

OBJ/028/W1/1

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

PROOF OF EVIDENCE

PETER WHITE

PRINCIPAL PLANNING OFFICER – MAJOR PROJECTS

INTRODUCTION

1. My name is Peter White. I am employed by West Suffolk Councils (Forest Heath District and St Edmundsbury Borough) as Principal Planning Officer. I have been working in the Local Planning Authority of St Edmundsbury Borough Council since 2005. Between 2010 and 2013 I was a senior Planning Policy Officer and was part of a team who delivered the Bury St Edmunds Vision 2031 Document and I have been in my current role since mid 2013. That role has involved overseeing the adoption of Masterplans and strategic residential and employment developments on the eastern side of Bury St Edmunds.

2. I have a masters in Town Planning from Southbank University.

POLICY

3. The following Local Planning Documents, Supplementary Planning Guidance and National Planning Policy are relevant in the assessment of the proposed closure and diversion.

National Planning Guidance

- National Planning Policy Framework (adopted 2012)

Local Plan Documents

- St Edmundsbury Borough Council Core Strategy (adopted 2010)
- Forest Heath and St Edmundsbury Joint Development Management Policies Document (adopted 2015)

Supplementary Planning Guidance

- North East Bury St Edmunds Concept Statement (adopted May 2013)
- North East Bury St Edmunds Masterplan (adopted June 2014)
- Moreton Hall Bury St Edmunds Concept Statement (adopted May 2013)
- Moreton Hall Bury St Edmunds Masterplan (adopted February 2014)

The Statement of Matters in Paragraph 3 states that the Secretary of State wishes to be informed states to the extent to which the proposals in the TWA Order are consistent with the National Planning Policy Framework, national transport policy, and local transport, environmental and planning policies. The below statement seeks to address those points.

Present planning situation

4. There are two strategic allocations that are relevant in the consideration of Network Rails proposal. These sites are known as North East Bury St Edmunds (1250 homes and is being developed by Berkeley Strategic) and Moreton Hall, Bury St Edmunds (500 homes and is being developed by Taylor Wimpey). Both

housing allocations benefit from adopted Concept Statements and Masterplans. The Moreton Hall allocation has been granted outline consent and phase 1 and 2 have received full detailed consent. Phase 1 (to the south west of the crossing) is under construction and construction on phase 2 is due to start later this year. A hybrid planning application is expected to be submitted to the council in the summer of 2018 for the North East allocation. The Council has invested significant time and resources on bringing forward its strategic allocations in a planned way over the last 10 years. Its aim was 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.

Assessment of the proposal against relevant National and Local Planning Policies

National Planning Policy Framework (NPPF)

5. The NPPF **Appendix [1]** promotes the use of sustainable transport, development that reduces trip length and the reduction of greenhouse gases. Paragraph 34 states that

34. Plans and decisions should ensure developments that generate significant movement are located where the need to travel will be minimised and the use of sustainable transport modes can be maximised.

Paragraph 37 deals with how planning policies should be drafted but is relevant as it sets out the aspirations of the NPPF. Paragraph 37 states that

37. Planning policies should aim for a balance of land uses within their area so that people can be encouraged to minimise journey lengths for employment, shopping, leisure, education and other activities.

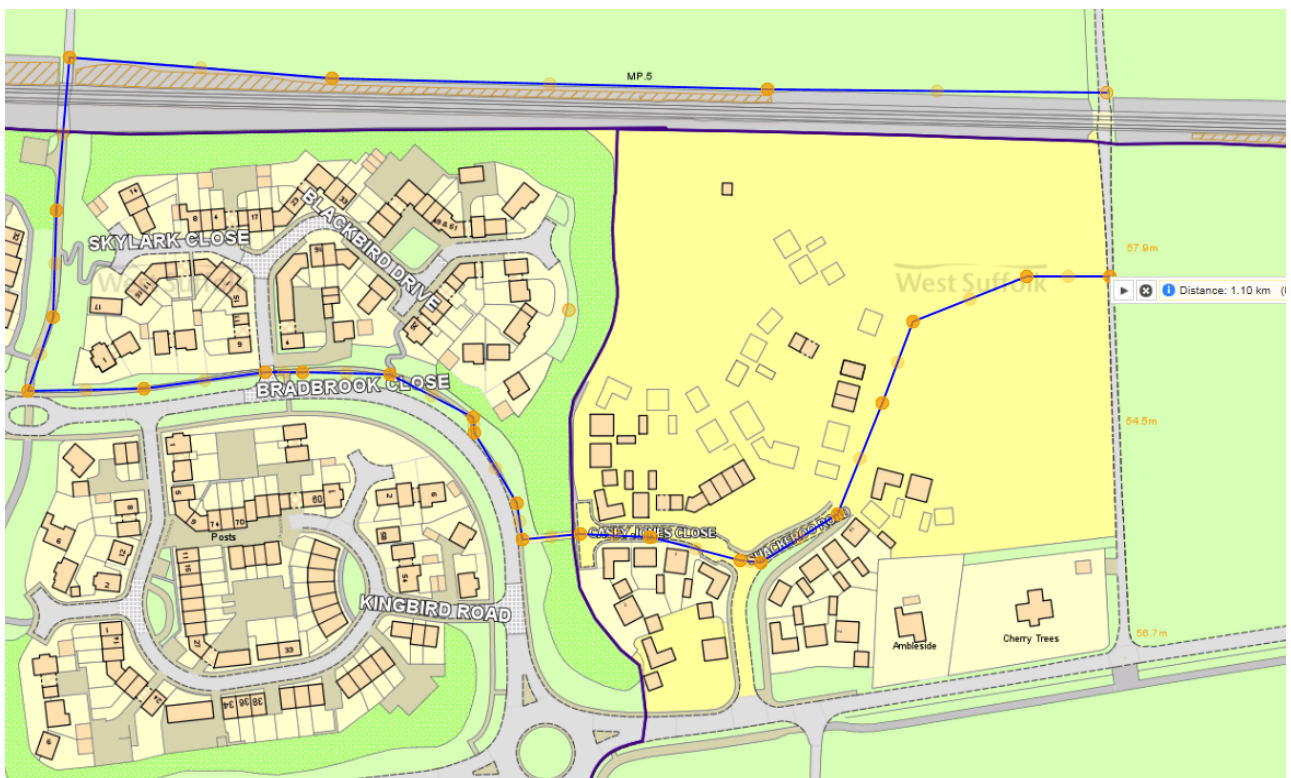
Paragraph 61 states that

61. Although visual appearance and the architecture of individual buildings are very important factors, securing high quality and inclusive design goes beyond

aesthetic considerations. Therefore, planning policies and decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment.

