of the neighbourhood.
- 4.64 At the time of writing this proof, the only issue raised in response to the prior approval application is from Natural England who requested that a bat roost survey is conducted. As explained within paragraph 4.59 and 4.60, Network Rail is seeking to resolve this matter by submitting a bat mitigation strategy to ECDC and agreeing an appropriate compliance/pre-commencement condition. Once this matter has been resolved, I believe ECDC will be in a position to approve the prior approval application and as such there is no planning impediments to the delivery of the works at Dullingham.



## 5. PLANNING PERMISSION APPLICATIONS AND POLICY CONTEXT

- 5.1 This paragraph addresses the matters raised at paragraph 6 of the Secretary of State's Statement of Matters dated 9 March 2023: *"the outcome of the two planning applications currently being considered by the Local Planning Authority"*.
- 5.2 The following planning applications have been submitted to the relevant LPAs in relation to the Project:
- a. At Hauxton level crossing – an application for full planning permission submitted to SCDC under reference 22/05163/FUL for *"change of use to operational railway land together with the installation of Smart IO Housing Equipment and associated landscaping and fencing"*;
  - b. At Meldreth level crossing – an application for full planning permission submitted to SCDC under reference 22/05204/FUL for *"change of use to operational Railway Land, plus installation of new level crossing barriers, Smart IO Housing, operational signal equipment, road traffic lighting signals, new access and associated lighting, landscaping and fencing"*; and
  - c. At Croxton level crossing – an application for full planning permission submitted to Breckland District Council under reference 3PL/2022/1442/F for *"Change of use of part of the land from greenfield to Operational Railway Land, plus installation of new level crossing barriers, Smart IO Housing, operational signal equipment, road traffic lighting signals, new access and associated landscaping and fencing"*.
- 5.3 The proposed works at the Hauxton, Meldreth and Croxton sites involve the construction of permanent compounds (which include Smart IO Housing Modules) outwith Network Rail's existing operational land ownership. Whilst Network Rail could have relied upon Part 18 of the GPDO and submitted Prior Approval applications, a decision was made to submit full planning applications for the proposed works at these sites.
- 5.4 The key reason behind the decision to take this consenting approach is due to the fact that through submitting planning applications, Network Rail is seeking to change the use of parts of the sites which are currently outwith Network Rail existing operational land, to operational railway land. As a result, on approval of the respective planning applications and the completion of the associated land purchases, the use of the land will change to operational railway use and Network Rail will therefore benefit from use of Part 8 of the GPDO. This will be beneficial to Network Rail for any future works that may be required within the compounds.

### **Hauxton - 22/05163/FUL**

- 5.5 A full planning application was submitted to SCDC on 28 November 2022. The application (GCSP ref: 22/05163/FUL) was validated on 29 November 2022. The current target determination date is 17 March 2023.
- 5.6 The Planning, Design and Access Statement which was submitted in support of the application has been appended to this proof [ES18]. The statement provides assessment of the proposed works against relevant national and local planning policy. As detailed within the planning statement, the most relevant policies include, but are not limited to, Chapter 2 (Achieving Sustainable Development) and Chapter 13 (Protecting Green Belt Land) of the NPPF, and policies; S/2 (Objectives of the Local Plan), S/4 (Cambridge Green Belt), NH/8 (Mitigating the Impact of Development In and Adjoining the Green Belt), HQ/1 (Design Principles), TI/2 (Sustainable Travel), NH/6 (Green Infrastructure), NH/7 (Ancient Woodlands and Veteran



Trees), CC/9 (Managing Flood Risk), NH/4 (Biodiversity), NH/14 (Heritage Assets) and CC/1 (Mitigation and Adaptation to Climate Change) and CC/9 (Managing Flood Risk) of the South Cambridgeshire Local Development Plan (2018).

Key Planning and Policy Considerations:

- 5.7 The key planning and policy considerations relevant to the works at Hauxton include mitigating impacts on the Green Belt, appropriate management of construction traffic, landscaping, ecology and biodiversity net gain (**BNG**).

Consultation responses and objections:

- 5.8 A summary of the consultation responses and comments received during the determination of planning application 22/05163/FUL is appended to this proof **[ES19]**. I provide information below in relation to the most significant planning matters that have arisen during the determination of this planning application.

**Green Belt and Little Shelford Design Guide Supplementary Planning Document [SPD]**

- 5.9 The site is located within the Green Belt and post-submission GCSP requested that Network Rail provide further information and justification on the site's Green Belt location and the context of Little Shelford Design Guide SPD. Network Rail provided this information to GCSP on 30 January 2023 **[ES20]**. GCSP confirmed in an email, dated 1 February 2023 **[ES21]**, that they were satisfied that the principle of development in the Green Belt had been demonstrated. GCSP requested that additional landscaping details be provided to ensure that the openness of the Green Belt is preserved.
- 5.10 Network Rail subsequently submitted a Landscaping Planting Plan and a Landscape Screening and Ecological Enhancement Plan to GCSP on the 24 February 2023. GCSP's feedback on these documents is set out in paragraphs 5.13-5.18 of this proof.

