

TRANSPORT AND WORKS ACT 1992
TRANSPORT AND WORKS (INQUIRIES PROCEDURE) RULES 2004
THE NETWORK RAIL (TACKLEY LEVEL CROSSING) ORDER

PROOF OF LISA BULLOCK

PLANNING

21 May 2024

1 INTRODUCTION

- 1.1 My name is Lisa Bullock. I am a qualified town planner, having obtained a Bachelor of Arts in Town and Country Planning and Master of Planning from the University West of England. I have been a full member of the Royal Town Planning Institute since July 2014, and am a Senior Town Planner at Network Rail Infrastructure limited (**Network Rail**).
- 1.2 I have been a Town Planner at Network Rail since September 2014. I am responsible for the submission of planning advice/applications, listed building consents and other environmental consents and advice within the Western route.
- 1.3 Prior to this, I held planning posts within the public sector. I have dealt with a wide range of planning matters and have been working in a planning for over 18 years.
- 1.4 I append a number of documents to this Proof, each labelled as **[LB1]** etc. which can be found in Appendices document **[NR-W4-2]**.

2 INVOLVEMENT WITH THE SCHEME, SCOPE OF EVIDENCE AND STRUCTURE OF THIS STATEMENT

- 2.1 I have been working with the project team since 2019. My role in the team is to provide planning advice and make any submission of applications to the Local Planning Authority at West Oxfordshire District Council (**WODC**).
- 2.2 Network Rail is proposing to close the level crossing at Tackley station. The process of this includes the provision of a footbridge with lifts at Tackley station (the **Footbridge**), the stopping up of part of an existing bridleway over the Tackley level crossing and creation of a new bridleway alongside the railway, and other ancillary works (the **Scheme**).
- 2.3 The Order **[APP1]** does not include a request for deemed planning permission as Prior Approval has already been granted by WODC **[LB1]**. This proof will provide a proportionate explanation of the town planning aspects. This proof has been written to provide confidence to the Inspector that there are no planning impediments to the delivery of the Scheme.
- 2.4 In this proof I will provide evidence on all town planning matters relating to the Scheme, as set out below:
- a Section 3 sets out the current status of the level crossing and consenting regimes for the Scheme;
 - b Section 4 provides details on the permitted development rights which are relevant to the Scheme;

- c Section 5 sets out the prior approval application associated with the Footbridge and the planning policy context associated with the Scheme;
- d Section 6 explains the consultation and engagement which has taken place with the respective local planning authority;
- e Section 7 summarises the response to objections which have been received on town planning issues;
- f Section 8 sets out responses to town planning related matters raised within the Statement of Matters; and
- g Section 9 provides a conclusion.

3 DESCRIPTION OF THE SITE

- 3.1 The site sits on the eastern edge of the village of Tackley and lies within the Cherwell Valley. The River Cherwell runs parallel to the railway on the eastern side, the Oxford Canal runs adjacent to the river. The River Cherwell does cross under the railway and back again just south of the Little Whitehall Railway Bridge which the bridleway 379/25/10 passes under.
- 3.2 To the east and south of the site is primarily agricultural land, consisting of large, relatively flat fields used for crop farming. As is typical of the region, these fields are primarily bordered by short hedgerows or tall rows of trees.
- 3.3 There are no planning constraints within the Scheme area. Although the very north of the station is part of a Local Wildlife Site (Tackley Railway Cutting).
- 3.4 Tackley level crossing is located on the Didcot and Chester Line (DCL) at 72 miles 47 chains. The railway forms the eastern boundary to Tackley village. The entrance to Tackley station is from Nethercote Road, a largely residential road.
- 3.5 Tackley station is situated adjacent to the rear gardens of properties in Nethercote Road and access is either by foot or cycle; no parking is available at or near the station.
- 3.6 Passengers wishing to access the Oxford-bound platform would have to cross the level crossing in order to reach the platform. The level crossing also accommodates an existing bridleway (379/2/10) (**Existing Bridleway**).
- 3.7 There is a good network of public rights of way surrounding the village providing links to neighboring villages and appealing destination such as the Oxford Canal Walk.
- 3.8 It should be noted that the Existing Bridleway is not part of Sustrans' National cycle Route 51, as stated in the Prior Approval Letter] **[LB2]** and Network Rail's Statement of Case although it is possible to take the train from Tackley to Oxford and pick up Route 51 from Oxford.