6. The proposal makes the claim that the diversion length would be a maximum of 880metres. It is unclear how this distance has been calculated and its accuracy is disputed. Figure 1 below shows that a diversion from the centre of phase 1 and 2 (The centre of phase 1 and 2 being the centre point of 180 dwellings) of the emerging Moreton Hall residential development to get to the other side of the Cattishall crossing. This diversion as shown in figure 1 is 1100 metres and a round trip would of course incur a diversion of 2200 metres. The route from the middle of phase 1 and 2 using the Cattishall crossing would be 100 metres.

Figure 1 shows the route (blue line 1100metres) that residents would have to walk (one way) from the heart of phase 1 and 2 of the emerging Moreton Hall residential development to get the other side of the Cattishall crossing



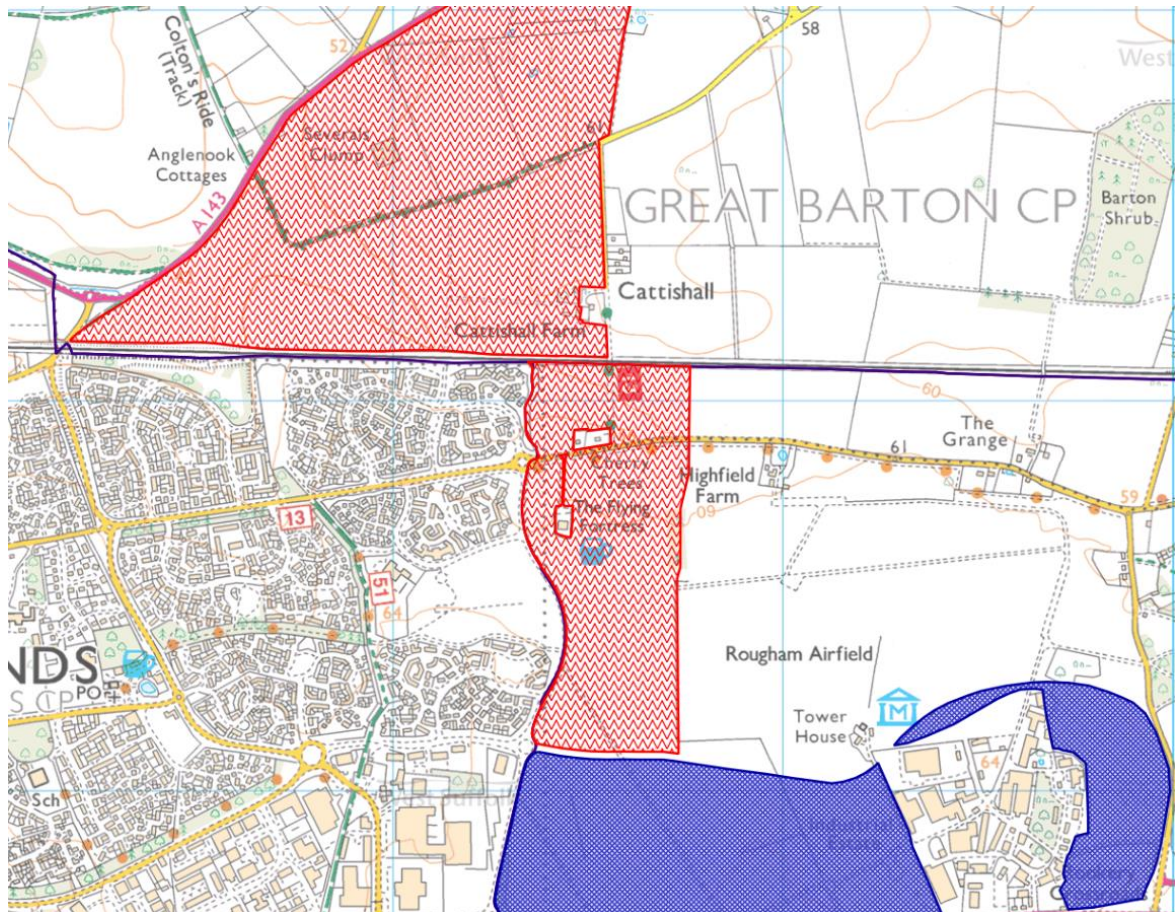
7. It is considered that the proposal would be contrary to paras 34 and 37 of the NPPF as travel would not be minimised. Additionally the proposal will inhibit the convenience of new residents on the emerging development south of the railway line to access the countryside and add significant journey length through urban areas. This is contrary to para 61 of the NPPF which seeks inclusive design which addresses the connections between people and places like the natural environment.

Local Plan

St Edmundsbury Borough Council Core Strategy (2010)

8. The proposal needs consideration against two policies within the Core Strategy **Appendix [2]**. Namely Policy CS8 Strategic Transport Improvements and Policy CS11 Bury St Edmunds Strategic Growth parts ii and iv.
9. Policy CS11 confirmed the high level directions of housing growth around the town of Bury St Edmunds. Growth at Moreton Hall (ii) and north east of Bury St Edmunds (iv) are shown below in Figure 2. The crossing proposed to be closed is shown to the south east corner of the North East allocation marked as Cattishall.

Figure 2 Plan showing the Moreton Hall allocation (Red hatched area south of the railway line and North East allocation (Red hatched area north of the railway line) and the strategic employment allocation further south in blue. The Cattishall crossing is shown to the south of the word "Cattishall". Please note that the two sites are separate and separated by the railway line.



10. For the Moreton Hall allocation policy CS11 ii says;

ii) 2011 onwards – Limited growth completing the existing Moreton

- *Hall urban extension by:*
- *Making provision for a secondary school;*
- *Providing additional recreation and community facilities, including the relocation of Bury Town Football Club;*
- *Delivering around 500 homes of mixed tenure and size, including affordable homes;*
- ***Providing improved public transport, foot and cycle links to the town centre and other locally significant leisure, employment and service destinations;***
- ***Enabling potential transport links to the north of the railway line;***
(emphasis added)

11. This policy (CS11 ii) sets out that the development of this housing growth must link into, and enable links north of the railway line. Given that the Cattishall crossing is the only opportunity for this development to have a crossing directly on its boundary it is clear that the Local Plan sought future development to benefit and link into the crossing that Network Rail are now seeking to close. Closure of the crossing and the creation of the diversion is considered to be harmful and would be contrary to this policy. It should be noted that Network Rail did not object to the policy wording when Network Rail were consulted.

