



Network Rail
Freedom of Information
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Ms Katie Wride

By email: request-296267-7662518b@whatdotheyknow.com

7th December 2015

Dear Ms Wride

Information request

Reference number: FOI2015/00978

Thank you for your request of 9th October 2015. You requested the following information:

"The residents of Plumpton would like to know who authorised the removal of essential parts of Plumpton Level Crossing gates prior to receiving planning permission and why. The crossing is now unable to be safely operated and the road will be closed for up to 3 months causing residents unlimited chaos. There is currently no provision for disabled access.

We would like to see any internal memos/ documents on this as well as NR's contingency plan if you didn't get planning permission.

We would like to know the specific details of why the current gates are now not safe to operate."

I have processed your request under the Environmental Information Regulations 2004 (EIR) as the information requested is environmental according to the definition in regulation 2 of the EIR (section 39 of the Freedom of Information Act 2000 (FOIA) exempts environmental information from the FOIA, but requires us to consider it under the EIR).

Further to our correspondence of 6th November 2015, I can inform you that we have searched our records and we do hold information in response to the first part of your

request, *"The residents of Plumpton would like to know who authorised the removal of essential parts of Plumpton Level Crossing gates prior to receiving planning permission and why"* and *"We would like to see any internal memos/ documents on this"* but that this information is being withheld from disclosure under regulations 12(5) and 13(1) of the EIR. For your information, we have interpreted 'on this' to be referring to the authorisation of removal of parts from Plumpton Level Crossing.

Regulations 12(5) and 13(1) of the EIR allows any public authority to withhold information if it constitutes the personal information of identifiable individuals, and its disclosure would contravene one or more of the data protection principles of the Data Protection Act 1998. In this instance, the information disclosed in response to your request constitutes the personal information of individuals.

The first data protection principle states that personal information must be handled fairly and lawfully. In our view the disclosure of the information that you have requested would be unfair to the individuals concerned. This is because it constitutes the personal information of Network Rail employees and the individuals concerned would not have had a reasonable expectation that such information would be disclosed.

In determining what is fair, we also need to balance the rights of the individuals with the legitimate interests in disclosure of the information. Accordingly, we consider that the disclosure of the information you have requested would be unfair and breach the first data protection principle.

We confirm that none of the listed parts of the crossing have been removed from the site and they remain in situ today. On the weekend of 4th October 2015 track circuit alterations were made that meant the signalling could no longer be controlled from Plumpton. The reason this decision was taken is because the Network Rail engineers didn't believe the gates could be made to work operationally again safely given the severe wear on the mechanism, additionally the alterations righted historic non compliances with signal spacing on the railway lineside.

In response to the following element of the second part of your request, *"...NR's contingency plan if you didn't get planning permission"* I can confirm that we have searched our records and we do not hold a contingency plan.

EIR regulation 12(4)(a) states that a public authority may refuse a request to the extent that the information is not held at the time of the request. We consider that this exception applies, as we do not hold any recorded information in the form of internal memos or documents regarding the authorisation of removal of parts from Plumpton Level Crossing or in relation to a contingency plan. As the reason for

refusal is that the information is not held, it is not possible to conduct a meaningful public interest test.

I can also confirm that, although undocumented, the contingency plan formulated by the project and route teams in the early stages should the gates have become unsafe to use and planning permission not have been granted would have been to chain the gates for periods of the day and potentially manually operate them at others. However in early discussion it was very quickly identified that it would not be safe to ask someone to manually operate gates on a crossing with no protection from road traffic, for example the flashing red lights which are often found at level crossings, and there was no proper method of securing the gates consistently in their current configuration. This was later backed up by the risk assessment that is in the latest submission to Lewes District Council made on 3rd November 2015; the link for this is further down on this page. The risk assessment discusses the reasons and highlights the potential risks presented by the level crossing and presents the options to address these risks as well as setting out why the MCB-OD level crossing was the best option.

In response to the third part of your request, *"We would like to know the specific details of why the current gates are now not safe to operate."*

I can confirm that we do hold the information you have requested, please find below links for the Asset Condition Report and Site Inspection Report that have been produced as part of the most recent planning applications made to Lewes District Council. Although the Site Inspection Report was produced subsequent to your request, it assists to illustrate the details as to why the current gates at Plumpton Level Crossing are deemed to be unsafe.

All of the documents referred to above are publically available on the Lewes District Council website; please use the following link to access:

<http://planningpa.lewes.gov.uk/online-applications/applicationDetails.do?activeTab=externalDocuments&keyVal=NX1HYTJDLN500>

If this link does not take you directly to the information required, we are confident you can still access this through the 'Planning Applications' page on the Lewes District Council website.

To further advise and assist you we are able to provide an explanation of the events leading up to the work commencing at Plumpton Level Crossing on 25th September 2015.

On 3rd September 2015 the project and maintenance team commenced regular Plumpton Level Crossing telephone conference calls so that everyone from both the project and the route could be kept up to date with the issues at Plumpton.

On 11th September 2015 the site was attended by members of the route and project teams along with the ORR. As a result of this visit, our operatives noticed and subsequently reported an issue with the gap in the up facing gate. During this visit the Network Rail staff in attendance were also concerned by how the condition of Plumpton level crossing had deteriorated. At this point it was clear to the project and route staff attending the site at that time that it would not be possible to leave the crossing in use beyond the 25th September 2015, the day of the planned road closure. The ORR was advised on site that Network Rail could not continue to operate the crossing beyond this date.

This chain of events was communicated to all parties within the telephone conference the following day. At 2159 on 25th September 2015 the gates were signed out of use in the occurrence log at both Three Bridges Area Signal Centre and Plumpton Level Crossing box and it is at that point they were deemed to be unsafe. Some information on this is already published within the latest planning applications made to the Council on 30th October 2015, the website link is below:

<http://planningpa.lewes.gov.uk/online-applications/applicationDetails.do?activeTab=externalDocuments&keyVal=NX1HYTJDLN500>

We understand that there are currently meetings and public consultations that are ongoing, and as an organisation Network Rail is committed to finding the best solution for all parties. Safety is always our top priority but Network Rail recognises the inconvenience caused to the local community at this time.

If you have any further queries in relation to this, please contact our 24 hour helpline on 03457 114141.

If you have any enquiries about this response, please contact me in the first instance at FOI@networkrail.co.uk or on 01908 782405. Details of your appeal rights are below.

Please remember to quote the reference number at the top of this letter in all future communications.

Yours sincerely

Emma Wolstenholme
Information Officer

Appeal Rights

If you are unhappy with the way your request has been handled and wish to make a complaint or request a review of our decision, please write to the FOI Compliance and Appeals Manager at Network Rail, Freedom of Information, The Quadrant, Elder Gate, Milton Keynes, MK9 1EN, or by email at foi@networkrail.co.uk. Your request must be submitted within 40 working days of receipt of this letter.

If you are not content with the outcome of the internal review, you have the right to apply directly to the Information Commissioner for a decision. The Information Commissioner can be contacted at:

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire SK9 5AF