



TRANSPORT AND WORKS ACT 1992

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

**THE NETWORK RAIL
(SUFFOLK LEVEL CROSSING REDUCTION)
ORDER**

PROOF OF EVIDENCE

-OF-

ANDREW KENNING

Document Reference	NR30/1
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1. INTRODUCTION

- 1.1. I am Andrew Kenning, a Senior Project Engineer working for the Level Crossing Development Team (the project team) based in Milton Keynes. I have spent my whole career (29 years) working in the Signalling department of the rail industry. Since I joined Network Rail in 2008, I have been employed in numerous Project Engineer positions on various projects, from large multi-discipline re-signalling schemes, to small specific types of equipment renewals. I have worked with / on level crossings as a Project Engineer for the last 6 years continuously and intermittently throughout my career as a Signalling Tester.
- 1.2. Whilst working for Network Rail I also spent 2 years working within the Anglia Route as an Asset Engineer (level crossings). An Asset Engineer is a role within the Route Asset Managers (RAM) team. I worked in the Signalling RAM team; my role whilst within this team was to monitor the condition of the level crossing assets and manage the renewal programme for the level crossings within Anglia Route. I was also responsible for ensuring projects working on level crossings were delivering an asset the Signalling RAM would adopt as a live asset. Whilst my role was predominately concerned with the active level crossing assets, I was also aware that there were a large number of passive level crossings that, with the development of new technology, would have active assets deployed at them in the near future (within the team we considered near future as being within 10 years). During this time I was involved in workshops where the development of a level crossing reduction strategy was discussed, and, following the workshops I was asked to write the Anglia Level Crossing Reduction Strategy (this is the CRD Anglia CP5 Level Crossing Reduction Strategy (NR18)¹ based on the outputs of the workshops. The Anglia Level Crossing Reduction Strategy was a standalone strategy, which whilst dealing with opportunities specific to Anglia Route also embodied other national strategies, as mentioned in the Statement of Case (NR/26). The production of the Anglia Level Crossing Reduction Strategy led, in part, to the project which is the subject of the current Order.
- 1.3. My roles and responsibilities in my current role on this project are to ensure that the proposed changes to the level crossings on the Anglia Route (which I refer to as “the project”) are fit for purpose (in terms of the users), that they are designed to the appropriate standard (i.e. that any new or diversionary routes are suitable for adoption by the highway authority), and that the changes meet the needs of the operational railway. As part of the development of the proposals contained within this Order, Network Rail has engaged Contractors to assist with the technical development and wider appraisal of the

¹ Appendix B to the Level Crossing Reduction Strategy, which sets out the details of the crossings assessed as part of this exercise, which is not included with the copy of the Strategy at NR18, can be found at tab 6 of my Appendices

proposed changes. I am responsible and accountable within Network Rail for the technical elements of the Contractors' work.

2. SCOPE OF EVIDENCE

- 2.1. In this Proof of Evidence, I explain how the proposals contained within the Order were developed, including through consultation carried out with the highways authorities, other stakeholders, and members of the public (Section 3), and describe, in general terms, the works which would be required to implement the Order, if approved (Section 4).
- 2.2. I then set out a description of each of the crossings contained within the Order, and discuss Network Rail's proposals for the same. The individual crossings are addressed in the following sections of this Proof:

Code	Name	Section
S01	Sea Wall	5
S02	Brantham High Bridge	6
S03	Buxton Wood	7
S04	Island	8
S07	Broomfield	9
S08	Stacpool	10
S11	Leggetts	11
S12	Gooderhams (footpath)	12
S13	Fords Green	13
S16	Gislingham	15
S17	Paynes	16
S18	Cow Pasture Lane	17
S21	Abbotts	18
S22	Weatherby	19
S23	Higham	20
S24	Higham Ground Frame	21
S25	Cattishall	22
S27	Barrels	23
S28	Grove Farm	24
S29	Hawk End Lane	25
S30	Lords No.29	26
S31	Mutton Hall	27
S69	Bacton FPS	14

3. DEVELOPMENT OF THE DRAFT ORDER

3.1. Eliane Algaard has discussed in her Proof of Evidence how the Anglia Level Crossing Reduction Strategy (“the Strategy”) came into being and what it is intended to achieve. (A copy of the Strategy can be found at NR/18). As can be seen from that Strategy, Network Rail Anglia Route was looking to achieve a number of objectives in during Control Period 5 (CP5):

- i. Rationalising the level crossings on the Anglia Route: for example by reducing the number of at-grade level crossings where opportunities existed for diverting users to a pre-existing alternative crossing point of the railway;
- ii. Removing level crossings which were either dormant – in the sense of being sleeping dogs for example, because there is no crossing at the point shown on the Definitive Map and Statement – or that the route was not usable;
- iii. Regularising status of existing level crossings: for example, where a level crossing had the status of a public road, but there was no public road network beyond the level crossing point (or only for a very short distance), or there was a dispute as to the nature of rights enjoyed over a level crossing point;
- iv. Downgrading rights enjoyed over a specific level crossing – e.g. to remove the higher, unused public status with a view to facilitating any further action which might be taken in respect of that crossing point in the future.

3.2. As set out in the Proof of Evidence of Eliane Algaard, it is Network Rail’s intention to look at reduction of level crossings across the network in a number of phases. She sets out at section 2.6 of her Proof that what we were looking at in particular for this phase (the project) were opportunities to reduce the number of at grade level crossings on the Anglia Route where opportunities existed for doing so without the need to provide expensive replacement infrastructure such as bridges or underpasses. As set out in the Strategy, it was anticipated that closure of at-grade level crossings which did require such infrastructure to be provided would be looked at in a later phase of the Strategy and so those level crossings were omitted from this project.

