

**TRANSPORT AND WORKS ACT 1992**

**TRANSPORT AND WORKS (INQUIRIES PROCEDURE) RULES 2004**

**THE NETWORK RAIL (CAMBRIDGE RE-SIGNALING) ORDER**

**STATEMENT OF CASE**

**20 January 2023**

**Contents**

<b>Clause</b>	
1	INTRODUCTION ..... 1
2	THE APPLICANT ..... 4
3	THE APPLICATION DOCUMENTS ..... 4
4	CONTEXT OF THE APPLICATION ..... 5
5	PLANNING AND POLICY CONTEXT ..... 7
6	ACQUISITION AND USE OF LAND ..... 17
7	JUSTIFICATION FOR SAFETY UPGRADES AT LEVEL CROSSINGS..... 27
8	CONSULTATION ON THE PROJECT ..... 33
9	FUNDING ..... 34
10	PROJECT DELIVERY ..... 34
11	OBJECTIONS AND REPRESENTATIONS ..... 34

## LIST OF TABLES

Table 1: Summary of consenting regimes for the Project

Table 2: Planning applications and prior approvals required for the works

Table 3: Relevant Local Plan for each Level Crossing Works Area

Table 4: Plots for permanent acquisition of land at structures

Table 5: Plots for permanent acquisition of rights over land at structures

Table 6: Plots for temporary use of land for construction purposes at structures

Table 7: Plots for temporary use of land for access and oversailing purposes

Table 8: Summary of private treaty negotiations

Table 9: Existing Level Crossings Type. ALCRM and Proposed Upgrade

Table 10:

Table 11: Traffic Modelling Scenarios for Meldreth

Table 12: Summary of objections

Table 13: Summary of representations

## GLOSSARY OF TERMS

Term/Acronym	Meaning
<b>1992 Act</b>	The Transport and Works Act 1992
<b>2006 Rules</b>	The Transport and Works (Applications and Objections Procedure) (England and Wales) Rules 2006
<b>Application</b>	The application for the Order
<b>AHB</b>	Automatic Half Barrier
<b>ALCRM</b>	All Level Crossing Risk Model
<b>CCC</b>	Cambridgeshire County Council
<b>CPCA</b>	Cambridgeshire and Peterborough Combined Authority
<b>DNO</b>	Distribution Network Operator
<b>EIA</b>	Environmental Impact Assessment
<b>Estate</b>	J Cole (Kilverstone Estate) – Gary Jon Bowman: The Right Honourable Patrick Vavasour Fourth Baron Fisher of Kilverstone and Mills & Reeve Trust Corporation Limited
<b>FOC</b>	Freight Operating Company
<b>FWI</b>	Fatality and Weighted Injury score

<b>GCSPS</b>	Greater Cambridge Shared Planning Service
<b>GPDO</b>	Town and Country Planning (General Permitted Development) (England) Order 2015
<b>HSWA</b>	Health and Safety at Works etc. Act 1974
<b>Inquiries Rules</b>	The Transport and Works (Inquiries Procedure) Rules 2004 (S.I. 2004 No. 2018)
<b>LCM</b>	Level Crossing Manager
<b>LoD</b>	Limits of deviation
<b>MCB</b>	Manually-Controlled Barrier
<b>MCB-CCTV</b>	Manually Controlled Barrier monitored by CCTV
<b>MCB-OD</b>	Manually Controlled Barrier monitored by obstacle detection
<b>MGH</b>	Manned Gate Barrier
<b>NCC</b>	Norfolk County Council
<b>Network</b>	Rail infrastructure network of Great Britain
<b>NPPF</b>	National Planning Policy Framework (NPPF) 2021
<b>NPS</b>	National Policy Statement for National Networks
<b>NR</b>	Network Rail Infrastructure Limited
<b>NRA</b>	Narrative Risk Assessment
<b>NSIP</b>	Nationally Significant Infrastructure Project
<b>OD</b>	Obstacle Detection
<b>Order</b>	The Network Rail (Cambridge Re-Signalling) Order 202[x]
<b>ORR</b>	Office of Rail and Road
<b>Project</b>	The proposed re-signalling of the Cambridge 'interlock' area and the upgrade of the relevant level crossings
<b>REB</b>	Relocatable Equipment Building
<b>ROGS</b>	Railways and Other Guided Transport Systems (Safety) Regulations 2006
<b>RPT</b>	Risk Per Traverse
<b>SICA</b>	Signalling Infrastructure Condition Assessment

<b>SMS</b>	Safety Management System
<b>TOC</b>	Train Operating Company

## 1 INTRODUCTION

- 1.1 On 5 August 2022 Network Rail Infrastructure Limited (**NR**) submitted an application (**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 (**1992 Act**) [**APP18**].
- 1.1 NR 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. If the Project were not to be implemented, there would be a risk of poor asset reliability and reduced capacity on the relevant sections of railway in the event that routes or assets are out of use because of signalling failures.
- 1.2 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 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**) [**APP22**].
- 1.3 As a result, no part of the works is proposed to be authorised by the Order and the Application does not include a request for deemed planning permission under section 90(2A) of the Town and Country Planning Act 1990 (**1990 Act**). Rather, the Order, if made, would authorise various incidental matters in order to enable the Project to proceed. In particular, the Order would authorise the compulsory acquisition and temporary use of land and the stopping up of streets required in connection with the Project.
- 1.4 The Application was submitted in accordance with the Transport and Works (Applications and Objections Procedure) (England and Wales) Rules 2006 (S.I. 2006 No. 1466) (**2006 Rules**) [**APP23**] and has been the subject of publicity and notices in accordance with the 2006 Rules.
- 1.5 The Transport and Works (Inquiries Procedure) Rules 2004 (S.I. 2004 No. 2018) (**Inquiries Rules**) [**APP25**] require NR to provide a Statement of Case and this document is NR's Statement of Case for the purpose of the Application. It contains full particulars of the case NR intends to make at Inquiry in support of the Application. The statement is to be served under Rule 7 of the Inquiry Rules.

### Structure of the Statement of Case

- 1.6 The Statement of Case is arranged as follows:
- a) Section 1 describes the Project;
  - b) Section 2 describes the Applicant;
  - c) Section 3 describes the Application documents;
  - d) Section 4 describes the context of the Application;
  - e) Section 5 provides an overview of the consent routes to obtain planning permissions to authorise the works and the relevant national, regional and local policies relating to the Project;

- f) Section 6 describes the strategy for acquisition of land and rights required to deliver the Project;
  - g) Section 7 describes the proposed level crossings upgrades;
  - h) Section 8 describes consultations undertaken in relation to the Project;
  - i) Section 9 summarises the funding for the Project;
  - j) Section 10 describes how the Project will be delivered, the key milestones and parties involved; and
  - k) Section 11 summarises the objections and representations.
- 1.7 Appendix A contains a list of the documents which NR intends to refer to or submit in evidence at the Inquiry. Appendix B is the notice required by Rule 7(2)(b) of the Inquiries Rules containing details of the locations and times at which the documents will be available for public inspection prior to the opening of the inquiry.
- 1.8 In this Statement of Case, reference numbers for the documents that have been included in the list in Appendix A are given in square brackets and in bold.

#### **Project overview**

- 1.9 The Cambridge interlocking infrastructure was commissioned in 1982 and is approaching the end of its reliable life. In railway signalling terminology, an 'interlocking' is an arrangement of signal apparatus that prevents conflicting rail movements through an arrangement of tracks such as junctions or crossings. An interlocking is designed so that it is impossible to display a signal to proceed unless the route to be used is proven to be safe.
- 1.10 The Cambridge interlocking has a number of obsolete components as well as severe wire degradation and so a renewal is required. Within the Cambridge interlocking area, the existing Dullingham, Chippenham Junction and Bury St Edmunds Signal Boxes, that form part of the signalling system, are all mechanical signal boxes (involving traditional entrance and exit signal box control panels) that are now considered to have reached the end of their useful lives.
- 1.11 The Project aims to extend the life of the existing interlocking system by a further 35 years and to improve the reliability and performance of the signalling system in the Cambridge area.
- 1.12 The Project will involve the following works:
- a) the decommissioning of the Dullingham, Chippenham Junction and Bury St Edmunds signal boxes; the existing mechanical signal boxes will be decommissioned and replaced with a modern, digital Visual Display Unit workstation located at Cambridge Station;
  - b) the upgrade of the signalling power supply in the area including the installation of relocatable equipment buildings (**REB**) and a power supply along the route;
  - c) the upgrade of the existing telecoms network to a modern fixed telecommunications fibre optic network where required;
  - d) the renewal of the signalling at Chippenham Junction; and
  - e) re-locking, and thereby extending the life of, six adjacent interlock areas. A re-lock involves changing the interlocking sequence of the signalling system so that a signalling lever move

that was previously not possible is made possible (or vice versa) without changing what each signalling lever actually does.

- 1.13 In addition, the Project will provide for the upgrade of seven level crossings and the installation of REBs and ancillary works as further set out in in section 7 of this Statement. The upgrade of the level crossings will provide both safety and cost benefits when undertaken as part of the Project.
- 1.14 The full outcomes of the risk assessment for each level crossing and the proposed upgrades are described in detail in section 7 of this Statement. In summary, all seven of the level crossings scored highly in terms of risk on the ALCRM assessment with the preferred renewal option at each being either a full-barrier solution, with a Manually Controlled Barrier with Closed Circuit Television (**MCB-CCTV**), or a Manually Controlled Barrier monitored by Obstacle Detection (**MCB-OD**). The upgrade will improve the Fatality and Weighted Injury Score (**FWI**)<sup>1</sup> for each crossing and NR Anglia Route overall due to the total combined effects of the proposed upgrades. In addition, the upgrade will enable compliance with the Office of Rail and Road's (**ORR**) requirement to improve safety by moving away from automatic half-barrier crossings. Some elements of the works at these level crossings will take place outside of NR's existing operational boundary and land ownership.
- 1.15 The upgrades will also improve the pedestrian environment (increased footway size and the introduction of tactile threshold paving) at each of the level crossings in line with the ORR Guidance.
- 1.16 In addition, the Project has identified programme and cost benefits of undertaking the above level crossings upgrades, as follows:
- a) combined signalling upgrade as part of the wider Project reducing capital cost through increased engineering and construction synergies;
  - b) single source of agreed funding for the above; and
  - c) reduced impacts on train services, the surrounding road network and wider environment in terms of undertaking the proposed construction and signalling works (i.e. reduced need to undertake line or road closures at later dates).
- 1.17 The wider benefits of the Project include:
- a) renewal of existing assets to enable safe operation of the railway;
  - b) improved reliability of the signalling infrastructure;
  - c) improved performance of the signalling infrastructure;
  - d) improved Fatality and Weighted Inquiry scores in compliance with ORR requirements , improving safety by moving away from automatic half barrier crossings at the relevant level crossings;

---

<sup>1</sup> FWI is detailed as a numerical value measuring Safety Performance or Safety Risk at a crossing (e.g.: a fatality is weighted numerically as 1, each major injury is weighted as 0.1 of a fatality and each minor injury is weighted as 0.005 of a fatality). It gives a numerical view of the level or risk associated with level crossings and the statistics likelihood of a person, vehicle etc being struck, killed or injured by a train at that particular crossing. ALCRM collates this information from the Level Crossing Manager's (**LCM**) data collection and draws on this information entered to calculate the FWI.

- e) improved maintainability of the signalling infrastructure;
- f) enhanced safety of the railway;
- g) reduced operational cost; and
- h) an enabler for future projects.

## 2 THE APPLICANT

- 2.1 NR owns and operates the rail infrastructure network of Great Britain (**Network**), and its purpose is to deliver a safe, reliable and efficient railway for Great Britain.
- 2.2 NR is primarily responsible for the operation, maintenance, repair and renewal of track, stations, signalling and electrical control equipment. Train services on the Network are operated by Train Operating Companies and Freight Operating Companies (**TOCs** and **FOCs**) to which NR, as facility owner, grants rights to use the Network in the form of track, station and depot access contacts approved by the ORR.
- 2.3 The activities of NR as the Network operator are regulated by the ORR by means of a Network Licence granted under section 8 of the Railways Act 1993 [**APP19**]. The Network Licence requires NR to secure the renewal and replacement of the Network, and the improvement, enhancement and development of the Network, in each case in accordance with best practice, and in a timely, economic and efficient manner so as to satisfy the reasonable requirements of persons providing service relating to railways and funders in respect of the quality and capability of the Network.
- 2.4 As the infrastructure manager, NR is also under a duty as regards the safety of the network, principally under the Railways and Other Guided Transport Systems (Safety) Regulations 2006 (**ROGS**) [**APP20**]. The ROGS implement the EU Railway Safety Directive and require that any Infrastructure Manager or railway operator on the mainline railway must maintain a Safety Management System (**SMS**) and hold a safety certificate or authorisation indicating that the SMS has been accepted by the relevant safety authority, before being allowed to operate. The ROGs are EU-derived domestic legislation which continue to have effect in accordance with section 2 of the European Union (Withdrawal) Act 2018 [**APP21**].

## 3 THE APPLICATION DOCUMENTS

- 3.1 The Application comprises the formal application and those documents required by 2006 Rules to support it, namely:
  - a) Draft Order [**APP1**];
  - b) Explanatory Memorandum [**APP2**];
  - c) Statement of Aims [**APP3**];
  - d) Report summarising consultations undertaken [**APP4**];
  - e) Declaration of the Status of the Applicant [**APP5**];
  - f) Funding Statement [**APP6**];
  - g) List of consents, permissions or licences under other enactments [**APP7**];



- h) Waiver direction given by the Secretary of State under rule 18 of the 2006 Rules **[APP8]**;
- i) Land Plans **[APP9]**;
- j) Book of Reference **[APP10]**.

3.2 The provisions of the draft Order **[APP1]** are based on the Transport and Works (Model Clauses for Railways and Tramways) Order 2006 (S.I. 2006 No. 1954) **[APP24]**. Each article in the Order is explained in the Explanatory Memorandum **[APP2]**. This includes explanations of where it has been necessary to depart from the Model Clauses (for example with additional or amended provisions).

#### 4 CONTEXT OF THE APPLICATION

- 4.1 Part 1 of the 1992 Act provides that orders may be made by the Secretary of State relating to, or to matters ancillary to, the construction or operation of railways and other guided transport systems. Orders made under the 1992 Act may authorise a range of matters including the compulsory acquisition and temporary use of land, and the creation or extinguishment of rights over land.
- 4.2 The proposed Network Rail (Cambridge Re-Signalling) Order forms one part of the consent strategy for the delivery of the Project, which includes applications for planning permissions under the 1990 Act and the use of permitted development rights under the GPDO.
- 4.3 The consents strategy for the Project, and the role of the Order within it, is summarised in Table 1 below:

*Table 1: Summary of the consenting regimes for the Project*

REGIME	WORKS/MATTERS AUTHORISED
The Order	<ul style="list-style-type: none"> <li>Stopping up of streets in connection with the works required to construct and operate the Project.</li> <li>Acquisition of land, and rights over land, and to use land temporarily in connection with the works required to construct and operate the Project.</li> </ul> <p>Together referred to as the <b>Order Scheme</b>.</p>
Planning Permission	Planning permission under the 1990 Act granted by the relevant local planning authorities in relation to the installation of full barrier solutions and REBs, including any works and operations incidental or ancillary to such works.
Permitted Development	The works which include the installation of full barrier solutions and REBs and are located within NR's land ownership and operational boundary or within the Limits of Deviation set out in the relevant Railway Acts (as further outlined in section 5 of this Statement of Case).