**Traffic Management**

- 5.11 Cambridgeshire County Council's (**CCC**) Highways officer provided a consultation response on 22 December 2023. The response raised no objection to the application subject to the inclusion of a pre-commencement planning condition requiring the submission and approval of a Traffic Management Plan.
- 5.12 Network Rail provided the Traffic Management Plan to GCSP on the 15 February 2023. CCC's Highways officer responded on 16 February 2023 asking for an additional reference be included confirming that the adopted highway within the vicinity of the site would be swept within agreed timeframes as reasonably requested by the LPA. As a result, an updated Traffic Management Plan was submitted to GCSP on 21 February 2023 and CCC's Highways officer confirmed, in an email to GCSP **[ES22]** on 22 February 2023, that they were happy with the plan.

**Landscaping, Ecology and Biodiversity Net Gain**

- 5.13 The matter of BNG has been discussed with GCSP's case officer and Ecology officer during the determination of the application. GCSP's Ecology officer issued their first consultation response on 19 December 2022 **[ES23]**. The response concluded that there was sufficient ecological information to determine the application and recommended pre-commencement of development conditions relating to the submission of an ecology enhancement scheme and a BNG plan.



- 5.14 On 24 February 2023, together with the submission of the Landscaping Planting Plan and a Landscape Screening and Ecological Enhancement Plan, Network Rail submitted further information to GCSP in relation to BNG. This included a 'BNG Assessment' which had been prepared by Network Rail's Ecology Consultants.
- 5.15 Following a review of these documents, GCSP's Ecology officer issued a further consultation response to the BNG matter on 8 March 2023 [ES24]. The consultation response advised that *'If the applicant is willing to manage the trees, then a modified management schedule could be conditioned to cover the 30-year BNG period required, and a net gain achieved without expanding the landscaping or purchasing offsite credits.'*
- 5.16 I can confirm that Network Rail is in agreement with this approach and, at the date of this Proof of Evidence, is in the process of amending the Landscape Screening and Ecological Enhancement Plan to align with GCSP's Ecology officer's recommendations. The revised Landscape Screening and Ecological Enhancement Plan will be issued to GCSP on 15 March 2023. Network Rail emailed GCSP's case officer on the 13 March 2023 updating them on this position and the proposed approach. Based on this, it is considered that the matter of BNG will be resolved in due course.
- 5.17 On 8 March 2023, GSCP's BNE Landscape officer provided a 'no objection' consultation response in relation to Landscaping Planting Plan and a Landscape Screening and Ecological Enhancement Plan [ES25]. The response advised that *'The planting is suitable for the location and to provide screening and aligns with the ecology and BNG strategy. We recommend that the landscape implementation condition is applied so that if any planting fails it will be replaced.'*
- 5.18 GSCP's BNE Landscape officer recommended that the following condition be included as part of any planning permission for the proposed works and this condition is considered acceptable to Network Rail does not constitute an impediment to the Project.

*Landscape implementation:*

*All hard and soft landscape works shall be carried out and maintained in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with a programme agreed in writing with the Local Planning Authority. If within a period of five years from the date of the planting, or replacement planting, any tree or plant is removed, uprooted or destroyed or dies, another tree or plant of the same species and size as that originally planted shall be planted at the same place as soon as is reasonably practicable, unless the Local Planning Authority gives its written consent to any variation.*

*Reason: To ensure the development is satisfactorily assimilated into the area and enhances biodiversity in accordance with Policies HQ/1 and NH/4 of the South Cambridgeshire Local Plan 2018.*

**Public Comments**

- 5.19 Two supportive consultation responses from local residents have been received in relation to the planning application. One of the consultation responses supporting the application referred to the need to remove the existing REB from the site as part of the works. I can confirm that the proposed works at Hauxton will lead to the removal of the existing REB located to the south of the level crossing and the proposed removal is expected to be controlled via planning condition.



Potential Conditions:

- 5.20 At present, based on GSCP's review of the application and the consultation responses received, it is anticipated that the following planning conditions will be attached to any planning approval for the proposed works at Hauxton level crossing.
- a. Restriction on construction working hours (compliance during the period of construction)
  - b. Compliance with the submitted Traffic Management Plan (compliance)
  - c. Provision of Ecological Mitigation (compliance)
  - d. Landscape Implementation and BNG Management (compliance)
  - e. Removal of existing REB (compliance)

Conclusion:

- 5.21 As summarised within the Planning, Design and Access Statement submitted with the planning application, the proposed works at Hauxton are considered to be in accordance with national and local planning policy. The works form an important component of the overall Project which will modernise rail infrastructure across Cambridgeshire and support sustainable transport.
- 5.22 Network Rail has sought to address issues and concerns raised during the application determination process. This has included the submission of further information justifying the sites Green Belt location, the submission of a Traffic Management Plan and the submission of a Landscape Screening and Ecological Enhancement Plan. As detailed above, it is considered that these matters have now been appropriately addressed.
- 5.23 At the time of writing this proof, the only remaining outstanding matter left to resolve relates to BNG. Importantly, this matter is not considered problematic and is currently being resolved. As set out in paragraph 5.16 Network Rail is in the process of submitting a revised Landscape Screening and Ecological Enhancement Plan which includes a commitment to a 30-year management plan for the proposed trees which will address the BNG matters raised.
- 5.24 Network Rail is confident that GCSP will shortly be in position to approve the planning application. The planning conditions which are anticipated to be included with any planning permission at Hauxton are acceptable to Network Rail and do not pose any cause for concern in terms of compliance and obtaining further approval from GCSP. Any pre-commencement of development conditions will be discharged as part of the Project programme.
- 5.25 Therefore, I believe that there is no planning impediment to the delivery of the Hauxton works.

