

TRANSPORT AND WORKS ACT 1992

TRANSPORT AND WORKS (INQUIRIES PROCEDURE) RULES 2004

THE NETWORK RAIL (CAMBRIDGE RE-SIGNALING) ORDER

PROOF OF EVIDENCE – STOPPING-UP

STATEMENT OF ANDREW DEACON

15 March 2023

1. INTRODUCTION

1.1 My name is Andrew Deacon. I am a Technical Director within the Infrastructure Planning team at WSP with over 15 years' experience and I am contracted to Network Rail as the Consents Manager for the Cambridge re-signalling, re-lock and re-control project. I have worked in this role since May 2020 managing the Order and the overall consenting requirements for the Project (as described below).

1.2 I have the following qualifications and experience relevant to my role.

1.3 I hold qualifications in:

- Property Economics – BSc (Hons) – Dublin Institute of Technology, Dublin, Republic of Ireland;
- Urban and Regional Planning – MSc (Distinction) – Heriot Watt University, Edinburgh;
- Urban and Rural Design – MSc (Distinction) – Queens University, Belfast; and
- APM - Project Management Qualification (PMQ)

1.4 I have worked as an urban planner in private consultancy for over 15 years with a particular focus on the town planning and environmental consents relating to large scale infrastructure projects such as the HS2 and Crossrail Hybrid Bills, East West Rail Phase 1 and the Network Rail (Felixstowe Branch Line Improvements – Level Crossings Closure) Order 2018, as well as a number of projects for Transport for London and Transport for Wales.

2. INVOLVEMENT WITH THE PROJECT AND STRUCTURE OF THIS STATEMENT

2.1 As Consents Manager for the Project, my responsibilities include:

- setting and directing Network Rail's consenting strategy for the Project; and
- Leading a multi-disciplinary team of professional experts as part of the consenting process managing land referencing, town planning, property, environmental and engineering inputs in line with the overall consenting strategy.

2.2 In this Statement I set out:

- a. brief description of the Project and the Order;
- b. extent of and justification for the stopping up of highways required as part of the Project;

- c. a summary of engagement undertaken in relation to the proposed stopping up of highways; and
- d. a response to objections submitted by the affected local authorities.

3. THE PROJECT AND THE ORDER

- 3.1 Network Rail proposes the re-signalling of the Cambridge station interlocking area and the upgrade of a number of level crossings (**Project**), as further described in Ms Heria's Proof of Evidence.
- 3.2 On 5 August 2022 Network Rail Infrastructure Limited (**Network Rail**) submitted an application to the Secretary of State for Transport to make the Network Rail (Cambridge Re-Signalling) Order (**Order**). The application was made under sections 1 and 5 of the Transport and Works Act 1992.
- 3.3 The Order includes a number of powers required in relation to the Project, which are considered in detail in my colleagues' Proofs of Evidence. This Proof of Evidence considers the stopping up element of the Order only.

4. PROPOSED STOPPING UP OF STREETS

- 4.1 The draft Order includes power to stop up streets. Schedule 1 to the Order contains a list of streets that may be stopped up, as well as the extent to which they may be stopped up.
- 4.2 The stopping up of streets is required to allow for the Project works to take place and enable subsequent maintenance of these works, as well as mitigating the impacts on neighbouring properties, as further outlined below.
- 4.3 As mentioned above, the Project proposes the upgrading of seven level crossings. The proposed upgrades are dealt with in detail in Mr Prest's Proof of Evidence. However, in summary, the upgrades are required to comply with the Office of Rail and Road's (**ORR**) requirement to improve safety of the level crossings.
- 4.4 The proposed upgrades require:
 - a. the installation of new barrier infrastructure (e.g.: additional barriers where only half barriers are currently in-situ);
 - b. signalling and safety equipment ancillary to the additional barrier infrastructure (e.g.: traffic warning signals, radar or CCTV detection installations); and
 - c. new or upgraded fencing.
- 4.5 Whilst the majority of the required barrier infrastructure (as well as any ancillary equipment) can be installed within Network Rail's existing operational boundary, at some locations works are required to be undertaken within the adopted public highway. The Project designs attempt to keep any such interactions to a minimum and adopted highways land is included within the Order limits of deviations only where absolutely necessary for the purposes of the Project.
- 4.6 In particular, following the proposed level crossings upgrades, the land currently located within the adopted highway boundary (specifically land parcels 009, 010, 603, 910 and 911) will become enclosed behind upgraded fence lines and/or upgraded fencing and will not be

physically accessible. As such, the public will no longer be in a position to use this land as public highway.