3.3. In terms of identifying those opportunities, this was initially done by way of a desktop exercise. When assessing the level crossings we used the following as a broad means of assessment criteria;

- i. where there were level crossings which had another crossing point nearby;
- ii. where there was already an alternative option to the route passing over the level crossing which would take users to and from broadly the same point;

- iii. where the path over the level crossing did not appear to serve a useful purpose, in the sense appearing to terminate at the level crossing or be otherwise severed (e.g. S24 Higham Ground Frame, where it was not though likely that any user would cross the A14 to continue north).
- 3.4. We also looked at level crossings where in the past we had looked at options to divert or downgrade rights over the level crossing, but where we had not been able to do so, for example, because negotiations with the affected landowner(s) had not resulted in agreement or objections had been received by the Highway Authority (e.g. S25 Cattishall).
- 3.5. Where we identified a situation where there were two or more level crossings which would seem to provide an alternative route for the other, or a potential alternative crossing point if one were to be shut, we then went on to consider which of the level crossings seemed to best correspond with the 'desire lines' of the users and/or minimise impact on the existing users of the level crossings in the area. An example of this is S03 Buxton Wood, where we considered that it was better for users in the area to divert users to Falstaff level crossing, which had better desire lines than Buxton Wood.
- 3.6. Where we were looking at a potential closure which would require users to divert to another crossing point of the railway (grade separated or otherwise), we also looked at potential routes for them to take to get to that other crossing point. At this point, we looked at the existing public right of way or highway network to see if existing routes could be used to access the alternative crossing point, and we also considered if and if so where, new routes could be provided to ensure a suitable diversionary route. At that stage, it was our aspiration to use Network Rail land, where possible, in order to reduce impacts on third parties. However, it became clear as the project progressed, that use of Network Rail land alone would often not provide an alternative which was acceptable to the highway authority or users of the existing right of way, and alternative alignments had to be looked at which involved greater use of third party land to provide the diversionary routes.
- 3.7. Complexity of the railway infrastructure was also considered in the assessment of level crossings. For instance level crossings close to stations are known to be complex, in terms of managing risk (for example, due to variation of speeds of trains passing over the level crossing as a result of stopping and non-stopping trains) and, if technology needs to be installed to mitigate risk at such level crossings this can be both expensive to install and resource intensive to maintain. The more technology and/or infrastructure which is added to the operational railway, the more layers of complexity this adds to the railway – not least as it adds in greater opportunity for failure, and then adds further complexity in terms of ascertaining the source of a failure, and rectifying the issue. We therefore did not consider any passive crossings close to stations as potential diversionary routes, and indeed looked at passive level crossings located closed to stations as potential candidates for rationalisation as part of this phase of the strategy.

3.8. This initial desktop exercise led to around 217 sites being identified on Anglia Route that were considered as suitable for diversions or other action (including crossing points in the whole of Norfolk and Suffolk). At that stage (April 2015), we met with all the highway authorities for the affected areas to discuss, generally, interfaces between public rights of way or highways and the railway, and to catch up on rights of way interfaces with the railway and to introduce them to the project - including our proposal to proceed by way of TWAO. At these meetings we;

- i. explained why we felt that the proposed crossing reductions, and the types of crossing identified, were a suitable way of moving forward with a rationalisation of PRow / railway interfaces;
- ii. provided copies of the Route Requirements Document prepared for their area (a copy of the RRD for Suffolk can be found at Appendix NR30/2 tab 1) so that they could see the sites we had identified and our proposals at that site;
- iii. provided a list of all level crossings in that highway authorities area, with the name it was known by Network Rail, and what we believed that status of the level crossing to be (public footpath etc.);
- iv. asked for general comments on what we were proposing, including any specification they would require diversions to be built to (for example, in terms of surfacing). We asked for any comments about the project to be returned to Network Rail by the end of May 2015 so that we could include them in the scope of works for the contract we proposed to enter in, following the tender exercise for feasibility appraisal work on our proposals (discussed at 3.10 – 3.15 below);
- v. set out our proposed timescales for the project with indicative dates for public consultation (etc.);
- vi. set out that we, or our appointed contractor, would contact them again once the contractor was appointed, and that there would be further discussions with the highway authority regarding the proposals (these meeting happened in September / October 2015).

3.9. At these initial meetings for the project the highway authorities seemed generally keen to listen to Network Rail to understand why we were proposing to proceed by way of TWAO (as opposed to individual applications under the Highway Act), but we did not receive comments on our proposals until the further meetings in September. We made clear that we were always contactable and would be happy to receive input at any time.

- 3.10. Following a competitive tender process, in June 2015 Mott MacDonald was appointed as our Contractor to undertake a 'sense check' of the initial proposals that Network Rail had identified. This was the GRIP1 stage of the project (June 2015 – January 2016).
- 3.11. As a highway engineering consultant Mott MacDonald were appointed to undertake assessments of;
- i. Ecological constraints that could impact on the proposals, covering the following areas;
 - ii. Flood risk within 500m of the level crossing (was considered large enough to include any proposed diversions route);
 - iii. Agricultural land classification around the level crossing, so that the effect of any proposal on agricultural landholdings could be understood;
 - iv. Watercourses within 10m of the level crossing or any proposed diversionary route;
 - v. Active / historical landfill sites within 500m of the level crossing (a 500m area was again considered large enough to include any proposed diversions route);
 - vi. Designated statutory sites of nature (such as SSSIs);
 - vii. Historic and cultural features (such as listed buildings);
 - viii. Nearby receptors (such as schools, residential, commercial);
 - ix. Ancient woodland, hedgerows;
 - x. Buildability of the proposals (for example, was the proposed diversion in an area likely to be affected by flooding, would the gradients of the proposed diversion be acceptable etc²;
 - xi. The extent to which the proposals were compliant with Network Rail's obligations under the Equality Act 2010;
 - xii. Amenity of the proposed diversions.
 - xiii. Stage 1 Road Safety Audits (RSAs) where diversionary routes took users to roads.

