

RE: NETWORK RAIL (CAMBRIDGE RE-SIGNALLING) ORDER

CLOSING SUBMISSIONS ON BEHALF OF NETWORK RAIL

I. INTRODUCTION

1. The purpose of the draft Order before this Inquiry is to assist Network Rail in delivering the Cambridge re-signalling, re-lock and re-control project – also known as “C3R” (the “**Project**”). The Project involves: (a) renewing 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; and, (b) providing for the upgrade of 7 level crossings and ancillary works to deliver both safety and cost benefits when undertaken as part of the project. As updated in the oral evidence of Ms Heria, the Project is not now planned to be commissioned until 2025.
2. As set out in more detail below, the intended role of any Order granted as part of this application is relatively limited. The works themselves have been permitted under the planning process, whether through grants of full planning permission or by way of permitted development rights. In addition, the upgrades of the crossings themselves will be permitted through the level crossing order process. Rather, by this application Network Rail merely seeks powers to purchase rights in land compulsorily and to stop up highways in order to enable the works referred to above and subsequent operation.
3. These Closing Submissions are structured under the following headings:
 - a. A description of the interaction between the different consenting regimes relevant to the Project.
 - b. Response to each issue contained in the Statement of Matters.

- c. Response to each of the 6 objectors who appeared at the Inquiry.
- d. Response to the objectors who did not appear at the Inquiry.
- e. Conclusion.

II. INTERACTION OF THE CONSENTING REGIMES

4. As set out in the document, “List of Consents, Permissions or Licences under Other Enactments”¹ submitted as part of Network Rail’s application, the following consents, permissions or licences are required in order to commission the Project:
 - a. Planning permission for development associated with the upgrades to the level-crossings, pursuant to the Town and Country Planning Act 1990 and the Town and Country Planning (General Permitted Development) (England) Order 2015.
 - b. The Transport and Works Act Order which is the subject of this Inquiry for the purpose of acquiring land rights and stopping up highways.
 - c. Level Crossing Orders, involving amendments to existing Level Crossing Orders, pursuant to s.1 of the Level Crossings Act 1983.
 - d. Potentially, further powers in relation to highways, involving Highways Orders, licences and permits.
5. Planning permission has now been obtained for all level crossings.
6. In relation to Level Crossing Orders, the statutory regime was set out in the Note produced by Network Rail, dated 17 April 2023 (the “**LCO Note**”).² In essence, pursuant to the Level Crossings Act 1983:

¹ APP/07.

² INQ/26.

- a. The Secretary of State has the power to make an order providing for the protection of those using a level crossing: s.1(1). He may do so following a request by the operator of a crossing or of his own motion: s.1(6).
 - b. The operator of the crossing is under a duty to make such a request if the Office of Rail and Road (the “**ORR**”) gives written notice that in its opinion a request should be made: s.1(6A).
 - c. Before an operator makes a request for an order, it must consult the ORR and the local traffic authority about the draft order to be submitted: s.1(8)(a). Both the ORR and the local traffic authority have a period of at least 2 months to make representations to the Secretary of State: s.1(8A)(b).
 - d. The Secretary of State must take into account any advice given by or on behalf of the ORR: s.1(10B).
 - e. Such an order may make provision as the Secretary of State considers necessary or expedient for the safety or convenience of those using the crossing: s.1(2).
 - f. Once an order has been made, the operator of the crossing is under a duty to ensure it is complied with: s.1(3)(a). It is a criminal offence to fail to comply, subject to the defences that: (a) the contravention was due to the act or default of another person not being one of his employees; and (b) that he took all reasonable precautions and exercised all due diligence to avoid the contravention: regulation 3(1)-(2) of the Level Crossings Regulations 1997.
7. Pursuant to an Agreement made between the Secretary of State and the ORR under paragraph 7 of Schedule 3 to the Railways Act 2005, the ORR has agreed to perform the function set out in s.1 of the 1983 Act on behalf of the Secretary of State. This appears to be a similar relationship to that between the Planning Inspectorate and the Secretary of State – i.e. even though Inspectors will, in fact, be the persons making the decisions, the Secretary of State has overall legal responsibility for those decisions.

8. As a result of the planning regime and the level crossings regime, Network Rail's position is that there are some issues which ought not to be considered by the Inspector and Secretary of State for the purposes of the TWAO process. In particular, the highways impacts of the Project are not a material consideration or, alternatively, should be given minimal weight as part of the TWAO process. This is because:

- a. The impact of development on the highway network is formally part of the separate planning regime.

When determining whether planning permission should be granted following a full planning application, Local Planning Authorities must consider a development's impact on the highway network. For example, §111 of the NPPF states that development can be refused on highways grounds *"if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe."* In relation to the South Cambridgeshire Local Development Plan, Policy TI/2 deals with the transport implications of developments. In respect of these highways impacts, the Local Planning Authority was obliged to take into consideration the views of the relevant expert, the Highways Authority (Cambridgeshire County Council).

As for those upgrades in respect of which Network Rail has relied on permitted development rights, the Highways Authority has no formal involvement. But that is because Parliament has made the deliberate decision not to require highways impacts to be considered for development permitted by Parts 8 and 18 of Schedule 2 to the GPDO. The same is not the case for other Parts of the GPDO that do not apply here – see, by way of example only, paragraphs 2(1) or 3(1) of Classes M, N, O, P, Q, R, S, T of Part 3 of Schedule 2 to the GPDO and paragraph 5 of Class W of Part 3 which sets out the detail of the consideration that must be undertaken in respect of highways. In circumstances where Parliament has made this deliberate

decision in relation to Parts 8 and 18 of Schedule 2 to the GPDO, it would be inappropriate nonetheless to carry out such a highway assessment by the back-door as part of the TWAO process in the absence of an express requirement in the Transport and Works Act 1992.

That, of course, does not mean that highways impacts ought never to be considered as part of the TWAO process. Consideration will usually be appropriate if deemed planning permission has been sought pursuant to s.90 of the Town and Country Planning Act 1990. But such permission has not been sought here.

- b. In any event, as a matter of fact, in relation to both those upgrades where full planning applications have been made (Croxtan, Hauxton and Meldreth) and those in respect of which Network Rail has relied on permitted development rights, the Highways Authority *did* consider the impacts of the upgrades. It made no objection. By way of example, in an email to the Local Planning Authority on 10 January 2023, the Highways Authority stated:

“From a transport strategy / planning point of view we don’t have any further comments as the applications/notifications appear to do the same in traffic terms as the TWAO. There was no information attached to the applications/notifications in relation to traffic flows / transport modelling.

The modelling work was reviewed for the TWAO and we content with the methodology and content that the proposals would not have a significant impact.”

In his Proof and expanded upon in his oral evidence, Mr Contentin referred to the fact that he had several meetings with the Highways Authority discussing the methodology of his traffic modelling and the results.

- c. The impact of the upgrades on the highway network is also formally part of the separate Level Crossings Order regime. By s.1(8)(a) of the 1983 Act, the

Secretary of State must consult with the local traffic authority. As a matter of fact, Network Rail has been liaising with the local traffic authority at regular intervals.

9. As a result, Network Rail submits that the TWAO process is not the appropriate place to consider the highway impacts of the upgrades; by primary legislation, Parliament has designated two other consenting regimes to undertake that task. Alternatively, minimal weight should be given to any highways impacts that the Secretary of State considers will result from the upgrades.

III. STATEMENT OF MATTERS

(1) The aims and objectives of, and the need for, the proposed Cambridge Re-Signalling ("the Scheme"), including its effects on railway operations

10. The aims and objectives of, and the need for, the proposed Scheme are set out in the Proof of Evidence of Emily Heria, §§5.1-5.18 as well as in the Statement of Case, §§1.9-1.17.
11. The need for the Order Scheme is based on the following matters:
 - a. The Cambridge interlocking is now deemed life expired, having been installed and commissioned in 1982. It suffers from obsolete components, severe wire degradation and the Dullingham, Chippenham Junction and Bury St Edmunds Signal Boxes have reached the end of their useful lives. The effect is a decrease in asset reliability.
 - b. Without the Scheme, there would be reduced capacity on sections of the railway where increasing signalling failures would have the effect of putting certain routes or assets out of use.
 - c. The 7 level-crossings proposed to be upgraded are considered to pose significant safety risks for users of the crossing as well as Network Rail staff.

12. The key objectives of the Scheme are as follows:

- a. To improve the performance, reliability and maintainability of the signalling infrastructure. The life of the system will be extended by a further 35 years and will reduce equipment failures. For example, the three existing mechanical boxes at Dullingham, Chippenham Junction and Bury St Edmunds will allow crossings to be operated on a modern visual display unit control system.
- b. To renew existing assets to enable safe operation of the railway. The selected signalling option is a full renewal of existing interlocking and lineside equipment. This is by far the safest option as the renewal includes lineside cabling. Moreover, the replacement of the existing track circuits with axle counters, which count the trains coming in and out of a section of track by using its wheels, provides a more reliable and robust system.
- c. To reduce the operational cost of the railway.
- d. To improve the safety of the 7 level crossings to a significant degree and enable compliance with the ORR's requirement to improve safety by moving away from automatic half-barrier crossings.
- e. To save costs and disruption to rail and road users by combining the re-signalling element of the Scheme with the upgrades to the 7 level-crossings.
- f. For future-proofing. The Order Scheme will enable the Ely area capacity enhancements and the re-signalling of Peterborough-Ely-Kings Lynn once funding is received. It will also enable schemes for freight enhanced operations and cross-country national services. It will also make this area of the route ready for digital railway to be implemented in future.