- 4.4 All works required for the Project, including the installation of REBs, will be permitted by separate planning permissions and/or through the GPDO, with the applications/notifications

being submitted to the relevant local planning authorities as shown in Table 2 below. Where NR is able to rely on permitted development rights without the need to submit a prior approval application to the local planning authority, it nevertheless, out of courtesy, submits a voluntary prior notification to the authority notifying it of the details of the proposed works and intention to rely on the relevant permitted development right.

- 4.5 These applications will be decided, where applicable, by the local planning authorities in accordance with statutory procedures and national and local planning policies.

*Table 2: Planning applications and prior approvals required for the works*

<b>Level Crossing Works Area</b>	<b>Relevant Local Authority</b>	<b>Proposed Works</b>	<b>Proposed Route</b>	<b>Consenting</b>
<b>Croxton</b>	Breckland Council	Installation of full barrier solution, REB and ancillary works	Application for express planning permission via the 1990 Act.	
<b>Meldreth</b>	South Cambridgeshire District Council	Installation of full barrier solution, REB and ancillary works.	Application for express planning permission via the 1990 Act.	
<b>Foxton (Hauxton)</b>	South Cambridgeshire District Council	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 NR ownership would 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 NR's ownership would 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 NR ownership would 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.	Prior Notification under Class A of Part 8 and Prior Approval under Class A of Part 18 of the GPDO.
<b>Dimmock Cote</b>	East Cambridgeshire District Council	Installation of full barrier solution, REB and ancillary works	Prior Notification under Class A of Part 8 and Prior Approval under Class A of Part 18 of the GPDO.

4.6 The purpose of the Order is to provide a range of supplementary powers to facilitate delivery of the Project alongside the permissions described above. In summary the Order will:

- a) authorise stopping-up of streets;
- b) provide powers for the compulsory acquisition of land and rights over land; and
- c) provide powers to use land temporarily for the purposes of constructing the works permitted by the planning permissions or under permitted development rights.

#### **Proposed stoppings up of highways**

4.7 The draft Order includes power (at article 3) to stop up streets. Schedule 1 to the Order contains a list of streets that may be stopped up.

4.8 This power is necessary to regularise the adopted highways boundary where new infrastructure (such as upgraded or new fencing proposed as part of the level crossings upgrades) would remove access for the public, with the maintenance liability moving from the relevant highways authorities to NR.

4.9 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 highways authorities affected by the proposals have been consulted to agree the extent of the stopping up powers included in the draft Order.

4.10 The Application was the subject of publicity and notices as required by the 2006 Rules under which objections to, and representations about, the proposed Order were invited to be made to the Secretary of State until 23 September 2022.

4.11 The Secretary of State for Transport received 30 objections and 5 representations.

4.12 As a consequence, and in accordance with the Inquiries Rules, the Secretary of State for Transport announced on 1 December his intention to hold a public local inquiry into the Application.

## **5 PLANNING AND POLICY CONTEXT**

5.1 While the Order is for land issues only and does not include a request for deemed planning permission to authorise works, the intention of section 5 of this Statement of Case is to provide details of the relevant planning policy regime and to explain how approval is being sought for these works through the town and country planning process and the relevant development plan framework.

## Network Rail Permitted Development rights

- 5.2 As further outlined above, the majority of works comprised in the Project, can be delivered using rights enjoyed by NR as a statutory undertaker pursuant to the GPDO as set out below.

### *Class A of Part 8 of the GPDO*

- 5.3 Part 8 of the GPDO permits "*development by railway undertakers on their operational land, required in connection with the movement of traffic by rail*".
- 5.4 The use of Part 8 permitted development rights is restricted to NR'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 building, 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*

- 5.5 Part 18 of the GPDO permits "*development authorised by a local or private Act of Parliament*" and allows NR to rely on the statutory powers set out in relevant Railway Acts that authorised the original construction of the railway.
- 5.6 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."

- 5.7 Class A of Part 18 can also be relied on in circumstances where elements of works are located outside of NR'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.

### *Impact on Environmental Impact Assessment on the above Permitted Development rights*

- 5.8 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 local planning authority 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.

- 5.9 Screening opinion requests have been submitted to all local planning authorities affected by the Order.
- 5.10 South Cambridgeshire District Council, Cambridge City Council and Breckland Council have provided Environmental Impact Assessment (**EIA**) screening opinions stating that none of the works, which are proposed to be constructed by NR in reliance on permitted development rights, is subject to EIA. Accordingly, paragraph 10 of article 3 is not infringed and NR is able to rely on its permitted development rights in respect of its proposed development in the areas of those local authorities.
- 5.11 However, East Cambridgeshire District Council has provided EIA screening opinions for the Dullingham and Dimmocks Cote level crossing upgrades stating that the works in their administrative area are EIA development. The Project has therefore chosen to submit Prior Approval applications under Class A of Part 18 for works at these level crossings and the applications will be accompanied by ecological reports. This will enable East Cambridgeshire District Council to re-screen the Prior Approval applications as part of their validation process and it is anticipated that the authority will be able to conclude, in the light of the further ecological reports, that the proposed upgrade works are not EIA development requiring a full Environmental Statement.

#### **Current status of Planning Permissions for level crossings upgrades**

- 5.12 Planning applications and prior notifications for the following level crossing upgrade works have been submitted to the relevant local planning authorities at the date of this Statement:
- a) Prior Notification (Part 8 and 18 of the GPDO) (not requiring Prior Approval)) for works at Six Mile Bottom was submitted to South Cambridgeshire District Council on 8 November 2022 (ref.: 22/04960/PDNOT);
  - b) Prior Notification (Part 8 and 18 of the GPDO) (not requiring Prior Approval)) for works at Waterbeach level crossing was submitted to South Cambridgeshire District Council on 16 November 2022 (ref.: 22/05022/PDNOT);
  - c) Prior Notification (Part 8 and 18 of the GPDO) (not requiring Prior Approval)) for works at Milton Fen level crossing was submitted to South Cambridgeshire District Council on 24 November 2022 (ref.: 22/05141/PDNOT);
  - d) An application for full planning permission under the Town and Country Planning Act 1990 for the works at Hauxton level crossing was submitted to South Cambridgeshire District Council on 28 November 2022 (ref.: 22/05163/FUL);
  - e) An application for full planning permission under the Town and Country Planning Act 1990 for the works at Meldreth level crossing was submitted to South Cambridgeshire District Council on 1 December 2022 (ref.: 22/05204/FUL);
  - f) An application for full planning permission under the Town and Country Planning Act 1990 for the works at Croxton level crossing was submitted to Breckland Council on 21 December 2022 (3PL/2022/1442/F).
- 5.13 Prior notifications for works at Dullingham and Dimmocks Cote were submitted to East Cambridgeshire District Council but have since been withdrawn and applications for Prior

Approval, accompanied by relevant ecological reports, as described at paragraph 5.11, will be submitted.

### **National Policy Context**

#### *National Planning Policy Framework (NPPF) 2021*

- 5.14 At a national level the NPPF (latest version adopted in July 2021) [APP29] sets out the Government's overarching planning policies and how these are expected to be applied.
- 5.15 At the heart of the NPPF 2021 is a presumption in favour of sustainable development. The presumption highlights that proposals which accord with an up to date development plan should be approved without delay unless material considerations indicate otherwise.
- 5.16 The objective of sustainable development can be summarised as 'meeting the needs of the present without compromising the ability of future generations to meet their own needs' (Paragraph 7).
- 5.17 For decision-taking (Paragraph 11) this means:
- "(c) approving development proposals that accord with an up-to-date development plan without delay; or*
- (d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:*
- (i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or*
- (ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole."*
- 5.18 The following sections of the NPPF 2021 are of specific relevance to the determination of applications for express planning permissions relating to the proposed level crossing works:
- a) Section 2: Achieving sustainable development;
  - b) Section 4: Decision making;
  - c) Section 6: Building a strong competitive economy;
  - d) Section 8: Promoting healthy and safe communities;
  - e) Section 9: Promoting sustainable transport.
- 5.19 The proposed level crossing upgrade works are considered to accord with the above sections and paragraphs of the NPPF 2021 as they will improve the reliability, performance and safety of a sustainable low carbon form of public transport, enhancing provisions for alternatives to private vehicular trips and enhancing access to economic opportunities.

### **Relevant National Transport Policy**

- 5.20 Britain's railway plays an essential role in supporting and creating economic growth by enabling safe, fast, efficient movement of passengers and goods into and between major economic centres and international gateways.

- 5.21 Consistent with Government strategy, the railway industry's ambition is to increase rail's already significant contribution to the country's economic, social and environmental welfare linking people and communities in an environmentally sustainable way.
- 5.22 In 2022 the Government recognised that there is a need for radical change in transport policy. The Government White Paper (Creating growth, cutting carbon: Making Sustainable Transport happen) (2011) [APP30] was published in January 2011. Paragraph 1.3 of the White Paper, explained that the government's vision is for *"a transport system that is an engine for economic growth but one that is also greener and safer and improves quality of life in our communities."* 5.4.4 Paragraph 2.2 of the paper highlighted the crucial role that sustainable transport can play in terms of enabling growth whilst also reducing carbon emissions and addressing climate change. It stated that *"sustainable transport modes can enable growth, for instance by improving access to work, to shops and other services, at the same time as cutting carbon emissions and tackling climate change. Certain interventions can also make a significant contribution to public health and quality of life."*

### **National Policy Statement for National Networks**

- 5.23 The National Policy Statement for National Networks (NPS) [APP31] was published in December 2014 and sets out the need for, and Government's policies to deliver, development of nationally significant infrastructure projects (NSIPs) on the national road and rail networks in England. Whilst the Project falls under the threshold detailed in the Planning Act 2008 (as amended), section 1.4 of the NPS states that:

*"In England, this NPS may also be a material consideration in decision making any applications that fall under the Town and Country Planning Act 1990 or any successor legislation. Whether, and to what extent, this NPS is a material consideration, will be judged on a case by case basis."*

- 5.24 It is therefore the case that whilst the NPS is primarily to guide and inform NSIP applications, it does have some degree of material weight in relation to the Project as the rationale supporting the proposed works is for the improvements to be delivered to parts of the national rail network, and should therefore be appraised accordingly. It is also important to understand the context of the Government's policy stance on rail infrastructure given the limited detail within the NPPF.
- 5.25 Section 2 of the NPS sets out the need for development of the national networks and details the Government's vision and strategic objectives:

*"The Government will deliver national networks that meet the country's long-term needs; supporting a prosperous and competitive economy and improving overall quality of life, as part of a wider transport system. This means:*

- *Networks with the capacity and connectivity and resilience to support national and local economic activity and facilitate growth and create jobs.*
- *Networks which support and improve journey, reliability, and safety.*
- *Networks which support the delivery of environmental goals and the move to a low carbon economy.*
- *Networks which join up our communities and link effectively to each other."*

- 5.26 Paragraph 2.2 explains that: *"There is a critical need to improve the national networks to address road congestion and crowding on the railways to provide safe, expeditious and resilient networks that better support social and economic activity; and to provide a transport network*

*that is capable of stimulating and supporting economic growth. Improvements may also be required to address the impact of the national networks on quality of life and environmental factors."*

- 5.27 Paragraph 2.4 goes on to mention the pressures the national networks are under, including a projected increase of 40% of journeys undertaken by rail and rail freight having the capacity to double by 2030.
- 5.28 Paragraph 2.6 states that improved transport links help to rebalance the economy.
- 5.29 Within paragraph 2.10 the NPS sets out an overarching statement that the Government concludes at a strategic level that there is a compelling need for the development of national networks.
- 5.30 The need for development of the national rail network is set out from paragraphs 2.28 – 2.41. These paragraphs identify the importance of the rail network as a vital part of the national transport infrastructure and for the growing demand for rail travel and future projected growth which together support the compelling need for developing the country's rail network.
- 5.31 Paragraph 2.9 presents the Government's vision for the Transport system in which railways must: *"offer a safe and reliable route to work"*.
- 5.32 Paragraph 3.12 further provides that *"It is the Government's policy, supported by legislation, to ensure that the risks of passenger and workforce accidents are reduced so far as reasonably practicable. Rail schemes should take account of this and seek to further improve safety where the opportunity exists and where there is value for money in doing so by focussing domestic efforts on the achievement of the European Common Safety Targets."*
- 5.33 The Project supports and contributes to the delivery of the Government's policy for rail, as set out in the NPS.

### **Local Policy Context**

- 5.34 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, planning applications must be determined in accordance with the statutory development plan unless 'material considerations' indicate otherwise.
- 5.35 This section provides an overview of the national and local planning policies relevant to the determination of the applications for express planning permission.
- 5.36 The works are located within a number of local authorities' administrative areas as set out in Table 3 below with the relevant local plans for each set out in turn.

*Table 3: Relevant Local Plan for each Level Crossing Works Area*

<b>Level Crossing Works Area</b>	<b>Local Authority</b>	<b>Local Plan</b>
Croxton	Breckland Council	Breckland Local Plan (November 2019)  Norfolk Minerals and Waste Local Plan – this plan is not considered a relevant



		consideration in relation to the proposed works
Meldreth	South Cambridgeshire District Council	South Cambridgeshire Local Plan (September 2018)  Cambridgeshire and Peterborough Minerals and Waste Local Plan (July 2021) – this plan is not considered a relevant consideration in relation to the proposed works.
Foxton (Hauxton)		
Milton Fen		
Six Mile Bottom		
Waterbeach		
Dullingham	East Cambridgeshire District Council	East Cambridgeshire Local Plan (April 2015)  Cambridgeshire and Peterborough Minerals and Waste Local Plan (July 2021) – this plan is not considered a relevant consideration in relation to the proposed works
Dimmock Cote		

*Breckland Local Plan 2019 [APP32]*

Principle of Development

- 5.37 Policy TR01 (Sustainable Transport Network) in the Breckland Local Plan is considered relevant to the works at Croxton level crossing.
- 5.38 This policy supports improvements to the road and rail connections both within the District and to the wider area and promotes improved access to, and interchange between, all modes of transport to key settlements and town centres. Development must not adversely impact on the operation or safety of the strategic road network and improve accessibility to services and support the transition to a low carbon future.
- 5.39 The proposed works are considered to be in accordance with this policy as they will improve the reliability, performance and safety of a sustainable low carbon form of public transport enhancing provisions for alternatives to private vehicular trips within the district and wider region.
- 5.40 Further consideration of the Local Plan policies is set out in the Planning and Design Statement submitted to Breckland Council with the planning application for the works at Croxton level crossing [APP39].