4 CURRENT STATUS OF THE LEVEL CROSSING AND THE CONSENTING REGIMES FOR THE SCHEME

- 4.1 The Scheme is described in detail in Anna Holbrook's Proof of Evidence **[NR-W1-1]**, but in summary involves the following elements:
 - a the permanent closure of Tackley level crossing;

- b the stopping up of that part of the Existing Bridleway (marked with a green solid line on the Land and Rights of Way Plans [**APP7**] which crosses the railway at Tackley Level Crossing as a result of the closure of the Level Crossing. The Existing Bridleway would therefore become a cul-de-sac;
- c the creation of a new bridleway (and associated fencing) to the west of the Existing Bridleway (marked with a pink dashed line on the plan on the Land and Rights of Way Plans) (**New Bridleway**) which would run adjacent to the railway before joining the existing byway (379/25/10) (**Existing Byway**) to the south. This would re-provide the Existing Bridleway connectivity east to west towards Tackley village;
- d redesignation of part of existing footpath (379/16/20) (**Existing Footpath**) to bridleway status to enable use by horse-riders as well as pedestrians and cyclists;
- e the construction of the Footbridge to allow the safe crossing from one platform to the other by station users;
- f the temporary stopping up of rights of way to allow for the carrying out of necessary works and upgrades to rights of way;
- g the compulsory acquisition of land and rights; and
- h the temporary possession and/or use of land during construction of the Scheme.

Current Status of the Level Crossing

- 4.2 A temporary closure of Tackley level crossing was approved by Oxfordshire County Council through a Temporary Traffic Regulation Order (**TTRO**) to commence on 1 January 2020 , subject to a temporary footbridge being constructed to replace the crossing.
- 4.3 Following the granting of the TTRO, the temporary footbridge was constructed and Tackley level crossing closed. This remains the current position at Tackley station. An information notice for station users including a phone number for the passenger assist team is posted on National Rail and Great Western Railway's websites (GWR being the train operating company for Tackley station) regarding the closure of Tackley level crossing and that the Oxford bound platform is only accessible via the temporary footbridge.

Consenting Regimes for the Scheme

- 4.4 On 8 December 2023 Network Rail submitted an application to the Secretary of State for Transport to make the Network Rail (Tackley Level Crossing) Order (**Order**) under sections 1 and 5 of the Transport and Works Act 1992 (**TWA 1992**) [**APP13**].
- 4.5 All permanent works to be carried out in relation to the Scheme will either be the subject of prior approval to the relevant local planning authority (**LPA**) or will be carried out as permitted development under Class A of Part 18 of Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015 (**GPDO**) [**APP14**]. Temporary works undertaken during construction will be permitted development under Class A of Part 4 of the GPDO.
- 4.6 As a result, no part of the works required for the Scheme is proposed to be authorised by the Order and the application for the Order does not include a request for deemed planning permission under section 90(2A) of the Town and Country Planning Act 1990 (**1990 Act**)

[APP8]. Instead, all works required for the Scheme will be permitted by separate planning permissions and/or through the GPDO, as set out in this proof.

- 4.7 Table 1 below sets out the town planning consenting route for the Scheme and the role of the Order.

Table 1: Town planning consenting routes

Consent	Works/Matters Authorised
The Order	• Closure of the Tackley Level Crossing. • The redesignation of the status of the Existing Footpath as a bridleway. • Stopping up of part of the Existing Bridleway, in connection with the closure of the Tackley Level Crossing. • Acquisition of land, and rights over land, and to use land temporarily in connection with the works required to construct the Scheme • Ancillary alternations to streets
Permitted development	• Construction of the Footbridge • Construction of the New Bridleway • Associated construction activity in construction compounds • Works for the redesignation of the existing footpath

- 4.8 In a letter dated 27 April 2023 [APP11], the Secretary of State determined that an Environmental Impact Assessment was not required in relation to the Scheme.