- g. To undertake all of the above as soon as possible. Funding has been agreed for the whole Scheme to take place now. Separating out the level-crossing upgrades into a different project would lead to unknown delays; it is unclear when separate funding would be made available for the level-crossing upgrades if they were taken out of scope.

(2) The main alternative options considered by NR and the reasons for choosing the preferred option set out in the Order

- 13. The Scheme is, fundamentally, a renewal project; it is seeking to bring up to modern day standards assets that are several decades old. The only alternative would be not to undertake the renewal, which for the reasons set out above is no reasonable alternative at all.
- 14. In relation to the level-crossings, the reasons why each crossing is proposed to be upgraded are set out in Section 8 of the Proof of Evidence of John Prest. A menu of options were considered in the Narrative Risk Assessments for each level crossing.³ Interventions, such as footbridges, were considered and ruled out due to their cost. For example, the typical unit cost for footbridge installation by Network Rail is estimated at £6.9m. An underpass currently in development in Essex (for the purpose of closing a level-crossing) is estimated at £23m.⁴
- 15. The level-crossings upgrades are proposed to be undertaken as part of the wider Cambridge Re-Signalling Project, rather than individually and/or at a later date, for the reasons set out in the Proof of Evidence of Emily Heria, §§5.6-5.7. In particular:
 - a. It will result in reduced impacts on train services and, therefore, the surrounding road network, by avoiding the need to close lines or roads at a later date.

³ Appendices to Proof of Evidence of John Prest, JP8: Milton Fen (p.280); Dimmock's Cote (p.308); Six Mile Bottom (p.327); Dullingham (p.352); Croxton (p.374); Waterbeach (p.395); and, Meldreth (p.421).

⁴ Proof of Evidence of Emily Heria, §5.17.

- b. It reduces the overall capital cost to do all of this work at the same time. By way of example, it would cost approximately £3.3m to undertake any of the upgrades individually. If done as part of the Project, however, each upgrade would cost only approximately £2.4m.⁵
- c. It would delay to an unknown future time the upgrading of the level-crossings, and therefore the increased safety of crossing users, as a single source of funding has been agreed for the whole Scheme. If the level-crossing upgrades were removed from scope, it is unclear when alternative funding would be made available for them.

(3) The likely impact of the exercise of the powers in the proposed TWA Order scheme on local businesses, residents and crossing users. Consideration under this heading should include, on a crossing-by-crossing basis:

(a) the safety of crossing users

- 16. Network Rail's position is that the safety of crossing users will be significantly improved by the upgrades to the level crossings. Its evidence is set out in the Proof of John Prest and was expanded upon in his oral evidence.
- 17. At the moment, all of the level crossings within the Scheme have Automatic Half Barrier ("AHB") crossings except for Dullingham, which has a Manned Gate Hand-Operated ("MGH") crossing. In his evidence, Mr Prest describes AHB crossings as follows:

"3.7...They are now considered to be a legacy type of level crossing and would not usually be considered suitable when a level crossing is being considered for upgrading as they are not integrated into the signalling system and, are therefore, considered to be less safe than the other types of crossing available today."

⁵ Note Addressing Points Raised by the Inspector at the Public Inquiry, INQ/27, §2.1.

18. He identifies the main types of risk associated with these crossings as barrier weaving, blocking back over the crossing and poor behaviours from pedestrians.⁶ In addition, in respect of MGH crossings, additional risks relate to risk of injury and abuse towards staff members.⁷
19. The particular risk posed by each of the crossings is described in Section 8 of Mr Prest's Proof.⁸ They are also set out in more detail in the Narrative Risk Assessments produced for each crossing.⁹ In summary:
- i. Milton Fen: the ALCRM score for this crossing is D2 making it a very high risk crossing. It is the 8th highest risk AHB level crossing in Anglia route and 19th nationally compared to all other AHBs. The crossing's main risk derives from the high number of all types of pedestrians (e.g. pushchair users, elderly pedestrian users, joggers, dog walkers etc) and cyclists that use this crossing, compared to its relatively low vehicle usage.
 - ii. Dimmocks Cote: the ALCRM score for this crossing is E2 making it a very high risk crossing. The long straight roads on both approaches to the crossing enable drivers to easily see the approaching trains, which often encourages drivers to increase their speeds to avoid being delayed by the crossing activations.
 - iii. Six Mile Bottom: the ALCRM score for this crossing is H4 making it a medium to high risk crossing.
 - iv. Dullingham: the ALCRM score for this crossing is K7 making it a moderate risk crossing. This does not, however, reflect the risk to staff controlling the gates, which is significant but unquantifiable in ALCRM terms. For example, since 2013 there has been an incident where, as the gates were being closed,

⁶ Proof of Evidence of John Prest, §3.8.

⁷ Proof of Evidence of John Prest, §3.11.

⁸ Proof of Evidence of John Prest, p.13ff.

⁹ Appendices to Proof of Evidence of John Prest, JP8 (pp.269-431).

the signal person was driven at by a car and an incident where the crossing gates were struck by a vehicle.

- v. Croxton: the ALCRM score for this crossing is G3 making it a very high risk crossing. Given high incident rates of barrier strikes, vehicles weaving through the barriers and running red lights, this level crossing is deemed to be high risk and a temporary speed restriction reducing line speed from 90mph to 40mph was enforced by the ORR in 2012 to reduce the risk of a catastrophic accident. The proposed upgrade will enable the ORR to sanction the removal of the temporary speed restriction and line speed can be restored safely, thus improving both safety and performance at this level crossing.
 - vi. Waterbeach: the ALCRM score for this crossing is D2 making it an extremely high risk crossing. This crossing is ranked as having the 2nd highest risk AHB level crossing in Anglia route and 2nd nationally compared to other AHB level crossings.
 - vii. Meldreth: the ALCRM score for this crossing is D2 making it a very high risk crossing. The skew of the crossing relative to the road increases the chance of vehicles weaving around the barriers. The long pedestrian walkways due to the skew of the crossing mean that pedestrian users may become trapped on the crossing.
20. Such risks are not theoretical, as demonstrated by the long lists of incidents referred to by Mr Prest.¹⁰ By way of example, in relation to Waterbeach, there have been 44 documented incidents in the last 18 years.¹¹ This does not include the incident experienced by the Inspector himself when viewing Waterbeach level crossing for just

¹⁰ Appendices to Proof of Evidence of John Prest, JP9 (pp.433-451).

¹¹ Appendices to Proof of Evidence of John Prest, JP9 (pp.447-450).

30 minutes on 11 April 2023. Mr Prest's evidence was that this was "*a typical day at Waterbeach*" and the sort of incident which he had seen on numerous occasions.

21. Similarly, in relation to Meldreth, there have been 5 documented incidents over the last 10 years.¹² The most recent is described in the Narrative Risk Assessment as follows:¹³

"Nov 5, 2021...At 09:47 hours the driver of 2C21 09:27 Cambridge. London King's Cross, reported a near miss at Meldreth Road AHB level crossing, between Meldreth and Shepreth with a member of the public. The person ran onto the crossing, the driver sounded the horn and the person stepped back clear. The driver did not apply the emergency brake stating that there was no time due to the proximity, the driver was fit to continue."

22. As for the proposed, upgraded types of crossing – Manually Controlled Barriers monitored by Obstacle Detection or CCTV ("**MCB-OD**" or "**MCB-CCTV**") – there are two main differences with the legacy crossings:¹⁴

- i. The barriers extend across the width of the highway on both sides meaning there is full closure of the highway on all four sides.
- ii. The barriers are interlocked with signal protection (MCB-OD) or signaller intervention (MCB-CCTV) to ensure that trains will only pass the final signal if the crossing is clear of vehicles and people.

23. In respect of Waterbeach, the upgrade will reduce the risk of fatality from an average of 1 every 23.75 years to 1 every 397.61 years. For Meldreth, the upgrade will reduce the risk of fatality from an average of 1 every 55.87 years to 1 every 921.66 years.¹⁵ It should be noted that these figures do *not* take into account deliberate acts or the crossing asset condition, which *are* taken into account for the purposes of the Narrative Risk Assessments.

¹² Appendices to Proof of Evidence of John Prest, JP9 (p.451).

¹³ Appendices to Proof of Evidence of John Prest, JP9 (p.418).

¹⁴ Proof of Evidence of John Prest, §3.12.

¹⁵ Note Addressing Points Raised by the Inspector at the Public Inquiry **INQ/27**, §4.4.

24. For each of the crossings, Mr Prest is of the view that the overall safety benefits of upgrading the crossings significantly outweigh any impacts users of the highway will face, such as increased waiting times.

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

i. Traffic modelling

25. The impact of the upgrades on highway users was considered extensively by the Modelling Group, as discussed in the Proof of Nicolas Contentin. This work is set out in the following documents (referred to together as the “**Modelling Group Documents**”):

(1) Modelling Methodology Report, dated 3 June 2021 (**APP/59**);

(2) Local Model Validation Report, dated 11 August 2022 (**APP/58**); and,

(3) Performance Report, dated 24 November 2022 (**APP/39**).

26. As recalled in his oral evidence, Mr Contentin confirmed that the purpose of these documents was to agree a way forward with the Highways Authority and to demonstrate to them the highways impacts of the upgrades. In other words, they were prepared for a specialist audience, who can be taken to have understood its specialist content.