**Meldreth level crossing - 22/05204/FUL**

- 5.26 A full planning application was submitted to SCDC on the 1 December 2022. The application (GCSP ref: 22/05204/FUL) was validated on 1 December 2022. The current target determination date for the planning application is 24 March 2023.
- 5.27 The Planning, Design and Access Statement which was submitted in support of the application has been appended to this proof [ES26]. The statement provides assessment of the proposed works against relevant national and local planning policy. As detailed within the planning statement, the most relevant policies include, but are not limited to, Chapter 2 (Achieving Sustainable Development), Chapter 9 (Promoting Sustainable Transport) and Chapter 15 (Conserving and Enhancing the natural Environment) of the NPPF, and policies; S/2



(Objectives of the Local Plan), S/7 (Development Frameworks), HQ/1 (Design Principles), TI/2 (Sustainable Travel), NH/6 (Green Infrastructure), Policy NH/7 (Ancient Woodlands and Veteran Trees), CC/9 (Managing Flood Risk), Policy NH/4 (Biodiversity), Policy NH/14 (Heritage Assets) and CC/1 (Mitigation and Adaptation to Climate Change) of the South Cambridgeshire Local Development Plan (2018).

Planning and Policy Considerations:

- 5.28 Key planning and policy considerations relevant to the works at Meldreth include mitigating impacts to the nearby SSSI, appropriate management of construction traffic, access to the compound from Meldreth Road, landscape character, neighbouring residential amenity, ecology and BNG.
- 5.29 The site is located adjacent to Shepreth village with a number of residential dwellings in close proximity to the level crossing site. The site is also located c. 200m east of L-Moor SSSI.

Consultation responses and objections:

- 5.30 A summary of the consultation responses and comments received during the determination of the planning application is appended to this proof [ES27]. I provide information below in relation to the most significant planning matters that have arisen during the determination of the planning application.

**Highways, Traffic Management and Compound Size**

- 5.31 CCC's Highways officer provided a consultation response to the planning application on 22 December 2022 [ES28]. In summary, the response requested Network Rail to provide further plans and information in relation to the visibility splays and site access plans. The response also explained that further justification was needed in relation to the rationale behind the scale of the proposed maintenance compound.
- 5.32 Within the response, the Highways officer advised that, if following the provision of these plans and information, CCC are satisfied that the proposal will have no significant adverse effect upon the public highway, then conditions will need to be attached to any planning permission that is approved for the works. The proposed conditions relate to the type of surfacing used for the compound access, prevention of water from the site running onto the public highway, the submission and approval of a Traffic Management Plan, and the submission and approval of a scheme for the vehicular crossing over the ditch located within the site.
- 5.33 In response to the Highways officer's consultation response, Network Rail submitted updated site plans, parking plans, visibility splays and swept path analysis, to GCSP on 15 February 2023. A Traffic Management Plan was submitted to GCSP on 22 February 2023. A Local Highways Authority Briefing Note which seeks to justify the scale of the compound was issued to GCSP on 1 March 2023.
- 5.34 Following review of these plans and additional information, CCC's Highways officer provided a further consultation response on the 9 March 2023 [ES29] which objected to the application in its present form. The response explained that additional amendments needed to be made to the proposed parking plan and reiterated concerns in relation to the scale of the compound and the width of the proposed junction with Meldreth Road. Network Rail is currently in the process of amending the proposed parking plan and providing further responses to the concerns raised by the Highways officer. Network Rail contacted GCSP's case officer and CCC's Highways officer on 14 March 2023 with a view to arranging a meeting to discuss these concerns.



### **Landscaping, Ecology and Biodiversity Net Gain**

- 5.35 During the determination process, GCSP and their Ecology officer raised issues in relation to landscaping, ecology and BNG.
- 5.36 GCSP's Ecology officer, explained within their consultation response, dated 20 January 2023 that whilst all other aspects of the application were acceptable subject to planning conditions, there was insufficient ecological information to determine the application and that further consultation with Natural England was required.
- 5.37 Natural England provided a 'No objection' consultation response to the planning application on 17 February 2023. The response concluded that *'Natural England considers that the proposed development will not have significant adverse impacts on designated sites Shepreth L-Moor SSSI, Barrington Pit SSSI and Melwood LNR and has no objection.'*
- 5.38 GCSP's case officer initially raised concerns about the visual impacts of the proposed compound on the neighbouring countryside. To address this concern, on 24 February 2023, Network Rail submitted a Landscaping Planting Plan and a Landscape Screening and Ecological Enhancement Plan to GCSP.
- 5.39 In connection with these plans, Network Rail also provided GCSP with additional BNG information which included a 'BNG Assessment' which had been prepared by Network Rail's Ecology Consultants.
- 5.40 At the time of writing this proof, Network Rail is awaiting responses from GCSP's case officer and Ecology office in relation to these additional information and plans.