*South Cambridgeshire Local Development Plan 2018 [APP33]*

- 5.41 The following policies in the South Cambridgeshire Local Development Plan are considered relevant to the works at Meldreth, Foxton (Hauxton), Milton Fen, Six Mile Bottom and Waterbeach level crossings:

- a) Policy S/2: Objective of the Local Plan – this policy indicates that the vision of the Local Plan will be achieved by maximising the potential for journeys to be undertaken by sustainable modes of transport including walking, cycling, bus and train.
  - b) Policy S/3: Presumption in favour of Sustainable Development – this policy details that South Cambridgeshire District Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF 2021.
  - c) Policy TI/2: Planning for Sustainable Travel – this policy provides that development must be located and designed to reduce the need to travel, particularly by car, and promote sustainable travel appropriate to its location.
- 5.42 The proposed works within the South Cambridgeshire District Council's administrative area are considered to accord with the local planning policies as they will improve the reliability, performance and safety of a sustainable low carbon form of public transport, enhancing provisions for alternatives to private vehicular trips within the district and wider region.
- 5.43 The following policies in the South Cambridgeshire Local Development Plan are also considered relevant to the works at Foxton (Hauxton) level crossing which is located within Green Belt:
- a) Policy S/4: Cambridge Green Belt – this policy highlights how the Green Belt will be maintained around Cambridge and provides that new development in the Green Belt will only be approved in accordance with Green Belt policy as set out within the NPPF.
  - b) Policy NH/8: Mitigating the Impact of Development in and Adjoining the Green Belt – this policy seeks to protect the Green Belt from the impacts of Development and provides that any development proposals within the Green Belt must be located and designed so that they do not have an adverse effect on the rural character and openness of the Green Belt.
- 5.44 The proposed upgrade works at Foxton (Hauxton) provide vital improvements to the safety, reliability and efficiency of the railway infrastructure in the region, ensuring sustainable transport options remain well maintained and managed.
- 5.45 REBs are required to be located within close proximity to the rail infrastructure and level crossings which they serve. In the context of Foxton (Hauxton) Level Crossing, which is located within the Green Belt, the proposed infrastructure updates are similarly required to be located adjacent to the level crossing.
- 5.46 The location and layout of the proposed upgrade will not affect the openness or the character of the Green Belt. The proposed REB is set back from Hauxton Road and vegetation both to the front and rear of the REB will be retained. The design of the structure, and its olive green colour, will allow it to integrate with its surroundings. Views of the REB from the roadside will be limited given the retained vegetation, and the existing vegetation on the eastern side of the rail corridor will ensure views of the REB will be limited from neighbouring residential properties. It is likely that the REB will be viewed from the level crossing but this will be in the context of infrastructure associated with the railway and will not, therefore, impact openness.
- 5.47 The proposed level crossing upgrade is necessary and, therefore, an acceptable use within the Green Belt, and will comply with the policies in the NPPF. The proposed REB is small in scale and has limited impact on the openness of the Green Belt. Accordingly, it will not conflict with the five purposes of the Green Belt. As such, the principle of the proposed upgrade is considered to be acceptable.

- 5.48 Further consideration of the Local Plan policies is set out in the Planning and Design Statements submitted to South Cambridgeshire District Council with the planning applications for the works at Meldreth level crossing [APP40] and Foxton (Hauxton) level crossing [APP41].

*East Cambridgeshire Local Plan 2015 [APP34]*

- 5.49 The following policies in the East Cambridgeshire Local Plan 2015 are considered relevant to the works at Dullingham and Dimmocks Cote level crossings:

- a) Policy GROWTH 3: Infrastructure requirements – this policy sets out key infrastructure requirements relevant to growth within the district and includes 'improved rail and bus services'; and
- b) Policy GROWTH 5: Presumption in favour of sustainable development.

- 5.50 The proposed works within the East Cambridgeshire District Council's administrative area are considered to accord with the above policies as they will improve the reliability, performance and safety of a sustainable low carbon form of public transport, enhancing provisions for alternatives to private vehicular trips within the district and wider region.

**Transport Plans and Strategies**

*Draft Cambridgeshire and Peterborough Local Transport and Connectivity Plan (May 2022) [APP35]*

- 5.51 In May 2017 a Mayor was directly elected and the Cambridgeshire and Peterborough Combined Authority (CPCA) was formed as part of the devolution deal agreed with Central Government. The CPCA now has the strategic transport powers and is the Local Transport Authority for the Cambridgeshire and Peterborough area. The Mayor sets out the overall transport strategy for Cambridgeshire and Peterborough, called the Local Transport Plan.
- 5.52 As part of the Mayor's powers, the CPCA have produced the draft Cambridgeshire and Peterborough Local Transport and Connectivity Plan (May 2022). The goals of the plan are to provide an accessible transport system that delivers economic growth and opportunities and protects and enhances the environment to tackle climate change together.

*Transport Strategy for Cambridge and South Cambridgeshire (TSCSC), 2014 [APP36]*

- 5.53 This strategy supports the South Cambridgeshire Local Plan (and the Cambridge City Local Plan) and takes account of future levels of growth in the area. It details the transport infrastructure and services necessary to deliver this growth.
- 5.54 Eight objectives are set out in this strategy, as follows:
- a) to ensure that the transport network supports the economy and acts as a catalyst for sustainable growth;
  - b) to enhance accessibility to, from and within Cambridge and South Cambridgeshire (and beyond the strategy area);
  - c) to ensure good transport links between new and existing communities, and the jobs and services people wish to access;
  - d) to prioritise sustainable alternatives to the private car in the strategy area, and reduce the impacts of congestion on sustainable modes of transport;

- e) to meet air quality objectives and carbon reduction targets, and preserve the natural environment;
- f) to ensure that changes to the transport network respect and conserve the distinctive character of the area and people's quality of life;
- g) to ensure the strategy encourages healthy and active travel, supporting improved wellbeing; and
- h) to manage the transport network effectively and efficiently.

5.55 Policy TSCSC 10: Improving Rails Services is considered to be relevant to the works at Meldreth, Foxton (Hauxton), Milton Fen, Six Mile Bottom and Waterbeach Level Crossings. This policy provides that the County Council will work with other authorities and the rail industry to bring forward service enhancements and new infrastructure to increase rail use, through frequency and capacity improvements and increasing the proportion of freight moved by rail in line with the Strategy approach.

*Transport Strategy for East Cambridgeshire 2016 [APP37]*

5.56 Policy TSEC 10: Improving Rail Services is considered relevant to the works at the Dimmocks Cote and Dullingham level crossings. This policy provides that the County Council will work with other authorities and the rail industry to bring forward service enhancements and new infrastructure to increase rail use, through frequency and capacity improvements and by increasing the proportion of freight moved by rail in line with the Strategy approach.

*Norfolk County Council Local Transport Plan 4 Strategy (July 2022) [APP38]*

5.57 The new Local Transport Plan, covering the period 2021-2036, was adopted at the full County Council meeting on 19 July 2022. The following policies are considered relevant to the works at the Croxton level crossing:

- a) Objective 6: Improving Transport Strategy, which provides that the County Council will aim to improve the safety of the transport network in order to reduce casualties and help people feel safe when using any mode of transport. The County Council aims to overcome the various challenges on the network and to create a network which encourages safe usage of the roads and to protect vulnerable transport users.
- b) Policy 8, which provides that the County Council's priority will be to improve major road and rail connections between larger places in the county, and to major ports, airports and cities in the rest of the UK.

**Conclusion**

5.58 Paragraph 7 of the NPPF 2021 states that to achieve sustainable development the planning system has three overarching objectives which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives):

- a) an economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;

- b) a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering well-designed beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and
- c) an environmental objective – to protect and enhance our natural, built and historic environment; including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

- 5.59 In terms of economic benefits, the Project will enhance Network across all of the above administrative areas providing enhanced and safer public transport provision. It will provide the opportunity for a more sustainable, reliable, and rapid alternative form of travel versus private vehicular trips and enhance pedestrian and vehicular safety at each of the relevant level crossing works areas.
- 5.60 In terms of social benefits, the Project will support the promotion of healthy communities by providing an improved rail and pedestrian network encouraging a modal shift change from private vehicular trips. The social benefits are also considered to be strongly supported in planning terms and represent a strong material planning consideration in favour of the Project.
- 5.61 The environmental benefits of the Project is a key issue in planning terms. The support for sustainable transport schemes as set out in the NPPF 2021, needs to be weighed against other policy factors within the NPPF 2021 and the environmental impact of the Project.
- 5.62 Environmental impact is a broad term and one of the benefits of the Project is that an enhanced Network will provide clear benefits in terms of reducing CO2 and emissions associated with private vehicular trips. The full environmental impact of the Project has been assessed as part of the EIA process and in the documentation that accompanies each of the applications for express planning permissions.
- 5.63 The proposed works are considered to be in accordance with policies of the relevant local plans and the regional transport strategies/plans as they will improve the reliability, performance and safety of a sustainable low carbon form of public transport, enhancing provisions for alternatives to private vehicular trips within the district and wider region.

## **6 ACQUISITION AND USE OF LAND**

### **Introduction**

- 6.1 The Order, if made, will confer on NR the power to compulsorily acquire land, or rights over land, required to construct and operate the Project. The Order will also confer powers on NR to temporarily occupy and use land for the purposes of constructing the Project.
- 6.2 A large proportion of the works required for the Project will be undertaken on land that is currently in the freehold ownership of NR (within the existing rail corridor) and as such, no powers over that land are required to be included within the Order. However, several plots of land currently within private ownership are required for the Project, either on a permanent or temporary basis – it is those plots that are proposed to be subject to powers within the Order.
- 6.3 The powers sought in the draft Order in relation to land fall into the following categories:
- a) permanent acquisition of land;

- b) permanent acquisition of rights over land;
  - c) temporary use of land for construction purposes;
  - d) temporary use of land for access purposes;
  - e) permanent extinguishment of rights over land; and
  - f) temporary suspension of rights over land.
- 6.4 The Order, if made, will also discharge one plot of land (305) from all public or private rights of way to which it is currently subject.
- 6.5 All land over which powers are sought in the draft Order is shown on the Land Plans [APP9] and listed in the Book of Reference [APP10] that accompanied the Application.
- 6.6 The disparate nature of the plots shown on those plans, is indicative of the fact that existing land of NR will be used for the Project. All references to plots in this document are to be read in conjunction with those plans. The plots are colour-coded to denote the nature of the powers sought over them.
- 6.7 All areas of land subject to powers in the draft Order are necessary for the Project and no land will be acquired permanently, or used temporarily, unless essential to facilitate the Project. In respect of all land proposed to be subject to Order powers, NR is seeking to secure the relevant land by negotiation. As such, the powers in the Order would only be exercised where it is not possible or practicable to reach agreement.

**Relationship between the powers in the draft Order and the separate planning permissions**

- 6.8 As explained above, the Order would not authorise any works required for the Project. Instead, these are to be permitted by way of separate planning permissions granted by the local planning authorities (East Cambridgeshire District Council, South Cambridgeshire District Council and Breckland Council) or by relying on planning permission granted by the GPDO (primarily under Parts 8 and 18 of Schedule 2).
- 6.9 The planning permissions would not confer any powers to acquire or use any land required for the Project that is currently in private ownership. To ensure the Project can be delivered it is therefore critical that NR has the power to compulsorily acquire land and rights, and to use land temporarily for the purposes of construction. These powers will ensure that, if NR is not able to reach agreements with the relevant landowners, the land that is required for the Project can be secured. This is one of the primary purposes for which NR is applying for the Order.
- 6.10 Additional land included in the draft Order is primarily required for temporary use for construction and access purposes. This is to facilitate works permitted by express planning permissions to be granted by the local planning authorities, as well as works proposed to be carried out as permitted development under the GPDO. For example, the Order includes temporary land for a number of temporary construction areas to facilitate works along the route of the existing railway corridor which would be carried out using permitted development rights.

## Permanent acquisition of land

- 6.11 A power of permanent acquisition is included in the draft in relation to land that is required for the Project's permanent structures or for other purposes on an on-going basis. Plots where such powers have been included in the draft are as set out in Table 4 below:

*Table 4: Plots for permanent acquisition of land and structures*

Purpose	Plots
These plots are needed to provide a permanent rail compound area for the placement of a Distribution Network Operator ( <b>DNO</b> ) cubicle, a relocatable equipment's building, parking and an access point to the compound, including for pedestrians.	002 and 009
The provision of permanent upgraded fencing along Meldreth Road, the provision of a new access point (gate) and permanent access along the eastern side of the railway for rail maintenance staff. A below ground turning chamber will also be installed.	003, 004 and 006
A permanent upgraded fence will be installed to prevent public access to the railway. Land parcel 007 would be located behind the upgraded fence.	005 and 007
A below ground turning chamber will be installed with upgraded fencing and permanent barrier equipment.	010
A REB will be installed. The land will also be used for cable troughing and the creation of hard-standing footpaths. Guard rails and fencing will also be installed.	101
The current title of this land parcel is unknown. It forms part of an access road that NR will require permanent access over as part of the Project. No works are proposed on this land parcel.	201
The western extent of land parcel 304 is no longer required following discussions with Cambridgeshire County Council and detailed design. The remainder of the land parcels are required for the installation of permanent barrier equipment, fencing, a below ground turning chamber and anti-trespass guards.	301 and 304
These parcels are required for the installation of a permanent level crossing road traffic light signal related to the upgraded barrier..	401 and 407
These parcels are required for the installation of a permanent level crossing road traffic light signal related to the upgraded barrier.	402 and 406
These parcels are required for the installation of a permanent level crossing road traffic light signal related to the upgraded barrier and the installation of fencing to prevent public access to the railway.	603
This parcel is required for the installation of a permanent level crossing road traffic light signal related to the upgraded barrier.	604

These parcels are required for the installation of upgraded fencing and railway infrastructure.	703 and 705
These parcels are required for the installation of a permanent level crossing road traffic light signal related to the upgraded barrier and installation of fencing to preclude public access to the railway.	902 and 904
This parcel is required for a permanent railway compound that will house a REB, control and power supply apparatus as well as a second modular building containing a generator which provides an uninterrupted power supply to the railway. The area will be fenced and will allow for parking by rail maintenance staff.	906
This parcel is required for the installation of barrier equipment, upgraded fencing, below ground infrastructure and amendments to the footway that runs parallel to the highway.	908
This parcel is required for the installation of barrier equipment, upgraded fencing, below ground infrastructure and amendments to the footway that runs parallel to the highway.	910
This parcel is required for the installation of a permanent level crossing road traffic light signal related to the upgraded barrier and installation of fencing to preclude public access to the railway.	911

- 6.12 The permanent land take, as proposed in the draft Order, has been identified based on the required placement of the upgraded level crossing barrier equipment and its future maintenance requirements. As the proposed works are upgrades to existing infrastructure at existing level crossings, there are limited opportunities to locate equipment in other locations i.e. the barrier equipment and ancillary works are by definition required in each corner of a level crossing as tight to the railway as possible.
- 6.13 Publicly owned land has been prioritised for use wherever possible. Private third-party land has only been considered where no suitable alternative land is available, and discussions were undertaken with the relevant landowners through NR's property agent; Brown & Co.
- 6.14 The proposed permanent land take and the design that informs this has been optioneered through NR's GRIP process with GRIP 3 (Option Selection) and informed by "approved in principle" drawings. Further refinement of the final land take is ongoing as part of GRIP 4 (Single Option Selection) and through discussions with the relevant landowners.