27. The Modelling Methodology Report was subsequently signed off by the Highways Authority. In his oral evidence, Mr Contentin confirmed that he had held 3 meetings with the Highways Authority, each lasting approximately 2 hours. Moreover, this was not a passive or rubber-stamping exercise. We know that the Highways Authority was

fully engaged and demanded certain changes to the methodology. For example, they required the Model Extent for Waterbeach to be expanded (compare the difference between Figure 2.3 in the Modelling Methodology Report and Figure 3.1 in the Local Model Validation Report) and required Modelling Group to undertake a sensitivity test by assessing the 2018 traffic data for Waterbeach as well as the 2022 data. Contrary to the speculative claims made by the objectors, this does not paint the picture of a Highways Authority that was too busy or under-resourced properly to assess the potential impacts of the Project. Furthermore, the Highways Authority would have been well aware of the highways issues that arose at Shepreth level crossing following its upgrade in 2018. As such, it would have been particularly alive to the potential issues that could arise as a result of a similar upgrade at Meldreth level crossing.

28. The results were eventually contained in the Performance Report:

- In relation to Waterbeach, the minimum barrier downtime is forecast to be 125s and the median barrier down time is forecast to be 180s.¹⁶ This leads to the increased barrier downtimes set out in the charts at Figures 3.1 and 3.2.¹⁷ Using the 2022 traffic data,¹⁸ the average increased delay to all users of the highway within the Model Extent is forecast as being 7.2s in the morning peak. The average increase in journey time from the crossing to the A10 is forecast as being 53s in the eastbound direction in the morning peak. The maximum queue length increase at the crossing is forecast as being 175m in the eastbound direction in the morning peak with an average increase in the morning peak of 37m.
- In relation to Meldreth, the minimum barrier downtime is forecast to be 114s and the median barrier downtime is forecast to be 169s. This leads to the

¹⁶ Performance Report, Table 1.6 (p.12) (**APP/39**).

¹⁷ Performance Report, Table 1.6 (pp.19-20) (**APP/39**).

¹⁸ In oral evidence, Mr Contentin clarified that using the 2022 traffic data was considered more robust given that it is more recent than the 2018 data. The Highways Authority agreed with this approach.

increased barrier downtimes set out in the charts at Figures 8.1 and 8.2.¹⁹ The average increased delay to all users of the highway within the Model Extent is forecast as being 27.9s in the morning peak. The average increase in journey time is forecast as being 65s in the eastbound direction in the morning peak. The maximum queue length increase at the crossing is forecast as being 52m in the eastbound direction in the morning peak with an average increase in the morning peak of 15m. The graphs at Figures 8.6 and 8.7 show the queues clearing each time the barrier is raised.²⁰

An important point made in Mr Contentin's oral evidence, which must be borne in mind notwithstanding the position of objectors at Meldreth, is that Meldreth is a low-use level crossing with little traffic, certainly compared to most of the other crossings being upgraded.

29. The Performance Report was issued to the Highways Authority for a final update. No objections were raised.
30. In an email, dated 10 January 2023, the Highways Authority confirmed this to the local planning authority:²¹

"From a transport strategy / planning point of view we don't have any further comments as the applications/notifications appear to do the same in traffic terms as the TWAO. There was no information attached to the applications/notifications in relation to traffic flows / transport modelling.

The modelling work was reviewed for the TWAO and we content [sic] with the methodology and content that the proposals would not have a significant impact..."

¹⁹ Performance Report, p.52 (APP/39).

²⁰ Performance Report, p.56 (APP/39).

²¹ APP/61.

31. Further information has emerged since the Inquiry hearing. The Officer Report supporting the decision to grant planning permission at Meldreth considered carefully the concerns about traffic modelling and answered as follows:²²

“9.22 The local parish councils and third-party representations have raised concerns about apparent inaccuracies and inconsistencies with the modelling work undertaken by the applicant, and therefore the reliability of the information within the applicant’s Transport Assessment. These concerns have also been raised through representations submitted to Network Rail’s application for a Transport and Works Act Order. This has been examined as matter for the public inquiry however no decision has been made on that public inquiry. The applicants have also provided a response addressing concerns regarding the transport modelling.

9.23 The local highway authority is a statutory consultee on this planning application and Network Rail’s application for the Transport and Works Act Order. The County Council transport assessment team has reviewed the applicant’s Transport Assessment in relation to both applications. The local highway authority has not objected to either application on the grounds that the transport modelling is inadequate, flawed or unreliable, and nor on the grounds that the finding of the report is unacceptable. The advice of the local highway authority is accepted.

9.24 Moreover, the local highway authority has specifically reviewed the comments from Shepreth Parish Council and has explicitly advised the local planning authority that the concerns raised do not alter their advice.

9.25 Notwithstanding the local knowledge of the Parish Council and Third Parties, officers do not consider there is any evidence to suggest that the findings of the submitted Transport Assessment are substantially inaccurate. Therefore, while acknowledging the strong objections that have been made, officers for the local planning authority are satisfied that the concerns raised by the parish councils and third parties have been fully assessed by the relevant statutory consultees and that there would be no reasonable transport grounds on which to refuse the planning application.” (emphases added)

²² INQ/28.

iii. Air quality

32. On the issue of air quality, there will be no significant adverse effects.²³ This was the conclusion of both Network Rail's original EIA Screening Opinion Request (section 5.3 and Appendix 3)²⁴ and the updated EIA Screening Opinion Request (Appendices 3-4).²⁵ No air quality issues have been raised by Environmental Health teams.
33. This issue is considered in further detail in the "Note Addressing Points Raised by the Inspector at the Public Inquiry" (the "**General Note**"), section 6.²⁶

iv. Accessibility and access

34. Network Rail does not consider that the upgrades to the crossings lead to adverse impacts in accessibility terms or on access arrangements. No objections on this basis have been made by objectors to the Scheme.

v. Emergency services

35. The emergency services are not a statutory consultee in respect of any of the relevant consenting regimes and, therefore, have no formal role. They have not specifically been consulted on as part of the Project but, once the upgrade has occurred, Network Rail will take them through changes in barrier downtimes at the crossings and how those changes could affect journey times. Mr Prest's oral evidence was that there are a handful (up to 5) level crossing upgrades per year and, in 10 years in his role, he had never known the emergency services to object to an upgrade nor was he aware of an upgrade causing problems for them once it had been commissioned. As far as he knew, the

²³ Proof of Evidence of Elliot Stamp, §§8.2-8.7.

²⁴ Appendices to Proof of Evidence of Elliot Stamp, ES38 (pp.510 and 535).

²⁵ Appendices to Proof of Evidence of Elliot Stamp, ES39 (pp.623 and 629).

²⁶ INQ/27.

practice of discussing the upgrade with them only once the upgrade had taken place was standard.

36. In other words, Parliament has decided that for the purposes of the planning, TWAO and level crossings order regimes, the emergency services are in the same position as other highways users. Their interests as users of the highway are to be taken into account and protected by the Highways Authority in the usual way. Just as with any road closure, therefore, it is for the emergency services to be aware of any changes to the highway network and marshal their resources as they see fit.

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

37. There will be no impact from the Order Scheme on any Scheduled Ancient Monuments or Listed Buildings.²⁷
38. All of the other matters have been considered as part of the EIA Screening Opinion Request process. Each of the relevant local authorities has confirmed that the Order Scheme is not EIA development and that no Environmental Statement is required.²⁸

(d) the impact on the current owners and occupiers of the land to be acquired, including their amenity, access arrangements, and ability to carry out maintenance

39. As set out in Section 6 of the Proof of Simon Gilbey, Network Rail has sought to minimise the use of compulsory purchase of private land, so as to reduce the impact on the amenity and access arrangements of third parties.

²⁷ Proof of Evidence of Elliot Stamp, §8.10.

²⁸ Proof of Evidence of Elliot Stamp, §8.8.

40. Those areas where existing owners and occupiers are likely to be affected by the Order Scheme are set out in the table at §6.3 of the Proof of Simon Gilbey. In all three instances, agreement has been reached with the landowner/occupier, albeit completion has not taken place. In relation to plot 304 (the Woodleys) and plots 003 and 004 (Mr Parmee), the objections initially made by them are dealt with at **§§130(b)-(c) below**.

(5) The impacts and interaction of the scheme with future planned developments including at Waterbeach New Town

41. The proposed works at Waterbeach will not conflict with or have any direct impact on the future developments at Waterbeach New Town or the relocation of Waterbeach New Town Station.²⁹
42. As confirmed in the oral evidence of Ms Heria and Mr Stamp, Waterbeach New Town Station was granted planning permission in 2020. It is planned to complete at the end of 2025. The effect is that, on the current timetable, the upgrade of Waterbeach level crossing will take place a matter of months before the station at Waterbeach is relocated.

(4) The effects of the scheme on statutory undertakers, statutory utilities and other utility providers, and their ability to carry out their undertakings effectively, safely and in compliance with any statutory or contractual obligations and the protective provisions afforded to them

43. As stated in the Proof of Emily Heria, §§8.1-8.3, no objections to the Order have been received from any statutory undertakers.
44. Moreover, the rights of statutory undertakers are protected by Articles 3(4), 13 and Schedule 6 to the Order.

²⁹ Proof of Evidence of Elliot Stamp, §8.12.

45. More generally, any impacts on utility providers will involve engagement with Network Rail to identify and protect utilities as standard practice.