5 NETWORK RAIL PERMITTED DEVELOPMENT RIGHTS

- 5.1 Network Rail has extensive permitted development rights under Schedule 2 to the GPDO. Network Rail's Statement of Case notes that Network Rail will be using its permitted development rights under Part 8 of Schedule 2 to the GPDO. Network Rail will only be relying on Part 18 and not Part 8.

- 5.2 In addition, where there is a need for "works" required temporarily in connection with and for the duration of the construction, Part 4 of the GPDO permits this. Network Rail will also be relying on Class A of Part 4 of the GPDO. Details of the relevant Parts are set out below:

Class A of Part 18 of the GPDO

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

- 5.4 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."*

5.5 Condition A.2, of Part 18, explains that:

"The prior approval referred to in paragraph A.1 is not to be refused by the appropriate authority nor are conditions to be imposed unless they are satisfied that-

- (a) *the development (other than the provision of or works carried out to a dam) ought to be and could reasonably be carried out elsewhere on the land; or*
- (b) *the design or external appearance of any building, bridge, aqueduct, pier or dam would injure the amenity of the neighbourhood and is reasonably capable of modification to avoid such injury."*

5.6 Class A of Part 18 can also be relied on in circumstances where elements of works are located outside of Network Rail'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.

5.7 The main line at this location was constructed under the authority of the Oxford and Rugby Railway Act 1845 [APP22]. That Act incorporates the provisions of the Railway Clauses Consolidation Act 1845 (RCCA 1845) [APP23]. All Act provisions are relevant to the construction of the railway and yards and structures at this location with section 16 of the RCCA 1845 providing as follows:

"Subject to the provisions and restrictions in this and the special Act, and any Act incorporated therewith, 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,)

1 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;

...

4 They may erect and construct such houses, warehouses, offices, and other buildings, yards, stations, wharfs, engines, machinery, apparatus, and other works and conveniences, as they think proper;

5 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

6 They may do all other acts necessary for making, maintaining, altering, or repairing, and using the railway:

..."

5.8 Requests for pre-application advice were submitted to West Oxfordshire District Council (WODC) in May 2019, August 2022 and November 2023 [LB3]. A prior approval application under Part 18 of the GPDO was submitted to WODC on 20 February 2024 and acknowledged as received on 22 February 2024 (Prior Approval Application) [APP12]. The works included within the Prior Approval Application are not authorised by the Order and are not the subject of

the public inquiry into the Order. The Prior Approval Application (reference 24/00534/PART18) was approved by WODC on 29 April 2024.

- 5.9 The Prior Approval Covering Letter which was submitted in support of the application and the decision given by WODC has been appended to this proof **[LB1]** The letter provides details of the site, proposed works and further information relating to Part 18 of the GPDO.

Class A of Part 4 of the GPDO

- 5.10 Class A of Part 4 of the GPDO permits "*The provision on land of buildings, moveable structures, works, plant or machinery required temporarily in connection with and for the duration of operations being or to be carried out on, in, under or over that land or on, in, under or over that land or on land adjoining that land*".
- 5.11 Development is only permitted for operations which have been granted consent or deemed to be granted.
- 5.12 The temporary footbridge currently being used to cross the railway was permitted under Part 4 GPDO. Class A of Part 4 allows the provision of temporary structures required in connection with and for the duration of operations being or to be carried out on that land. In this case it would be the provision of the permanent footbridge which has deemed consent under Part 18 GPDO. Confirmation of compliance with the requirements of Part 4 GPDO was provided by Joan Desmond on 20 January 2020 **[LB4]**.
- 5.13 Network Rail will also rely on Class A of Part 4 of the GPDO, during the construction of the Scheme.
- 5.14 On completion, the land used for the creation of temporary haul roads and compounds will be reinstated to its condition before that development was carried out. This temporary use of land is within Class A of Part 4 of the GPDO and therefore there is no impediment to the delivery of this aspect of the Scheme.