#### **Permanent acquisition of rights over land**

- 6.15 Powers to permanently acquire rights over land are sought in the draft Order where land does not need to be acquired outright, but rights over that land are required – for example a right of access for maintenance purposes on an on-going basis. Plots where such powers have been included in the draft Order are set out in Table 5 below:



Table 5: Plots for permanent acquisition of rights over land at structures

Plots	Purpose
001	Permanent rights are required for pedestrian access for use by maintainers around the perimeter of the secure compound proposed on land parcel 002 to allow access to NR's fence line along the western side of the railway.
100	Permanent rights are required for pedestrian access for use by maintainers around the perimeter of the REB proposed on land parcel 101. The REB will house railway signalling, telecom and electrical assets.
300, 302, 303, 308 and 312	Permanent rights are required for pedestrian access for use by maintainers to access the level crossing signalling and scanner equipment located to the north of Station House.
306	Due to the required land take for the new barrier equipment to the west, this land parcel will allow for a permanent right of access for landowner to the rear of their property.
405	Permanent vehicular access from adopted highway to REB and surrounding compound located to the north of the railway for use by maintainers. The REB will house railway signalling, telecom and electrical assets.
900	It is proposed at land parcel 906 to install a secure compound for railway and level crossing control equipment. This will contain a REB, control and power supply apparatus as well as a second modular building containing a generator which provides an uninterrupted power supply to the railway. Land parcel 900 is required to provide permanent vehicular access from adopted highway to this compound for use by maintainers.
905	Permanent pedestrian access around exterior perimeter of the level crossing barrier equipment and to the proposed compound to be located in land parcel 906 for use by maintainers.
907	Land parcel 907 will provide pedestrian access around the perimeter of the secure compound proposed in land parcel 906.
909	Permanent rights are required for pedestrian access for use by maintainers to access the level crossing signalling and scanner equipment.

- 6.16 Land parcels have been selected for permanent rights based on the required placement of the upgraded level crossing barrier equipment and its future maintenance requirements. Publicly-owned land has been prioritised for use wherever possible. Private third-party land has only

been considered where no suitable alternatives to access the required infrastructure is available with discussions undertaken with the relevant landowners through NR's property agent Brown & Co.

- 6.17 The proposed permanent rights and the design that informs this has been optioneered through NR's GRIP process with GRIP 3 (Option Selection) Approved in Principle drawings informing this. Further refinement of the final land take and the final route for any rights is ongoing as part of GRIP 4 (Single Option Selection) and through discussions with the relevant landowner.

#### **Temporary use of land for construction purposes**

- 6.18 Powers to use land temporarily for the purposes of construction are included in the draft order.
- 6.19 Land is required for a number of temporary worksites to facilitate the permanent works in various locations. The worksites will include, amongst other things, temporary construction areas and a car park. Plots where such powers have been included in the draft Order are set out in Table 6 below:

*Table 6: Plots for temporary use of land for construction purposes at structures*

<b>Plots</b>	<b>Purpose</b>
300, 302, 303, 306, 308, 309, 310, 311 and 312	These plots are required to provide temporary vehicular and pedestrian access and for use as a construction area
400, 404, 405, 408, 409, 410 and 412	These plots are required to provide temporary vehicular and pedestrian access including construction area
602	This plot is required to provide a temporary construction area
700	This plot is required to provide a temporary car park
805	This plot is required to provide a temporary construction area and new temporary access into adopted highway
902, 903, 905, 907 and 909	These plots are required to provide a temporary vehicular access and a construction area

- 6.20 Land parcels have been selected for use as temporary construction compounds and related accesses based on the required placement of the upgraded level crossing barrier equipment. The final construction compound areas have been informed by a Construction logistics review by NR's principal contractor Alstom and through discussions with the relevant landowners through NR's property agent: Brown & Co.

#### **Temporary use of land for access purposes**

- 6.21 Powers to use land temporarily for access purposes are required to facilitate the construction of the Project. This is a 'lesser' power compared to the power of temporary possession described above and is sought over land where exclusive possession is not required during construction (e.g. for the purposes of providing a worksite) and where permanent rights are not required for the purposes of the maintenance and operation of the Project.

- 6.22 NR is taking the approach of 'separating' out these two categories of temporary powers so as to ensure that no 'greater' powers over land are sought than is absolutely necessary to facilitate construction of the Project. Plots where the power of access have been included in the draft Order are as set out in Table 7 below:

*Table 7: Plots for temporary use of land for access and oversailing purposes*

<b>Plots</b>	<b>Purpose</b>
104	Temporary access for construction vehicles/contractor staff to access land parcel 101 off High Street for the installation of the REB and ancillary works.
404	Temporary access for contractor staff to access land parcel 406 and 408 off Station Road for the installation of upgraded barrier equipment and ancillary works.
411	Temporary access for construction vehicles and contractor staff to access land parcel 412 (a temporary construction compound) related to the installation of the REB and power supply point adjacent to the railway.
600	Temporary access for construction vehicles and contractor staff to access land parcel 601 (a temporary construction compound).
701 and 702	Temporary access to the temporary staff car park at Waterbeach Station (land parcel 700).
807	Temporary access for construction vehicles and contractor staff to access land parcel 805 (a temporary construction compound).
905 and 907	Temporary access for construction vehicles and contractor staff to access land parcels 903 and 906 for the period of construction.
909	Temporary access for construction vehicles and contractor staff to access the railway on the northeastern corner during construction works.

- 6.23 Land parcels have been selected for use as temporary access areas based on the required placement of the upgraded level crossings barrier equipment and access to the existing railway. The final construction compound areas have been informed by a construction logistics review by NR's principal contractor Alstom and through discussions with the relevant landowners through NR's property agent: Brown & Co.

#### **Current status of negotiations with landowners**

- 6.24 NR's aim is to minimise the need to exercise the compulsory acquisition powers being sought in the Order. To achieve that aim it has engaged with affected landowners to negotiate by agreement the right to acquire the necessary land interests or rights. Where that has not been possible in the time available, the aim is to agree the terms of acquisition and in the case of temporary land, the purposes for which that land will be required.

6.25 A summary of the private treaty negotiations as at the date of this Statement is provided in Table 8 below.

*Table 8: Summary of private treaty negotiations*

Land Parcel	Freehold owners or reputed freehold owners	Summary of private treaty negotiations
001 and 002	Thomas George Pepper and William Edward Pepper	Heads of Terms have been signed for both land parcels (dated 23 August 2022). The land purchase is targeted to be completed end of January 2023.
005, 006, 007, 009, 010, 304, 307, 308, 309, 312, 403, 700, 701, 702, 703, 704, 705 and 807	Cambridgeshire County Council	<p>NR held a number of workshops with the County Council and agreed to reduce the extent of the proposed permanent acquisition, as well as the extent of stopping up powers to align more tightly with the final permanent works. The details of this at each relevant level crossing area are still being finalised for agreement with the County Council A response from the County Council is currently awaited on the revised proposals.</p> <p>In relation to the proposed temporary acquisition of car parking spaces at Waterbeach Station Car Park (land parcel 700) – the parties have agreed to enter into a lease and the associated side agreement which provides that:</p> <ul style="list-style-type: none"> <li>• no part of the land which is subject to the lease will be acquired compulsorily (notwithstanding provisions of the Order); and</li> <li>• the exercise by NR of the powers and rights under the Order will be subject to the terms of the agreement.</li> </ul> <p>The lease has been executed on behalf of both parties and will be completed simultaneously with the side agreement. At the date of this Statement, the side agreement is with the Council for execution. Once the agreements have been sealed by the Council, NR will arrange execution on behalf of NR and the subsequent completion of both documents.</p>
100, 101 and 104	Randle Charles Roderick Feilden, Fiona Caroline Bryant and James Dougals Eden Bryant	<p>The following has been agreed with the relevant landowner on 30 September 2022:</p> <ul style="list-style-type: none"> <li>• Heads of Terms for the acquisition of land;</li> <li>• Licence Agreement for temporary access during the works period; and</li> </ul>

		<ul style="list-style-type: none"> <li>Licence Agreement for temporary access to obtain any surveys for the planning application.</li> </ul>
300, 305, 306 and 310	Philip David Woodley and Stephanie Hannah Woodley	Updated Heads of Terms were provided to the relevant landowner on 4 January 2022. NR is awaiting a response from the landowner's solicitor.
301, 302 and 311	Evan Richard Gard	Draft Heads of Terms were sent to the landowner on 4 December 2022 but are subject to further negotiations.
400, 404 and 406	Michael Mingay	Draft Heads of Terms were sent to the landowner on 17 October 2022, but are subject to further negotiations.
405, 411 and 412	Simon Fred Boyton Taylor	Draft Heads of Terms were sent to the landowner on 1 December 2022, but are subject to further negotiations.
600 and 602	Roy William Guy and Richard Donald Oughton	Discussions with the landowners are ongoing with a view of securing the necessary land take by private agreements.
805	Trevor James Smith and Davina Helen Harvey	Licence agreements sent to the landowner on 3 October 2022 and signed on 25 October 2022.
900, 903, 904, 905, 906, 907, 908 and 909	The Kilverstone Estate	Heads of Terms were agreed in October 2022, but await the final sign off by both parties. NR have recently met with the objectors' agent to agree a way forward. NR's proposal is that a side agreement is entered into ensuring that none of the landowner's land is acquired compulsorily pursuant to the provisions of the Order, in consideration of the landowner entering into the necessary private agreements.

### Compensation matters

- 6.26 Landowners who have land or an interest in land acquired from them, or their land used temporarily, will be entitled to compensation, and landowners whose property is affected by the works authorised by the Order may also be entitled to compensation in certain circumstances.
- 6.27 The draft Order, at articles 5 and 6, applies Part 1 of the Compulsory Purchase Act 1965 **[APP27]** and the 1981 Act which, through their application, have the effect of requiring NR to pay compensation to parties that qualify under what is termed the 'Compensation Code'. The Code is a combination of statutory provisions in a number of enactments and legal precedents. The draft Order also includes specific provisions around the calculation of compensation in this context, at article 10, covering the disregard of certain interests and improvements in the value of land retained by an affected landowner.

- 6.28 In addition, the draft Order expressly provides for the payment of compensation to any person that suffers loss through the exercise of the powers in articles 3 (stopping up of streets), 8 (temporary use of land in connection with the development), 9 (temporary use of land for oversailing and access) and 11 (extinction or suspension of private rights of way).

### **European Convention on Human Rights**

- 6.29 The powers over land sought in the draft Order are necessary to facilitate the construction, operation and maintenance of the Project. The land requirements have been carefully considered and limited as far as possible, to ensure they are proportionate.
- 6.30 The approach to be taken when considering the compulsory acquisition of land and rights is summarised in paragraph 12 of the Department for Levelling Up, Housing and Communities (DLUHC) July 2019 Guidance on Compulsory Purchase Process and the Crichel Down Rules **[APP26]**, which states that compulsory purchase powers should only be given where there is *"a compelling case in the public interest"*.
- 6.31 The Guidance makes it clear that an acquiring authority should be sure that the purposes for which it is making a compulsory purchase order sufficiently justify interfering with the human rights of those with an interest in the land affected. In making this assessment, the person seeking to acquire the land should have regard, in particular, to the provisions of Article 1 of the First Protocol to the European Convention on Human Rights and, in the case of a dwelling, Article 8 of the Convention. These are summarised and considered below.
- 6.32 Article 1 of the First Protocol to the European Convention on Human Rights states that:
- "Every natural or legal person is entitled to the peaceful enjoyment of his possessions. No one shall be deprived of his possessions except in the public interest and subject to the conditions provided for by the law and by the general principles of international law.*
- The preceding provisions shall not, however, in any way impair the right of a State to enforce such laws as it deems necessary to control the use of property in accordance with the general interest or to secure the payment of taxes or other contributions or penalties."*
- 6.33 Article 1 is a qualified right in that no one shall be deprived of his possessions *"except in the public interest and subject to the conditions provided for by law"*.
- 6.34 Whilst occupiers and owners of land will be deprived of their property if the Order is made, this will be done in accordance with the law. By enacting the 1992 Act, the Government has determined that, subject to procedural safeguards, it can be in the public interest for individuals to be deprived of their land for railway purposes. The Order is being pursued in the public interest as required by Article 1 of the First Protocol. The public benefits associated with the Project, which would be facilitated in part by the Order, are set out earlier in this Statement. NR considers that the Order will strike a fair balance between the public interest in the implementation of the Project and those private rights which will be affected by the Order.
- 6.35 In addition, as set out above, where land, or rights over land, are authorised to be compulsorily purchased by the making of the Order, compensation will be payable. Where disputes as to the amount of compensation arise, these may be referred for independent consideration by the Upper Tribunal.
- 6.36 NR considers that there is a compelling case in the public interest for compulsory acquisition powers to be granted as part of the order. The Order, including the requirement to pay compensation, strikes a fair and proportionate balance between the private interests of affected

landowners and the public interest in securing the benefits of the project. Therefore, the interference with Convention rights is justified.