### **Culvert Design**

- 5.41 Proposed access from Meldreth Road to the compound is required to cross over an existing ditch which runs parallel to Meldreth Road. In relation to this ditch crossing, Network Rail submitted a Culvert Section plan to GCSP on 24 February 2023. The culvert section details provided are the standard type of culvert that Network Rail install at ditch crossings. The size/diameter of the pipe will be confirmed at detailed design stage once operatives are on site.
- 5.42 CCC's Highways officer has requested that if GCSP is minded to approve the planning application, a prior to commencement condition is attached which requires the submission and approval by the LPA the Lead Local Flood Authority (**LLFA**), of a scheme detailing how the culvert crossing will be constructed.

### **Trees**

- 5.43 Whilst GCSP's Tree officer provided a consultation response on the 12 January 2023 explaining that no comments were required. To ensure its accordance with the updated landscaping plan and landscape retention, Network Rail issued an updated AIA to GCSP on the 3 March 2023.

### **Public Comments**

- 5.44 During the determination of the planning application, concerns were raised by local residents and Shepreth Parish Council. A number of the concerns raised related to the wider TWAO process, the traffic modelling and barrier down-time modelling.



- 5.45 In response to these concerns, Network Rail provided GCSP with a letter, dated 23 November 2022 **[ES30]**, which had previously been sent to residents, interest groups and Shepreth Parish Council in response to their objections and representations made during the statutory objection period related to Network Rail's TWA0 submission.
- 5.46 Network Rail provided GCSP with a further letter on 3 March 2023 **[ES31]** which responded to third party objections related to traffic and barrier down-time modelling that had been submitted in relation to the planning application.
- 5.47 Within their objection to the planning application, Shepreth Parish Council also raised concerns in relation to the scale of the proposed compound. Further information on this matter is provided within paragraphs 7.15-7.18 of this this proof and within Ms Heria's Proof of Evidence.

Potential Conditions:

- 5.48 At present, based on GCSP's review of the planning application and the consultation responses received, it is anticipated that the following planning conditions will be attached to the any planning approval for Meldreth.
- a. Submission of and GCSP's approval of the Traffic Management Plan (Prior-Commencement)
  - b. Submission of and GCSP's approval of the Artificial lighting impact assessment and mitigation scheme (prior to installation of external lighting) (This has been requested by SCDC Environmental Health (Noise/Lighting) officer)
  - c. Gate Design (compliance)
  - d. Ecological Mitigation (compliance)
  - e. Ecological Enhancement Scheme (Prior to the commencement of development above slab level)
  - f. Landscape Implementation (compliance)
  - g. Biodiversity Net Gain (Compliance or Prior-Commencement)
  - h. Submission and GCSP's approval of a scheme detailing the construction of the culvert crossing (Prior Commencement)
  - i. Drainage onto Public Highway (Compliance)
  - j. Access materiality (Compliance)

Conclusion

- 5.49 The Planning, Design and Access Statement for Meldreth demonstrates that the proposed works at Meldreth accord with national and local planning policy. The works form a significant component of the wider Project which will modernise rail infrastructure across Cambridgeshire and support sustainable transport.
- 5.50 A number of issues and concerns have been raised during the application determination process. As outlined earlier within this proof, Network Rail has sought to and is in the process of resolving these issues and concerns.
- 5.51 Network Rail is currently awaiting feedback from GCSP in relation to the additional landscaping, ecology and BNG information that it has submitted in support of the application.



- 5.52 Whilst the CCC's Highways officer is currently objecting to the planning application, the matters raised within their recent consultation response (dated 9 March 2023) are surmountable, and Network Rail is in the process of providing a further response and plans to resolve these matters.
- 5.53 Network Rail has submitted further information and plans to address comments raised by GCSP in relation to culvert design and trees.
- 5.54 Concerns from local residents and Shepreth Parish Council in relation to the wider TWAO process, traffic modelling and barrier down time modelling have been responded to by Network Rail during the application determination process, as well as the Order application process, and this point is dealt with in detail in Mr Contentin's Proof of Evidence.
- 5.55 Network Rail is confident that all outstanding matters and the current objection from the CCC's Highways officer will be resolved over the next month, and that, following this, there will be no reason to prevent GCSP from approving the planning application. The planning conditions which are anticipated to be included with any planning permission to be granted in relation to the proposed works at Meldreth level crossings are acceptable to Network Rail and do not pose any cause for concern in terms of compliance and obtaining further approval from GCSP. Any pre-commencement conditions will be discharged as part of the Project programme.
- 5.56 Based on this, I am of the belief that there will be no planning impediments to the delivery of the Meldreth works.

**Croxtan level crossing - 3PL/2022/1442/F**

- 5.57 A full planning application was submitted to Breckland District Council on 21 December 2022. The application (Breckland District Council ref: 3PL/2022/1442/F) was validated on 21 December 2022. The application was approved by Breckland District Council on 2 March 2023. A copy of the decision notice [ES32] and officer's report [ES33] are appended to this proof.
- 5.58 As the Planning, Design and Access Statement [ES34], which was submitted in support of the application, concludes, the proposed work at Croxtan level crossing '*represent a high quality, well designed scheme that accords with the principles of sustainable development and should be approved in accordance with the presumption in favour of sustainable development and the approach to decision-making set out in paragraphs 10 - 11 of the NPPF.*'
- 5.59 This conclusion was reaffirmed by Breckland District Council's within their case officers report, which following assessment of the planning application, stated:

*'The proposed works to upgrade Croxtan Level Crossing are considered to be acceptable in the context of the modernisation of level crossing control and the associated safety, efficiency and reliability. The works are an important component of the overall C3R project which will modernise rail infrastructure across Cambridgeshire. The proposed works are necessary to allow Network Rail to fulfil its role by upgrading this signalling equipment and ensuring its supporting infrastructure is fit for purpose. By undertaking the proposed works, this will create a safer and more efficient operation and there will be wider community benefits as a result of the proposal. These include the upgrading of necessary infrastructure for the rail network, introducing more appropriate and advanced modern technology and improvements to safety requirements and reliability of the railway. There are no planning policy reasons why this proposal cannot be approved.'*



Planning and Policy Considerations:

- 5.60 In summary, the key planning and policy considerations relevant to the works at Croxton included implications to the countryside location, impact on the transport network, interface with a pill box (non-designated heritage asset) situated adjacent the site, trees, ecology and BNG.

Consultation responses and objections:

- 5.61 Natural England, Environmental Heath Officers and the Breckland District Council's Tree and Countryside Consultant raised no objection to the proposed works.
- 5.62 Breckland District Council's Ecology Officer raised no objection subject to the inclusion of planning conditions securing biodiversity mitigation and enhancement measures.
- 5.63 Norfolk County Council Highways raised no objection to the application subject to a planning condition being imposed which required compliance with the submitted Construction Traffic Management Plan.
- 5.64 No consultation comments were received from local residents, Croxton Parish Council and Brettenham/Kilverstone Parish Council in relation to the planning application.
- 5.65 In terms of the existing pill box located adjacent to the level crossing, the impact of the proposed level crossing and associated works on the pill box were assessed as part of Breckland District Council's determination of the planning application. As explained within the officer's report *'The pill-box is non-designated and it is considered that no significant harm would be occur to the character or setting of the non-listed asset. The area in the immediate vicinity would alter by the provision of the buildings and fencing but the fencing around the structure has been kept sensitive.'*
- 5.66 Following discussion with Breckland District Council's case officer, Network Rail will be retaining the existing landscaping located around the pill box and it may be further enhanced subject to detailed design of an appropriate biodiversity enhancement strategy that will be submitted and approved prior to use.

Conditions:

- 5.67 A complete list of the planning conditions associated to planning permission 3PL/2022/1442/F is contained within the respective decision notice. A summary of the conditions is provided below:
- a. **Condition 1** limits the commencement of development to within 3 years from the date of permission.
  - b. **Condition 2** requires the development to be implemented in accordance with the approved documents and planning drawings.
  - c. **Condition 3** requires compliance with the Construction Traffic Management Plan.
  - d. **Condition 4** requires compliance with the mitigation and enhancement measures contained within the EclA report.
  - e. **Condition 5** is a prior commencement of development condition which requires the submission and approval of a Construction Environmental Management Plan (**CEMP**).



- f. **Condition 6** requires the development to be constructed using the materials as set out with the approved documents and planning drawings.
- g. **Condition 7** is a prior to use condition which requires the submission and approval of a Biodiversity Enhancement Strategy (**BES**).

Conclusion:

- 5.68 It is evident, through Breckland District Council's approval of planning application 3PL/2022/1442/F that there is no planning impediment to the upgrade works at Croxton proceeding.
- 5.69 The conditions attached to the decision are acceptable to Network Rail and do not pose any cause for concern in terms of compliance and obtaining further approval from Breckland District Council. Discharge of condition applications seeking to discharge Condition 5 and Condition 7 will be prepared and submitted to Breckland District Council in due course. The conditions do not pose any planning impediment to the works at Croxton proceeding.

## 6. CONSULTATION AND ENGAGEMENT WITH LOCAL PLANNING AUTHORITIES

- 6.1 This section provides an overview of the consultation that has been undertaken by Network Rail during the TWAO process, with specific focus on consultation and engagement with the LPAs affected by the Project. A more detailed summary of the wider consultation undertaken in relation to the Project is provided within Ms Heria's Proof of Evidence and Consultation Report [ES35].

Early engagement

- 6.2 The local community has been engaged on the Project through information in local media and information on Network Rail's website.
- 6.3 Presentations to key stakeholders, including the LPAs and highway authorities as well as local councillors were undertaken in January/February 2021 prior to the public consultation.
- 6.4 A single round of public consultation was carried out in March 2021.

Statutory consultation

- 6.5 At the same time as the public consultation, statutory consultation was undertaken with:
  - a. landowners and tenants of, as well as those with rights in, any land potentially affected by the Project.
  - b. statutory bodies such as the Environment Agency, Natural England and Historic England, as well as other statutory consultees, such as the Office for Rail and Road (**ORR**).
  - c. key stakeholders such as the LPAs (SCDC/GCSP, ECDC, Breckland and West Suffolk Council) and highway authorities.
  - d. strategic stakeholders such as MPs, Local Councillors and Parish Councils.



Ongoing engagement

- 6.6 Engagement with Project stakeholders has continued following the submission of the Order application and is currently ongoing.
- 6.7 A summary of the responses received from LPA during the TWAO objection period is provided below:
- ECDC did not submit any objection or consultation comments.
  - Breckland District Council did not submit any objection or consultation comments.
  - West Suffolk Council did not submit any objection or consultation comments.
  - GCSP submitted a holding objection to the TWAO on the 23 September 2022 [ES36].
- 6.8 GCSP's holding objection and subsequent correspondence between GCSP and Network Rail is covered in detail within section 7 of this proof.