² By 'acceptable', this was taken to be no worse than currently experienced by the existing routes to the level crossing

- 3.12. Mott MacDonald was also asked to obtain land ownership details from the Land Registry so that landowner consultation could begin.
- 3.13. Mott MacDonald initially focused on diversionary routes provided by Network Rail; however during their site visits (in September 2015) they noted other routes that might be more suitable, and, in respect of a few proposals, identified where the Network Rail proposals were not, in their view, viable options.
- 3.14. Following the site visits, Mott MacDonald provided details of the assessments they had undertaken back to Network Rail to enable further discussion on the suitability of the proposals and any changes if required. There were workshops held between Network Rail and Mott MacDonald where it was decided what should be proposed to the highway authorities in October 2015.
- 3.15. Mott MacDonald was also asked to undertake some stakeholder consultation. Mott MacDonald undertook consultation, with the following stakeholders;
- i. Highway Authorities (for the areas affected by the proposals);
 - ii. Statutory Consultees;
 - a. Environment Agency;
 - b. Natural England;
 - c. Historic England;
 - d. Highways England.
 - iii. Local User Groups;
 - a. Auto Cycle Union;
 - b. (b) British Driving Society;
 - c. British Horse Society;
 - d. Byways and Bridleways Trust;
 - e. Cyclist Touring Club;
 - f. Open Spaces Society;
 - g. The Ramblers.
 - iv. A prioritised list of potentially affected land owners.
- 3.16. Further meetings were held with the highway authorities (attended by both Mott MacDonald and Network Rail) in October 2015 where the results of the Mott MacDonald site visits were discussed along with other details of the proposals and any proposed changes / alterations. These meetings were lengthy and detailed.

- 3.17. In those meetings, all the highway authorities asked for the diversionary routes to be as direct (for the user) as possible. The diversionary routes we had originally considered - 'there and back' routes along the railway boundary and within railway land - were generally not considered by the highway authorities to offer sufficient amenity to users, and were considered to be too long in terms of distance. The highway authorities asked the project to 'round the corners off' the proposed diversions, such that they were more aligned with the 'desire lines' of the users, so that the diversionary route would feel more natural to the user.
- 3.18. By the end of January 2016 Mott MacDonald provided further advice to Network Rail in respect of each level crossing, covering all the matters that they had assessed, including ecological impacts, safety, amenity of the proposed diversionary route, DIA compliance, records of incidents at the level crossings, and indicative costs. Mott MacDonald also made recommendations as to whether they considered individual level crossing proposals should be taken further forward by the project; this advice was taken into consideration by Network Rail when undertaking its review at the end of GRIP1. Mott MacDonald also identified whether they considered the proposed alternative route for each crossing was acceptable or whether they thought there was a better route and if so, reasons for that and why they thought it would be better than that which Network Rail had proposed.
- 3.19. At the end of the GRIP1 process (February 2016), those recommendations and indicative costs were considered by the Network Rail project team and the scheme Sponsor. At that point a decision was taken that there was not sufficient funding to take all of the proposals forward, and it could not be assumed that any further funding would be available within Control Period 6 (CP6), as the proposed CP6 funding plan had not been drafted at that time. A decision was made and the proposals for the whole of the Norfolk network and the Suffolk branch lines were paused: that is, the decision taken that they would not be taken forward as part of the current project, but that Network Rail would look to take those proposals forward at a later date once funding was available. The Network Rail project team also accepted some – but not all – of the recommendations made by Mott MacDonald. In some cases we were able to identify further alternatives warranting consideration, which we asked them to appraise at the next stage of works.

- 3.20. In March 2016 each of the highway authorities was issued with a 'County Report': a document prepared by Mott MacDonald which detailed the current position in respect of the crossings being considered for inclusion within the project in that authority's area. A copy of the report for Suffolk can be found in appendix NR 30/2 tab 2³.
- 3.21. Following a competitive tender process, in March 2016 Network Rail awarded the GRIP2-4⁴ contract to Mott MacDonald.
- 3.22. Mott MacDonald were contracted to undertake the following works;
- i. GRIP 1 development for new diversionary routes identified by Mott MacDonald / Network Rail for crossings where the initial proposals had been identified as not viable;
 - ii. GRIP 1 development for some additional level crossings that had been identified as potentially suitable for inclusion within the project after the initial desktop exercise;
 - iii. Undertake phase 1 habitat surveys at all still under active consideration proposed by the project;
 - iv. Undertake usage censuses at all level crossings being considered for inclusion within the project;
 - v. Produce consultation materials;
 - vi. Undertake 2 rounds of informal public consultation on the proposals;

³ I have included the report as issued to the highway authorities in March 2016. These are marked 'Not for public issue'. At the time those reports were prepared, Network Rail had not been able to discuss the proposals with all landowners potentially affected, and therefore whilst wishing to keep the highway authority informed as to the current position, wished to avoid a situation where the first which affected landowners might hear of the proposals was through publication of the 'County Report' or its contents otherwise being made more widely available.