## 7 JUSTIFICATION FOR SAFETY UPGRADES AT LEVEL CROSSINGS

### Level Crossings and NR's duties

- 7.1 Level crossings not only present a risk to the individual user but where they facilitate vehicular access over the railway, they also increase the likelihood of a potentially high-risk train accident and therefore, present one of the principal public safety risks on the railway. Each level crossing presents different arrangements and risks and therefore each level crossing is considered individually.
- 7.2 Level crossing safety is a priority for the ORR, the independent safety and economic regulator for Britain's railway. It is responsible for ensuring that railway operators comply with health and safety law. The ORR have recently issued their annual safety statistics, including accidents and safety incidents to passengers, workforce and members of the public. The report provides that level crossings continue to be a major source of risk on the railway. The moving annual average for all level crossing events had worsened by 15.9% by the end of the year and fatalities at crossings worsened considerably. There was a total of seven level crossing fatalities over the year. This is three more than last year and two more than each of the preceding years<sup>2</sup>.
- 7.3 NR have an explicit legal duty under the Health and Safety at Work etc. Act 1974 (**HSWA**) [APP28] to, so far as reasonably practicable, not expose passengers, the public and/or workforce to risk at NR level crossings.
- 7.4 In NR's experience, the most effective way of reducing level crossing risk is to eliminate the crossing completely by closing it. Where this cannot be done, NR will look at options to make the crossing safe. 'Enhancing Level Crossing Safety'<sup>3</sup> is NR's strategy to manage the safety and reliability of level crossings in Great Britain for the next 10 years. It is aligned to the rail industry strategy 'Leading Health and Safety on Britain's Railway'<sup>4</sup> which targets improved safety at level crossings as one of its 12 key priorities.
- 7.5 To inform the justification for the safety upgrade of a level crossing Risk Assessments are undertaken by NR and updated on an ongoing basis. The frequency at which NR assesses a level crossing is dependent on the level of risk the crossing poses, but generally is undertaken at intervals of between one and three years or if any significant changes are made.

### Level Crossings Risk Assessments

- 7.6 There are three aspects to a Risk Assessment which are carried out in respect of each level crossing, namely:
- a) On site data collection;
  - b) All Level Crossing Risk Model (**ALCRM**); and
  - c) Narrative Risk Assessment.
- 7.7 ALCRM is a web-based risk tool used by NR to support it in managing the risk to crossing users, passengers and rail staff by assessing the risks at each crossing and targeting those crossings

---

<sup>2</sup> <https://www.orr.gov.uk/sites/default/files/2022-08/annual-health-and-safety-report-2021-22.pdf>

<sup>3</sup> <https://www.networkrail.co.uk/wp-content/uploads/2020/03/Enhancing-Level-Crossing-Safety-2019-2029.pdf>

<sup>4</sup> [Leading-health-and-safety-on-britains-railway-issue-3-november-2020.pdf](https://www.networkrail.co.uk/wp-content/uploads/2020/03/Leading-health-and-safety-on-britains-railway-issue-3-november-2020.pdf) (rssb.co.uk)

with the highest risk for remedial measures. The ALCRM is used to provide a consistent basis for assessing risk at each level crossing so that NR can allocate resources to the highest risk crossings.

- 7.8 The risk assessments, as set out in ALCRM, are expressed in terms of the crossings risk to individual users (the Individual Risk Per Traverse) presented as a single letter (with A being the highest risk and M being the lowest risk).
- 7.9 The Narrative Risk Assessment (**NRA**) is based on two elements:
- a) a quantitative one (calculated risk model using ALCRM); and
  - b) a qualitative one (structured expert judgement).
- 7.10 The full set of Risk Assessments produced by SOTERA Risk Solutions (SOTERA assessments) is enclosed with this Statement [**APP11 – APP17**]. Also enclosed [**APP43 – APP49**] are the individual Narrative Risk Assessments for each crossing which have been produced by the Level Crossing Manager (**LCM**) responsible for that particular crossing.
- 7.11 NR's level crossing team supports NR's level crossing risk management process by providing a consistent methodology for assessing the safety risks to crossing users, train passengers and train staff at level crossings on NR's controlled infrastructure.
- 7.12 The focus of the Risk Assessment process is not to make the decision for the Project, but to equip stakeholders with the supporting information they need to make decisions on available options for upgrading of level crossings, which fall broadly in three categories:
- a) closure and re-routing;
  - b) closure and bridge/underpass; and
  - c) crossing upgrade.

#### AHB, MHB-OD and MHB-CCTV Crossings

- 7.13 Six of the seven level crossings for which powers are sought within the draft Order are Automatic Half Barrier (**AHB**) type crossings. An AHB crossing operates when an independent treadle arm located on the track is activated by being pushed down by the train wheels. This then activates the Red Traffic Lights, Yodal Alarms and half barriers located at the AHB and closes the highway, on the near side of each carriageway, to oncoming vehicles and pedestrians. When the train passes over the crossing another treadle is activated which then raises the barriers and resets the crossing back to its dormant state. This sequence of events is not interlocked with any signalling equipment and is, therefore, independent of that signalling. Therefore, once the treadle is activated, the train will pass over the crossing regardless of whether a vehicle or person may be stuck on that crossing.
- 7.14 The overall ALCRM for the entire network identifies that, while AHB crossings account for just 6% of the total estate, they hold 32% of total modelled risk, and 75% of AHB level crossings require the user to make the decision on whether it is safe to cross. AHB type crossings are, therefore, higher risk crossings compared to other types of crossings or full closures.
- 7.15 With an obstacle detection (**OD**) system, low and higher level radars scan the crossing and ensure the crossing is free from obstacles before the signalling system allows a train to pass over the crossing.



- 7.16 With a CCTV system the signaller visually checks the crossing on a CCTV monitor to ensure it is free from obstacles before pushing a "crossing clear button", which then activates the crossing.
- 7.17 Both systems are, therefore, interlocked and integrated to the signalling system thereby providing a much greater degree of protection for vehicle or pedestrian users as a train cannot pass over the crossing if it is obstructed in any way and both sides of the highway carriageway are barriered off to prevent any person or vehicle from entering the crossing.

#### Proposed upgrades

- 7.18 Current ALCRM Score for each level crossing, as well as the proposed upgrades are described in Table 9.
- 7.19 It is important to also note that each level crossing and its related equipment has an estimated life expectancy. This is defined through NR's use of the Signalling Infrastructure Condition Assessment (**SICA**) tool. The SICA renewal dates for each level crossing are also set out in Table 9.

*Table 9: Existing Level Crossings Type, ALCRM and Proposed Upgrade*

Name	Post Code	Existing Level Crossing Type	SICA Renewal Date <sup>5</sup>	ALCRM Score		Proposed Level Crossing Type
				Individual Risk Per Traverse <sup>6</sup>	Collective risk <sup>7</sup>	
Milton Fen	CB24 6AF	Automatic Half Barrier	2021	D	2	Manually Controlled Barriers monitored by Obstacle Detection ( <b>MCB-OD</b> )
Dimmock's Cote	CB6 3LJ	Automatic Half Barrier	2023	E	2	Manually Controlled Barriers monitored by Obstacle Detection

<sup>5</sup> Signalling Infrastructure Condition Assessment (SICA), namely date by which renewal of the crossing will be required as assessed by the Route Asset Management Team

<sup>6</sup> The Individual Risk Per Traverse (**RPT**) indicates how dangerous a crossing is regardless of usage level. RPT makes no assumptions about a 'typical user' and expresses risk in a numerical representation of FWI/Traverse. It is basically the measure of the likelihood of being truck/killed or injured by a train every time the crossing is traversed. It is presented as a single letter A to M (A is the highest risk, L is the lowest risk and M is zero risk (e.g.: temporary closed, dormant or crossings on mothballed lines))

<sup>7</sup> Allocates collective risk into rankings 1 to 13 (1 is highest, 12 is lowest and 13 is 'zero risk' e.g. temporary closed dormant or crossings on mothballed lines).

Six Mile Bottom	CB8 0UJ	Automatic Half Barrier	2029	H	4	Manually Controlled Barriers monitored by Obstacle Detection
Dullingham	CB8 9UT	Manned Gate (MGH)	2023	K	7	Manually Controlled Barriers monitored by Obstacle Detection
Croxton	IP24 2RQ	Automatic Half Barrier	2025	G	3	Manually Controlled Barriers monitored by Obstacle Detection
Waterbeach	CB25 9HS	Automatic Half Barrier	2021	D	2	Manually Controlled Barriers monitored by Obstacle Detection
Meldreth	SG8 6XA	Automatic Half Barrier	2029	D	2	Manually Controlled Barrier with Closed Circuit Television (MCB-CCTV)
Foxton (Hauxton Road Level Crossing)	CB22 5HJ	N/A – New REB only – no works to Foxton level crossing				

- 7.20 NR have considered a number of options to reduce the risk at each level crossing, which were considered at a series of workshops with the Project design team and NR Safety Review Panel. These options were largely consistent with the options put forward by the LCMs in their own individual NRAs.
- 7.21 The options considered to enhance safety at each of the level crossings are set out in detail in the relevant risk assessments [APP11 – APP17] a summary of the options and the conclusions of the Risk Assessments provided below. Up to date individual NRAs are also included for each crossing [APP43 – APP49] and several of these assessments have been conducted after the original SOTERA Risk Assessments were produced for this project.

## **Milton Fen**

- 7.22 Milton Fen Level Crossing is currently an AHB Level Crossing and is proposed to be upgraded to an MCB-OD Level Crossing.
- 7.23 The existing crossing has an ALCRM score of D2 with the collective risk rating of 2 identifying it as a very high risk crossing.
- 7.24 The overall conclusions of both the SOTERA and LCM assessments were that the very high levels of risk at Milton Fen mean that the upgrade to MCB-OD will significantly reduce the risk at the crossing (a reduction in the ALCRM Score to F5) and is, therefore, justified.
- 7.25 The most significant risk at Milton Fen is the volume of footfall which far outweighs the vehicle numbers – a full barrier solution offers total closure to vehicles and improves safety for all types of users.

## **Dimmock's Cote**

- 7.26 Dimmocks Cote Level Crossing is currently an AHB Level Crossing and is proposed to be upgraded to an MCB-OD Level Crossing.
- 7.27 The existing crossing has an ALCRM score of E2 with the collective risk rating of 2 identifying it as an extremely high-risk crossing.
- 7.28 The option of a like for like replacement of the existing AHB Level Crossing has been considered and concluded to be not viable as it presents a very high level of risk and has a history of accidents and misuse. Furthermore, renewal of a level crossing with an ALCRM score of E2 as an AHB would be contrary to NR's strategy of upgrading higher risk AHB level crossings.
- 7.29 The overall conclusions of both the SOTERA and LCM assessments were that the extremely high levels of risk at Dimmocks Cote mean that the upgrade to MCB-OD will significantly reduce the risk at the crossing (a reduction in the ALCRM Score to I4) and is, therefore, justified.

## **Six Mile Bottom**

- 7.30 Six Mile Bottom is an AHB Level Crossing and is proposed to be upgraded to an MCB-OD Level Crossing.
- 7.31 The existing crossing has an ALCRM score of H4 with the collective risk rating of 4 identifying it as a medium to high-risk crossing.
- 7.32 The option of a like for like replacement of the existing AHB type crossing has been considered and concluded to be not viable. Renewal of a crossing with an ALCRM score of H4 as an AHB crossing would be contrary to NR's strategy of upgrading medium/high risk AHB crossings when renewal is required.
- 7.33 The overall conclusions of both the SOTERA and LCM assessments were that the very high levels of risk at Six Mile Bottom mean that the upgrade to MCB-OD will significantly reduce the risk at the crossing (a reduction in the ALCRM Score to K6) and is, therefore, justified.

## **Dullingham**

- 7.34 Dullingham Level Crossing is currently an MGH Level Crossing and is proposed to be upgraded to an MCB-OD Level Crossing.

- 7.35 The existing level crossing has an ALCRM score of K7 with the collective risk rating of 7 identifying it as moderate risk crossing.
- 7.36 The overall conclusions of both the SOTERA and LCM assessments were that the moderate risk levels of risk and the high operational cost of the MGH crossing type at Dullingham mean that the upgrade to MCB-OD will significantly reduce the risk to both NR members of staff and the general public (a reduction in the ALCRM Score to J6, which is an average score for a CCTV crossing) and reduce the operational cost of the crossing and is, therefore, justified.

#### **Croxton**

- 7.37 Croxton is an AHB level crossing and is proposed to be upgraded to an MCB-OD level crossing.
- 7.38 The existing crossing has an ALCRM score of G3 with the collective risk rating of 3 identifying it as a very high-risk crossing.
- 7.39 The overall conclusions of both the SOTERA and LCM assessments were that the very high levels of risk at Croxton mean that the upgrade to MCB-OD will significantly reduce the risk at the crossing (a reduction in the ALCRM Score to K6) and is, therefore, justified. An additional benefit of providing the MCB-OD solution at this crossing is that the ORR will sanction the removal of both 40mph Temporary Speed Restriction on the Up and Down lines that have been in place since 27 August 2012 costing over 10,500 delay minutes each year. Line speed can then be restored back to its 60mph limit.

#### **Waterbeach**

- 7.40 Waterbeach Level Crossing is currently an AHB Level Crossing and is proposed to be upgraded to an MCB-OD Level Crossing.
- 7.41 The existing crossing has an ALCRM score of D2 with the collective risk rating of 2 identifying it as an extremely high-risk crossing.
- 7.42 The option of a like for like replacement of the existing AHB crossing has been considered and concluded to be not viable as it presents a very high level of risk and has a history of accidents and misuse. Furthermore, renewal of a crossing with an ALCRM score of D2 as an AHB would be contrary to NR's strategy of upgrading higher risk AHB level crossings. The proposed upgrade is, therefore, justified.

#### **Meldreth**

- 7.43 Meldreth Level Crossing is an AHB Level Crossing and is proposed to be upgraded to an MCB-CCTV Level Crossing.
- 7.44 The existing crossing has an ALCRM score of D2 with the collective risk rating of 2 identifying it as a very high-risk crossing.
- 7.45 There is a potential to control the Meldreth Level Crossing from Foxton gate box at little or very low operational cost. However, operationally, having the same type of crossing as Shepreth Station (also an MCB-CCTV type crossing) is more straightforward. An MCB-CCTV crossing is therefore concluded to have a slightly lower capital cost, similar operational cost, and some operational simplicity benefit from having two similar type crossings between shared protecting signals.

- 7.46 The overall conclusions of both the SOTERA and LCM assessments were that the very high levels of risk at Meldreth crossing mean that the upgrade to an MCB-CCTV crossing will significantly reduce the risk at the crossing (a reduction in the ALCRM Score to H4) and is, therefore, justified.

## **8 CONSULTATION ON THE PROJECT**

### **Public consultation**

- 8.1 The local community has been engaged on the Project through information in local media and information on NR's website.
- 8.2 A single round of public consultation was carried out in March 2021. Noting Government Covid restrictions in place at the time, this event was undertaken primarily using digital techniques through NR Citizen Space and the Project website.
- 8.3 The event was publicised through a number of traditional consultation methods including leaflet drops, media advertisement and information boards at relevant stations.
- 8.4 The digital approach was supplemented by more traditional methods of consultation such as offers of direct written, e-mail or telephone correspondence with the Project Stakeholder Manager.
- 8.5 Presentations to key stakeholders including the local planning and highways authorities as well as local councillors were undertaken in January/February 2021 prior to the public consultation.
- 8.6 An information event concerning the final details of the Project and the Order was held in Autumn 2022.
- 8.7 NR remains committed to ongoing consultation and engagement with interested parties. This will continue as the Order progresses through the procedures process and beyond to completion of the Project.