**7. RESPONSE TO OBJECTIONS**

- 7.1 In this section of my evidence, I summarise the key objections received on town planning issues in response to the Project and provide a response to those objections.
- 7.2 Network Rail has contacted all statutory objectors and remains willing to meet with them to discuss the concerns raised. A number of meetings have already taken place.
- 7.3 The following section summarises the principal Town Planning themes raised in the objections and related statements of case and outlines a summary response in relation to each objection.

Issue (A): Planning Strategy / Use of Permitted Development Rights

- 7.4 GCSP's holding objection questioned Network Rail's planning strategy, and in particular the proposed use of Network Rail's permitted development rights.
- 7.5 GCSP'S holding objection, dated 23 September 2022, stated:

*'The Councils make no comment on whether or not the works fall within permitted development and reserve its position with regard to the need for planning permission or any other permissions.'*

*Notwithstanding that the current application for the draft Order only confers powers to acquire land and does not consent the works to be carried out, the Councils consider it material to assess the impact of the intended works when commenting on this application. This is because the compulsory acquisition of land must be justified by the need for the works, and because the acquisition of land facilitates the use of permitted development rights and prior approval consents to carry out the works. Thus the impact of intended works is intrinsic to the assessment of the acquisition of land which cannot be considered standalone. It is on this basis that this representation is made.'*



Response to Issue (A):

- 7.6 Network Rail submitted its formal response to GCSP on 8 December 2022 **[ES37]**.
- 7.7 In accordance with Network Rail's response letter to GCSP, as detailed within section 4 of this proof, Network Rail has submitted Prior Notifications and additional information relating to the use of Part 8 and Part 18 (not requiring prior approval) to GCSP for the following sites which are located within SCDC; Milton Fen, Waterbeach and Six Mile Bottom.
- 7.8 Furthermore, as explained in section 5 of this Proof, Network Rail have submitted planning applications to SCDC in relation to the works at Hauxton and Meldreth. Network Rail is currently in the process of addressing comments and consultation feedback from GCSP, statutory consultees and local residents as part of the determination of these planning applications.

Issue (B): Traffic and environmental impacts of the proposed level crossings upgrades

- 7.9 GCSP, as well as a number of the individual objectors and Meldreth Parish Council, have questioned the potential traffic and environmental impacts of the proposed level crossings upgrades, and in particular, Meldreth level crossing.

Response to Issue (B):

- 7.10 Network Rail has responded to comments and feedback received on this matter as part of the wider TWAO process, this included a letter dated 23 November 2023 which is appended to this Proof of Evidence **[ES29]**. Further explanation on this matter is provided within Mr Prest's and Mr Contentin's Proofs of Evidence.
- 7.11 The matter has also been raised during consultation responses as part of the determination of planning application 22/05204/FUL at Meldreth level crossing. As explained within paragraphs 5.17.46 of this Proof, Network Rail have issued responses to these concerns to GCSP.

Issue (C): Impact of the work at Croxton on the setting of a heritage asset

- 7.12 As part of the TWAO consultation process, comments were raised by Historic England and the Kilverstone Estate in relation to potential impact of the proposed works at Croxton level crossing on the existing pill box, which is a non-designated heritage asset.

Response to Issue (C): Impact of the work at Croxton on the setting of a heritage asset

- 7.13 As detailed within paragraphs 5.65-5.66 of this proof, the impact of the proposed level crossing works at Croxton on the pill box were assessed as part of Breckland District Council's determination and approval of planning application 3PL/2022/1442/F. No objections were submitted by statutory consultees or local residents in relation to the planning application.
- 7.14 The works have been designed so that they do not directly impact the pill box and it is considered, by Breckland District Council, that no significant harm would occur to the character or setting of the non-designated heritage asset and that the works comply with the relevant planning heritage policies.



Issue (D): Impact of the proposed compound at Meldreth on the neighbouring countryside

- 7.15 Within the Statement of Case (dated 18 January 2023) submitted by Sherpeth Parish Council, concerns were raised in relation the impact of the proposed compound on the neighbouring countryside.

Response to Issue (D): Impact of the proposed compound at Meldreth on the neighbouring countryside

- 7.16 From a landscape and visual impact standpoint, Network Rail do not consider the location of the compound and equipment to be a 'sensitive visual environment' as it is an existing railway environment with no landscape designations (Area of Outstanding Natural Beauty etc) nor important visual receptors (Public Rights of Way, footways or residential dwellings (closest residential dwelling with views eastwards along Meldreth Road is over 500m to the west) being provided with views of the compound area when viewed from the west along Meldreth Road.
- 7.17 The proposed hard and soft landscaping is non-intrusive in visual terms comprising gravel substrate and concrete pads which are required for the SMIO housing units' installation and long-term access and maintenance requirements. Users of the highway entering Meldreth from the west would experience the compound and proposed equipment as forming part of the existing level crossing infrastructure, with all equipment running in a linear format along the existing railway line with significant planting (mature trees and hedgerows) associated with no. 55 Meldreth Road in the background. As there are no footways to the west of the level crossing currently, users would in the main be vehicular traffic and a detrimental visual impact is not considered to result from the proposed works. The proposed equipment would not be visible from sensitive receptors such as dwellings on either side of the crossings to the east and north-east as they are surrounded by planting (mature trees and hedgerows).
- 7.18 As detailed within paragraph 5.38 of this proof, GCSP's case officer did initially raise concerns about the visual impacts of the proposed compound on the neighbouring countryside and Network Rail has sought to address this through the submission of a Landscaping Planting Plan and a Landscape Screening and Ecological Enhancement Plan.