(5) Having regard to the criteria for justifying compulsory purchase powers in paragraphs 12 to 15 of the MHCLG Guidance on the “Compulsory purchase process and the Crichel Down Rules for the disposal of surplus land acquired by, or under the threat of, compulsion” published on 29 October 2015 (as amended on 28 February 2018):-

- (a) whether there is a compelling case in the public interest to justify conferring on NR powers to compulsorily acquire and use land for the purposes of the scheme**
- (b) whether the purposes for which the compulsory purchase powers are sought are sufficient to justify interfering with the human rights of those with an interest in the land affected (having regard to Human Rights Act)**
- (d) whether all the land and rights over land which NR has applied for is necessary to implement the scheme**

46. In sections 4 and 5 of his Proof of Evidence, Simon Gilbey confirms he is satisfied that:

- a. Network Rail has had due regard to paragraphs 12 to 15 of the MHCLG Guidance on the compulsory purchase process and the Crichel Down Rules.
- b. Network Rail has sought to revise and reduce the extent of land take and interference for which powers are sought in the Scheme following consultation with affected landowners and occupiers.
- c. The powers of compulsory acquisition conferred by the Scheme are necessary for Network Rail to deliver the Scheme.

- d. All areas of land subject to powers in the Order are necessary for the Order Scheme and no land will be acquired permanently, or used temporarily, unless essential to facilitate the Scheme.
47. In all the circumstances, and given the compelling need for delivery of the Order Scheme for the reasons summarised above, Network Rail contends that there is a compelling case in the public interest for the conferral of powers to acquire compulsorily and/or temporarily possess the lands and rights included within the Order.³⁰
48. In any event, following the Kilverstone Estate withdrawing their objection on 14 April 2023,³¹ the only outstanding objection to the Order Scheme by those whose land is required comes from the Woodleys (plots 300, 305, 306 and 310). Network Rail notes that whilst this objection remains technically outstanding, heads of terms have been agreed with the Woodleys and completion is awaited. Moreover, as set out in the General Note, section 9,³² Network Rail has worked closely with the Woodleys to arrive at a position which is to the mutual satisfaction of all parties and reduces the land-take and impact of the Project on those owners to the greatest extent possible.
49. The Scheme also includes the power to stop up those streets listed in Schedule 1 to the Order, which are on land not owned by Network Rail and are within the adopted public highway. As set out in the Proof of Andrew Deacon, §§4.2-4.5 and 4.8, this is required in relation to the upgrade of the 7 level crossings and is needed: to allow the works to take place safely; to allow subsequent maintenance to take place safely; to increase safety at the level crossings for the public; to regularise the adopted highways boundary; and, to mitigate the impacts on neighbouring properties.
50. A number of parcels of land (009, 010, 603, 910 and 911) will be enclosed behind fencing and so will not be physically accessible by the public. Parcel 307 is required to mitigate

³⁰ Proof of Evidence of Simon Gilbey, §§8.6-8.8.

³¹ INQ/25.

³² INQ/27.

the impacts of new barrier equipment on the private access rights and parking area for those living at 1 Station House.³³

51. Objections were initially made by Cambridgeshire County Council (**OBJ/19**) and Norfolk County Council (**OBJ/20**) – the two relevant highway authorities – in relation to the proposed stopping-up powers sought. Following a number of workshops, discussions, revisions and re-designs, both objections were subsequently withdrawn, on 2 February 2023 and 19 January 2023, respectively (**OBJ-19 WD** and **OBJ-20 WD**). In relation to Cambridge CC, the proposed amendments can be seen in the table at pp.6-8 of the Proof of Andrew Deacon. In relation to Norfolk CC, the proposed amendments are described at §§6.9-6.10 of the Proof of Andrew Deacon. These amendments have been incorporated into the Deposited Land Plans (Updated).³⁴
52. During the Inquiry, the Inspector asked about the planning position in respect of land to be stopped-up. A full answer is provided in the General Note, section 7.³⁵
53. During the Inquiry, the Inspector also asked whether certain plots in respect of which Order powers are sought could be identified as relating to individual crossing upgrades only rather than the wider signalling system upgrade. Network Rail’s response to this can be found in the General Note, section 3.³⁶
54. In all the circumstances and given the need for the Scheme for the reasons already set out above, Network Rail contends that there is a compelling case in the public interest for the conferral of powers to acquire compulsorily and/or temporarily possess the lands and rights included within the Order.

³³ Proof of Evidence of Andrew Deacon, §§4.6-4.7.

³⁴ **APP/53**.

³⁵ **INQ/27**.

³⁶ **INQ/27**.

(c) whether there are likely to be any impediments to NR exercising the powers contained within the Order, including the availability of funding

55. There are no impediments to Network Rail exercising the powers contained within the Order. The Scheme is fully funded by the UK Government to the total estimated costs of £193.449m.³⁷

56. There is also no planning impediment as Network Rail has planning permission to carry out the upgrades at all of the level crossings.

57. In relation to those 8 level crossings:

i. Meldreth

58. Following a full planning application, planning permission was granted by South Cambridgeshire District Council on 25 May 2023 for the following development:³⁸

“Change of use to Operational Railway Land, plus installation of new level crossing barriers, Smart IO Housing, operational signal equipment, road traffic lighting signals, new access and associated lighting, landscaping and fencing.”
(Ref 22/05204/FUL)

59. The officer report supporting the decision can be found at [INQ/29]. It concluded that:

“8.10 The proposal is considered to be supported by the Local Plan objective of supporting sustainable travel, and is considered to contribute to the economic, social, and environmental objectives of sustainable development as set out in the National Planning Policy Framework. The proposal would have an acceptable impact on the character of the area, residential amenity, highway matters, ecology, trees, flooding, heritage, sustainability, and accessibility matters, subject to mitigation secured via condition. For these reasons, the proposal accords with the development plan and the NPPF, and there are no other material considerations that outweigh this.”

ii. Hauxton

³⁷ Funding Statement [APP/6]; Proof of Evidence of Emily Heria, §9.2.

³⁸ INQ/29.

60. Following a full planning application, planning permission was granted by South Cambridgeshire District Council on 13 April 2023 for the following development:³⁹

“Change of use to operational railway land together with the installation of Smart IO Housing Equipment and associated landscaping and fencing (Re-submission of 22/05027/FUL)”

61. The officer report supporting the decision can be found at [INQ/14-2]. It concluded that:

“The principle of development is supported by development plan policies in respect of transport, Green Belt and Agricultural Land Quality. The proposal would have an acceptable impact on the character of the area, residential amenity, highway matters, ecology, trees, flooding and heritage matters, subject to mitigation secured via condition. For these reasons, the proposal accords with the development plan and the NPPF, and there are no other material considerations that outweigh.”

iii. Croxton⁴⁰

62. Following a full planning application, planning permission was granted by Breckland District Council on 2 March 2023 for the following development:

“Change of use of part of the land from greenfield to Operational Railway Land, plus installation of new level crossing barriers, Smart IO Housing, operational signal equipment, road traffic lighting signals, new access and associated landscaping and fencing.”

63. This decision and the officer report that recommended the grant of planning permission can be found exhibited to the Proof of Elliot Stamp: [ES32] and [ES33]. The officer report concluded as follows:

“The proposed works to upgrade Croxton Level Crossing are considered to be acceptable in the context of the modernisation of level crossing control and the associated safety, efficiency and reliability. The works are an important component of the overall C3R project which will modernise rail infrastructure across Cambridgeshire. The proposed works are necessary to allow Network Rail to fulfil its role by upgrading this signalling equipment and ensuring its supporting infrastructure is fit for purpose. By undertaking the proposed works, this will create a safer and more efficient operation and there will be wider community benefits as a result of the proposal. These include the upgrading of necessary infrastructure for the rail network, introducing more appropriate and

³⁹ INQ/14-1.

⁴⁰ See Proof of Evidence of Elliot Stamp, §§5.57-5.69.

advanced modern technology and improvements to safety requirements and reliability of the railway. There are no planning policy reasons why this proposal cannot be approved.”

64. There are 7 conditions imposed on the planning permission.

iv. Milton Fen⁴¹

65. Network Rail has planning permission by virtue of article 3(1) of the Town and Country Planning (General Permitted Development) (England) Order 2015 (the “GPDO”).

66. In relation to works on land owned by Network Rail, this is because:

- (1) Article 3(1) grants planning permission for those classes of development described in Schedule 2 to the GPDO.
- (2) Article 3(10) does not apply as the local planning authority found that the Order Scheme did not fall within Schedule 1 or Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017.
- (3) Part 8 of Schedule 2 to the GPDO deals with “*Transport related development*”. Class A permits “*Development by railway undertakers on their operational land, required in connection with the movement of traffic by rail.*”
- (4) None of the limitations in paragraph A1 of Part 8 of Schedule 2 to the GPDO apply.

67. In relation to works on land not owned by Network Rail, this is because:

- (1) Part 18 of Schedule 2 to the GPDO deals with “*Miscellaneous development*”. Class A permits “*Development authorised by – (a) a local or private Act of Parliament... which designates specifically the nature of the development authorised and the land upon which it may be carried out.*”

⁴¹ See Proof of Evidence of Elliot Stamp, §§4.8-4.18.

- (2) The railway was first authorised by the Eastern Counties Railway (Ely, Brandon & Peterborough Extension) Act 1844 and later included within the Great Eastern Railway Act 1862. This had the effect of applying the Railways Clauses Consolidation Act 1845 which grants the following power:

“it shall be lawful for the company, for the purpose of constructing the railway, or the accommodation works connected therewith, herein-after mentioned, to execute any of the following works; (that is to say,)...