### **Statutory consultation**

- 8.8 At the same time as the public consultation, statutory consultation in line with Schedules 5 and 6 of the 2006 Rules was also undertaken with:
- a) any landowners (or tenants or those with rights in same) potentially affected by the Project – undertaken by NR's agent (Brown and Co) and NR Property and Liabilities teams (Eastern Region);
  - b) any statutory bodies such as the Environment Agency, Natural England and Historic England, as well as other statutory consultees such as the Office of Rail and Road – undertaken by NR's Portfolio and Consent Managers along with their Transport Consultant (Modelling Group) and Consent Manager and the Projects Stakeholder Manager;
  - c) key stakeholders such as the local planning and highways authorities – undertaken by NR's Portfolio and Consent Managers along with their Transport Consultant (Modelling Group) and the Projects Stakeholder Manager; and

- d) strategic stakeholders such as MPs, Local Councillors and Parish Councils – undertaken by the Projects Stakeholder Manager and the Senior Communications Manager (Anglia).

## 9 FUNDING

As stated in the Funding Statement [APP6] the Project, including the Order Scheme inclusive of compensation and any acquisition of blighted land) is fully funded by the UK Government to the total estimated costs of £193.449m.

## 10 PROJECT DELIVERY

- 10.1 The £130 million contract to undertake development of the detailed design, delivery and commissioning of the Project was awarded to Alstom in February 2022.
- 10.2 Alstom will deliver the complete renewal of the signalling system for the Cambridge area to replace the existing equipment which was installed in the early 1980s and the undertake the level crossing upgrade works.
- 10.3 The following high level construction programme for the level crossing upgrade works has been produced on an assumed level of access that is to be agreed with the train and freight operators, as well as being subject to the ongoing private agreements negotiations. This logic will be further developed in line with design progressing during the detailed design stage (GRIP5).
- 10.4 The pre-commissioning stage of the works (this includes constructing the equipment ancillary works) will take place first with the commissioning stage (where the level crossing upgrades will be integrated into the wider signalling system and tested to verify project specification requirements are met) following, as set out in Table 10.

Level Crossing	Pre-commissioning	Commissioning
Meldreth	Quarter 4 2023/Quarter 1 2024	Quarter 1 2024
Milton Fen	Quarter 2 2024	Quarter 2 2024
Waterbeach	Quarter 2 2024	Quarter 2 2024
Dimmocks Cote	Quarter 2 2024	Quarter 2 2024
Croxton	Quarter 2 2024	Quarter 2 2024
Dullingham	Quarter 4 2024	Quarter 4 2024
Six Mile Bottom	Quarter 4 2024	Quarter 4 2024

## 11 OBJECTIONS AND REPRESENTATIONS

- 11.1 The Application was submitted to the Secretary of State on Friday 5 August 2022.
- 11.2 Any objections to, or other representations about, the proposals in the Application were to be sent to the Secretary of State for Transport by Friday 23 September 2022.

- 11.3 By the close of the objection period 30 letters of objection and 5 representations were received by the Secretary of State. Of the 30 objections, 5 were from 'statutory objectors' for the purposes of section 11(4) of the 1992 Act. An objection was also received from Mr Parmee and was initially treated as a statutory objection, but is no longer treated as such as described below.
- 11.4 The objections and representations are summarised in Table 12 and 13 below together with NR's comments on the same by reference to paragraphs within this Statement of Case.

#### **Statutory Objectors**

- 11.5 Out of 30 letters of objection received in relation to the Application, five objections were received from statutory objectors whose land is proposed to be acquired compulsorily pursuant to the provisions of the Order.

#### *Cambridgeshire County Council*

- 11.6 Cambridgeshire County Council (**CCC**) submitted a holding objection in relation to:
- a) the extent of the stopping up powers sought within the draft Order; and
  - b) proposed temporary use of car parking spaces at Waterbeach Station Car Park.
- 11.7 Since submission of the Application, NR has 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. More detailed design layouts in CAD drawings, topographical surveys and further details of road safety arrangements have been provided to CCC as part of these workshops and through e-mail correspondence.
- 11.8 CCC's comments have been carefully reviewed by NR, taken on board and incorporated into revised designs, which were issued to CCC for approval.
- 11.9 At the date of this Statement CCC's approval of the revised designs is still pending approval. However, provided CCC has no objections to the proposed revisions, NR will arrange for the draft Order, as well as the associated plans, to be amended accordingly.
- 11.10 In relation to the proposed temporary use of the CCC's property, known as car parking spaces at Waterbeach Station, a lease document has been agreed between NR and CCC. The lease will be accompanied by a Side Agreement (to be completed simultaneously with the lease) which will restrict exercise of the Order powers against any land of CCC which is subject to the lease.
- 11.11 At the date of this Statement the side agreement is with the Council for execution. As soon as the side agreement have been signed by the Council, NR will arrange for it to be executed on behalf of NR and completed simultaneously with the lease.

#### *Norfolk County Council*

- 11.12 Similarly to CCC, Norfolk County Council (**NCC**) requested further information in relation to the extent of the stopping up powers sought within the draft Order.
- 11.13 NR attended a workshop with NCC in November 2022 to discuss the extent of the stopping up powers required for the Project. NCC's comments have since been taken on board and revised designs issued to NCC for their approval.

- 11.14 Following the above information being provided, NCC has confirmed in writing that they are happy to remove their objection to the Order, subject to the details set out in NR's letter dated 19 January 2023. Confirmation of this has been provided by the Council to the DfT TIPU.

*Greater Cambridge Shared Planning Service*

- 11.15 The Greater Cambridge Shared Planning Service's (**GCSPS**) holding objection relates to potential traffic and environmental impacts of the proposed level crossings upgrades. GCSPS has also questioned NR's planning strategy.
- 11.16 NR submitted its formal response to GCSPS's holding objection on 8 December 2022.
- 11.17 NR considers that, while powers sought in the Order and the need for planning permission are linked, the correct consent regime for consideration of the issues raised by GCSPS is through the Town and Country Planning Act 1990 regime. As part of the Town and Country Planning Act regime, NR have undertaken and provided full traffic and environmental assessments in line with the relevant local planning authorities' validation lists for consideration by GCSPS. NR will continue to work with GCSPS to address any further requests for information and as part of the statutory consultation process that accompanies applications for the planning permissions (as further outlined above).

*J Cole (Kilverstone Estate) – Gary Jon Bowman: The Right Honourable Patrick Vavasour Fourth Baron Fisher of Kilverstone and Mills & Reeve Trust Corporation Limited (**Estate**)*

- 11.18 NR's property team has been liaising with the Estate and their agent in relation to an unrelated development scheme to the west of level crossing. As part of this negotiation, the parties agreed Heads of Terms which deal with, amongst other things, the proposed land take at Croxton Level Crossing sought under the Order.
- 11.19 As at the date of this Statement the Heads of Terms agreed with the Estate await final sign off by both parties. NR also recently met with the Estate to discuss removal of their objection and proposed that a side agreement is entered into to provide the Estate with the necessary comfort and restrict NR's powers to acquire any part of the Estate's land at the Croxton Level Crossing, notwithstanding provisions of the Order. As at the date of this Statement, NR is still awaiting the Estate's comments on their proposals.

*Mr Philip David Woodley*

- 11.20 NR's property team has been liaising with Mr Woodley in relation to the proposed construction works, as well as future access to Mr Woodley's property and 1 Station Cottages. As part of this negotiation, updated Heads of Terms were provided to Mr Woodley on 4 January 2023 and, at the date of this Statement, NR is awaiting approval of the same.

**Non-statutory objectors**

*Upgrade of Meldreth Level Crossing and potential traffic impacts*

- 11.21 The vast majority of objections received in relation to the Application relate to the proposed upgrade of Meldreth Level Crossing from an Automatic Half Barrier Crossing to a Manually Controlled Barrier with Closed Circuit Television. Objections also raise the potential traffic impacts of the upgrade resulting from longer barrier downtimes.
- 11.22 The issues raised in the objections do not relate to the powers proposed to be authorised by the Order, but planning permissions and deemed planning permissions which will authorise



works required as part of the Project (as further outlined above). Accordingly, it is considered that these issues are more appropriately considered and dealt with through the Town and Country Planning Act 1990 process and the related statutory consultation process.

- 11.23 Nonetheless, NR acknowledges that in making the case that there is a compelling case in the public interest for the grant of powers under the Order, it will need to address the merits and benefits of the proposed level crossings upgrades.
- 11.24 Prior to the Application being submitted NR sought to provide all interested parties with further information in relation to the proposed upgrades through the public consultation exercise in March 2021 and through undertaking Traffic Modelling, which was made available through the Project website. Interested parties were also provided with further information through a Frequently Asked Questions document (also made available via the Project website), and NR wrote and spoke to individual objectors.
- 11.25 Information in relation to the potential wider environmental impacts has also been considered through the environmental assessment process, which accompanies applications for planning permission submitted in relation to the Project.
- 11.26 In terms of the potential traffic impacts of the proposed level crossing upgrade, NR has undertaken Traffic Surveys and Modelling to assess the potential impacts of the increased barrier downtimes as each level crossing on all roads, users and the surrounding highway network. Meetings were also held throughout 2021/2022 with the affected highway authorities to agree the methodology for the Traffic Modelling. Traffic Surveys were subsequently undertaken in July 2021.
- 11.27 The following documentation and assessments have been produced and provided to the affected highways authorities:
- a) Level Crossing Study – Modelling Methodology;
  - b) Level Crossing Study – Local Model Validation; and
  - c) Level Crossing Study – Performance Report
- 11.28 The above was also made available via the Project website.
- 11.29 The Traffic Modelling **[APP42]** was based on 'do nothing' (which assessed the scenario with no upgrade, but including future traffic demand) and 'do something' (which included the proposed upgrade to MCB-CCTV level crossing, as well as future traffic demands) scenarios against the existing situation. These scenarios were then used to assess the network performance including the average delays that may be experienced by road users. The agreed scenarios for Meldreth level crossing are shown in Table 11 below with the increased barrier downtimes shown for each scenario.

*Table 11: Traffic Modelling Scenarios for Meldreth*

Scenario	Period – AM and PM	No. of times barrier called within period	Average Barrier Downtime (seconds)
<b>Base Model - Existing Barrier Downtime</b>	AM Peak - 08:00 to 09:00	10	62
	PM Peak - 16:30 to 17:30	9	62

<b>Do-Nothing scenario - No barrier upgrade and future traffic demand</b>	AM Peak - 08:00 to 09:00	12	62
	PM Peak - 16:30 to 17:30	10	62
<b>Do-Something Scenario - future traffic demand and proposed barrier upgrade</b>	AM Peak - 08:00 to 09:00	12	169
	PM Peak - 16:30 to 17:30	10	169

- 11.30 For the above scenarios the modelling shows that the 'do something' scenario would result in the existing 62 second barrier downtime increasing to 169 seconds in both the AM and PM peak – Downtimes would differ throughout the day depending on train timetables but these scenarios were modelled for both the AM and PM 'Peak' traffic periods to illustrate a reasonable worst case scenario.
- 11.31 Based on the above barrier downtimes and scenarios, an assessment of network performance on the road was undertaken. This showed that the average delay at Meldreth Road after the upgrade will increase as shown below:
- a) in the AM Peak the average delay will increase from the existing figure of 63.9 seconds to 91.8 seconds (an increase of 27.9 seconds);
  - b) in the PM Peak the average delay will increase from the existing figure of 50.8 seconds to 72.3 seconds (an increase of 21.5 seconds).
- 11.32 The Traffic Modelling also shows the following impacts resulting from the proposed upgrade:
- a) modest increases in the average and maximum queue lengths at the crossing. The highest increase is 52 metres, which is observed for the westbound direction in the AM peak. This equates to approximately 9 vehicles; and
  - b) the proposed upgrade will have a minimal impact on eastbound journey times (2 seconds) with an approximate 65 second delay to westbound traffic, which is not considered significant.
- 11.33 In summary the risk to public safety at level crossings depends on their configuration the volume of pedestrian and vehicle traffic traversing the crossing, and rail traffic and has been assessed through the Risk Assessment Method as noted above. The only way to eliminate this risk completely is to close each crossing.
- 11.34 However, as further identified above, in relation to Meldreth Level Crossing, NR consider its closure impracticable given the impact on local road networks, the distance to nearby level crossings and the related costs with greater potential environmental and social impacts.
- 11.35 NR's proposals to upgrade this level crossing therefore involves striking a balance between the convenience to local communities in being able to cross a railway and maintaining public safety in line with NR's legal requirements.
- 11.36 On balance, it is considered that the proposal will increase safety at this location and result in the least environmental and social impacts, noting that a 'Do Nothing' Scenario is not considered viable based on the existing ALCRM score (D2) at the level crossing.

- 11.37 The proposed MCB-CCTV option is considered to have a slightly lower capital cost, similar operational cost and some operational simplicity benefits resulting from having two similar type crossings between shared protecting signals. For these reasons, an MCB-CCTV type crossing is the preferred option at Meldreth Level Crossing.

*Alex Parmee*

- 11.38 Mr Parmee submitted an objection based on the traffic and environmental impacts of the proposed upgraded barrier at Meldreth level crossing. The objection also argued that land which is proposed to be acquired permanently pursuant to the provisions of the Order (land parcel 55) is within Mr Parmee's ownership boundary.
- 11.39 At the date of receipt of Mr Parmee's objection, the extent of his interest in the Order land was unclear. Accordingly, Mr Parmee was initially treated as a statutory objector for the purposes of the Order.
- 11.40 To clarify extent of Mr Parmee's land ownership both NR and Mr Parmee submitted applications to the Land Registry with a view to settling the question of ownership. The Land Registry has subsequently confirmed that the register has been updated and the Register now shows the full extent of land parcel 55 as owned by NR.
- 11.41 Therefore, at the date of this Statement of Case, Mr Parmee does not hold any interest in the Order Land. As such, he is no longer considered to be a statutory objector. Nevertheless, NR is continuing to engage with Mr Parmee with a view to ensuring his outstanding concerns are met and his objection to the Order withdrawn.