- 4.7 In relation to land parcel 307 at Six Mile Bottom, which is currently adopted highway, the land parcel is required to be stopped up to mitigate a reduction in the private access rights and parking area for the owners at 1 Station House as the result of placing new barrier equipment in the south-east corner of the level crossing. The area of land parcel 307 is minor (1m²) and extent of the proposed stopping up has been agreed with Cambridgeshire County Council, as further outlined below.
- 4.8 The stopping up powers sought in the draft Order result from the need to increase safety at the level crossings for both the public and Network Rail maintenance staff and are necessary to regularise the adopted highways boundary, with the future maintenance liability of the land to be stopped up moving from the relevant highways authorities to Network Rail.

5. CONSULTATIONS

- 5.1 Given the limited extent of the proposed stopping up, the Order does not provide for any consultation with and/or approval of the relevant street authority. Nevertheless, both Cambridgeshire County Council and Norfolk County Council, being the highways authorities affected by the proposals, have been consulted to agree the extent of the stopping up powers included in the draft Order.
- 5.2 As part of the public consultation exercise undertaken in March 2021, Network Rail consulted both highway authorities on the Project and powers required for the purposes of the Project. Their respective comments are set out below.

Cambridgeshire County Council (CCC)

- 5.3 During the March 2021 consultation, CCC expressed support to the wider upgrade to signalling in the Cambridge area (which the Project forms part of), as well as upgrades of six level crossings within their administrative area, which is proposed to be undertaken as part of the Project. CCC's consultation response dated 9 April 2021 did however request further details in relation to the safety enhancements at the level crossings and further details on the resulting barrier downtimes following these upgrades.
- 5.4 The March 2021 consultation did not include specific details of the stopping-up powers required for the Project as it was based on the early-stage designs of the Project. As such, at that date no comments were made by CCC in relation to the proposed stopping up.
- 5.5 In response to CCC's initial response around the resulting barrier downtimes, Network Rail engaged CCC to agree a methodology and traffic survey locations to enable Network Rail to undertake Traffic Modelling for the proposed level crossings upgrades.
- 5.6 Network Rail continued engaging with CCC throughout 2021 and 2022 and issued its Traffic Modelling to CCC for their comments and approval. The Traffic Modelling was also published on the Project website.
- 5.7 The Traffic Modelling was subsequently relied on in preparation of the Transport Statements accompanying planning applications submitted to the relevant local planning authorities in relation to the Project (as further described in Mr Stamp's Proof of Evidence). Modelling undertaken, as well as its results and third-party comments received following Network Rail's application for the Order, are addressed in detail in Mr Contentin's Proof of Evidence.

- 5.8 In June 2022, Network Rail provided CCC with a final list of land parcels proposed to be included within the draft Order. The list included all land parcels required for the purposes of the Project (including land parcels located within the adopted public highways) and set out powers proposed to be sought in relation to the individual parcels (including the stopping up powers mentioned above).

Norfolk County Council (NCC)

- 5.9 During the March 2021 consultation, no formal response was received from NCC.
- 5.10 Throughout 2021 Network Rail has undertaken engagement with the highways department at NCC, seeking agreement on the methodology and traffic survey locations to enable the preparation of traffic modelling for the proposed level crossings upgrades in line with the consultation undertaken with CCC as noted above in paragraph 5.5.
- 5.11 In June 2022 Network Rail provided NCC with a list of land parcels proposed to be included within the draft Order. The list included all land parcels required for the purposes of the Project (including land parcels located within the adopted public highways) and set out powers proposed to be sought in relation to the individual parcels (including stopping up powers mentioned above).

6. RESPONSE TO OBJECTIONS

- 6.1 Out of 30 letters of objection received in relation to the application for the Order, two objections were received in relation to the proposed stopping up powers. These objections are summarised below together with Network Rail's response to same.