They may make or construct in, upon, across, under, or over any lands, or any streets, hills, valleys, roads, railroads, or tramroads, rivers, canals, brooks, streams, or other waters, within the lands described in the said plans, or mentioned in the said books of reference or any correction thereof, such temporary or permanent inclined planes, tunnels, embankments, aqueducts, bridges, roads, ways, passages, conduits, drains, piers, arches, cuttings, and fences, as they think proper;

...

They may from time to time alter, repair, or discontinue the before-mentioned works, or any of them, and substitute others in their stead; and

They may do all other Acts necessary for making, maintaining, altering, or repairing and using the Railway

...”

The Parliamentary Deposited Plans accompanying the 1844 Act include the limits of deviation within which works can be carried out. The works in relation to Milton Fen fall within these limits of deviation.⁴²

- (3) The works do not engage any of the conditions in paragraph A1 and, therefore, the prior approval of the local authority is unnecessary: see, e.g., [ES1].

⁴² APP/64.

v. Six Mile Bottom⁴³

68. The analysis set out in respect of Milton Fen applies equally here except that, in relation to Part 18 of Schedule 2 to the GPDO, the railway was first authorised by the Newmarket and Chesterford Railway Act 1846 and later included within the Great Eastern Railway Act 1862. This had the effect of applying the Railways Clauses Consolidation Act 1845.
69. The Parliamentary Deposited Plans accompanying the 1846 Act include the limits of deviation within which works can be carried out. The works in relation to Six Mile Bottom fall within these limits of deviation.⁴⁴

vi. Waterbeach⁴⁵

70. The analysis set out in relation to Milton Fen applies equally here.
71. The Parliamentary Deposited Plans accompanying the 1844 Act include the limits of deviation within which works can be carried out. The works in relation to Waterbeach fall within these limits of deviation.⁴⁶

vii. Dullingham⁴⁷

72. Network Rail has planning permission by virtue of article 3(1) of the GPDO.
73. In relation to works on land owned by Network Rail, the analysis is the same as for Milton Fen, except that East Cambridgeshire District Council took the view that the works fell within Schedule 2 to the Town and Country Planning (Environmental Impact Assessment) Regulations 2017. Nonetheless, following a re-screening exercise, East

⁴³ See Proof of Evidence of Elliot Stamp, §§4.8-4.18.

⁴⁴ APP/65.

⁴⁵ See Proof of Evidence of Elliot Stamp, §§4.8-4.18.

⁴⁶ APP/66.

⁴⁷ See Proof of Evidence of Elliot Stamp, §§4.23-4.44 and 4.55-4.64.

Cambridgeshire District Council confirmed that the works were not likely to have significant effects on the environment.⁴⁸ They are, therefore, not EIA development such that Article 3(10) of the GPDO does not apply.

74. In relation to works on land not owned by Network Rail, the analysis is the same as for Six Mile Bottom except that, in order to escalate the screening exercise referred to above, Network Rail submitted a prior approval application to East Cambridgeshire District Council. This was without prejudice to its belief that prior approval was not strictly required under the terms of the GPDO. Prior approval was granted in a decision, dated 29 March 2023.⁴⁹ The officer report supporting this decision can be found at [APP/57].
75. The Parliamentary Deposited Plans accompanying the 1844 Act include the limits of deviation within which works can be carried out. The works in relation to Dullingham fall within these limits of deviation.⁵⁰

viii. Dimmocks Cote⁵¹

76. The analysis is the same as for Dullingham. The Council's re-screening exercise can be found at [ES12].⁵² The prior approval, dated 28 March 2023, can be found at [APP/54]. The officer report supporting this decision can be found at [APP/55].
77. The Parliamentary Deposited Plans accompanying the 1844 Act include the limits of deviation within which works can be carried out. The works in relation to Dimmocks Cote fall within these limits of deviation.⁵³
78. Overall, therefore, there is no planning impediment to delivering the Order Scheme in relation to these 8 level crossing upgrades.

⁴⁸ Appendices to Proof of Evidence of Elliot Stamp, ES11 (p.80).

⁴⁹ APP/56.

⁵⁰ APP/63.

⁵¹ See Proof of Evidence of Elliot Stamp, §§4.23-4.44 and 4.45-4.54.

⁵² Appendices to Proof of Evidence of Elliot Stamp, ES12 (p.92).

⁵³ APP/62.

(6) The outcome of the two planning applications currently being considered by the Local Planning Authority

79. This matter relates to the full applications for planning permission in relation to Meldreth level crossing and Hauxton level crossing which were, at the start of the Inquiry, outstanding. They have now been determined as set out above.

(7) Whether all statutory procedural requirements have been complied with

80. The statutory procedural requirements have been complied with. This is confirmed by **APP/67** which includes all of the relevant material.
81. The report summarising consultations undertaken is contained in **APP/4**.

(8) Any other matters which may be raised at the inquiry which may be important and relevant to the Secretary of State's decision.

82. It is considered that all relevant matters have been dealt with above and below.

III. OBJECTORS AT INQUIRY

83. This section deals with the 6 objectors who appeared at the Inquiry.⁵⁴ They deal almost exclusively with the highways impacts of the proposed level crossing upgrades at Waterbeach and Meldreth. The points made at **§§8 and 13-35 above** are repeated.

⁵⁴ OBJ/11, OBJ/14, OBJ/17, OBJ/25, OBJ/27 and OBJ/31.

84. Overall, in circumstances where planning permission has now been obtained for all upgrades and where the Highways Authority has raised no concerns, minimal weight ought to be given to these objections.
85. Objections relating to Meldreth level crossing have also now been overtaken by the grant of planning permission by the South Cambridgeshire District Council on 25 May 2023 and the comments in the Officer Report, set out at **§31 above**.⁵⁵
86. In Network Rail's view, these findings are effectively dispositive. But in any event, the specific issues raised at the Inquiry are dealt with below for completeness.

(1) John Grant and Fen Line Users Association ("FLUA") - OBJ/14

87. FLUA's objections are set out in its Statement of Case. Its concern relates solely to the interests of rail passengers using the crossing to access Waterbeach station. According to the most recent timetable, the upgrade at Waterbeach level crossing is due to take place in 2025 and the relocation of Waterbeach station, which includes the construction of a pedestrian footbridge over the railway line, is due to take place at the end of 2025. In cross-examination, Mr Grant accepted both that his objections were, therefore, time-limited and that the upgrade at Waterbeach level crossing will actually have little impact on rail passengers by the end of 2025. In those circumstances, FLUA's objection is entirely academic.
88. In any event, FLUA's objections lack merit.
89. At §1.4 of its Statement of Case, FLUA makes the assertion that, *"At other crossings at similar locations the barriers can be down for 15 minutes or more, and we have to assume the same will be the case here"*. In cross-examination, Mr James indicated that he was talking about Shepreth level crossing. The assertion is not borne out by the evidence. The

⁵⁵ INQ/28.

barriers at Shepreth are down for longer than 15 minutes on only 0.04% of occasions.⁵⁶ Approximately 75% of the time they are down for no more than 4 minutes and approximately 90% of the time they are down for no longer than 5 minutes.

90. On criticisms made of the Modelling Methodology Report, modelling based on the timetable at the date of commissioning, as the Modelling Group did, is the industry standard: see, for example, the TfL “Traffic Modelling Guidelines” (version 4), §7.4.3.4.⁵⁷ There is no reason for suggesting another approach should be taken.
91. In relation to using the data at Hinxton to calculate the median barrier downtime, the rationale for this is explained in Mr Contentin’s Proof, §§5.27-5.29. In response to FLUA’s queries about the difference between Waterbeach and Hinxton stations, Mr Contentin explains that an additional sensitivity check was carried out to ensure the robustness of the figure⁵⁸ - i.e. the figures were compared to the data at Shepreth, which has similar characteristics to Waterbeach. Following this analysis, Mr Contentin concluded that using the Hinxton data to forecast the median barrier downtime for Waterbeach was robust.
92. On criticisms made of the Performance Report, in his oral evidence Mr Contentin explained why the median figure of barrier downtimes had been used instead of the mean. This will be considered further below in the context of Meldreth.
93. FLUA also says that a more relevant figure is the 99th percentile but that misunderstands the nature of the exercise being undertaken by the Modelling Group and being assessed by the Highways Authority. The purpose is to understand the impact on the highways at a network-wide level rather than at an individual level. As such, it would not be appropriate to focus on a barrier downtime which would happen only very rarely. As Mr Contentin said in his oral evidence, focusing on the 99% value

⁵⁶ Proof of Evidence of Nicolas Contentin, p.9.

⁵⁷ Appendices to Proof of Evidence of Nicolas Contentin, NC2 (p.498).

⁵⁸ Proof of Evidence of Nicolas Contentin, §§5.30-5.31.

would not give a fair representation of the scheme; one does not model a car park using demand based on Christmas Eve.

94. At §2.2.5, FLUA also criticises the route used in the Figure 3.6 of the Performance Report (p.23).⁵⁹ In fact, this is a misunderstanding of the methodology. The extent of the model is shown in the Validation Report at Figure 3.1 (p.12).⁶⁰ The average delays were calculated using all vehicle movement within this extent. Figure 3.6 of the Performance Report instead shows the average journey time from point A to B. For example, it captures the time it takes a vehicle to drive from the A10, through the town and once they have passed the crossing. It does not show *“the route stopping short of the crossing”*.
95. In reference to the Modelling Group’s modelling, FLUA refers to anecdotal evidence that traffic *“still seems to be increasing, especially mid-week”*. No evidence has been provided to support this and nor does the Highways Authority agree, it being content with the approach taken by the Modelling Group.
96. On criticisms made of the Local Model Validation Report, it is said that the modelled queue lengths in Tables 3.6 and 3.7 are not similar to those observed. Mr Contentin responds to this point at §5.36 of his Proof, acknowledging that modelled queue lengths do not always perfectly match the surveyed values at each crossing but noting that this does not affect the validity of the model. He expanded upon this in oral evidence, in response to questioning from Mr James. He stated that queue length has always been tricky to validate exactly using the VISSIM software and that is why TfL has removed from its guideline the need to model queue lengths. Notwithstanding that it is not needed for validation of the model, Modelling Group nevertheless modelled queue lengths for consistency and to show that it had been considered.
97. FLUA also suggests modifications to the Scheme. These are:

⁵⁹ APP/39.