Table 12: Summary of objections

Objection		Grounds of Objection	NR's Position
<b>OBJ 01</b>	<b>E Spain</b>	No safety case for a double barrier at Meldreth Road Level Crossing. Increased downtime will result in air pollution and inconvenience to residents, as well as speeding to get across the Level Crossing.	As outlined in paragraphs 7.43 - 7.46 and 11.21 - 11.37 of this Statement of Case
<b>OBJ 02</b>	<b>G Goodchild</b>	<p>Objection to the proposed Meldreth Road Level Crossing upgrade:</p> <ul style="list-style-type: none"> <li>• there have been no incidents at the existing Level Crossing in 30 years;</li> <li>• the proposed changes will result in inconvenience to residents;</li> <li>• there has been no proper consultation in relation to the proposed changes;</li> <li>• vehicles often ignore box junctions.</li> </ul>	As outlined in paragraphs 7.43 - 7.46 and 11.21 - 11.37 of this Statement of Case
<b>OBJ 03</b>	<b>D Smith</b>	<p>Objection against the proposed Meldreth Road Level Crossing upgrade:</p> <ul style="list-style-type: none"> <li>• there is already a full barrier at the other crossing in Shepreth and the waiting times are unacceptable;</li> <li>• there are no reasons for the proposed upgrade;</li> <li>• increased downtime is likely to result in air and noise pollution as well as frustration of drivers, cyclists and pedestrians.</li> </ul> <p>Request for information in relation to costs of the proposed works.</p>	As outlined in paragraphs 7.43 - 7.46 and 11.21 - 11.37 of this Statement of Case
<b>OBJ 04</b>	<b>J Burn</b>	<p>Objection against the proposed Meldreth Road Level Crossing upgrade:</p> <ul style="list-style-type: none"> <li>• dramatic increase in waiting times;</li> </ul>	As outlined in paragraphs 7.43 - 7.46 and 11.21 - 11.37 of this Statement of Case

Objection		Grounds of Objection	NR's Position
		<ul style="list-style-type: none"> <li>speeding;</li> <li>no safety justification for the proposed upgrade;</li> <li>no proper consultation</li> </ul>	
<b>OBJ 05</b>	<b>M Prove</b>	<p>Objection against the proposed Meldreth Road Level Crossing upgrade:</p> <ul style="list-style-type: none"> <li>excessive traffic delays already occur at Foxton (A10) and Shepreth stations;</li> <li>a full barrier at the Meldreth Road (Shepreth) crossing would compound traffic flow further;</li> <li>traffic held up at crossing for a long duration encourages speeding.</li> </ul> <p>Explanation required:</p> <ol style="list-style-type: none"> <li>On the table "Impact to Level Crossings" – is this chart a desktop analysis or based on real life data?</li> <li>What the heading Queue length means? Also journey time and average delay.</li> </ol>	As outlined in paragraphs 7.43 - 7.46 and 11.21 - 11.37 of this Statement of Case
<b>OBJ 06</b>	<b>H Finlayson</b>	<p>Objection against the proposed Meldreth Road Level Crossing upgrade:</p> <ul style="list-style-type: none"> <li>existing crossing is safe and efficient and there are no reasons for the proposed upgrade;</li> <li>the proposed crossing will significantly extend waiting times, creating additional health and safety issues;</li> </ul>	As outlined in paragraphs 7.43 - 7.46 and 11.21 - 11.37 of this Statement of Case

Objection		Grounds of Objection	NR's Position
		<ul style="list-style-type: none"> <li>the change would cause a built up of traffic on a dangerous bend (Meldreth side) – risk to pedestrians in the road;</li> <li>long queues would form and would be likely to block the flow of traffic at peak times (Shepreth side).</li> </ul>	
<b>OBJ 07</b>	<b>B Smith</b>	Objection against the proposed upgrade of Meldreth Road Level Crossing – there have been no accidents attributable to the type of gate at the crossing in 40 years. Proposed upgrades will lead to longer downtimes which are already long.	As outlined in paragraphs 7.43 - 7.46 and 11.21 - 11.37 of this Statement of Case
<b>OBJ 08</b>	<b>T Davey</b>	Objection against the proposed upgrade of Meldreth Road Level Crossing – whilst the risk assessment suggests that improvement should be made, there are no reported cases of near miss at the site. The length of time the double barrier is closed can be very long.	As outlined in paragraphs 7.43 - 7.46 and 11.21 - 11.37 of this Statement of Case
<b>OBJ 09</b>	<b>M Lynch</b>	Objection against the proposed Meldreth Road Level Crossing upgrade – unnecessary as there are no recorded injuries at the crossing.	As outlined in paragraphs 7.43 - 7.46 and 11.21 - 11.37 of this Statement of Case
<b>OBJ 10</b>	<b>T Lynch</b>	Objection against the proposed Meldreth Road Level Crossing upgrade. The proposed upgrade will increase journey times and is an unnecessary expense to achieve a needless safety objective. No recorded injuries at the Level Crossing.	As outlined in paragraphs 7.43 - 7.46 and 11.21 - 11.37 of this Statement of Case
<b>OBJ 11</b>	<b>R Faires</b>	<p>Objection against the proposed Meldreth Road Level Crossing upgrade:</p> <ul style="list-style-type: none"> <li>no proper consultation;</li> <li>no proper modelling of the impact of the proposal;</li> <li>no safety reason for the proposed LX works;</li> </ul>	As outlined in paragraphs 7.43 - 7.46 and 11.21 - 11.37 of this Statement of Case

Objection		Grounds of Objection	NR's Position
		<ul style="list-style-type: none"> <li>significant impacts on journey times, emergency services routes and locals;</li> <li>there is a requirement for NR to identify complex track and signalling layouts which may lead to the excessive warning times as experienced in Shepreth, which are expected to occur at the Meldreth road crossing.</li> </ul>	
<b>OBJ 12</b>	<b>B Pankhurst</b>	<p>Objection against the proposed Meldreth Road Level Crossing upgrade:</p> <ul style="list-style-type: none"> <li>the existing barriers are efficient and there have been no historic incidents since 1995;</li> <li>the proposed upgrade will result in increased downtime.</li> </ul>	As outlined in paragraphs 7.43 - 7.46 and 11.21 - 11.37 of this Statement of Case
<b>OBJ 13</b>	<b>A Parmee (owner of 55 Meldreth Road – directly adjoining the railway)</b>	<p>Objection against the proposed Meldreth Road Level Crossing upgrade:</p> <ul style="list-style-type: none"> <li>no reason for upgrade – Level Crossing performs well as is;</li> <li>increased downtimes will lead to increased speeding;</li> <li>barrier down time findings in NR's analysis are incorrect;</li> <li>increased barrier downtime will make access to the objector's property more challenging;</li> <li>queues will create environmental pollution;</li> <li>proposals will result in the light pollution;</li> <li>larger crossing and new service yard will lead to a greater number of vehicles movements throughout the night;</li> </ul>	As outlined in paragraphs 7.43 - 7.46 and 11.21 - 11.37 of this Statement of Case

Objection		Grounds of Objection	NR's Position
		<ul style="list-style-type: none"> <li>proposed CCTV will affect the objector's privacy;</li> <li>proposed works will result in removal of well-established trees between the objector's property and the railway</li> </ul> <p>Areas which are proposed to be permanently acquired are within the objector's boundary and there has not been sufficient engagement from NR in relation to these parcels of land.</p>	
<b>OBJ 14</b>	<b>Fen Line Users Association</b>	<p>Objection to changing Waterbeach Level Crossing from AHB to MBC-OD:</p> <ul style="list-style-type: none"> <li>increased downtime;</li> <li>modelling is inconsistent.</li> </ul>	As outlined in paragraphs 7.40 - 7.42 of this Statement of Case
<b>OBJ 15</b>	<p><b>J Cole (Kilverstone Estate) – Gary John Bowman; the Right Honourable Patrick Vavasour Fourth Baron Fisher of Kilverstone and Mills &amp; Reeve Trust corporation Limited</b></p>	<p>Submissions:</p> <ul style="list-style-type: none"> <li>not enough information has been provided to assess the likely impacts of the proposed Scheme on their Estate and on the farm operations carried out on the Estate;</li> <li>unclear what are the likely heritage impacts of the Scheme on the pill box at Croxton Level Crossing (Norfolk Historic Environment Record 15052) – whilst outside order limits, physically within the boundary of Plot 905 and will be in close proximity to the Scheme works at Croxton;</li> <li>Croxton LX is used by agricultural vehicles – upgraded Level Crossing will increase the average and maximum queues of traffic at the crossing and will have a direct effect on the operational works of the Estate;</li> </ul>	As outlined in paragraphs 11.18 - 11.19 of this Statement of Case



Objection		Grounds of Objection	NR's Position
		<ul style="list-style-type: none"> <li>• impact on the setting of the World War II pill box w/n Plot 905 – Heritage Statement required.</li> </ul> <p>Objections:</p> <ul style="list-style-type: none"> <li>• Compulsory acquisition of land – unclear why such a significant part needs to be acquired and how it is proportionate to the Croxton LX works that are envisaged;</li> <li>• Impact of the Scheme on the Estate and lack of information (as further outlined above). The Estate owners are also concerned that the Scheme works will disrupt timing when harvesting crops;</li> <li>• Impact of the Scheme on the setting of a heritage asset (as further outlined above).</li> </ul>	
<b>OBJ 16</b>	<b>M Dodds</b>	<p>Objection against the proposed Meldreth Road Level Crossing upgrade:</p> <ul style="list-style-type: none"> <li>• unnecessary – no incidents at the crossing;</li> <li>• increased downtime resulting in people speeding to avoid waiting;</li> <li>• proposed changes worse for the local residents.</li> </ul>	As outlined in paragraphs 7.43 - 7.46 and 11.21 - 11.37 of this Statement of Case
<b>OBJ 17</b>	<b>H Wood</b>	<p>Objection against the proposed Meldreth Road Level Crossing upgrade:</p> <ul style="list-style-type: none"> <li>• no proper consultation or local awareness;</li> <li>• flawed analysis - traffic modelling is incorrect;</li> <li>• minimal/nil actual risk on rail;</li> </ul>	As outlined in paragraphs 7.43 - 7.46 and 11.21 - 11.37 of this Statement of Case

Objection		Grounds of Objection	NR's Position
		<ul style="list-style-type: none"> <li>increase to risk on road and to the community in emergencies;</li> <li>reduction of rail use</li> </ul>	
<b>OBJ 18</b>	<b>A Davis</b>	<p>Objection against the proposed Meldreth Road Level Crossing upgrade:</p> <ul style="list-style-type: none"> <li>the Level Crossing will become more dangerous as pedestrians often climb over the barrier;</li> <li>people speeding to avoid long waiting times;</li> <li>unnecessary to upgrade the crossing as there is no history of accidents.</li> </ul>	As outlined in paragraphs 7.43 - 7.46 and 11.21 - 11.37 of this Statement of Case
<b>OBJ 19</b>	<b>Cambridgeshire County Council</b>	<p>Scheme supported in principle, but objection on the basis of ensuring that the Council's position is protected:</p> <ul style="list-style-type: none"> <li>Council unable to determine the extent to which the plans impact on its assets;</li> <li>concerns that the proposed Order will negatively impact users of the public highway in terms of accessibility and safety;</li> <li>land parcels 005, 006 – stopping up considered unnecessary as proposed works can be delivered through an ordinary street works permit;</li> <li>land parcel 009 – proposed stopping up is excessive and may prejudice against the future management of the verge on the approach to the level crossing, and access to the adjacent ditch for maintenance by the adjoining private landowner;</li> </ul>	As outlined in paragraphs 11.6 - 11.11 of this Statement of Case

Objection		Grounds of Objection	NR's Position
		<ul style="list-style-type: none"> <li>land parcels 304, 401, 402, 403, 601, 603 – proposed stopping up is immediately adjacent to the carriageway – concerns in relation to safety, visibility and access implications of the proposals;</li> <li>land parcels 703 and 704 – proposed stopping up areas encroach into the pre-existing footways which present a safety and access concern.</li> </ul> <p>Council believes it necessary to seek protection of its highway assets, but remains hopeful that satisfactory amendments can be made to the draft Order. The Council is also prepared to reconsider its objections if sufficient information is provided by NR to justify that the stopping up proposals do not cause the concerns raised above.</p> <p>Council hopes for a consistent dialogue in relation to the impact the crossing scheme may have on traffic.</p>	
<b>OBJ 20</b>	<b>Norfolk County Council</b>	<p>Concerns in relation to the proposed acquisition of plots 902, 908 (in part) and 909 (in part) where the plots overlap with the Highway boundary.</p> <p>Concerns raised with regard to stopping up and the erection of a fence or similar structure in areas of highway in 902, 908 and 909 as these are likely to diminish the available visibility from the existing agricultural accesses onto the highway, which would be detrimental to highway safety.</p>	As outlined in paragraphs 11.12 - <b>Error! Reference source not found.</b> of this Statement of Case
<b>OBJ 21</b>	<b>A Mycroft</b>	<p>Objection against the proposed upgrade of Meldreth Road Level Crossing:</p> <ul style="list-style-type: none"> <li>increased downtime (50-second cycle would be four minutes);</li> <li>no need to replace accident-free crossing;</li> </ul>	As outlined in paragraphs 7.43 - 7.46 and 11.21 - 11.37 of this Statement of Case

Objection		Grounds of Objection	NR's Position
		<ul style="list-style-type: none"> <li>proposed upgrade and the associated increase in downtime will increase the risk of people trying to "jump" the crossing.</li> </ul>	
<b>OBJ 22</b>	<b>P Woodley</b>	<p>Objection against the proposed compulsory acquisition of the objector's land/right, as well as the proposed works:</p> <ul style="list-style-type: none"> <li>the proposed acquisition will have a large impact on how the land is currently used (as a parking area);</li> <li>new NR equipment will impede vision of entering and exiting the objector's property;</li> <li>the objector will lose a car parking space to accommodate their neighbours right of way;</li> <li>increased risk of misuse of the objector's land to optimise the neighbour's parking – negative impact on relationship and mental health;</li> <li>privacy concerns in relation to the new pedestrian access for maintenance of the new barriers and wigwags going through the objector's property;</li> <li>privacy concerns in relation to the proposed changes to the existing right of way (private – neighbour);</li> <li>risk of vandalism/theft;</li> <li>disturbance from new signals which will sound for longer periods;</li> </ul>	As outlined in paragraphs 6.25 and 11.20 and table 8 of this Statement of Case

Objection		Grounds of Objection	NR's Position
		<ul style="list-style-type: none"> <li>safety concerns – no clear plans on how the machinery, equipment and materials will be made safe whilst the work is being carried out and how the barrier machines will be secured once in place;</li> <li>not enough negotiation and time to consider NR proposals;</li> <li>devaluation of the objector's property.</li> </ul>	
<b>OBJ 23</b>	<b>S Nash</b>	Objection against the proposed Meldreth Road Level Crossing upgrade as it will result in an increased downtime.	As outlined in paragraphs 7.43 - 7.46 and 11.21 - 11.37 of this Statement of Case
<b>OBJ 24</b>	<b>H Duncan</b>	<p>Objection against the proposed Meldreth Road Level Crossing upgrade:</p> <ul style="list-style-type: none"> <li>changes not required – the crossing has no historical problems and is seldom used by pedestrians;</li> <li>the proposed changes will cause a dangerous 'rush to cross' the crossing to avoid delays and will send traffic to minor roads and villages not designed for heavier usage.</li> </ul>	As outlined in paragraphs 7.43 - 7.46 and 11.21 - 11.37 of this Statement of Case
<b>OBJ 25</b>	<b>Shepreth Parish Council</b>	<p>Objection against the proposed Meldreth Road Level Crossing upgrade:</p> <ul style="list-style-type: none"> <li>proposal will increase congestion, increase the difficulty of traffic flow and the risk of speeding;</li> <li>deterioration in air quality;</li> <li>risks will outweigh the minimal safety benefits;</li> </ul>	As outlined in paragraphs 7.43 - 7.46 and 11.21 - 11.37 of this Statement of Case