12. For the North East direction of growth Policy CS11 iv states

iv) Long term strategic growth - north-east Bury St Edmunds that:

- *Maintains the identity and segregation of Great Barton and creates a new, high quality, entrance to Bury St Edmunds;*
- *Facilitates the provision of an A143 Great Barton bypass;*
- *Contributes to reducing congestion at appropriate junctions on the A14 in Bury St Edmunds;*
- ***Provides improved public transport, foot and cycle links to the town centre and south towards the A14 and strategic employment sites;***
- *Delivers around 1,250 homes of mixed tenure and size, including affordable homes;*
- *Provides opportunities for B1 use class local employment;*
- *Provides new high quality strategic public open space and recreation facilities; and*
- *Delivers additional education, community and leisure facilities to meet the needs of this development and is located in a way that can achieve positive integration with the wider area;* (emphasis added)

13. This policy (CS11 iv) sets out that the residential development of this site must provide improved cycle and foot links to the town centre and the south towards the A14 and the strategic employment site. As will be discussed in greater detail later the reason for bullet point 4 is because without the appropriate linkages 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 it is the view of officers that that what is being proposed by Network Rail at the Cattishall crossing is contrary to this high level policy requirement. If the Local Planning Authority 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. The development to the south of the underpass has been designed around the underpass (even though today the underpass is closed) as it has always been expected that this development would reopen the underpass. Closure of the crossing and the creation of the diversion is considered to be harmful and would be contrary to this policy. It should be noted that Network Rail did not object to the policy wording when consulted.

14. Policy CS11 sets out that a Concept Statement and a Masterplan for both strategic allocations are required prior to the determination of a planning application on each site.
15. Policy CS8 Strategic Transport Improvements sets out that the council will continue to work with relevant partners to improve, amongst other things, improvements to Rights of Way in the Borough and the objectives of the Suffolk Rights of Way Improvement Plan and relieve the adverse impacts of traffic in Bury St Edmunds.
16. The council is aware that presently the Orterwell Road/ Compiegne Way junction near the south western boundary of the NE Bury St Edmunds allocation experiences congestion at peak times. It is expected that the NE Bury St Edmunds development will amend this junction but it will not resolve the current issue merely ensure that the proposal does not create severe congestion. Amendments to the junction are limited as it includes an underpass under the railway line and as such increases to height and width are limited. Part of the solution will be encouraging people to walk and cycle to the facilities and services (jobs and schools) south of the railway line. By closing the crossing and opening up the underpass this may create a situation whereby people may be incentivised to drive when the otherwise would have travelled sustainably because additional time may be incurred for using the underpass. Lastly it also considered that by having two crossing points an element of resilience is built into people’s ability to travel south of the railway line sustainably. If the underpass was closed to the public because it required structural repairs or became flooded people may be isolated or forced to drive when they otherwise could have used the Cattishall

Crossing. This would not help relieve impacts of traffic and is considered contrary to Policy CS8.

- a) It is understood that the Rights of Way and Access Manager, Andrew Woodin of Suffolk County Council is objecting to the scheme as it is contrary to the Rights of Way Improvement Plan, which places a very high priority on improving non motorised access to local services. The plan seeks to improve access to shops and other services and increase the number and promotion of easy access routes. This proposal worsens accessibility, is contrary to the Rights of Way Improvement Plan and is therefore contrary to Policy CS8.

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

- 17.The Joint Development Management Policies Document (JDMPD), **Appendix [3]** contains policies which all development proposals should be assessed against in the Borough. Policies DM2, DM3 and DM44 are considered relevant.

- 18.Policy DM2 Creating Places – Development and Local Distinctiveness says that

Proposals for all development (including changes of use, shopfronts, and the display of advertisements) should, as appropriate:

k. produce designs that provide access for all, and that encourage the use of sustainable forms of transport through the provision of pedestrian and cycle links, including access to shops and community facilities; and

- 19.It is considered that the proposal is contrary to Policy DM2 part I as the proposal would create a significant addition in journey length of the route necessary for new residents on the Moreton Hall allocation to access the countryside. The policy requires that all development encourages sustainable trips. By adding a significant length to a trip, through the Network Rail proposal, it cannot be argued that sustainable trips are encouraged. Anyone walking from Great Barton to the Flying Fortress Public House would also be put off by this trip as it would be significantly

longer. Figure 3 shows that such a trip would be increased by 550 metres (1100 metres roundtrip). Such an increase may put people off going to this community facility that is due to open next year alongside the delivery of housing at Moreton Hall. It should be noted that Network Rail did not object to the policy wording of DM2 when consulted.

Figure 3 – This shows two plans (left) extract from the North East Masterplan which demonstrates the new routes which will be delivered linking Great Barton to Cattishall and (right) showing the direct route (in blue) pedestrians would have from Great Barton to the flying fortress pub if the crossing remains open: 1.87km if the crossing remains open 2.42km if the route is diverted.



20. Policy DM3 covers Masterplans and both strategic sites have an adopted Masterplan. The policy states that

Where appropriate, the masterplan will include an analysis of site conditions, consultation feedback and identification of key design issues, and will set out:

m. pedestrian and cycle links, including access to all workplaces, shops, and community facilities, as well as providing access to the surrounding countryside and open space;

n. public transport links and a Travel Plan designed to maximise the use of bus and cycles and limit dependence on the private car. Developer funding will be required and the scale/proportion of this and delivery/funding implementation timetable will need to be set out in the masterplan to ensure revenue funding is secured to enable bus services to run from the first occupation of the site and for the medium to long term;

21. The proposal is considered contrary to the aims and objectives of parts m and n. As will be explained later on, the Moreton Hall development was designed in such a way as to be as inviting as possible 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. It should be noted that Network Rail did not object to the policy wording of DM3 when consulted.

22. The preamble for Policy DM44 at paragraph 7.33 says

There is a large, but in some cases fragmented, network of public rights of way across the authority areas, providing important opportunities for access to the countryside for walkers, cyclists and horse riders, as well as links within and between the towns and villages and surrounding countryside providing opportunities for healthy exercise. It is vital that this network is protected, managed and where possible enhanced.