⁴ Network Rail uses a management tool called GRIP to manage its projects. GRIP was applied to this project, although the GRIP stages were slightly altered to suit this project. The GRIP stages applied to this project are as follows;

GRIP1 – Development / Feasibility

GRIP2 – Informal public consultation

GRIP3 – Drafting the TWA documentation and deposition of the order

GRIP4 – Public Inquiry

GRIP5 – Detailed Design

GRIP6 – Construction

GRIP7 – Handover to highway authorities

GRIP8 – Project close out

- vii. Analysis of consultation responses to be fed back to Network Rail with recommendations;
- viii. Undertake 2 rounds of informal private consultation with MPs, Councillors, and Parish Councils;
- ix. Continue to consult with the highway authorities;
- x. Undertake further RSAs as required by the proposals;
- xi. Continue with the land owner consultation;
- xii. Undertake additional land referencing;
- xiii. Produce TWAO documentation.

3.23. The habitat surveys (detailed in 3.22(iii) above) were the next step for consideration of the potential ecological impact of the project, and also provided an opportunity for further assessment of the proposed diversionary routes. Previously, the environment assessments had been conducted as either desktop exercise or from publicly accessible land. At this stage of the project, the ecologists were able to walk the proposed diversionary routes on private land, the landowners permitting access for the assessment to be undertaken.

3.24. This access was often granted at short notice and unfortunately it was not possible for officers of the relevant highway authority to attend, although they were invited to do so.

3.25. Network Rail attended a Local Access Forum (LAF) meeting in April 2016 where we presented an overview of the project to the attendees. The routes of the diversions were not shared at that time, as not all landowners had been consulted, but the principle of what we wanted to do was communicated, and appeared to be well received by the forum.

3.26. At the beginning of June 2016, 9 day censuses were undertaken at all the open public level crossings to understand the usage of the level crossings. The information from those censuses was to help to inform the requirements of any diversionary route.

3.27. In June 2016 Mott MacDonald (aided by Network Rail) held a number of informal public consultation events across the area affected by the proposals (as they then stood) which are the subject of this Proposed Order. In identifying locations for the events, we looked to hold an event no further than 10 miles from any of the level crossing being

affected. That said, the staff in attendance knew the project and were capable of fielding questions on any of the level crossings in the project. These events were held at the following locations;

- i. Bury St. Edmunds – Saturday 11th June 2016
- ii. Stowmarket – Tuesday 14th June 2016
- iii. Ipswich – Wednesday 15th June 2016

3.28. For further details on these events including which level crossings were discussed at which events, the opening times of the events, and attendance details see Appendix NR30/2 tab 3. To inform the public of these events being held, notices were produced for each level crossing detailing when and where the events would be held. These were placed at the level crossings at least 7 days before the events. There were also leaflet drops to properties in the areas local to the level crossings: this was up to 1.5 miles from the level crossing depending on the density of residences. There were also advertisements placed in local papers advertising the events. At each informal public consultation event there were details of the level crossing proposals that were broadly within 10 miles of the event. I was in attendance at all of the events.

3.29. At the events there were some generic project information banners explaining the approach Network Rail had taken and what the time lines were. There was also a large maps showing where the level crossing were.

3.30. There also someone in attendance at each event who could answer questions on:

- i. Ecology;
- ii. Engineering;
- iii. Land use / rights over land;
- iv. Usage of the level crossing;
- v. Timings of things and what the next process is;
- vi. Why there was a need to alter the current position, and why Network Rail had taken the approach proposed

3.31. Attendees could look at any level crossing in detail and there were plans on tables for discussion as well as paper copies people could take away and comment on / consider in their own time. These plans were also available on the Network Rail web page from the morning of the public event. Appendix NR30/2 tab 4 contains a sample of the information provided.

3.32. There was a private hour at the beginning of every event where we invited MPs, Councillors, and Parish Councillors to attend. The intention of this was to allow them to be briefed as required on the proposals and allow them to ask us any question they might have; as elected representatives for the areas affected by the proposals, we thought it important to offer them the opportunity to meet with us immediately ahead of the public

consultation, so they had sufficient information if contacted about the proposals by their local community.

- 3.33. At the events we asked for feedback on both the event and the proposals. This could be done by filling in a questionnaire at the event, or online or by post. We asked people for their thoughts on the proposals, for example, whether they thought the proposed alternative was suitable. We also asked for any suggestions they might have as to how the proposal could be improved – for example, if they thought there was a better diversionary route which could be used - so that we could consider these during the development of our proposals. A copy of the questionnaire can be found at Appendix NR30/2 tab 4.
- 3.34. In some cases, we had identified more than one possible diversionary route, but had not decided which route was our preferred option, each option having its own merits. In respect of those crossing, we asked members of the public which they thought was the better route.
- 3.35. Some additional road traffic counts were undertaken following questions / feedback received at the round 1 informal public consultation and from the highway authority. The output of these traffic counts was used in workshops held between Mott MacDonald and Network Rail to further understand the nature of the roads that diverted users from the level crossings would need to interface with.
- 3.36. Network Rail contacted the LAF to see if they wished us to attend their next meeting to go through the proposals in detail, now that they had been released into the public domain. Network Rail was not invited to attend the meeting held in July.
- 3.37. Following the informal public consultations there were further workshops held in August 2016 between Mott MacDonald and Network Rail to consider the feedback received, and discuss what changes (if any) were to be considered. All the feedback we received was taken into account in our decision making process before the second round of public consultations. Where there were constructive comments that we could work with we did and tried to resolve the issues to improve the alternative offered. Without this input we would not have overcome some of the problems we faced.
- 3.38. Land owner comments were also discussed at these meetings, although we were mindful of the suggestions to place a route on the other side of a fence / hedge line where this involved another party's land as this would simply move the problem not solve it. Land owners were keen to tell us how the land potentially affected by our proposals was used and how impacts on their land could be reduced or mitigated, for example, by removing cross field paths, or removing paths from farm yards. Where possible, and where alterations were appropriate to the proposals, we have tried to work with land owners to try and ease the burden of the rights of way network on them, although in doing so we have had to balance this with the needs of the future users of the right of way.