6 PRIOR APPROVAL APPLICATION

Prior Approval Granted by WODC

- 6.1 This section provides an overview of the prior approval application associated with the Footbridge and the planning policy context..
- 6.2 Prior approval under Part 18 of the GPDO for the provision of a permanent footbridge at Tackley station was granted by WODC on 9 April 2024. The consented bridge will have lifts and stairs and be built with lattice panels to replicate the appearance of a Victorian era wrought iron lattice footbridge.
- 6.3 The prior approval application contained the following documents:
- Landscape and Visual Impact Assessment] **[LB5]**
 - Daylight Impact Assessment **[LB6]**
 - Lighting Impact Assessment] **[LB7]**
 - Architectural Visualisations **[LB8]**
 - Design and Access Statement **[LB9]**
 - Proposed Landscaping **[LB10]**

- Preliminary Ecological Appraisal and BNG Assessment [LB11]
- Sections [LB12]
- General Arrangement] [LB13]
- Site Location Plan [LB14]

6.4 You will see the prior approval application covered a wide range of issues relating to the amenity of the neighbourhood which is a matter along with the location of the bridge that WODC would have considered when they determined the prior approval application for the Footbridge.

7 CONSULTATION AND ENGAGEMENT WITH LOCAL PLANNING AUTHORITY WODC

7.1 This section provides an overview of the consultation that Network Rail has undertaken with WODC.

Early engagement

7.2 Pre-application activity began in 28 May 2019 with a request for advice regarding the following:

The aim of the project is to close the level crossing at Tackley station. A planning application will be submitted to include the following works: -

1. Provision of a footbridge with lifts – This work could be undertaken via Prior Approval, under Part 18 of the GPDO; for clarity purposes this element will be included within the planning application.
2. Upgrade the surface of an existing public footpath to provide a suitable track for combined foot, cycle and equestrian use.
3. Alteration to an existing bridleway and public footpath - new, diversion, downgrade and stopping up order under Section 257 of the T&CPA to be submitted alongside the planning application.

7.3 A further email update was sent to WODC on 29 July 2019 to inform that following public engagement, changes to the proposed footbridge would be likely and Network Rail were looking into the provision of a subway or footbridge south of the station.

7.4 On the 8 August 2019 Joan Desmond from WODC confirmed that the proposed works and consent process as set out in the request by Network Rail would be appropriate.

Temporary closure of the crossing

7.5 On 25 October 2019 an email was sent to Joan Desmond to inform the WODC of the near miss that occurred on 16 October 2019. Details were provided of the temporary solution proposed (an attendant at the crossing until a temporary footbridge is installed) and how we would install the temporary footbridge under Part 4 of the GPDO which allows temporary structures/works in connection with operations to be carried out on that land. Part 4 is only permitted for works that are granted or deemed to be granted.

7.6 Joan Desmond confirmed the works would comply with Part 4 of the GPDO on 20 January 2020. The temporary footbridge was installed on 1 February 2020.

Pre-application advice

- 7.7 A second request for pre-application advice was sent to WODC on 2 August 2022. This request included details of the Options Selection undertaken by Mott MacDonald in April 2022. The request included the bridleway diversion, the Footbridge, a design for the Footbridge and details of the consent process (being Prior Approval for the footbridge and a diversion/extinguishment Order under S118A and S119A of the Highways Act 1980).
- 7.8 A response was received by James Nelson from WODC who had no objections to the proposal and confirmed the Footbridge could be dealt with via a Prior Approval application under Part 18 of the GPDO.
- 7.9 On 4 October 2023 a letter was sent to James Nelson explaining the consenting strategy for the formation of a bridleway, this includes a 5m wide track covered with a Type 1 sub-base (being a granular crushed aggregate) and fencing on either side of the track [LB15]. The letter set out how the bridleway and fencing can be constructed undertaken permitted development using either Part 8 or Part 18 of the GPDO. On the 18 October 2023 James confirmed that his view was that the works would be permitted development under Part 18 [LB15].
- 7.10 A final request for pre-application advice was made on 14 November 2023 [LB3]. Following the design being progressed, the designer Taziker, in consultation with Network Rail, concluded the preferred location for the Footbridge being the same place as the temporary bridge (rather than 50m north of the station). The reason being, it would be safer, more sustainable, easier for passengers to use and more cost effective.
- 7.11 James Nelson emailed his response on the 24 November 2023 confirming he had no objections to the change in location.
- 7.12 For completeness, all letters and responses to WODC are as follows:
- a Email dated 8 August 2019 from Lisa Bullock to Joan Desmond; confirmation of conversation by phone regarding the provision of either a footbridge or subway south of the level crossing, The consenting regime and list of documents required for submission [LB4].
 - b Email dated 20 January 2020 from Joan Desmond to Lisa Bullock; confirmation of acceptance that the temporary footbridge would comply with Part 4 of the GPDO [LB4].
 - c Letter dated 7 October 2022 from James Nelson to Lisa Bullock: pre-application advice in relation to the provision of a footbridge to the North of the station. The consenting regime and list of documents required for submission [LB17].
 - d Email dated 18 October 2023 from James Nelson to Lisa Bullock; confirmation of the provision of track and fencing under Part 18 of the GPDO [LB15].
 - e Email dated 24 November 2023 from James Nelson to Lisa Bullock; further pre-application advice concluded no objections following a change in the location of the footbridge to the station [LB3].