Policy DM44 Rights of Way says

*Development which would adversely affect the character of, or result in the loss of existing or proposed rights of way, will not be permitted unless alternative provision or diversions can be arranged which **are at least as attractive, safe and convenient for public use**. This will apply to rights of way for pedestrian, cyclist, or horse rider use.*

Improvements to such rights of way will be sought in association with new development to enable new or improved links to be created within the settlement, between settlements and/or providing access to the countryside or green infrastructure sites as appropriate and to achieve the objectives of the Suffolk Rights of Way Improvement Plan. (emphasis added)

23. The proposal is contrary to Policy DM44. The preamble as shown above demonstrates what the policy is seeking and is very helpful. If the proposal went ahead it would discourage and make harder access to the countryside for future residents on the Moreton Hall allocation. Access to the countryside is extremely important for health and wellbeing. Network rail state that "*Network Rail is satisfied that its diversionary route is a convenient and suitable replacement for existing users.*" Network Rail appear to be relying on the wording of the Guidance to Transport and Works Act Procedures (Annex 2, p. 105), however this ignores the specific requirements of the St Edmundsbury Borough Council's Local Plan. The Statutory Development Plan sets out in Policy DM44 that diversions have to be "*at least* (my emphasis) as attractive, safe and convenient for public use". Additionally it is hard to argue that an underpass will be perceived as being as attractive to certain uses (single females) compared to open at grade crossing. Adding 1100 metres to a journey (or 2200 metres roundtrip) for new residents of the Moreton Hall development so they can access the countryside does not, in my opinion, meet the test of the development plan and would lead to less people experiencing and accessing the countryside, as well as the benefits that would come with that. Closing this crossing and opening up the underpass would, therefore, be contrary to this policy.

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

24. The development at North East Bury St Edmunds benefits from an adopted Concept Statement, **Appendix [4]**. The Concept Statement sets out the high level aims of aspirations of the development site which an adopted Masterplan should accord with. The following paragraphs from the adopted Concept Statement are relevant

1.15 The site is separated from the existing urban edge of Bury St Edmunds by the railway line, which provides a physical barrier. This could present difficulties in achieving integration of the new development with the existing, with opportunities for footpath and cycle connection limited. The existing level crossing point at Cattishall and footpath tunnel should be utilised.

1.21 The vision for the growth area is to deliver a new community with a village character that is its own identifiable place and yet is well connected to its hinterland.

1.27 In addition to the community hub identified above, the south eastern part of the site falls within walking distance of the proposed community hub for Moreton Hall identified in the Moreton Hall Concept Statement. Opportunities should be fully exploited to provide pedestrian and cycle links to that proposed facility.

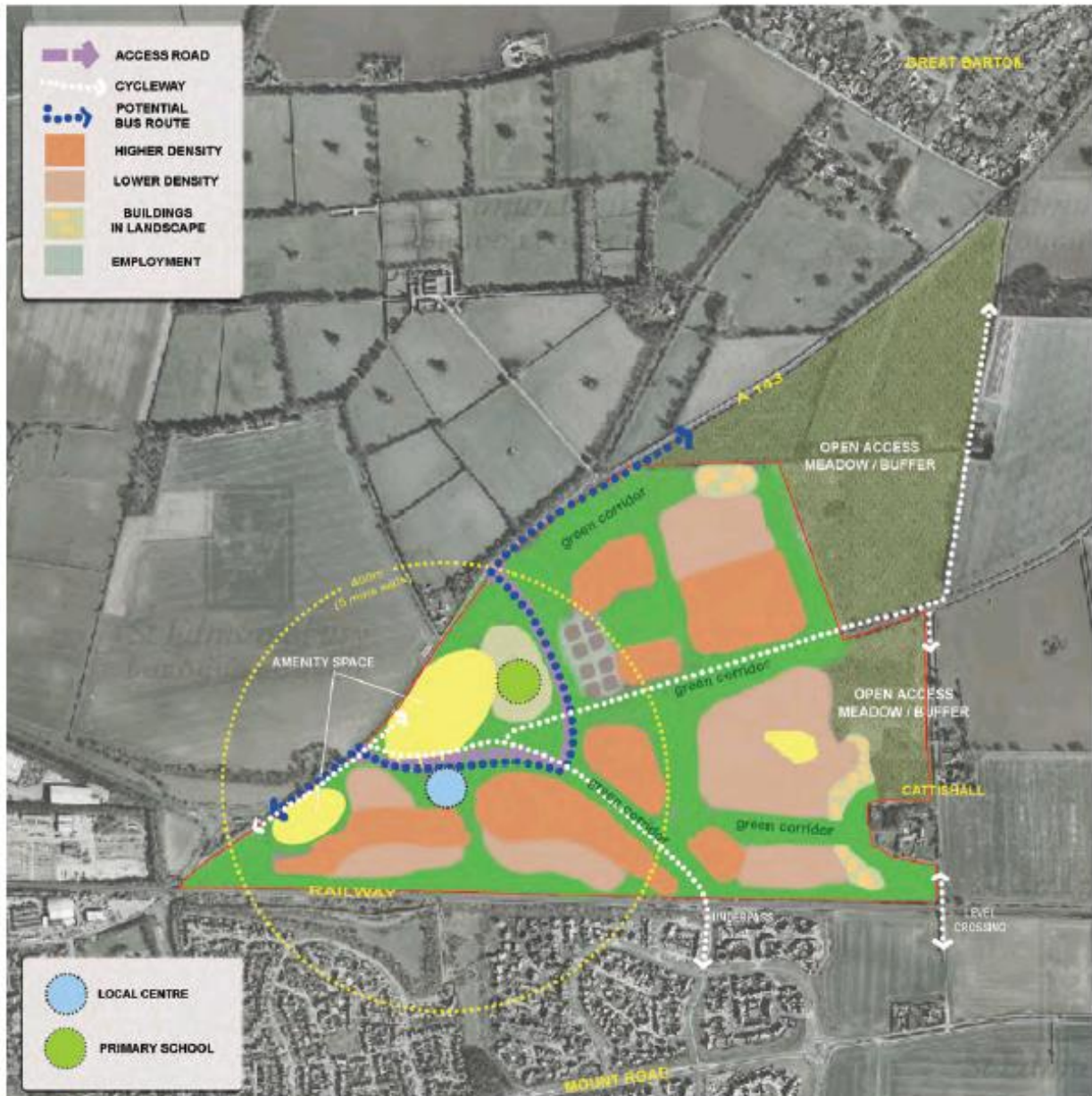
1.30 Successful neighbourhoods have a sense of place that helps residents feel a sense of identity. The separation of this site from the existing urban edge of Bury St Edmunds by the railway line and the size of the site, provides an opportunity for the creation of a variety of distinctive character areas to be created making it possible for people to recognise different parts of the development and know where they are. This can be assisted through high quality urban design, the use of public art and the creation of high quality public realm. However, there is a need to balance the variety of different parts with a coherence of character for the place as a whole, particularly where the development will be built out in phases.