Objection		Grounds of Objection	NR's Position
		<ul style="list-style-type: none"> <li>conclusion that the effects on the village will be "minimal" is flawed and is based on an incorrect analysis; and</li> <li>the Parish Council requires consistent data specific to the Meldreth Road and Shepreth crossings to be collected, analysed and presented in a transparent and accessible manner before any final decision is made.</li> </ul>	
<b>OBJ 26</b>	<b>S Kennedy</b>	Objection against the proposed upgrade of Meldreth Road Level Crossing – the proposed upgrade will increase problems with traffic in the village and will increase traffic congestion.	As outlined in paragraphs 7.43 - 7.46 and 11.21 - 11.37 of this Statement of Case
<b>OBJ 27</b>	<b>Prof R James</b>	<p>Objection against the proposed Meldreth Road Level Crossing upgrade:</p> <ul style="list-style-type: none"> <li>increased downtime which will constitute a significant difference;</li> <li>no data provided on the impact of the changes on local traffic;</li> <li>the proposed full barrier will not provide any improvements – there are no reductions in risk;</li> <li>increased downtime is likely to result in more people speeding through the barrier.</li> </ul>	As outlined in paragraphs 7.43 - 7.46 and 11.21 - 11.37 of this Statement of Case
<b>OBJ 28</b>	<b>S Van de Ven (Meldreth, Shepreth and Foxton Community Rail Partnership)</b>	<p>Partnership objects to "the continuing failure of NR to consult with members of the local community, and its reliance on inaccurate and contradictory data pertaining to Level Crossing crossing safety data, in its case for Meldreth Road Level Crossing upgrade.</p> <p>Request for meaningful response to concerns and challenged raised in the original consultation response submitted to C3R in 2021.</p>	As outlined in paragraphs 7.43 - 7.46 and 11.21 - 11.37 of this Statement of Case

Objection		Grounds of Objection	NR's Position
<b>OBJ 29</b>	<b>J Beckett</b>	Concern over the proposal to replace half barrier level crossings and install full barrier level crossings. The wait time are considerably longer leaving frustrated car drivers, pedestrians and cyclists.	
<b>OBJ 30</b>	<b>V Davies</b>	<p>Objection against the proposed Meldreth Road Level Crossing upgrade:</p> <ul style="list-style-type: none"> <li>• proposed changes are unnecessary and unwanted;</li> <li>• locals have not been given adequate chance to object;</li> <li>• increased down time will cause congestion on the Shepreth side of the crossing (pas houses where people already have to park on the street);</li> <li>• on the Meldreth side it will cause pollution and congestion near the L-Moor nature reserve;</li> <li>• will make journeys "untenable";</li> <li>• the proposed upgrade will increase the risk of accidents (as people race to get over the crossing).</li> </ul>	As outlined in paragraphs 7.43 - 7.46 and 11.21 - 11.37 of this Statement of Case

Table 13: Summary of representations

Representation		Grounds/comments	NR's Position
<b>REP01</b>	<b>D Marsh</b>	<p>Objection against the proposed upgrade of Meldreth Road Level Crossing:</p> <ul style="list-style-type: none"> <li>• the proposed upgrade is unjustifiable;</li> </ul>	As outlined in paragraphs 7.43 - 7.46 and 11.21 - 11.37 of this Statement of Case

		<ul style="list-style-type: none"> <li>• there have not been any incidents at the Level Crossing;</li> <li>• the argument about safety of pedestrians "does not make sense" as there are no pavements on the Meldreth side of the crossing;</li> <li>• the proposal will result in an increased downtime;</li> <li>• unwelcome, costly and unnecessary change.</li> </ul>	
<b>REP02</b>	<p><b>Little Wilbraham and Six Mile Bottom Parish Council</b></p>	<p>It appears that all land outside the old station is being acquired compulsorily (cars are currently parked here for Station House and 1 Station Cottages) and the VISSIM model for SMB suggests there will be significant increased queue with the Do Something model, possibly justified (p39) because the longer barrier down time 'allows multiple trains to pass at once' – but this is a single track, with one train each way each hour.</p>	<p>The level crossing at Six Mile Bottom is proposed to be upgraded from a half to a full barrier solution. There is a half barrier currently installed on the south-west corner of the level crossing. Only land parcels 301 and 304 are being permanently acquired to allow for the installation of the full barrier on the south-east corner of the crossing. The remaining powers are sought on temporary basis to allow construction, with limited extent of rights being acquired permanently to allow provide permanent access for both NR and the landowners of Station House and 1 Station Cottages to maintain access and parking arrangements.</p> <p>Section 6.1.2 of the Performance Report – Level Crossing Study referred to was amended in November 2022 to address a drafting error in the report. This did not affect the modelling with a single track and the relevant train timetables used as its basis.</p>



<b>REP03</b>	<b>Sir and Lady D Wright</b>	<p>Objection against the proposed changes to Meldreth Road Level Crossing – local residents have not been provided with sufficient notice of the proposed change, which will cause considerable inconvenience to those traveling on Meldreth Road.</p> <p>Request that more comprehensive consideration is given to the proposal and fuller consultation undertaken with the local residents.</p>	As outlined in paragraphs 7.43 - 7.46 and 11.21 - 11.37 of this Statement of Case
<b>REP04</b>	<b>S Hatton</b>	<p>Concerns raised in relation to the proposed changes to Meldreth Road Level Crossing at Shepreth.</p> <p>Request for evidence of the number of safety incidents recorded at the crossing.</p> <p>Concerns about the length of time the gates will be down compared to the current set up.</p>	As outlined in paragraphs 7.43 - 7.46 and 11.21 - 11.37 of this Statement of Case
<b>REP05</b>	<b>Greater Cambridge Shared Partnership</b>	<p>Joint representation on behalf of Cambridge City Council and South Cambridgeshire District Council.</p> <p>Overall the Councils support the aims of the scheme and representation submitted by way of a holding objection only.</p> <p>The Councils make no comment on whether or not the proposed works fall within PD and reserve their position with regard to the need for planning permission/other permissions.</p> <p>Cambridge City Council property services team has not been consulted on the site to the south of Long Road bridge.</p> <p>The Councils submitted representations to NR's public consultation in April 2021 and to the consultation on the EIA screening request in July 2021 and are concerned that NR has not given proper consideration to all the issues raised, which can be summarised as follows:</p>	As outlined in paragraphs 7.43 - 7.46 and 11.21 - 11.37 of this Statement of Case

		<ul style="list-style-type: none"> <li>• strongly support the proposed signalling upgrades and the safety improvements to the LXs; However the principle of development should be balanced against the potential impacts of the scheme in terms of transport, access and safety, air quality and carbon emissions and other environmental impacts;</li> <li>• further assessment is required of impact of barrier down time on traffic within the locality and the wider highway network including avoiding unforeseen impacts, and the resulting potential reduction in air quality and carbon emissions;</li> <li>• further assessment is required of barrier down time and behavioural responses including additional risk taking, to ensure that improvements in rail safety should not result in a reduction in road safety;</li> <li>• consider accessibility for pedestrians, cyclists and equestrians as well as those with reduced mobility affected by the proposed LX changes;</li> <li>• further assessment of the impact of the conversion at Shepreth from half barrier to a full barrier on vehicles queuing in the village is required, including the combined impact with the existing full barrier within 500 metres on traffic;</li> <li>• consider future upgrades to ensure passive provision is provided, including at Six Mile Bottom LX;</li> <li>• diversion of the Definitive Line of the Public Footpath Waterbeach 21 should be regularised;</li> <li>• consultation with Natural England is required on the potential impact of the works at Shepreth on the L-Moor SSSI and at Dimmock's Close (East Cambridgeshire) on Cam Washes SSSI;</li> <li>• consultation with Historic England is required on the potential impact of works at Milton, Waterbeach and Little Shelford on Scheduled Ancient Monuments;</li> </ul>	
--	--	--	--

		<ul style="list-style-type: none"> <li>the potential impact of the proposed development on protected species, listed buildings, Air Quality Management Zones, works within Flood Zones 2 and 3 should be assessed through information submitted with the appropriate consent applications.</li> </ul> <p>The Councils have not received assurance from the Highways Authority that NR's modelling and the predicted impacts set out in the Traffic Modelling Report and a Level Crossing Study are supported.</p> <p>Methodology and conclusions set out in the risk assessments provided by NR are unclear. No acknowledgment has been made about the potential increase in risk from users seeking to cross before the barrier come down to avoid the longer wait times. NR required to provide satisfactory explanation of the risk assessment and the potential increase in risk resulting from the longer barrier down times.</p> <p>NR has not provided any assessment of the potential impact on air quality or carbon emissions. NR required to provide a satisfactory response including addressing the site-specific concerns raised by ward Councillors and Parish Councillors.</p> <p>The site to the south of Long Road bridge is within an area covered by a TPO. NR required to provide more information about the works in this area and an acceptable impact on protected trees.</p> <p>The Parish Council comment on the proposed upgrade of Meldreth Road LX – the Council is of the opinion that the proposal is under-researched and misleading and that a conclusion that will have a wide-ranging impact on the village is based on flawed data barely relevant to the LX in question. NR to provide transparent and proper analysis of site specific information for both Meldreth Road and Shepreth LXs before any final decision is taken.</p>	
--	--	--	--

## APPENDIX A

### APPLICANT'S LIST OF DOCUMENTS

The following is a list of documents which NR presently intends to refer to or put in evidence at the public inquiry. NR reserves the right to refer to further documents if and insofar as they may become relevant or necessary.

Ref.	APPLICATION DOCUMENTS
APP1	Draft Order
APP2	Explanatory Memorandum
APP3	Statement of Aims
APP4	Report summarising consultations undertaken
APP5	Declaration of the status of the Applicant
APP6	Funding statement
APP7	List of consents, permissions or licences under other enactments
APP8	Waiver direction given by the Secretary of State under rule 18 of the 2006 Rules
APP9	Land Plans
APP10	Book of Reference
	SCHEME DEVELOPMENT DOCUMENTS
APP11	Risk Assessment for Waterbeach AHB Level Crossing
APP12	Risk Assessment for Dimmocks Cote AHB Level Crossing
APP13	Risk Assessment for Milton Fen AHB Level Crossing
APP14	Risk Assessment for Meldreth AHB Level Crossing
APP15	Risk Assessment for Dullingham MCB Level Crossing
APP16	Risk Assessment for Six Mile Bottom AHB Level Crossing
APP17	Risk Assessment for Croxton AHB Level Crossing
	LEGISLATION AND GUIDANCE (RELEVANT EXTRACTS)
APP18	Transport and Works Act 1992 (Part 1 and Schedule 1)
APP19	Railways Act 1993 (Section 8)

APP20	The Railways and Other Guided Transport Systems (Safety) Regulations 2006
APP21	The European Union (Withdrawal) Act 2018 (Section 2)
APP22	Town and Country Planning (General Permitted Development) (England) Order 2015 (Part 8 and Part 18 of Schedule 2)
APP23	Transport and Works (Applications and Objections Procedure) (England and Wales) Rules 2006 (S.I. 2006 No. 1466)
APP24	Transport and Works (Model Clauses for Railways and Tramways) Order 2006 (S.I. 2006 No 1954)
APP25	Transport and Works (Inquiries Procedure) Rules 2004 (S.I. 2004 No. 2018)
APP26	Guidance on Compulsory Purchase Process and Crichel Down Rules (MHCLG, July 2019)
APP27	Compulsory Purchase Act 1965 (Part 1)
APP28	Health and Safety at Work etc. Act 1974
	<b>NATIONAL AND LOCAL PLANNING AND TRANSPORT POLICIES AND STRATEGIES AND GUIDANCE</b>
APP29	National Planning Policy Framework
APP30	Government White Paper (Creating growth, cutting carbon: Making Sustainable Transport happen) (2011)
APP31	National Policy Statement for National Networks
APP32	Breckland Local Plan 2019
APP33	South Cambridgeshire Local Development Plan 2018
APP34	East Cambridgeshire Local Plan 2015
APP35	Draft Cambridgeshire and Peterborough Local Transport and Connectivity Plan (May 2022)
APP36	Transport Strategy for Cambridge and South Cambridgeshire (TSCSC), 2014
APP37	Transport Strategy for East Cambridgeshire 2016
APP38	Norfolk County Council Local Transport Plan 4 Strategy (July 2022)
	<b>OTHER</b>
APP39	Traffic Modelling

APP40	Croxton (Thetford Road), Level Crossing Upgrade – Planning, Design and Access Statement (December 2022)
APP41	Meldreth Road (Shepreth) Level Crossing Upgrade – Planning, Design and Access Statement (November 2022)
APP42	Hauxton Level Crossing Upgrade – Planning, Design and Access Statement (November 2022)
APP43	Milton Fen AHB Crossing – Level Crossing Narrative Assessment
APP44	Dimmocks Cote AHB Crossing – Level Crossing Narrative Assessment
APP45	Six Mile Bottom AHB Crossing – Narrative Risk Assessment
APP46	Dullingham MGH Crossing – Narrative Risk Assessment
APP47	Croxton AHB Crossing – Narrative Risk Assessment
APP48	Waterbeach AHB Crossing – Narrative Risk Assessment
APP49	Meldreth Road AHB Crossing – Narrative Risk Assessment

## APPENDIX B

### LOCATIONS WHERE DOCUMENTS MAY BE INSPECTED

As required by Rule 7 of the Transport and Works (Inquiries Procedure) Rules 2004 the documents which the Applicant intends to refer to or put in evidence at the forthcoming inquiry (as listed in Appendix A) will be available for inspection and (where practicable and subject to the payment of a reasonable charge) may be copied at the locations listed below.

These documents will be available from Monday 23 January 2023 until the date of commencement of the inquiry.

A copy of every Statement of Case served by any other party and every document served with them will also be made available at these locations once received and copied by NR.

Location	Opening times
Cambridge Central Library, 7 Lion Yard, Cambridge CB2 3QD	Monday, Tuesday and Friday – 9.30am – 7pm Wednesday – 10.00am – 6pm Saturday – 12.00 – 4pm
Thetford Library, Raymond Street, Thetford IP24 2EA	Monday to Friday – 10.00am – 7.00pm Saturday and Sunday – 10.00am – 4.00pm