These have been appended to this proof at [LB16]

8 PLANNING POLICY

Local Policy context

- 8.1 The West Oxfordshire Local Plan (**WOLP**) [**APP34**] was formally adopted on 27 September 2018 and sets out the overall planning framework for the District from 2011 – 2031.
- 8.2 Section 7 of the plan looks to increase public transport and informs that West Oxfordshire Council will continue to work in partnership with the County Council and rail providers for the delivery of the various schemes and aspirations that have been identified.
- 8.3 Policy T3 sets out the Council's promise to increase the use of rail and provide safe and convenient travel, particularly for pedestrians, cyclists and other vulnerable users.
- 8.4 Oxfordshire Local Industrial Strategy [**APP26 & APP27**] presents a long-term framework in order to meet Oxfordshire's ambition to become one of the top three global innovation ecosystems by 2040. Oxfordshire will continue working with government to develop a resilient and responsive physical infrastructure to enable greater connectivity.
- 8.5 Oxfordshire County Council adopted a Local Transport and Connectivity Plan (**LTCP**) [**APP32**] in July 2022. The LTCP is the statutory local transport plan for the purposes of the Transport Act 2000.
- 8.6 The LTCP sets out the county's rail strategy. The Oxfordshire Rail Corridor Study (**ORCS**) [**APP25**] has been funded and progressed as a partnership between the Department for Transport, local stakeholders and the rail industry to identify opportunities and to enhance rail usage in Oxfordshire. The page 9 of the ORCS sets out details of interventions required to support growth in Oxfordshire and identifies Oxford Phase 2 and the need for level crossing improvements in Key Output 4.
- 8.7 Policy 21 of the LTCP confirms that the council will use the ORCS and Oxfordshire Connect to guide their approach to rail and priorities for rail investment in Oxfordshire.
- 8.8 In relation to rail strategy, LTCP explains at page 78 that the County Council had initially intended to publish a separate rail strategy in 2022 which will build on the Study and Oxfordshire Connect and identify potential future rail schemes, feasibility studies and opportunities across Oxfordshire. It will also take into account:
- a Decisions on rail priorities and funding set out in the government's Williams-Shapps plan for rail and Integrated Rail Plan.
 - b National rail policy direction on decarbonisation, operating models and funding (in the context of a still-uncertain world for post COVID-19 rail travel).
 - c Local priorities and opportunities as part of the Council's area and corridor transport strategies also being developed in LTCP 'part 2'.
- 8.9 However, the rail strategy has not yet been published. On the other hand, the Freight and Logistics Strategy (as part 2 of the LTCP) has been published (Freight and Logistics Strategy 2022 – 2050, July 2022 (**the Freight Study**) [**APP33**]). Actions 1 and 2 of the Freight Study in relation to rail freight (page 21 of the Freight Study) are:

"The Oxfordshire Rail Corridor Study (ORCS) forecast rail freight growth across Oxfordshire and identified the need for a 50% increase in capacity by 2033. This highlights that rail freight is forecast to increase in the county and work will be required to support this.