1.32 Opportunities to reduce short trips by car will be an important factor in measuring the environmental sustainability of the development. Movement through the site will be facilitated by a network of footpaths and cycleways which will connect through to the proposed secondary school at Moreton Hall and connect with the footpath and cycle network including national Cycle Network routes 13 and 51 to the town centre. Development of the site also presents opportunities to improve footpath and cycle links to Great Barton. The layout of the site should facilitate bus movement and accessibility. The focus will be on

encouraging the use of public transport, cycleways and footpaths within the town and reducing the dependence on cars.

25. The paragraphs above make it clear that the council was aware that the NE allocation could be isolated and the railway line acted as a barrier. To mitigate this, and create a sustainable development, integration is vital and opportunities for links south of the railway line should be utilised. This document when drafted was consulted widely and Network Rail did not object on its content.
26. The link to the Moreton Hall community hub, which is where the Flying Fortress Public House is located, is acknowledged as an important destination and the crossing will play a vital role in making that site accessible more of which is discussed below.
27. Paragraph 1.32 requires particular mention. This highlights that the strategic residential development will play an important role in improving links to Great Barton. As discussed further below 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 help reduce dependency on cars. Making this emerging route longer by 1000 metres will not help encourage people to make such trips by sustainable modes.
28. The proposal is considered contrary to the clear aims and objectives set out in the North East Bury St Edmunds Concept Statement because it will encourage car use, and congestion in the town of Bury St Edmunds. St Edmundsbury Borough Council in allocating this site did so on the basis that this crossing would be available and would continue to be utilised. Its closure would be contrary to delivering the Local Plan and to reducing the amount of car trips that the planned development will generate.

Figure 4 – Plan that supports the adopted Concept Statement and shows new links to Great Barton and how they would link into the Cattishall crossing creating a new direct sustainable route to Moreton Hall.



North East Bury St Edmunds Masterplan (adopted June 2014)

29. The adopted Masterplan for the site, **Appendix [5]**, built on the themes set down in the Concept Statement as one of the plans shows below in figure 5. Network Rail's proposal at Cattishall is considered contrary to the Masterplan

Figure 5 – Extract plan from the adopted Masterplan for North East Bury St Edmunds showing new sustainable linkages to the crossing that is proposed to be closed.

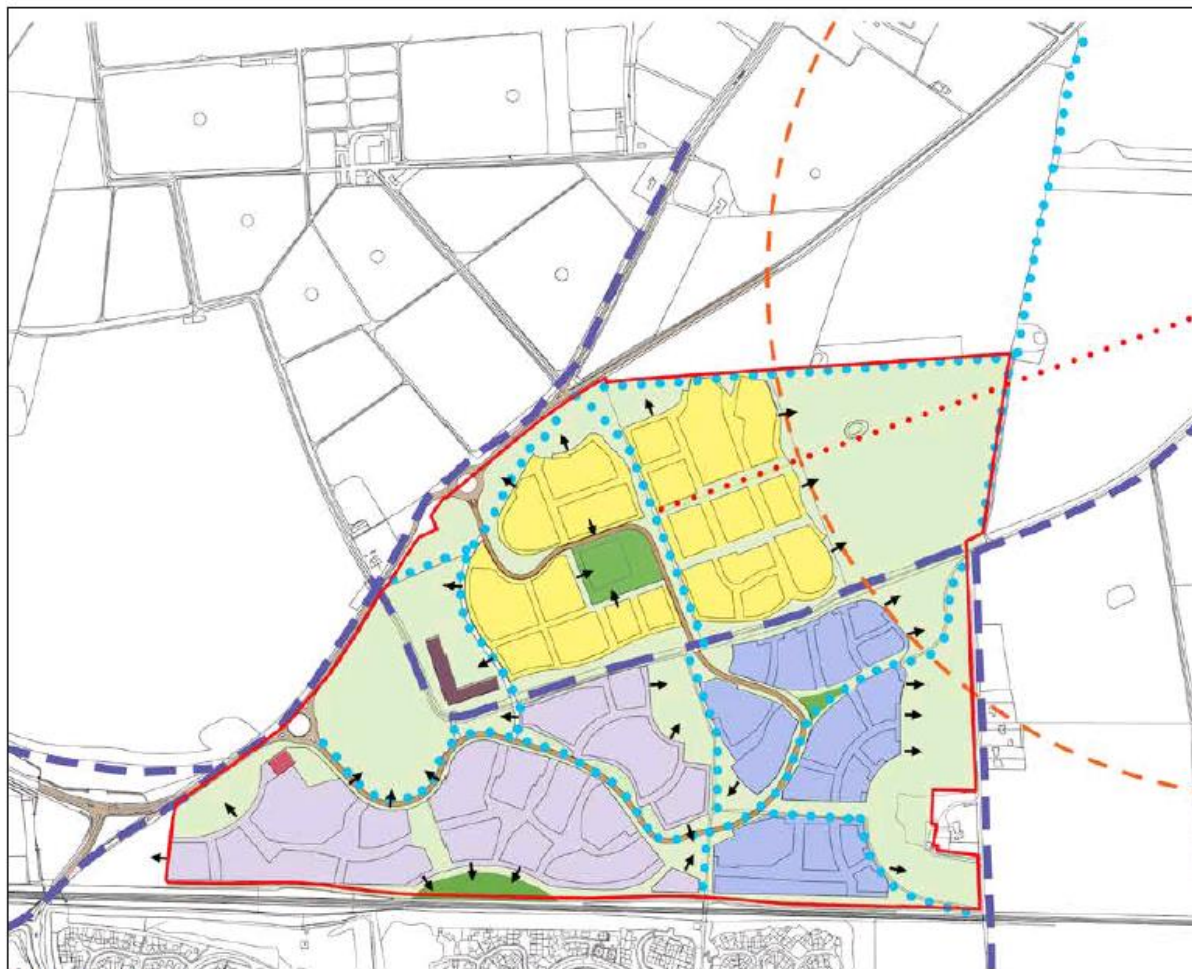


Fig 22: Design Rationale

Key

Open Space	Gateway Feature	View to Church
Village Focal Open Space	Location of School	Views to Open Space
Upper Severals Village	A143	Proposed Pedestrian/ Cycle Links
Lower Severals Village	Primary Movement Corridor (Bus Route)	Existing Pedestrian/ Cycle Links

