

OBJ/028/W1/3

PUBLIC INQUIRY

**APPLICATION BY NEWTWORK RAIL UNDER TRANSPORT AND WORKS
ACT 1992**

**PROPOSED NETWORK RAIL SUFFOLK LEVEL CROSSING REDUCTION
ORDER**

OBJ/28-ST EDMUNDSBURY BOROUGH COUNCIL

SUMMARY OF PROOF OF EVIDENCE

PETER WHITE

PRINCIPAL PLANNING OFFICER – MAJOR PROJECTS

Present planning situation

1. There are two strategic allocations that are relevant in the consideration of Network Rail's (NR) proposal. These sites are known as North East Bury St Edmunds (1250 homes developed by Berkeley Strategic) and Moreton Hall, Bury St Edmunds (500 homes developed by Taylor Wimpey). Both housing allocations benefit from adopted Concept Statements and Masterplans. The Moreton Hall allocation is granted outline consent and phase 1 and 2 have received full detailed consent. Phase 1 (SW of the crossing) is under construction. A planning application is expected to be submitted in the summer of 2018 for the NE allocation. The Council has invested significant time and resources on bringing forward its strategic allocations in a planned way over the last 10 years to create sustainable and accessible urban extensions. Linkages for sustainable modes of transport have been a vital part of creating such new communities throughout this long-term planning process.

National Planning Policy Framework (NPPF)

2. NR claims that the diversion length would be a maximum of 880m. It is unclear how this distance has been calculated and its accuracy is disputed. The council has measured the diversion as circa 1,100m (2,200m round trip). Paragraphs 34, 37 and 61 of the NPPF seek to minimise journey lengths and integrate new development to the natural environment.

Local Plan

St Edmundsbury Borough Council Core Strategy (2010)

3. Policy (CS11 ii) sets out that the Moreton Hall development must link into, and enable links, north of the railway line. Cattishall crossing is the only opportunity for this development to have a crossing directly on its boundary and the Local Plan requires future development to benefit and link into the crossing. NR's proposal would be contrary to this policy.

4. Policy (CS11 iv) states the residential development of the NE site must provide improved cycle and foot links to the town centre and the south towards the A14 and the strategic employment site. The NE allocation has the potential to be isolated and have short journeys made by private car rather than foot or bike. The policy requires improved links and NR's proposal is contrary to this policy. If the Council had wanted an alternative link (the underpass) it would have used the word alternative rather than "improved" and links would have been singular, rather than plural.
5. Policy CS8 Strategic Transport Improvements states the council will continue to work with relevant partners to improve Rights of Way in the Borough and relieve the adverse impacts of traffic in Bury St Edmunds.
6. Suffolk County Council is objecting to the scheme as this proposal worsens accessibility, and therefore contrary to the Rights of Way Improvement Plan, which places a high priority on improving non-motorised access to local services.

Forest Heath and St Edmundsbury Joint Development Management Policies Document (adopted 2015)

7. The proposal is contrary to Policy DM2 (which requires that all development encourages sustainable trips) as it would create a significant addition in journey length (1,100m) for residents on the Moreton Hall allocation to access the countryside.
8. Policy DM3 covers Masterplans which are required on both allocations. The Moreton Hall development was designed inviting to pedestrians and cyclists from the north and to allow for pedestrians and cyclists from the south to access the north. By closing the current crossing and creating a diversion along routes which are going to be far longer, the proposal harms Policy DM3.
9. The proposal is contrary to Policy DM44 as it reduces access to the countryside for residents on the Moreton Hall allocation. Access to the

countryside is important for health and wellbeing. NR state that "*NR is satisfied that its diversionary route is a convenient and suitable replacement for existing users.*" NR appear to rely on the wording of the Guidance to Transport and Works Act Procedures (Annex 2, p. 105), but ignore the specific requirements of the Council's Local Plan. The Statutory Development Plan sets out in Policy DM44 that diversions must be "*at least* (my emphasis) as attractive, safe and convenient for public use". It is hard to argue that an underpass will be perceived as being as attractive to certain users compared to open at grade crossing.

North East Bury St Edmunds Concept Statement (adopted May 2013)

10. The Concept Statement sought to create a sustainable development. Integration is vital for that especially for links south of the railway line.
11. Paragraph 1.32 highlights that the development will play an important role in improving links to Great Barton. The Cattishall crossing in addition to a new link will help create direct sustainable routes from Great Barton to Suffolk Business Park, the new secondary School and Moreton Hall as a whole which will reduce dependency on cars. Lengthening the emerging route by 1,100m will not encourage people to make such trips by sustainable modes. The Council allocated this site on the basis that this crossing would continue to be utilised.

Moreton Hall Bury St Edmunds Masterplan (adopted February 2014)

12. The adopted masterplan for the Moreton Hall development sets out how development will link into the Cattishall crossing and create an attractive development that encourages residents from Great Barton and the NE Bury St Edmunds proposal to travel sustainably through this site to other destinations. This would be achieved by creating an attractive, car free, and direct route south of the Cattishall crossing which has been achieved and is being constructed now.

13. The Moreton Hall Masterplan was very clear in how it would plan itself to help make the NE Development as accessible and sustainable as possible. On page 21 of the Moreton Hall Masterplan under the Movement and Access paragraph it says *"The site will also be designed to fully connect with future development sites, which include the Berkeley Homes Development to the North..."* Were the crossing to be removed the plan led process would be undermined and the benefits that this crossing would bring will be missed. Taylor Wimpey have stated to the council that if NR had let it be known that they were going to seek the crossing to be closed they would not have planned their 180 dwellings north of Mount Road with a linear park between Mount Road and the crossing. It is extremely disappointing that NR have allowed years of land use planning to proceed only to seek the closure of a sustainable link when development is being constructed.

Replacement Bridge

It is frustrating that whilst NR are proceeding with this proposal they have been in discussions with Berkeley to agree the timing and funding for the opening up of the underpass and the closure of the Cattishall Crossing after a bridge has been installed to replace it.

14. NR state that they do not consider that closure of this crossing should be made dependent on the bringing forward of a footbridge as part of a potential application for planning permission by a third party. They continue by saying that

"An aspect of NR managing the risk associated with the potential increase in users of the footpath network is to direct users to a grade separated crossing of the railway. Were the development to proceed without closure of this crossing, usage, and hence risk, at the level crossing would be expected to increase."

15. NR would be consulted on any planning application that Berkeley submit and the Council are advised Berkeley will not submit their application until they have a legal agreement with NR which achieves the opening of the underpass and the payment for the construction of the bridge to Berkeley. NR should not feel the need to object to the application on the grounds that there would be a material increase in users of the current crossing. Once the agreement is completed NR will have the comfort of knowing that the current at grade crossing will not experience a material increase in the amount of users, but will be replaced with a bridge constructed by them at Berkeley's cost. NR have further protection of this scenario because it is the Council's stated aim to have the Cattishall Crossing replaced by a bridge and the underpass opened up. The Council would not seek to approve a planning application that did not secure the delivery of a replacement bridge and have stated this to NR. These factors, therefore, undermine the basis of NR's Statement of Case. NR's statement that *"Were the development to proceed without closure of this crossing, usage, and hence risk, at the level crossing would be expected to increase."* implies that the only way to manage an increase in numbers, and risk, is to close the crossing. This statement is unfounded and intentionally ignores the collaborative work that NR, the Council and Berkeley have undertaken together so that when a planning application is submitted to the Council an agreed way forward is already established. The Council would not be looking to grant any consent on the Berkeley site without securing the delivery of a bridge.