3.39. The second round of informal public consultations was held in September 2016. The format was the same as the previous events, except by this stage we had identified our preferred option for each crossing and there were no sites where we were asking the public to choose between potential diversionary routes. Notices informing users of these events were posted at the level crossings and placed in local papers as with the round 1 event. There was also a denser leaflet drop than in round 1 to properties in the areas local to the level crossings as we had received complaints that some people had not received details of the first consultation (only attending through word of mouth information): this was again up to 1.5 miles from the level crossing depending on the density of residences. The information provided at the events was more detailed than previously provided and included details about the level crossing (numbers of trains a day, specific site risks and the ALCRM risk score). We also discussed the extinguishments which were being proposed - shown in blue on the consultation plans. The material available at the consultation events detailed what Network Rail's preferred option was, including what the length of the diversion would be. There was also a questionnaire available, which had been adapted to cater for representation from users groups, something that we had received feedback on in the previous round 1 public consultation. A sample of the round 2 consultation material, and questionnaire, can be found in Appendix NR30/2 tab 5.

3.40. In general terms, we looked to hold the events no further than 10 miles from the level crossings being affected (as with round 1, we had identified specific level crossing closures to be discussed at each event, although the staff in attendance knew the project and were capable of fielding questions on any of the level crossings in the project). The round 2 consultation events were held at the following locations;

- i. Ipswich – Tuesday 13th September 2016
- ii. Bury St. Edmunds – Thursday 15th September 2016
- iii. Bacton – Friday 16th September 2016

3.41. Further details on these events, including which level crossings were discussed at which events, the opening times of the events, and attendance details can be found at Appendix NR30/2, tab 3. As with round 1, I attended most of these events and played an active role in the consultation.

3.42. We held 2 rounds of informal public consultation not just to keep the communities informed of what we were proposing, but also because we thought it was important to make clear that we had been listening to the information and feedback we had received, and that it had informed our development of the project. In some instances, the responses we received through the consultation process resulted in level crossings being removed from the project, as we were not satisfied that we had identified a suitable alternative. In other situations we altered our proposals to match the needs of the users, for example, the proposals for S19 Rectory Road & S20 Beecroft.

- 3.43. Following the informal public consultations further workshops were held between Mott MacDonald and Network Rail to understand the feedback received through the consultation process, and what changes to our proposals (if any) needed to be considered. These meetings were held in October 2016. The output from these meetings provided the details for the Order Limit Plans and the Draft Order.
- 3.44. We then had a further meeting with the highway authorities to discuss the information received through the consultations and what we were looking to include in the Draft Order. We also discussed the next stages of the process.
- 3.45. It is important to emphasise that throughout the development of the project we have constantly reviewed the level crossings proposed for inclusion within the Draft Order. These reviews were undertaken at the end of GRIP1; following each of the informal public consultations; prior to the orders being deposited; and when key items of new information have become available, (for example, S19 Rectory Road & S20 Beecroft). It has never been Network Rail's position that it would not alter its proposals or remove a level crossing from the Draft Order if it became apparent that that was the right course of action, as a better alternative had been identified, or it became apparent that the diversionary route proposed was not satisfactory.
- 3.46. For example, during the development of the project, it became apparent that not all the structures that we had identified could be used as part of a diversionary route were suitable for that purpose (for example, because of physical features, such as the extent of headroom provided, or because substantial alterations would be required to the structure), and in these instances that particular level crossing was removed from the project and deferred to a later phase for further assessment.
- 3.47. In some instances it became apparent, through consultation, that the proposed alternative was not suitable and that there were genuine reasons why the crossing point of the railway needed to remain at (or very close to) its current location. In these cases the level crossing was removed from the project and again deferred to a later phase for further assessment (an example of this was S32 Haughley Green).
- 3.48. During December 2016 it became apparent to Network Rail that there would need to be further engagement on a number of our proposals, following some feedback we had received from the second consultation. This engagement exercise took the form of seeking to inform affected landowners by letters and the public by posting notices at the affected level crossings rather than the consultation events which had been held during June and September 2016. It was considered that the changes were of a minor nature, and as such that it would not be proportionate to engage on a third round of consultation events mirroring those previously undertaken, and that the key thing was that the public were informed of the changes.

- 3.49. I acknowledge that it was unfortunate that these changes had not been made in time for the September round of informal consultations, not least as it also meant that the changes affected additional land owners who had previously been unaffected by the project and not contacted before. However, as will be seen from the above, these changes resulted from our meetings with, and advice received from, Suffolk highway authority and the public consultations in September 2016, and we sought to overcome potential issues caused by the lateness of the changes by the further round of engagement which I have referred to at para 3.48 above. Nigel Billingsley also discusses in his Proof of Evidence the steps which were taken to engage with affected landowners prior to the application and Draft Order being deposited.
- 3.50. Mott MacDonald and Network Rail then held a series of meetings to finalise the Draft Order Plans.
- 3.51. Bruton Knowles were contracted in November 2016 to undertake the necessary support for the Draft Order on behalf of Network Rail. Nigel Billingsley sets out in his Proof of Evidence the steps which Bruton Knowles have taken to engage with affected landowners (or those holding an interest in land) since their appointment.
- 3.52. Network Rail has sought to use all information available to it throughout the development of the project – including, importantly, that received from our engagement with the highway authorities, landowners and members of the public – to make informed decisions as to whether each proposal should be pursued, through inclusion in the Draft Order.

4. WORKS TO BE UNDERTAKEN IF THE DRAFT ORDER IS APPROVED

- 4.1. I understand that some concerns have been raised as to the nature and extent of the works which would need to be undertaken to implement the Order if approved. These works can be broken down into a number of categories. I list these below and describe what the works to be undertaken would broadly consist of.