Moreton Hall Bury St Edmunds Concept Statement (adopted May 2013)

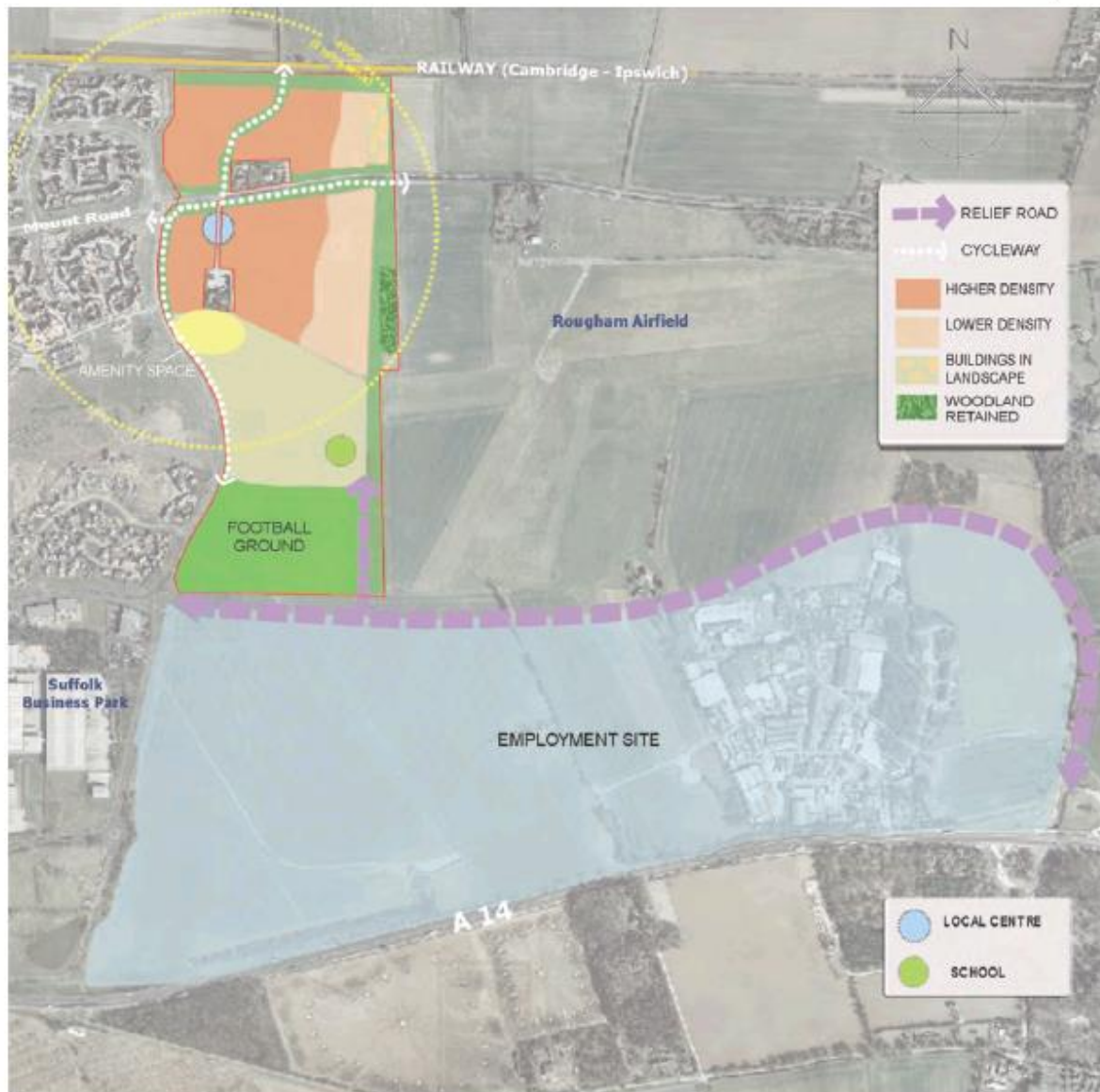
30. The development at Moreton Hall benefits from an adopted Concept Statement, **Appendix [6]**. The Concept Statement sets out the high level aims and aspirations of the development site which an adopted Masterplan should accord with. The Concept Statement shows very clearly how the development is intended to link into the crossing proposed to be closed and is shown below in Figure 6.

31.Paragraph 130 from the adopted Concept Statement says

1.30 Opportunities to reduce short trips by car will be an important factor in measuring the environmental sustainability of the development. Movement through the site will be facilitated by a network of footpaths and cycleways, which will connect with the existing system which provides access to the town centre. Links should also be made to development proposed to the north of the railway line.

32.It is clear from this extract that this development is intended to encourage a north south movement over the crossing and through this development from both Great Barton and the proposed allocation north of the railway line. These have been followed through in the Masterplan and the approved planning consents and are discussed in greater detail below.

Figure 6 – Plan that supports the adopted Concept Statement and shows how the site would link into the Cattishall crossing.



Moreton Hall Bury St Edmunds Masterplan (adopted February 2014)

33. The adopted masterplan for the Moreton Hall development, **Appendix [7]**, sets out how development will link into the Cattishall crossing and create an attractive development that encourages residents from Great Barton and the North East 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. The following extracts (Figures 7 and 8) from the Masterplan demonstrate how the Cattishall crossing is a key component

of the development. When the Masterplan was consulted on by Taylor Wimpey Network Rail did not object.