⁶⁰ APP/58.

- a. Retain the current AHB crossing: this is not a plausible option due to the safety risks explained by Mr Prest. It is not accepted that the upgrade (through increasing barrier downtimes) will lead to an increase in material safety risks in the forms of speeding cars or pedestrians vaulting over the barriers. When cross-examined, Mr Grant accepted he had provided no evidence of such a risk. On pedestrians, Mr Prest's evidence was that a full-barrier solution would make it less likely that pedestrians would misuse the crossing as it requires "*a lot more physical effort*" and is, therefore, "*quite a lot harder*". Moreover, even if a pedestrian did jump over, the nature of the MCB crossing is that a train would be stopped at the previous signal until the crossing was clear of pedestrians, making it inherently safer than an AHB crossing. As for speeding, Mr Prest said that this was an issue for the Highways Authority and they had raised no objection or concern on this issue. Mr Prest's view was that if a speeding risk emerged from subsequent census data, separate measures could be considered such as traffic-calming measures. His clear view was that the risk posed by the AHB crossing far outweighed the risk posed by the hypothetical risk of speeding cars following any upgrade. In all the circumstances, the answer to reducing a vague, hypothetical risk is not to stop the upgrade which is going to deliver definite and significant safety improvements.

In terms of any other measures that could be taken, such as stop lights or announcements, Mr Prest's evidence was that Network Rail had now done everything it could at Waterbeach and, notwithstanding that, there continued to be serious incidents of misuse.

- b. AHB+: in his Proof of Evidence, §9.5, Mr Prest explained that the AHB+ solution had been discontinued as a viable alternative solution by Network

Rail. Further information on this has been provided in the General Note, section 5, in which it is stated that:⁶¹

“5.3 The AHB+ has undergone a rigorous risk assessment process, as well as a series of hazard identification workshops. A significant input to the hazard analysis was the human factors study undertaken by Transport Research Laboratory (TRL). This involved conducting computer simulated trials of the AHB+ using 40 participants who traversed the crossing as a motorist in a simulated environment, and as pedestrians/cyclists. The trials also included MCB-OD and AHB crossings for comparison purposes.

5.4 Overall, the human behaviour study conducted by TRL stated that an AHB+ with the exit barriers up or partially up was perceived as the least safe and least clear crossing presented to them.

...

5.8 At the meeting on 5th November 2019 it was decided by [Infrastructure System Review Panel] that, due to the extent of the additional analysis required to come to a conclusion that the implementation of AHB+ would present a sufficient improvement to the level of safety of AHB level crossings, an interim safety report should be prepared and presented. This would allow an informed decision to be made on how or whether to progress the AHB+ option.

5.9 The Interim Safety Report was prepared by Aegis Engineering Systems in January 2020 and concluded that the residual risks were too great. This was due to the view that the residual risks were still not significantly lower than the risks being addressed by the application of the AHB+.”

- c. Pedestrian gates: in his oral evidence, Mr Prest explained that there was no product of this sort currently available to Network Rail. In any event, he could not see the benefit of it; if added to an MCB barrier, it would still need to be locked when the barriers were down.
- d. Footbridge: in his Proof of Evidence, §8.50, Mr Prest explains that this option would be grossly disproportionate to the safety benefit gained. This is

⁶¹ INQ/27.

supported by Ms Heria's Proof, §5.17, which states that Network Rail's unit cost for a footbridge installation has been estimated at £6.9m. It will also take significant time. We do know, however, that a footbridge will be built as part of the relocation of Waterbeach station in 2025 shortly making any footbridge at this level crossing virtually obsolete. Even Mr Grant agreed that this fact meant the cost-benefit for such a footbridge was massively reduced.

- e. Underpass: the same argument applies to an underpass but with even greater force. As set out in Ms Heria's Proof, §5.17, the cost of an underpass project currently in development to close a level crossing in Essex is estimated at £23m.

(2) Jerry Alderson – OBJ/31

- 98. By his Statement of Case, Mr Alderson also challenges the upgrade at Waterbeach level crossing. His oral evidence at the Inquiry can be found at **INQ/13**. In summary, he challenges the safety case for upgrading the level crossing. He has no expertise on these issues and the relevant expert, Network Rail, disagrees with his assessment. The safety case for upgrading the level crossing at Waterbeach is set out at **§§19-20 and 23 above**.
- 99. More fundamentally, Mr Alderson's approach to risk is misconceived. In his oral evidence, his preferred approach was said to be as follows:

“What we really care about are four specific types of incidents: a) deaths, b) injuries, c) damage to a train that has hit an object and d) train driver distress. Those (and scary near misses) are the only incidents that have anything to do with safety.”
- 100. That analysis is categorically flawed. As Mr Prest responded in his oral evidence, that was “*absolutely not*” the right approach as it entirely ignores: (a) the reasonable foreseeability of such incidents occurring; and, (b) the gravity of such a catastrophic event.

101. Mr Alderson's Statement of Case also raises environmental issues but in his oral evidence he stated that this was "*not my area*". In any event, the issues raised by him on these points – in particular, air quality – have been dealt with above .
102. During his oral presentation, Mr Alderson also requested that Network Rail consider a number of other issues that were related to the Project. These have been answered in the General Note, section 10.⁶²

(3) Hugh Wood and Shepreth Parish Council – OBJ/17 and 25

103. Mr Wood gave evidence on his own behalf as well as on behalf of Shepreth Parish Council. There is a big overlap between these objections, although Mr Wood accepted that he was not the author of the Council's objection and there were some issues he was not in a position to speak about in detail.
104. Shepreth Parish Council's position is set out in both its Statement of Case, dated 18 January 2023, and its Objection, dated 22 September 2022.
105. On barrier downtime and its highways impacts, the Parish Council and Mr Wood both complain that the modelling undertaken by Modelling Group was flawed. This is rejected. In large part, they are based on a misunderstanding of the Modelling Group Documents, as is understandable given the specialist audience the Modelling Group Documents were intended for. These points and others were subsequently clarified during the Inquiry.
106. The Parish Council refers to the issue of how the minimum barrier downtime at Meldreth has been calculated. In his oral evidence, Mr Contentin clarified that the minimum barrier downtime for Shepreth level crossing was used to estimate the minimum barrier downtime for Meldreth. Moreover, the Parish Council appears to think that the current average downtime at Meldreth is 169s. That is incorrect: see Mr

⁶² INQ/27.

Contentin's Proof, §§5.14-5.16. In fact, 169s is the forecast median barrier downtime following the upgrade. The current barrier downtimes can be seen in Table 8.5 (p.36) of the Local Model Validation Report.⁶³ Similarly, the Parish Council appears to think that the Performance Report⁶⁴ reports a "*maximum incremental delay of 65 seconds*" – see Table 9.1 (p.58). In fact, this is the *average* increase in journey time rather than the maximum, as explained by Mr Contentin in his oral evidence and at §5.16 of his Proof. The maximum increase in journey time is 428s, that figure being represented by the width of the biggest blue bar in the first half of the AM peak in Figure 8.1 of the Performance Report (p.52).

107. The Parish Council also complains that "*A single four-hour study (section 8.2.1 on Page 34 of the Local Model Validation Report of 11 August...) is woefully inadequate.*" This criticism is not understood. In fact, the surveys undertaken were set out in the Methodology Report and expanded upon in Mr Contentin's oral evidence. In particular, the surveys involved a 24-hour video survey at each crossing together with automatic traffic counts over a 2-week period.⁶⁵ This combined approach enabled the Modelling Group to compare the overall traffic over a 2-week period with the 24-hour video survey data to ensure it was representative.
108. The Parish Council also questions the safety case for the proposed upgrade at Meldreth. This were considered in detail by Mr Prest in both his written and oral evidence. He is an expert on these issues, unlike the Parish Council. The points made at **§§19, 21 and 23 above** are repeated.
109. The Parish Council makes a number of unevidenced assertions on this issue. For example, it is said that it is "*inevitable, once drivers are aware of the new extended downtimes, that a minority will accelerate rapidly to try and beat the barrier descent and enter the residential area at high speeds. The proposal is thus designing in a severe risk that does not currently risk.*"

⁶³ APP/58.

⁶⁴ APP/39.

⁶⁵ Modelling Methodology Report (APP/59), pp.16-17.

No evidence has been provided to support this nor on why the risk would be “*severe*”. The Highways Authority does not share this view.

