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My Ref: P/TP25/
Your Ref: PL/2022/05426

Date: 25 February 2025

TOWN AND COUNTRY PLANNING ACT 1990 (as amended)

APPLICATION NO: PL/2022/05426

PROPOSAL: Development of 62 dwellings, public space and associated works with access via the A363

LOCATION: Land South West of White Horse Business Park, Trowbridge

Dear Jemma Foster,

Thank you for your response regarding the H2.2 applications and Wiltshire Council's general position on the level crossing closures. While we appreciate the rationale provided, Network Rail strongly believes that the applicant should be required to apply for a Public Right of Way (PROW) diversion order and that Network Rail should be formally consulted on this application.

We respectfully challenge the decision that Network Rail is not a statutory consultee in regard to application PL/2022/05426.

Network Rail has previously outlined to Wiltshire Council in numerous responses why we qualify as a statutory consultee for this application, specifically due to the material increase in traffic using the level crossing. The determination of what constitutes an impact to a level crossing should not rest solely with the Local Planning Authority but should instead be assessed by railway safety experts. We have seen previous cases, such as in Tewkesbury, where the council did not believe a development of 1,310 homes would impact the Homedown level crossing despite being within 1 km of the allocated site, leading to Network Rail not being consulted. In instances like this, risk could have been appropriately managed through the planning process.

In our response dated 20 January 2020 to application ref. 19/11459/OUT, you have correctly identified that Network Rail made no objections in principle to the proposed development. However, this was on the basis that application ref. 15/04736/OUT was granted permission and the development subsequently delivered.

Application 15/04736/OUT remains undecided by Wiltshire Council for reasons that are unknown to Network Rail. Given the application has been pending consideration for over a decade, the risk profile at the level crossing has changed as other developments have come forward and progressed. Therefore relying on the future approval of application 15/04736/OUT and subsequent level crossing closures, as a basis for dismissing current concerns about traffic

over the level crossings, is considered speculative at this stage and until the closure of the crossings is carried out and the PROW is diverted, the potential impact of the proposed development and the cumulative effect of all the forthcoming developments will have on the level crossings remains a valid consideration.

With regards to recreational trips, Network Rail have provided evidence from our experts in LC safety. As per my email to David Cox dated 20/05/2024, development figures for LC usage were provided. Network Rail have also run data provided by SLR to determine the risk at the crossing should there only be only a maximum of 5 users a day (as per their calculations). This still increased the risk at the crossing by 66.67 %. What we consider to be a material change in use is when the risk score at a crossing increases as a result of development. This would be sufficient to warrant a material increase in use and change to the character of traffic using a level crossing. Even with the developer's maximum estimate of five users per day, the increased Fatalities and Weighted Injuries (FWI) score renders the risk unacceptable. Mitigation measures are therefore required to reduce this risk.

With regards to Network Rail's position, this has evolved in response to updated risk assessments and the cumulative impact of multiple developments since providing comments on the outline application for PL/2022/05426. Our latest All Level Crossing Risk Model (ALCRM) analysis indicates a significant increase in risk at the crossing. Given this new evidence, past decisions on previous applications should not set a precedent when current safety concerns warrant reassessment. Each application must be evaluated based on the latest available data and its individual merits.

Notwithstanding the above comments, should Wiltshire Council determine that there is no increased risk to the level crossing and is willing to rely solely on the West Ashton site planning application to eventually facilitate the PROW diversion, we acknowledge that this is the Council's decision. However, Network Rail wishes to formally state that it has raised concerns regarding the impact of forthcoming developments, and as such, responsibility for any resulting safety implications at the level crossings will rest with the Local Planning Authority in the absence of a PROW diversion.

Network Rail is prepared to support our objection at appeal as increased level crossing safety risk is simply not acceptable. As a safety critical company, we have a duty to ensure that users of the railway are safe and therefore strongly believe mitigation is required as part of the development in the form of a PROW diversion.

Yours Sincerely,

Grace Lewis MRTPI

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