Temporary Access.

- 4.2. Access will be required in undertake the changes required by the Order (if approved)– in particular, creation of new PROW, removal of existing level crossing infrastructure, and erection of additional security fencing. Some access will be undertaken via the railway corridor, but some will be over third party land, as shown on the Order Limit Plans. The access taken over third party land will be limited to those activities detailed in the order. I set out below what, in broad terms, those activities are likely to entail.
- 4.3. In general, it is likely that the actual time required on the land will be short: that is to say days, rather than months. The types of vehicles are unlikely to be anything larger than a transit sized flatbed truck, which would most likely be used for delivery of materials and removal of any materials from site. It is not perceived that there would be any need to provide any specific haul road surface, and access is intended to be planned such that the land can tolerate the vehicles intended to be used without such treatment. The numbers of vehicles on any site is not likely to exceed 2 large vehicles and 2 smaller ones (car sized vans) – although could be less, depending on what exactly is being undertaken.
- 4.4. Numbers of staff have not been worked up in detail but based on the types of work being undertaken it is not envisaged that the team would generally need to be greater than 10 staff on site.
- 4.5. The only exception to this is where we need to create a structure over a water course or ditch. In these instances due to the construction activities required to create the new structure, there may need to be larger vehicles on site, especially if piled foundations are required or when lifting activities are being undertaken. At these sites detail is still being worked up as part of the detailed design of the bridges and will not be known until the design has been finished.

Vegetation Clearance.

- 4.6. Almost all of the proposals contained within the Order will require some vegetation clearance to be undertaken in order to be able to create the new PROW on the alignment shown on the Order Limit Plans, or to allow the railway boundary fencing to be erected to secure the railway from trespass. This vegetation clearance would be mostly undertaken with hand operated tools, although it may be possible to use mechanised clearance

equipment in some instances, where access allows. It is not intended that trees would be removed by the project; however it may be necessary to remove low hanging bows, these are likely to be chipped. Before any clearance is undertaken there will be a further ecology survey to ensure that no protected species would be affected.

PRow Construction

- 4.7. The vast majority of the PRowS being created by this project are unsurfaced. These unsurfaced PRowS would generally have a finished surface of grass, however in order to create the path there would potentially need to be some levelling of the ground. This would be done either by hand if very localised or with the use of powered machinery. As the PRowS are generally 2m wide for footpaths and 3m wide for bridleways, the machines used would generally be no wider than that of the PRow they are creating. Any materials required to firm up the ground or to be provided as surface treatment (tarmac plainings) would be brought to the site where it is required by similar sized machines.
- 4.8. The majority of fencing being provided by the project is to secure the railway boundary from trespass. For the most part this fencing is to be 1.8m high chin link fencing. Where fencing is required, there would be some vegetation clearance to ascertain the ground levels, and other features to be accounted for by the fencing. There may be some localised levelling of the ground, such that the fence is effective to ground level.
- 4.9. The fence would be erected from whichever side is easier (railway / third party), except where the third party land is of a sensitive nature (for example, a garden). In this instance every effort would be made to erect the fence from the railway side of the boundary.

Fencing

- 4.10. There are 2 distinct groups of fencing required by the project: one is the fencing required as part of the diversionary route, and the other is the fencing required to secure the site of the level crossing. The diversionary route fencing will be erected at the same time as the creation of the diversionary route, such that it is effective for when the new route is opened. The level crossing on the other hand cannot be closed until the highway authority (for that level crossing) has confirmed that the new diversionary route has been constructed to their reasonable satisfaction. Only then can the level crossing be fenced over, this means that there would possibly be 2 occasions when fencing activates are being undertaken for one level crossing, which would result in 2 occasions when access is required.

Temporary Closures.

- 4.11. Where there is an interface between the new diversion PRow with another existing PRow there may be a need to put in place a temporary traffic restriction order (TTRO), closing the PRow whilst works are undertaken to 'join' the new PRow to the existing PRow. This would be likely to be in the region of 1 day. The need for this closure is to ensure the public are safe from any construction works / vehicles. In some instances it will be necessary to close the existing PRow whilst the new diversion is being created, as construction of the new PRow would affect the existing PRow. An example of this is E31 Brickyard Farm, where the movement of the fencing would reduce the sighting from the level crossing to a point where there would be insufficient warning of approaching trains. The existing PRow would therefore need to be closed, in the interest of public safety.

Temporary Road Closures.

- 4.12. Some of the proposals require works to be undertaken close to public roads, and in these instances it will be necessary to undertake a form of road closure. These are likely to be of a lane closure where single file traffic is imposed for the duration of the works. It is not proposed that any road will need to be closed in totality to enable construction work, so it should always be possible to enable traffic to flow along such roads.

Removal of Level Crossing

- 4.13. The level crossing deck (if fitted) will be removed from between the rails during a possession of the railway, however it is not always possible to obtain a possession long enough to enable its removal from site. In these instances the deck would be placed where it can be removed via the third party land identified in the Order Limit Plans as required for temporary access. There may be other level crossing elements to be removed such as steps, hand rails, and signage. These would be the last materials to be removed from site as the level crossing would remain open until the new PRow is accepted by the highway authority, as discussed above. These materials are of a size and nature that a flatbed truck with lifting equipment would be used to remove them from site. The numbers of staff required for this is not expected to exceed 10.

Maintenance of PRow.

- 4.14. Network Rail is responsible for the maintenance of the new PRows for the first 12 months after they have been accepted by the highway authority as having been completed to their reasonable satisfaction. Network Rail is planning to use the PRow as the means of access to maintain the new PRows, however temporary access rights are provided for in the Order (as detailed on the Order Limit Plans) in the event that more

substantial works needed to be undertaken, which could not be undertaken solely from the PRow itself.