110. Moreover, the Parish Council refers to the low number of incidents that could “*definitively have been prevented by a full barrier*”. Aside from being supported by no evidence, this ignores the point that MCB crossings are inherently safer due to being interlocked with the signalling system. As to the risk of speeding, the point made at **§97(a) above** in relation to Waterbeach is repeated.
111. On air quality issues, this has been considered at **§§32-33 above**.
112. On the objection to a “*proposed depot and associated parking*”, this is dealt with in the Proof of Ms Heria, §§10.6-10.11.⁶⁶ In summary, it is not a depot that is proposed to be built but rather a building to house railway and level-crossing equipment together with a secure compound for vehicular parking. This equipment is required at this location for the operator to control the level crossing locally. The parking compound also has to be located here to avoid staff having to travel long distances by foot with maintenance equipment. Planning permission has now been granted for this, following the decision of South Cambridgeshire District Council on 25 May 2023. The Officer Report supporting the decision noted the landscape scheme of hedgerow and tree planting to screen the compound and concluded the development would not significantly affect the character or distinctiveness of the local landscape: §§9.11-9.12.⁶⁷
113. Mr Wood raised some additional objections:
 - a. He referred to his own personal experience of the delays caused at Shepreth level crossing since the upgrade at that location in 2018 and was concerned that the upgrade at Meldreth level crossing would have the same impact. Network Rail accepts that there were teething problems at Shepreth level crossing when the upgrade first took place but Network Rail worked to

⁶⁶ This is plot 002 in the Deposited Plans (Updated) (**APP/53**).

⁶⁷ **INQ/28**.

resolve these. Ms Heria gave evidence to this effect. For example, in light of the long delays that were occurring at Shepreth, a road safety audit was undertaken with the Highways Authority and interventions, such as road markings, no right turns and other highways improvements were instituted. The effect was to improve the situation at Shepreth level crossing. She stated that Network Rail had understood the lessons from Shepreth and that the same issues would not be repeated at Meldreth. Any such changes could be undertaken using powers exercisable during the level crossing order process. In any event, Ms Heria's evidence was that there was significantly less car and road usage at Meldreth level crossing as compared to Shepreth level crossing, meaning that these issues were unlikely to be repeated in any event. This may well be why the Highways Authority has raised no concerns.

Mr Prest's evidence was that there was also some potential for level crossing operators themselves to make changes to improve the situation if unforeseen delays resulted at Meldreth level crossing. He stated that a signal box instruction could be made at Foxton. If, for example, the barrier downtimes were having detrimental impacts on the highways – as discovered through public complaints, from inspecting data logs or from undertaking performance management of signallers – steps could be taken to attempt to reduce these delays.

- b. Mr Wood also queried whether the same level crossing operator operating the Shepreth and Foxton crossing would also be operating the upgraded Meldreth crossing and if this would affect the operation of the latter. The same level crossing operator will have responsibility for each of these crossings but Ms Heria's evidence was that this was not an issue. Network Rail had to undertake a specific assessment in order to satisfy itself that it was possible for one controller to control and operate all three crossings

within their existing workload. Such an assessment had been completed and passed.

- c. Mr Wood relied on the Sotera Risk Assessment⁶⁸ for Meldreth to show that the barrier downtime would increase from 18% currently to 71%.⁶⁹ Crucially, however, this estimation was preceded by the words “*Sotera has used a fairly simple model to estimate the potential impact on any upgrade to an MCB-type fall barrier crossing...*”.⁷⁰ In other words, Sotera undertook none of the detailed modelling that the Modelling Group subsequently carried out and it is unclear how it arrived at, for example, the minimum and median barrier downtimes. Now that such detailed modelling has taken place, with a known methodology, Sotera’s figures are no longer relevant and ought to be ignored. In evidence, Mr Contentin informed the Inquiry that the barrier downtimes at Meldreth would actually increase from 21% currently to 54% in the AM peak and 17% to 44% in the PM peak. This can be compared with a traffic signal junction with 4 phases where, if each was given an equal amount of time, each one would be red 75% of the time. That 75% figure also does not take into account time for pedestrians to cross.
- d. Mr Wood also questioned the extent of the safety case at Meldreth, comparing it to other potential safety risks such as an increase in speeding cars and issues for the emergency services if the upgrade went ahead. These issues have already been dealt with: on safety risk at Meldreth, the points at **§§19, 21, 23 and 108 above** are repeated; on the risks of speeding, this is already dealt with at **§97(a) above**; on emergency services, this point is considered at **§§35-36 above**.

⁶⁸ APP/14.

⁶⁹ P.39.

⁷⁰ Emphasis added.

(4) Roger Faires – OBJ/11

114. Mr Faires makes various points in his Statement of Case. For example, he suggests the use of an ANPR camera at the crossing instead of the proposed upgrade. That would not stop individuals or vehicles getting into the barrier, however, or have any material impact on improving the safety of the crossing. Orally, he suggested the use of the AHB+ alternative but that is not a viable option for the reasons set out at **§97(b) above**. Moreover, although his Statement of Case suggests the use of a central island between the lanes, at the Inquiry he said that idea should now be disregarded.
115. In addition, Mr Faires' Statement of Case makes the point that there were incidents at Shepreth level crossing in the few years both before and after the upgrade, by implication questioning the safety case for the upgrade. Even putting aside the small sample size and the fact that no evidence was provided as to the details of those incidents, this ignores the nature of the safety upgrade, which is to interlock the barriers with the signalling system. In other words, even if there is misuse of the barriers after the upgrade, the safety risk is still significantly reduced because trains will be held up at the previous signal on detection of anyone or anything on the tracks. Indeed, Mr Faires fairly accepted in giving his oral evidence that an *"MCB crossing definitely does increase safety"*.
116. In the oral presentation of his case, Mr Faires focused on the impact of the upgrade on barrier downtimes and, therefore, delays to journeys. In relation to the previous delays at Shepreth level crossing, **§113(a) above** is repeated. As to the forecast minimum barrier downtimes, Ms Heria's evidence was that the real-life data at the Shepreth MCB-CCTV crossing had been used because Network Rail has not yet carried out the detailed design to enable estimation of a strike-in point that could be used for such a calculation.⁷¹ Mr Prest stated that as the Shepreth level crossing was MCB-CCTV, it was directly comparable to the proposed upgrade as Meldreth. It was the evidence of

⁷¹ By contrast, minimum barrier downtimes had been calculated for all of the other proposed upgrades as part of the Scheme as those upgrades relate to an MCB-OD crossing (rather than the MCB-CCTV crossing at Meldreth), for which the detailed design work has already been undertaken.

both Ms Heria and Mr Prest that even if there was a 5/10/20/30m difference in the strike-in point as compared to Shepreth, this would lead to an extremely minimal difference in barrier downtime of mere seconds. As to why the Hinxton data was used to forecast the median barrier downtime, §91 above is repeated.

117. Mr Faires was also concerned that late-running trains may lead to the barrier being closed for extensive periods. For example, by reference to the graph at Figure 8.1 (p.52) of the Performance Report,⁷² it was said that the gap of 30s between the two blue bars towards the end of the hour could disappear if a train in the first bar overran. This would lead, it was alleged, to a barrier downtime of 12 minutes. That is a misunderstanding of the realities of the situation. For example, as Mr Contentin said in his evidence, a delay in a train in the first bar would tend to have the effect of also delaying the trains in the second bar such that the gap between the bars would be preserved. Mr Contentin also confirmed that the width of the blue bars was based on a worst-case scenario; they assumed that each train was a slow train (which would require a barrier downtime of 165s) rather than taking the actual position of many of these trains being fast trains (which would require a shorter barrier downtime). That is relevant to this point because 3 of the 4 trains in the two blue bars at the end of the AM peak hour appear to be fast trains (given the narrowness of the yellow and grey bars) and yet the barrier downtimes will have been modelled on the basis that they are slow trains.
118. After giving his oral evidence, Mr Faires subsequently sent an email with further representations based on the table at p.9 of Mr Contentin's Proof.⁷³ This table sets out the barrier downtime at Shepreth level crossing from September 2022 to February 2023. Mr Faires used the data in the table to show that the *mean* barrier downtime was 203s, a higher value than the 169s *median* barrier downtime. The effect, Mr Faires alleged, would be much longer barrier downtimes to enable several trains to pass through. In his oral evidence Mr Contentin disputed that the mean was the appropriate metric to

⁷² APP/39.

⁷³ INQ/17.

use. For example, he stated that if you plug the 203s figure into the methodology, you get a barrier downtime of 12 minutes in the AM peak at Meldreth. But the table at p.9 of Mr Contentin's proof shows that this rarely happens at Shepreth – out of 20,000 instances there was not a single occurrence of a barrier being down for greater than 12 minutes in the AM peak. His professional view was, therefore, that the 203s figure was not a realistic or reliable figure to use. Rather, Mr Contentin strongly believed that the median value of 169s was the most robust value in terms of understanding the likely impact at Meldreth level crossing. Indeed, Mr Contentin stated that he went back and forth with the team multiple times to ensure the most appropriate and robust values were being relied upon. The Highways Authority was also content with this approach.

119. In relation to further questions posed by Mr Faires in writing after 18 April 2023, these are dealt with in the General Note, §9.2.⁷⁴

(5) Roger James – OBJ/27

120. Mr James submitted an objection in his personal capacity on 22 September 2022. It does not appear that Meldreth Parish Council itself submitted any objection to the Order Scheme. Mr James' Statement of Case also appears to have been written in his personal capacity. Therefore, although Mr James is vice-chair of the Parish Council and the Statement of Case is labelled "*Meldreth Parish Council*" on the Inquiry website, it appears that OBJ/27 strictly relates only to the views of Mr James and not the Parish Council itself.
121. In his Statement of Case, Mr James makes various criticisms of the modelling undertaken by Modelling Group. In large part, they are based on a misunderstanding of the Modelling Group Documents, as may be understandable given the specialist audience the Modelling Group Documents were intended for. These points and others

⁷⁴ INQ/27.

were subsequently clarified during the Inquiry. Further criticisms were then made by Mr James at the Inquiry. Again, they have no foundation.