Cambridgeshire County Council

- 6.2 CCC submitted a holding objection, which, amongst other things, related to the extent of the stopping up powers sought within the draft Order.
- 6.3 In response to the CCC's objection, Network Rail held a number of workshops with CCC's highways and road safety teams (on 16 August 2022, 22 September 2022 and 18 November 2022) to discuss the extent of the stopping up powers required for the Project and to provide further details of the general arrangements of the barrier infrastructure (as well as any ancillary equipment) proposed at each level crossing. As part of their discussions with CCC, Network Rail have sought to either remove entirely or reduce the extent of the proposed stopping up powers within CCC's administrative area.
- 6.4 CCC's comments have been carefully reviewed by Network Rail, taken on board, and incorporated into revised designs to proposed layouts of infrastructure and fencing alignments at the level crossings. Within its revised designs, Network Rail has also sought to significantly reduce extent of the stopping up powers sought within the Order.
- 6.5 All changes to the Project proposed by Network Rail following discussions with CCC are listed in the table below. Revised designs (together with plans clearly illustrating Network Rail's amendments to the Project designs) were issued to CCC for their approval on 16 January 2023 and CCC responded on 20 January 2023 confirming that revised designs prepared by Network Rail *'contained the required changes to satisfy the Council's concerns about the first iteration of the Order'*.

- 6.6 Network Rail has confirmed that the draft Order will be amended, as agreed with CCC. CCC subsequently wrote to the Secretary of State on 2 February 2023 confirming that their concerns have been addressed by Network Rail and withdrawing their objection to the Order.

Level Crossing	Land Parcel	Freehold owners or reputed Freehold owners	Proposed Stopping Up Powers – Amendments
Meldreth	005	Cambridgeshire County Council Unknown (U017)	Network Rail has amended the upgraded fence line to the north of the highway to align with the existing fence, removing the dog leg as shown in deposited land plans that accompanied the draft Order. Following the provision of the up to date highways boundary from CCC there is no longer a requirement to stop up this land parcel. Network Rail has agreed that the proposed stopping up of land parcel 005 is to be entirely removed from the draft Order
	006	Cambridgeshire County Council Unknown (U018)	Network Rail has amended the upgraded fence line that runs parallel to highway to align with the existing fence. Following the provision of the up to date highways boundary from CCC there is no longer a requirement to stop up this land parcel. Network Rail has agreed that the proposed stopping up of land parcel 006 is to be entirely removed from the draft Order
	008	Network Rail Infrastructure Limited Unknown (U016)	Following the provision of the up to date highways boundary from CCC there is no longer a requirement to stop up this land parcel. Network Rail has agreed that the proposed stopping up of land parcel 008 is to be entirely removed from the draft Order
	009	Cambridgeshire County Council Unknown (U019)	Network Rail has amended the upgraded fence line to the south of the highway. Network Rail propose stopping up only the area inside fence line on the railway side, as shown on submitted plan 157001-NRD-DRG-ESG-000128. The remainder of land parcel 009 to the west will not be required to be stopped up.
	010	Cambridgeshire County Council Unknown (U016)	Following the provision of the up to date highways boundary from CCC there is a requirement to stop up only the eastern section of this land parcel, as shown on plan 157001-NRD-DRG-ESG-000128.

Level Crossing	Land Parcel	Freehold owners or reputed Freehold owners	Proposed Stopping Up Powers – Amendments
Six Mile Bottom	304	Cambridgeshire County Council Unknown (U020)	The proposed stopping up of land parcel 304 is to be entirely removed from the draft Order (land parcel 304 is no longer shown as shaded pink on drawing no. 7545345-5 in the YO corner of the level crossing).
	307	Cambridgeshire County Council Unknown (U020)	Following discussions with CCC in November 2022, agreement was reached that land parcel 307 can be Stopped Up entirely (shown as shaded pink on drawing no. 7545345-5 in the YO corner of the level crossing).
Dullingham	401	Network Rail Infrastructure Limited Unknown (U001)	Following more detailed design it is no longer required to stop up land parcel 401 (no longer shown as shaded pink on drawing no. 7545345-6). Network Rail has agreed that the proposed stopping up of land parcel 401 is to be entirely removed from the draft Order
	402	Michael Mingay Unknown (U002)	Following more detailed design it is no longer required to stop up land parcel 402 (no longer shown as shaded pink on drawing no. 7545345-6). Network Rail has agreed that the proposed stopping up of land parcel 402 is to be entirely removed from the draft Order
	403	Cambridgeshire County Council Unknown (U021)	Following more detailed design it is no longer required to stop up land parcel 403 (no longer shown as shaded pink on drawing no. 7545345-6). Network Rail has agreed that the proposed stopping up of land parcel 403 is to be entirely removed from the draft Order