CROSSING DETAIL

I shall be discussing the proposals at each of the level crossings included in the Draft Order by reference to the Design Freeze Plan which can be found at Appendix F of NR26.

5. S01 Sea Wall

- 5.1. Sea Wall footpath level crossing provides a crossing point of the railway for footpath 13. Footpath 13 provides a broadly east - west link between restricted byway 14 and footpath 10.
- 5.2. Our proposal is to create a new footpath on the south eastern side of the railway from near to the level crossing and where bridleway 15 crosses the railway. The section of footpath 18 on the eastern side of the railway would be extinguished from the existing level crossing to the point where it joins footpath 16.
- 5.3. Users travelling on footpath 13 in a westerly direction (meeting byway 14) would, on reaching the field boundary (of the arable field) turn right and follow the field boundary up to the railway. On meeting the railway users would then follow the railway boundary until they meet footpath 12 where it is possible to cross the railway via an overbridge. Users would use the over bridge to cross the railway, then once over the railway users would turn left and follow byway 14 along the railway boundary to a point where the existing footpath 13 joins. At this point users would continue as if they had not been diverted.
- 5.4. There is a SSSI at the southern side of the level crossing (Stour and Orwell Estuaries) where there are protected ground nesting birds. This is also a SPA and Ramsar Wetland of International Significance. The diversionary route runs alongside the SSSI area where the ground nesting birds are to be found, and as a result Natural England have requested that the current section of footpath 13, that runs along the water edge is extinguished, rather than leaving a cul-de-sac terminating at the (former) S01 level crossing.
- 5.5. This proposal changed during consultation. Network Rail had initially considered diverting the footpath through an underbridge to the west of the level crossing, however this was deemed as unacceptable due to additional disturbance to the ground nesting birds and proved unachievable due to there being a derelict factory on site. There are proposals to

provide a new traincare depot⁵ on the currently derelict factory site to the north of the level crossing. This would mean that any use of the underbridge could have involved the crossing of more railway lines on the level having passed under the existing railway in order to join up with restricted byway 14.

- 5.6. I understand that the highway authority, Suffolk County Council, is objecting (Obj29) to this proposal on the basis that they have concerned as to the viability of the proposed diversionary route during winter months in wet conditions. The issue regarding usability of the proposed diversionary route is discussed in the Proof of Evidence of Susan Tilbrook (NR/32/1), and I have set out above the reasons why Network Rail has decided that the southern section of footpath 13 should not be retained.

6. S02 Brantham High Bridge

- 6.1. Brantham High Bridge footpath level crossing provides a crossing point of the railway for footpath 6. Footpath 6 provides a broadly east - west link between Brantham Bridge in the east (and footpath 34) and Brantham village to the west.
- 6.2. This level crossing is temporarily closed due to safety concerns, as discussed in John Prest's Proof of Evidence (NR/31/1).
- 6.3. Our proposal is to create a new footpath that links to and utilises the existing footbridge over the railway to the south of the level crossing, adjacent to the A134 Ipswich Road. There would also be new public rights created along Jimmy's Lane.
- 6.4. Users travelling from Brantham Bridge (east of the railway) would utilise the existing footpath 6 up to the railway, at which point they would head south along a new path until they reach The Street (A137). At this point they would turn right and head west along The Street. Users would then have a choice of whether to use bridleway 11 to access Brantham or continue along the A137.
- 6.5. Mr Taylor (Obj62) the landowner to the (east) of the railway is concerned about the erosion of the railway cutting embankment and safety of users. It is the view of Network Rail that there would be no risk to the safety of the footpath users as there would be a railway boundary fence in place. Network Rail regularly monitors its boundary fencing, especially where the public have access. The cutting is in an area which has been known to have had issues with instability in the past. However, as its integrity has ramifications for the safe running of trains, its condition is monitored by our geotechnical engineers. In the unlikely event of a failure, Network Rail would, in the absence of agreement with the neighbouring landowner, seek to use its statutory emergency powers to repair or reinstate the cutting

⁵ <https://www.greateranglia.co.uk/about-us/latest-news/news-articles/plans-unveiled-new-depot-near-manningtree>

slope in a stable condition, which would include reinstatement of the footpath. It should be noted that the current diversion proposal avoids the deepest section of cutting. The surfacing and drainage of the path will be designed so as to minimise any run off or other impact which might lead to deterioration of the cutting slope. Any erosion of the cutting would be managed in a way that maintains both the footpath and the safety of the railway.

- 6.6. I understand that the highway authority, Suffolk County Council, is objecting (Obj29) to this proposal, due to concerns as to the stability and integrity of the railway embankment. I have set out Network Rail's position above. The Council also states that the proposed footways link on the A137 will require the agreement of Suffolk Highways and have to meet any specifications they require. The footway link along the A137 is discussed in more detail in the Proof of Evidence of Susan Tilbrook (NR/32/1).