...

For these reasons our priority for long distance goods movement is to support the mode shift from road to rail. This will capitalise on the rail network in Oxfordshire. It will also help to reduce the number of HGVs, free up road space, tackle congestion and emissions and create a more efficient road network for all users.

Action 1 – Promote rail freight - *Our priority for long distance goods movement is to encourage the mode shift of freight from road to rail. We will work with stakeholders to encourage this shift and understand what measures are required to further encourage the use of rail freight.*

Whilst our priority is to support the mode shift of freight to rail, it is important that this does not affect our passenger rail network. The lack of spare capacity on Oxfordshire's rail network is currently a key constraint that will need to be addressed to enable more rail freight.

Upgrades to the rail network are beyond OCC's control. We will therefore need to lobby and work with the DfT and Network Rail to upgrade Oxfordshire's rail network and free up capacity for freight. In particular, we will take account of the recommendations in the Oxfordshire Rail Corridor Study.

Action 2 – Work with stakeholders to increase rail network capacity

We will work with Network Rail and the Department for Transport to seek improvements which optimise capacity on the existing rail network for freight and passenger services."

- 8.10 *Policy EH4 (Public Realm and green infrastructure) of the Local Plan is considered relevant to the Scheme.*
- 8.11 *This policy supports development proposals which provides that public realm and publicly accessible green infrastructure network considerations should be integral to the planning of new development.*
- 8.12 *Paragraph 8. 26 provides:*

"Protecting and securing improvements to the public realm is an important component to achieving sustainable communities. The NPPF emphasises that development should promote a network of public places and green spaces which are attractive, accessible, safe, uncluttered, work effectively for all users and provide a high quality landscape/townscape. (The design section of PPG provides useful additional guidance. 31) Further benefits come from these areas being integrated through walkways, cycleways, rights of way, open spaces and natural and green corridors."

National Policy Context

- 8.13 The National Networks National Policy Statement (**NPS**) [**APP31**] sets out the need for, and government's policies to deliver, development of Nationally Significant Infrastructure Projects (NSIPs) the statement inform that "Railways are a vital part of the country's transport infrastructure and play a crucial role in growing the economy and meeting the connectivity needs of customers and business.
- 8.14 The National Planning Policy Framework (**NPPF**) [**APP28**] provides the Governments overarching planning policies for plan making and decision making in England, with the presumption in favour of sustainable development at its heart.

- 8.15 Transport policy contained within the NPPF is largely focused on the impact of, and location of, new development, in relation to existing transport infrastructure, and provides limited guidance on proposals for new transport infrastructure.
- 8.16 Chapter 9 sets out the Government's key aims for promoting sustainable transport, which is defined in the Glossary as including public transport. Paragraph 116 informs that public transport use should be encouraged and that the needs of people with disabilities and reduced mobility should be addressed.
- 8.17 Chapter 12 notes the importance attached to the good design of the built environment. It advises at paragraph 135 that planning policies and decisions should ensure that developments meet a number of design characteristics including:
- Will function well and add to the overall quality of the area, not just for the short term but for the lifetime of the development:
 - are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities); and
 - optimise the potential for the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and supporting local facilities and transport networks.
- 8.18 The Scheme is considered to be in accordance with the above policies as it will provide railway improvements, safe travel for pedestrians and the like, whilst adding to the network of public rights of way within the local area and will:

“ increase the use of rail and provide safe and convenient travel, particularly for pedestrians, cyclists and other vulnerable users.”

Removing the level crossing and instead providing for passengers to use an accessible footbridge improves safety and convenience for rail users, particularly vulnerable rail users. Additionally, the New Bridleway provides safe and convenient travel for pedestrians, cyclists and other vulnerable users.

" provide opportunities for walking and cycling within the built-up areas and connecting settlements to the countryside through a network of footpaths, bridleways and cycle routes".

The proposed diversion route for the bridleway would improve safety whilst still maintaining access to the surrounding countryside and public right of way network. The proposed New Bridleway will be a suitable and convenient replacement for the Existing Bridleway over the level crossing.