**8. RESPONSE TO STATEMENT OF MATTERS**

- 8.1 This section of my proof seeks to respond to town planning related matters raised within the Secretary of State's Statement of Matters dated 9 March 2023 (**Statement of Matters**), as far as they are not already addressed above.

Response to Statement of Matters (3.b): the impacts of the changes on crossing users including motorised vehicles, pedestrians, cyclists and other non-motorised users. This should include the Applicants modelling on the scheme's effects on journey times, congestion, air pollution, accessibility for different groups, access arrangements (including the effect of changes to down times on access to stations), and the blue light routes for emergency traffic

- 8.2 In relation to matter 3.b, and specifically the impact of the works on air pollution in the local areas surrounding the level crossing upgrade sites, Network Rail's EIA Screening Opinion Request [ES38] document which formed part of the EIA Screening Opinion Request submitted to each of the relevant LPAs on 7 July 2021, provided an assessment of the potential impact of the Project in terms of effects on Designated Sites and other sensitive receptors (i.e. residential dwellings, schools etc). As detailed within Section 5.3 of the EIA Screening Opinion Request document, it was considered that no significant adverse effects in relation to air quality are likely in either the construction or operational stages of the Project.



- 8.3 Appendix 3 (Screening Assessment of Works Areas) of the EIA Screening Opinion Request document includes a site-by-site assessment of potential impact of Air Quality.
- 8.4 Network Rail's updated EIA Screening Opinion Request **[ES39]** document which was submitted to ECDC on 13 June 2022 and covered elements of the Project within ECDC's boundary, including Dullingham and Dimmocks Cote, also provided an assessment of Air Quality. The findings of the assessment, set out in section 5 and appendix 1, 2, 3 and 4 of the document updated EIA Screening Opinion Request, concluded that the effects were not considered significant in EIA terms and would be mitigated as far as reasonably possible through a site with Construction Environmental Management Plan (**CEMP**).
- 8.5 Importantly, no air quality related issues were raised by Environmental Health teams or any other consultation responses during the determination of Croxton, and to date, no issues have been raised in relation to the Prior Approval Applications at Dullingham and Dimmocks Cote. ECDC's Screening Opinion Reports relating to the Prior Approval applications assessed Air Quality matters and raised no significant concerns.
- 8.6 In response to the planning application 22/05204/FUL at Meldreth, SCDC's Environmental Health (Air Quality) team's consultation response, dated 29 December 2022 **[ES40]**, stated '*I make these comments on behalf of Air Quality. I understand the level crossings are being improved in terms of safety of the public which is welcomed. The EIA scoping request did request did not identify any significant impact and the application was not subject to an EIA assessment. No new use or exposure source is introduced and therefore no comments in respect of Air Quality are made in relation to this consultation.*'
- 8.7 Detailed responses to the other elements contained within matter 3.b, such as the impact on motorised vehicles, pedestrians and cyclist, is provided within Mr Contentin's Proof of Evidence.

Response to Statement of Matters (3.c): the impact on designated sites and species including sites of special scientific interest, scheduled ancient monuments, trees subject to tree preservation orders, and listed buildings

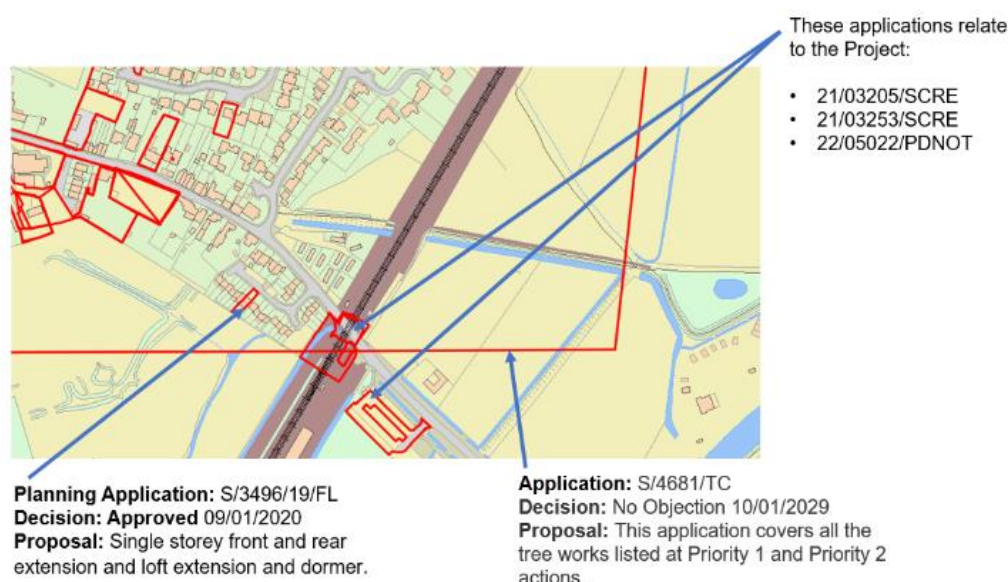
- 8.8 In terms of the potential impact of the Project on designated sites and species, trees subject to TPOs, scheduled ancient monuments and listed buildings, this has been assessed within the two EIA Screening Opinion Request documents that Network Rail prepared as part of the EIA Screening Opinion Request process. As detailed earlier within this proof, each of the LPAs have provided EIA Screening Opinions confirming that the Project is not EIA development and does not require an Environmental Statement.
- 8.9 These matters have also been assessed as part determination processes associated with the respective planning applications and prior approval applications. Section 4 and section 5 of this proof set out a detailed account of issues raised during the determination processes and how they have been addressed.
- 8.10 In addition, Network Rail's response letter, dated 8 December 2022, to GCSP's TWAO holding objection, provides feedback on the impact of the proposed works within SCDC's boundary on scheduled ancient monuments and listed buildings. In summary, it is considered that there would be no impact from the proposed works on any Scheduled Ancient Monument or Listed Buildings.