Figure 7 Extract from the adopted Masterplan showing linkages to and from the Cattishall Crossing

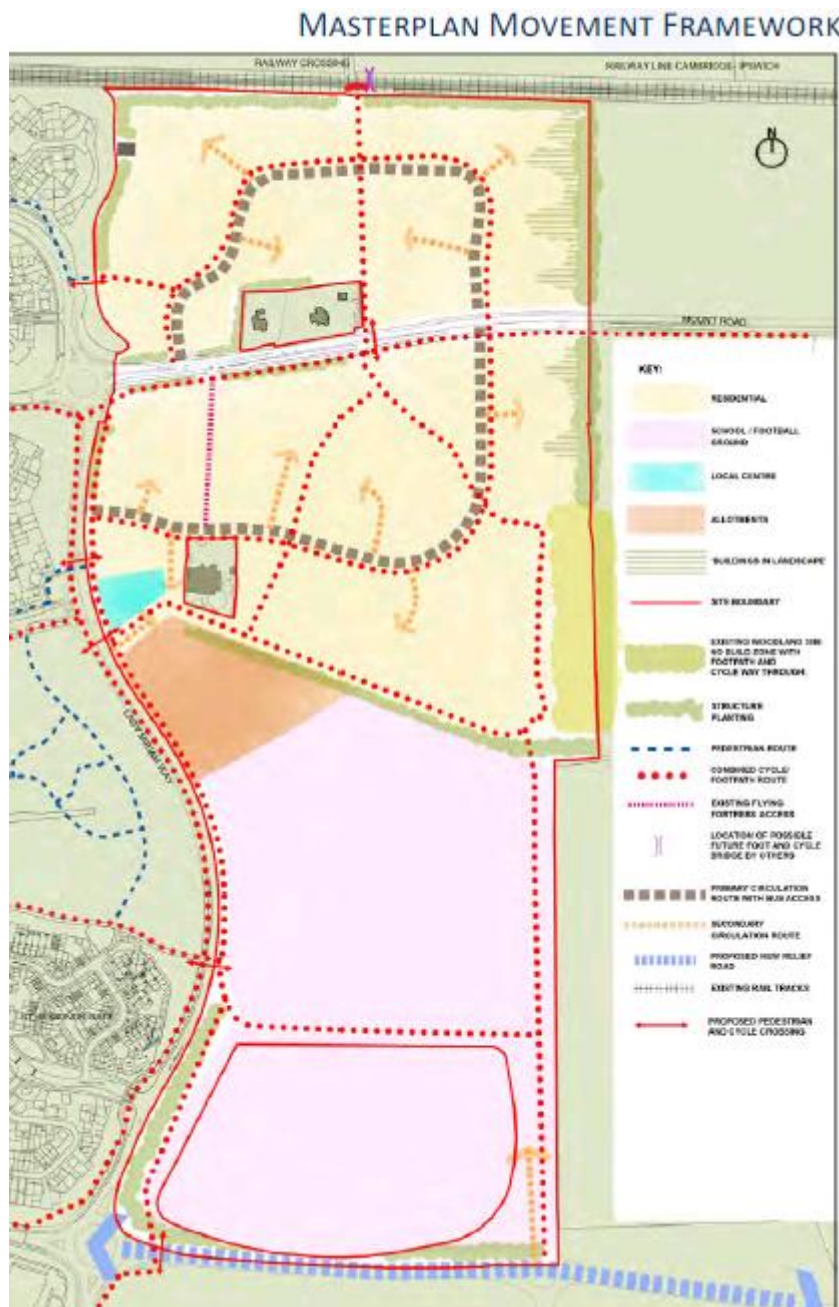


Figure 8 Extract from the adopted Masterplan Showing the linear park that will act as an attractive, car free route to and from the Cattishall crossing

10 LANDSCAPE AND ECOLOGY STRATEGY

Linear Park

A linear park is to be created along the current Sustrans Route 13, to create an attractive pedestrian and cycle route and landscape space which will be central in defining the character of the area. Reinforcing a north – south link between Cattishall and Mount Road, it will form part of the wider pedestrian and cycle movement network around and through the site. The route, part of the existing network of Rights of Way, will also enable connections between the Masterplan area and the adjoining countryside to the north, including connectivity with the proposed residential development beyond the railway line.

The existing lane will be retained for access with new, wide verges incorporated. A mix of native and ornamental planting, including areas of wildflower grassland, will be introduced to assist in the creation of varied spaces along this route, without impeding the flow of cyclists. The design of the linear park will be informed by green corridors within the existing development to the west, to provide a sense of place and integration with the existing community. Crossings with estate roads will be designed to reduce vehicular speeds and, more importantly, give priority to pedestrians and cyclists.]

Landscaped Routes

The primary roads through the development will incorporate an avenue of trees to assist in place making and reinforcing the presence of a consistent approach to landscaping within the proposed scheme. Further planting along Mount Road and Lady Miriam Way will seek to reinforce the presence of soft landscaping within the built environment and assist in creating a degree of separation between the pedestrian / cycle routes and the road network.

Woodland Walk

The existing area of woodland on the eastern edge of the site will be retained and enhanced through new planting to create a high quality habitat and enhance the biodiversity of the development. A woodland walk will be established which will allow visitors to experience an alternative landscape component and also discourage informal trails developing to the detriment of the existing flora and fauna.

Allotments

Allotments will be provided adjacent to Lady Miriam Way to the south of the Local Centre. The location, in combination with new crossing points over Lady Miriam Way, will ensure easy accessibility for all residents to encourage walking and cycling. A central communal seating area could also be incorporated to encourage social interaction and create a focal point.



Enlargement of some of the text in Figure 8

Linear Park

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34. The Moreton Hall Masterplan was very clear in how it would plan itself to help make the North East 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..."* Berkeley are the promotor for the North East Bury St Edmunds development. The Moreton Hall development is currently under construction and phase 1 and 2 have received full planning permission. Figure 9 shows how the linear path has been fully planned with links into the Cattishall Crossing to encourage the flow of pedestrians to and from the crossing. Were the crossing to be removed it is considered that 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 Network Rail 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 Network Rail have allowed years of land use planning to proceed by the council and strategic developers only to seek the closure of a sustainable link when development has, not only been permitted, but is, in fact, already being constructed.

Figure 9 - Plan showing how housing has been planned south of Cattishall crossing and how a linear park will be constructed to create a car free, attractive route that encourages people to access the countryside or use the crossing to walk or cycle to destinations on the Moreton Hall area such as the new Secondary School and the Suffolk Business Park.



Replacement Bridge

35.It is clear from this extract that this development is intended to encourage a north south movement over the crossing and through this development from both Great Barton and the proposed allocation north of the railway line. These have been followed through in the Masterplan and the approved planning consents and are discussed in greater detail below.

One of the main points of confusion and frustration for the council is that whilst Network Rail are proceeding with this proposed closure and diversion they have been concurrently in discussions with Berkeley Strategic 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. The council are aware that legal agreements have been drafted and agreed (but not yet completed) that will require Berkeley Strategic to pay Network Rail circa £1 million within 12 months of being granted planning consent so that the bridge can be installed by Network Rail.