9 RESPONSE TO OBJECTIONS

- 9.1 There were no objections made to the Prior Approval Application or any other town planning issues in response to the Scheme. There is no requirement for the Local Planning Authority to consult on the Prior Approval Application and WBDC did not do so.¹
- 9.2 Concerns were raised in objections in relation to impacts on the amenities of residents, specifically visual amenity, privacy and overlook.²

Visual amenity

The Landscape and Visual Impact Assessment [LB5] concluded that the footbridge would present a visual impact on the local landscape in the short range. This will be effectively reduced due to the sympathetic design of the bridge which include, natural colours, low-height lift shafts and landscaping. The landscaping proposed adjacent to the properties in Nethercott Road comprise, native shrub mix, native hedge and trees.

Privacy and overlook

- 9.3 A solid 1.8m high parapet along the west side of the bridge will ensure no overlooking occurs and the daylight assessment [LB6] concludes that any overshadowing should only be experienced during winter mornings when the sun sits low. The Lighting Impact Assessment [LB7] includes various design feature to limit light spill or glare impact, such as light shields and light dimming when the station is not in use.
- 9.4 The development of the Footbridge did take into consideration the amenities of the neighbourhood. In order to minimize any impact, the bridge design was changed to replicate the appearance of a Victorian era wrought iron lattice footbridge the parapets will include lattice panels and it will be coloured green.
- 9.5 Various studies have been undertaken such as a Landscape and Visual Impact Assessment [LB5], Daylight Impact Assessment [LB6] and Lighting Impact Assessment [LB7] all of which were submitted with the Prior Approval Application [LB1].

10 RESPONSE TO STATEMENT OF MATTERS

- 10.1 This section of my proof seeks to respond to town planning related matters raised within the Secretary of State's Statement of Matters initially issued on 17 April 2024 and reissued on 7 May 2024 (superseding the version send on 17 April 2024) (**Statement of Matters**), as far as they are not already addressed above.

5. "... whether the Footbridge would impact upon neighbouring land"

- 10.2 Please see paragraph 9 above which describes how the Prior Approval Application considers impacts on neighbouring land. In addition, the Officers Report [LB18] consider that the proposal would not injure the amenities of the neighbourhood.

¹ Planning Practice Guidance, When is permission required?, see paragraph 28 Reference ID: 13-028-20140306 – Is a prior approval application like a planning application?

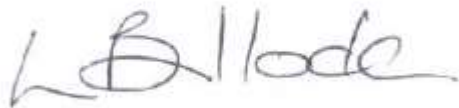
² OBJ1, OBJ2, OBJ14, OBJ48, OBJ67, Statement of Case of Mr Malcom Ridout (SOC-OBJ-01)

11 CONCLUSION

- 11.1 In this proof I demonstrate how the Scheme can be delivered under the terms of the proposed Order and associated town planning legislation. There are no planning impediments to the Scheme.
- 11.2 The principle of the Scheme and the terms of the proposed Order are considered to be supported by the NPPF and relevant local planning policy. The Scheme will deliver improvements to operational railway network, its associated safety, efficiency and reliability, and support the use of sustainable transport, whilst maintaining access to the countryside for walkers, horse riders and cyclists by the provision of the New Bridleway which is a suitable and convenient replacement for the Existing Bridleway over the level crossing.
- 11.3 By virtue of making its decision on the Prior Approval Application, it can be determined that the local planning authority has concluded that we have reasonably mitigated impacts on neighbouring property from the Footbridge.

12 WITNESS DECLARATION

- 12.1 This proof of evidence includes all facts which I regard as being relevant to the opinions that I have expressed and that the Inquiry's attention has been drawn to any matter which would affect the validity of that opinion.
- 12.2 I believe that facts I have stated in this proof of evidence are true and that the opinions expressed are correct.
- 12.3 I understand my duty to the Inquiry to help with the matters within my expertise and I have complied with that duty.

A handwritten signature in black ink, appearing to read 'LBullock', is written on the page.

LISA BULLOCK

Dated: 21 May 2024