122. Fundamentally, Mr James had no answer to the point that the experts who spend each and every day of their professional lives dealing with these issues – Modelling Group and the Highways Authority – considered as robust the methodology employed and the results obtained. Indeed, Mr Contentin confirmed that Modelling Group had had a number of meetings with the Highways Authority lasting several hours in order to discuss the modelling and results.
123. Mr James’ overall concern was that the worst-case scenario (the 99th percentile) had not been sufficiently focused upon – for example, he referred to the “*flaw of averages*”. That approach to assessing the highway impacts of the proposed upgrade is misconceived. **§93 above** is repeated. Also in relation to a concern about excessive delays, Mr James suggests that following the upgrade at Shepreth crossing “*delays up to 20 minutes [were] regularly reported*”. Insofar as this relates to the period immediately after the upgrade, **§113(a) above** is repeated. Insofar as it is suggested that this is still the case, no evidence has been provided to support it and the evidence of barrier downtimes at Shepreth set out in Mr Contentin’s Proof (p.9) contradicts it.
124. Mr James’ point about the worst-case scenario was tied into his concern that the average barrier downtime did not assist him individually in determining how to plan a journey (and Mr Faires made a similar point). For example, when cross-examining Mr Contentin Mr James asked whether it was agreed that the average for him was “*useless because if I was going to a meeting, there is no way 4mins 40 secs would allow me to reach a meeting on time.*” Mr Contentin agreed. But, as with FLUA, this misunderstands the nature of the exercise being undertaken by the Modelling Group and being assessed by the Highways Authority. The purpose is to understand the impact on the highways at a network-wide level over a period of time rather than at an individual level for a specific journey. As such, it would not be appropriate to focus on a barrier downtime which would happen only very rarely – and which an individual may have to take into

account to ensure attending a meeting on time. Such a focus at the individual level would not give a fair representation of the Scheme.

125. Mr James referred to the clustering of trains and how delays would be reduced to road users if trains were equally spaced throughout the peak hours. As the Inspector noted during the Inquiry, however, there was no way to resolve this as any changes at this location would potentially create worse problems elsewhere and Meldreth could not be considered in isolation. Further, as Mr Contentin notes in his Proof, modelling based on the timetable at the date of commissioning (to include any clustering), as the Modelling Group did, is the industry standard: see, for example, the TfL “Traffic Modelling Guidelines” (version 4), §7.4.3.4. There is no reason for suggesting another approach should be taken.
126. Mr James further queried, by reference to Table 8.4 (p.55) in the Performance Report,⁷⁵ whether the queues in the AM peak would clear after the barriers had opened. Mr Contentin’s evidence was that they would “clear”. The graph did not show, as Mr James suggested, cars simply “*vanishing*” – they showed vehicles quickly leaving the queue, defined by reaching a certain speed. That is not surprising given the low number of cars at the crossing.
127. Mr James also questioned the projected number of individuals using the level crossing. He criticised the approach taken by Modelling Group of using a COVID readjustment factor of only 6%. In his oral evidence, he suggested that there should instead have been a 25% uplift employed. He subsequently suggested there should be an 81% increase. In response to this:
- a. The methodology employed to arrive at the 6% uplift figure is set out at 1.5.1-1.5.6 of the Performance Report.⁷⁶ In his oral evidence, Mr Contentin stated that they had worked hard with the Highways Authority to find and employ relevant historical data to arrive at this figure. Mr Contentin’s view

⁷⁵ APP/39.

⁷⁶ APP/39.

was that this figure was robust as it was based on comparing flows at the same locations before and after the pandemic.

- b. In relation to Mr James' assertion that the uplift should be 25%, Mr Contentin's evidence was that he did not know how this figure had been arrived at. There was no evidence to suggest it was robust.
- c. Mr James' subsequent assertion that the uplift should be 81% was based on an Excel spreadsheet he sent through, purportedly of a speed survey in the area.⁷⁷ Mr Contentin's response was that this figure was not robust because no specific location was stated as to where exactly this data had been captured. Although it referred to "North End" road, that road is 1.4km long and leads to a golf course, business centre, etc. In other words, the amount of traffic at the specific location could be significantly different from the level crossing. This shows the dangers of individuals without the relevant expertise relying on unverified figures obtained from unknown sources. By contrast, the Modelling Group's data was agreed with the Highways Authority.
- d. In any event, Mr Contentin's evidence was that the traffic at Meldreth level crossing was so low that a 25% increase or even an 81% increase in traffic would not affect his overall assessment. His position was that although at these levels there may be some residual queues left between barrier closings, it would still be manageable. In the vast majority of cases all queueing would clear after the barriers opened.

128. Mr James made some further points regarding the table set out at p.9 of Mr Contentin's Proof setting out the logged barrier downtimes at Shepreth. For example, he referred to the AM peak and queried why there would be 1128 barrier closings in total during the AM peak in circumstances where there would be approximately 1,700 trains passing

⁷⁷ INQ/18.

through at this location. These figures were said to be approximates and have not been verified. Nonetheless, even if they are broadly accurate, Mr Contentin's evidence was that there was nothing to be surprised about give that multiple trains often pass through a crossing during each closing of the barrier.

129. Remarkably, even though Mr James criticised the safety case for upgrading the level crossing, he appeared to admit during cross-examination that he had not read Mr Prest's Proof of Evidence. He stated that the key question was whether the improvement was "*worth it*". The safety experts on this issue, supported by the experts on highway modelling, have resoundingly said "*yes*".

V. OBJECTORS NOT AT INQUIRY

130. There are 22 objectors who did not appear at the Inquiry but whose objection has not been withdrawn.⁷⁸ In relation to these:

- a. 20 relate exclusively to the impact of the proposed upgrade at Meldreth level crossing on users of the crossing. The issues contained in these objections are repetitive and have been dealt with: (a) in Network Rail's letter, dated 23 November 2022, which was sent to all of these objectors;⁷⁹ (b) in the Proofs of John Prest and Nico Contentin; (c) at the hearing of the Inquiry; and, (d) in these Closing Submissions.
- b. A further objection relates to Mr Parmee, who is not a statutory objector.⁸⁰ Whilst heads of terms have been agreed, his objection has not been formally withdrawn. It is further important to note that the Officer Report supporting the decision to grant planning permission found the proposal compliant with local policy on residential amenity.⁸¹ In relation to objections not

⁷⁸ OBJ/1-10, 12-13, 16, 18, 21-24, 26 and 28-30.

⁷⁹ Appendices to Proof of Evidence of Elliot Stamp, ES30 (p.263ff).

⁸⁰ OBJ/13.

⁸¹ INQ/28, §9.19.

already considered, Mr Prest confirmed that the CCTV at the level crossing would use fixed cameras which were not pointed at nearby homes and that, in any event, Mr Parmee's house was quite set-back and screened. As such, there would be no privacy issues. On access to his property, as part of the upgrade to the level crossing a highways yellow box is to be painted on the highway to stop road users waiting over the access to Mr Parmee's residence. As to the compound, this has now been granted planning permission. The Officer Report supporting the decision to grant planning permission noted how infrequently this is likely to be used.⁸² On alleged light pollution, this has been satisfactorily conditioned as part of the planning permission.⁸³ The lighting will not be pointed in the direction of Mr Parmee's house and, in any event, additional lighting protection is to be installed at the level crossing as it is within a bat corridor. Therefore, it is not considered that there will be any change to the lighting of the level crossing to Mr Parmee's house. On screening, Network Rail have planned to minimise the removal of any mature trees and will also be installing a 300mm concrete kick board fence with 1800mm close board fence. This has been agreed with Mr Parmee.

- c. The final objection relates to the Woodleys, who are statutory objectors.⁸⁴ Whilst heads of terms have been agreed, they have not formally withdrawn their objection. A full response to their objection was given by Mr Gilbey in his oral evidence. It is set out in writing in the General Note, section 9.⁸⁵

131. In addition, 5 Representations were made. 3 of these related exclusively to the impact of the proposed upgrade at Meldreth level crossing on users of the crossing.⁸⁶ In relation to these, **§130(a) above** is repeated. REP/2 merely posed a question relating to the

⁸² INQ/28, §§9.11 and 9.26.

⁸³ INQ/29, §9.17.

⁸⁴ OBJ/22.

⁸⁵ INQ/27.

⁸⁶ REP/1 and 3-4.

upgrade at Six-Mile Bottom and REP/5 was a joint representation from Cambridge CC and South Cambridgeshire DC. The latter made a holding objection based on transport, air quality and other environmental impacts at the upgraded level crossings. These concerns are largely out-of-date. For example, the relevant officers at the local planning and highway authorities have confirmed that they have no objections to the proposed upgrade of Meldreth level crossing on transport, air quality or other environmental grounds and planning permission has now been granted. Otherwise, the balance of their concerns have already been considered in these Closing Submissions. Importantly, no Statement of Case or Proofs were provided by these authorities, suggesting that the substance of these objections are no longer pursued. Certainly, there has been no reply to Network Rail's response to these concerns.

VI. CONCLUSION

132. In conclusion, in light of the significant benefits to be brought about by the Scheme, as well as the other reasons set out above, the Inspector is requested to recommend that the Order be made and the Secretary of State is requested to make the Order.

YAASER VANDERMAN

Landmark Chambers

14 June 2023