Level Crossing	Land Parcel	Freehold owners or reputed Freehold owners	Proposed Stopping Up Powers – Amendments
Milton fen	601	Network Rail Infrastructure Limited Unknown (U011)	Following more detailed design it is no longer required to stop up land parcel 601. Network Rail has agreed that the proposed stopping up of land parcel 601 is to be entirely removed from the draft Order
	603	Network Rail Infrastructure Limited Unknown (U015)	Following discussions with CCC in November 2022, agreement was reached that land parcel 603 can be stopped up entirely within the updated highways boundary as shown on plan 157001-NRD-DRG-ESG-000127 attached. This area will be wholly fenced off.
Waterbeach	703	Cambridgeshire County Council	Following the provision of the up to date highways boundary from CCC there is no longer a requirement to stop up this land parcel. Network Rail has agreed that the proposed stopping up of land parcel 703 is to be entirely removed from the draft Order
	704	Cambridgeshire County Council	Following more detailed design it is no longer required to stop up land parcel 704. Network Rail has agreed that the proposed stopping up of land parcel 704 is to be entirely removed from the draft Order

Norfolk County Council

- 6.7 Similarly to CCC, in their objection NCC requested further information in relation to the extent of the stopping up powers sought within the draft Order in relation to land parcels 902, 910 and 911.
- 6.8 In response to NCC's objection Network Rail facilitated a workshop with NCC in November 2022 to discuss the extent of the stopping up powers required for the Project.
- 6.9 NCC's comments were carefully reviewed by Network Rail and incorporated into revised designs for the Project. As such, Network Rail proposed complete removal of the stopping up powers sought over land parcel 902. Network Rail has also revised the layout of the barrier infrastructure and fencing alignment at land parcel 902.
- 6.10 Stopping up powers sought in relation to land parcels 910 and 911 remain within the Order. However, further information has been provided to NCC in relation to these powers, together with justification as to why they are required for the Project, and NCC have raised no further concerns in this regard.
- 6.11 A final response to NCC's objection was submitted by Network Rail to NCC on 19 January 2023 and NCC has subsequently confirmed via e-mail to the DfT's Transport Infrastructure Planning Unit on 19 January 2023 that *'any concerns Norfolk County Council had regarding this proposal have been addressed by the Applicant. We therefore formally remove our Objection to the proposal'*. The removal of NCC's objection is subject to the details set out in Network Rail's letter dated 19 January 2023 being incorporated into the draft Order.

7. CONCLUSION

- 7.1 The Project, which aims to improve the reliability and performance of the signalling system in the Cambridge area, will involve (amongst other things) the upgrade of seven level crossings and the installation of Relocatable Equipment Buildings, as further set out in Network Rail's Statement of Case and Mr Prest's Proof of Evidence. These works will require installation of the additional barrier infrastructure and any ancillary equipment.
- 7.2 Where possible, Network Rail will seek to undertake installation of the required barrier infrastructure within Network Rail's existing operational boundary. However, this is not possible at all locations and, as such, some works are proposed to be undertaken on the public adopted highways.
- 7.3 Network Rail has undertaken consultation and engagement with the affected highways authorities and has been working closely with them to make sure that any concerns in relation to the proposed stopping up are duly addressed. As a result of these conversations, Network Rail has prepared revised designs of the Project, which have been agreed by both highways authorities and Network Rail will seek to amend the draft Order accordingly.
- 7.4 Both highways authorities have confirmed that they do not have any concerns in relation to the Order, provided it is amended as agreed with them and Network Rail will ensure that the necessary amendments are incorporated into the Order in its next revision.

8. WITNESS DECLARATION

- 8.1 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.
- 8.2 I believe that facts I have stated in this proof of evidence are true and that the opinions expressed are correct.
- 8.3 I understand my duty to the Inquiry to help with the matters within my expertise and I have complied with that duty.



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Andrew Deacon

Dated: 15 March 2023