Response to Statement of Matters (5): The impacts and interaction of the scheme with future planned developments including at Waterbeach New Town

- 8.11 Information on the context of the proposed Waterbeach New Town Station is provided within Ms Heria's Proof of Evidence.
- 8.12 The proposed works at Waterbeach level crossing, which are permitted by virtue of Part 8, Class A and Part 18, Class A (not requiring prior approval) of the GPDO, will not conflict or have a direct impact on any consented developments in the local area, including the relocation of Waterbeach New Town Station. The construction works at the crossing are relatively minor in scale and the site is located a significant distance from other consented developments.
- 8.13 A planning history search of surrounding area of Waterbeach level crossing (Figure 1 below) shows that there are no undetermined or consented applications that are in close proximity to the proposed works at Waterbeach level crossing.

Figure 1: Extract from SCDC's Planning Application website showing planning applications which have been submitted (within the last 5 years) in the area surrounding Waterbeach level crossing (<https://applications.greatercambridgeplanning.org/online-applications/>)



## 9. CONCLUSION

- 9.1 Although this TWAO seeks powers for land only, this proof has been prepared to demonstrate that Network Rail has the ability under the town planning legislation to deliver the Project and that there are no planning impediments to the works proceeding.
- 9.2 The principle of the Project is considered to be supported by the NPPF and relevant local planning policy. The Project will deliver improvements to operational railway network, its associated safety, efficiency and reliability, and support the use of sustainable transport.
- 9.3 The proposed works at Milton Fen, Waterbeach and Six Mile Bottom are permitted by virtue of Part 8, Class A and Part 18, Class A of Schedule 2 of GPDO 2015. Notwithstanding the fact that SCDC was unable to confirm whether the proposed works would be regarded as permitted development, it is my view that through the submission of Prior Notification letters and the subsequent additional information and plans, Network Rail have carried out appropriate



consultation and cooperated fully with GCSP's requests for additional information. All comments raised by GCSP during the process have been fully addressed and it is considered that no further action is required from Network Rail on the subject of the use of permitted development rights at these three sites. I do not consider there is any planning impediment to the upgrade works at Milton Fen, Waterbeach and Six Mile Bottom proceeding.

- 9.4 In relation to the Prior Approval applications for the works at Dullingham and Dimmocks Cote, whilst these applications are still pending determination, at the time of writing this proof, the only issue raised in response to the prior approval applications is from Natural England who request that a bat roost survey be conducted in relation to the proposed works at Dullingham. Network Rail is in the process of submitting a bat mitigation strategy to ECDC with a view to then agreeing an appropriate compliance/pre-commencement condition. I am confident that ECDC will be in a position to approve the prior approval applications within March 2023 and as such there are no planning impediments to the delivery of the works at Dullingham and Dimmocks Cote.
- 9.5 The planning applications for the proposed works at Hauxton and Meldreth level crossing are still pending determination at the date of my Proof of Evidence. However, I do not consider there is any planning impediment to the permissions being granted and the proposed works proceeding, as proposed.
- 9.6 As detailed earlier within this proof, to address the BNG matters raised in relation to Hauxton, Network Rail has emailed GCSP to confirm that it will be submitting a revised Screening and Ecological Enhancement Plan which commits to a 30-year tree management plan.
- 9.7 Network Rail is in the process of resolving the remaining matters relating to the planning application at Meldreth. The current concerns raised by CCC's Highways officer are considered to be surmountable and should be resolved over the next month.
- 9.8 The approval of planning application 3PL/2022/1442/F by Breckland District Council demonstrates that there is no planning impediment to the upgrade works at Croxton proceeding. The conditions attached to the decision are acceptable to Network Rail and the pre-commencement of development conditions will be discharged as part of the Project programme.

## **10. WITNESS DECLARATION**

- 10.1 This proof of evidence includes all facts which I regard as being relevant to the opinions that I have expressed and that the Inquiry's attention has been drawn to any matter which would affect the validity of that opinion.
- 10.2 I believe that facts I have stated in this proof of evidence are true and that the opinions expressed are correct.
- 10.3 I understand my duty to the Inquiry to help with the matters within my expertise and I have complied with that duty.



ELLIOT STAMP

Dated: 15 March 2023