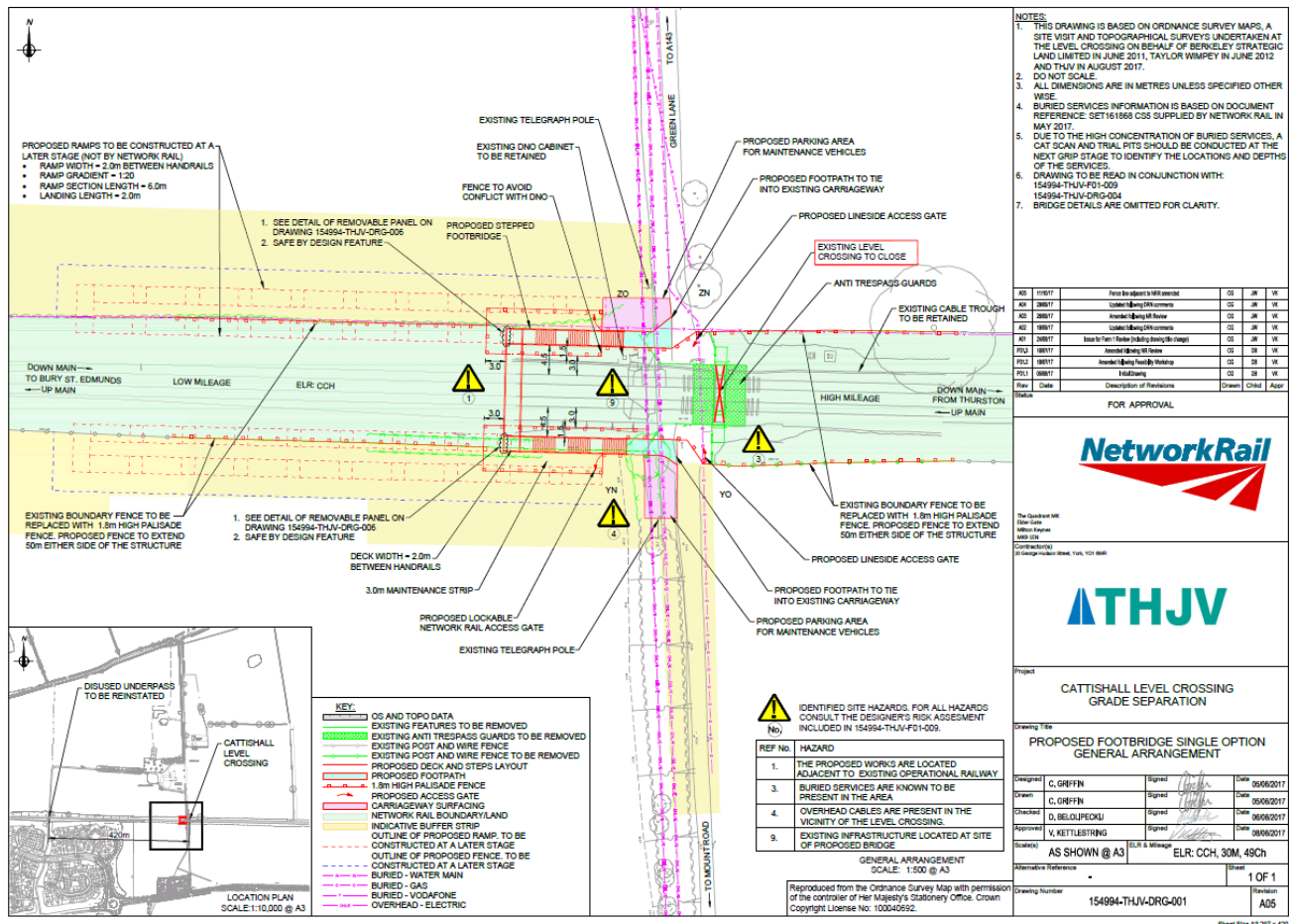
36.Network Rail state that they do not consider that closure of this crossing should be made dependent on the bringing forward of a footbridge as part of a potential application for planning permission by a third party. They continue by saying that

"An aspect of Network Rail 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."

37.The Moreton Hall development to the south of the crossing was granted consent in 2015 and Network Rail did not object to that proposal. Network Rail would be consulted on any future planning application that Berkeley Strategic submit and the council are told by Berkeley that they will not submit their application until such time as they have a legal agreement with Network Rail which achieves the opening of the underpass and the payment for the construction of the bridge to Berkeley. This will ensure that Network Rail do not feel the need to object to their application on the grounds that there would be a material increase in users of the

current crossing. Once the legal agreement is completed Network rail 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. Network Rail 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 Network Rail. These factors, therefore, undermine the basis of Network Rail's Statement of Case. Network Rail'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. For the reasons set out here, this statement is unfounded and intentionally ignores the collaborative work that Network Rail, the Council and Berkeley (drawing up a plan for a bridge and agreeing a legal contract to secure it) 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. Figure 10 shows the plans drawn up by Network Rail of a replacement bridge at the Cattishall Crossing.

Figure 10 Plan drawn up by Network Rail of replacement bridge to be paid for by Berkeley Strategic and installed by Network Rail



Conclusion

38. The proposed closure and diversion is considered unacceptable and contrary to the National and Local Plan Policies as set out above and will not be as convenient for many existing or future residents. It is not considered that the proposed alternative route, which would add approximately 1100 metres, or 2200 metres to a round trip, is suitable or convenient as required by Section 5(6) of the Transport and Works Act 1992 and the Transport and Works Act guidance. In addition the council has sought to bring forward two large residential developments which will enhance accessibility for residents of Great Barton and the future sites and this proposal would undermine that long term aspiration that the council and its partners have been working towards for over a decade (Preparation of the Core Strategy started in 2007). It is extremely disappointing that Network Rail at no

stage in the consultation of any of the above documents raised objection or raised concerns with the clear direction the developments were heading in and how they would encourage sustainable travel. This proposal will have significant impacts on reducing the amount of trips which are made by sustainable modes and will increase congestion. It has been drawn up in complete isolation by Network Rail at the expense of the aspiration and vision of the local planning authority and other partners.

39. Additionally the proposal appears to be based on Network Rail's perception that the crossing will experience increased use from the NE Bury St Edmunds proposal even though Network Rail are agreeing a replacement bridge for the crossing should the NE Bury St Edmunds proposal be granted consent.