7. S03 Buxton Wood

- 7.1. Buxton Wood footpath level crossing provides a crossing point of the railway for footpath 22. Footpath 22 provides a broadly north – south link from Potash Lane to Station Road Bentley.
- 7.2. Our proposal is to utilise Falstaff level crossing to cross the railway and then create a new footpath heading south to meet with the existing footpath, which provides a link to Station Road, at a point close to the level crossing S03.
- 7.3. Users travelling in an easterly direction from Church Road would continue along footpath 21, crossing the railway at Falstaff level crossing. Once over the railway users would head south along a new footpath that follows the western edge of the stream. Users would return to the existing footpath 22 close to the existing level crossing.
- 7.4. Mr Caldwell (Obj60) has raised an objection to the use of his land and a historic issue of Network Rail drainage ditches being blocked and causing excessive wetness to his land. The objection letter suggests that his concern in this regard relates to Network Rail not taking forward one of the alternative proposals which were the subject of public consultation at the stage 1 consultation. Susan Tilbrook discusses the options considered, and reasons why they were or were not progressed in her Proof of Evidence (NR/32/1), and the reasons why Network Rail considers that the diversionary route proposed as part of the draft Order is the appropriate alternative route to have pursued. Mr Caldwell's objection letter also states that those drainage issues are currently the subject of litigation between himself and Network Rail. I would add that I do not have any personal knowledge of the litigation referred to in Mr Caldwell's objection letter, and do not believe that it is something which falls within the scope of this project. In respect of Mr Caldwell's dredging of the watercourse adjacent to the diversionary route, I understand that from the Caldwell's that

dredging is undertaken approximately every 20 years and Network Rail do not see this as a significant impact on the footpath or the footpath on the dredging operation.

- 7.5. I understand that the highway authority, Suffolk County Council, does not object to this proposal.

8. S04 Island

- 8.1. Island footpath level crossing provides a crossing point of the railway for footpath 18. Footpath 18 is an east – west link from Maltings House in the east to Bentley Hall in the west.
- 8.2. Our proposal is to utilise the existing road bridge to the north of the level crossing to cross the railway. To enable this, new footpaths will be created on either side of the railway to link back into the existing footpath. The new footpath on the east will be created predominantly on Network Rail land, where as the one to the west will be situated on private third party land. Network Rail is aware that the highway department are planning to erect vehicle restraint barriers along the road approaches to the road bridge.
- 8.3. Users heading in a westerly direction along footpath 18 would, upon reaching the railway, turn right and head north along the railway boundary on a new footpath until they reach the existing road overbridge. Crossing the railway via the overbridge, users would then utilise a new footpath south, following the field boundary to the point where it links into the remaining section of footpath 18 on the western side of the railway, and users would continue as they do today.
- 8.4. Mr Hill QC (Obj 21), although generally supportive of the proposals, has suggested an amendment to the location of the vehicle restraint barriers, and, as a consequence, the proposed diversion in this location. These barriers are being fitted by Suffolk highway authority and are outside of the project's control. The vehicle restraint barriers are not works for which authorisation is sought under the draft Order, and I understand that any changes to the barriers proposed by the highway authority would therefore not fall within the scope of this inquiry or the draft Order.
- 8.5. I understand that the highway authority, Suffolk County Council, does not object to Network Rail's the proposals for this level crossing.

9. S07 Broomfield

- 9.1. Broomfield footpath level crossing provides a crossing point of the railway for footpath 12. Footpath 12 is a southwest – northeast link from Mill Lane (in the southwest) to Lower Crescent (in the northeast).
- 9.2. Our proposal is to utilise the existing River Gipping underbridge to the southeast of the level crossing. To enable use of the bridge, a new link footpath would be created on the eastern side of the railway between footpaths 11 & 12. Also to assist with the increased footfall, the existing footpath (footpath 12) will be diverted away from the river edge to higher ground to remove the risk of the route becoming excessively muddy and the out of the way of anglers fishing equipment / lines.
- 9.3. Users heading in a north eastern direction from Mill Lane would join footpath 30 and head east on the new (higher) alignment. After passing under the railway users would head north on existing footpath 11, and then continue via a new section of footpath that links back to the existing footpath 12.
- 9.4. I understand that the highway authority, Suffolk County Council, does not object to this proposal.

10. S08 Stacpool

- 10.1. Stacpool footpath level crossing provides a crossing point of the railway for footpath 33. Footpath 33 is a northeast – southwest link from the River Gipping to the B1113.
- 10.2. Our proposal is to utilise the existing vehicle over bridge to the north west of the level crossing (which currently also carries footpath 31). To enable use of the bridge a new footpath would be created along the eastern edge of the railway linking footpath 33 to 31.
- 10.3. Users heading west on footpath 33 would, on reaching the railway, head north on a new footpath running adjacent to the railway, which leads users to an over bridge. User would then use existing footpath 31 to reach the B1113. From there users would have a short distance to travel on the existing pavement until they were able to cross the B1113 to join existing footpath 35. Once on footpath 35 users would continue on their way as if they were not diverted.
- 10.4. The land to the east of the railway is currently being used for aggregate extraction, and as a result the gravel / sand are being moved by truck from the site via the overbridge used by the proposed footpath diversion. It is Network Rail's understanding that the extraction licence is due to expire in 2019, and this would align with the creation of the

diversion (if the proposal is confirmed). The area is planned to be converted into a wetland area for wildlife.

- 10.5. I understand that the highway authority, Suffolk County Council, does not object to this proposal.

11. S11 Leggetts

- 11.1. Leggetts footpath level crossing provides a crossing point of the railway for footpath 6. Footpath 6 forms part of an east west link from Boys Hall, to Old Bells Farm.
- 11.2. Our proposal is to utilise the existing active level crossing at Wassicks as the means of crossing the railway. As there are existing PRoWs running on either side of the railway there is no need to create any new footpaths.
- 11.3. Users heading west along footpath 33 would, on reaching the railway, head south along existing footpath 61 & 61, to cross the railway at Wassicks active level crossing. Once across the railway, users would head north along byway 13 until they reach the junction with byway 11. At this point users would continue as if they had not been diverted.
- 11.4. I understand that the highway authority, Suffolk County Council, does not object to this proposal.

12. S12 Gooderhams (footpath)

- 12.1. Gooderhams footpath level crossing provides a crossing point of the railway for footpath 19. Footpath 19 forms an east - west link from Canham Green, to Bacton Green.
- 12.2. Our proposal is to utilise Cow Creek level crossing, to the north of S12 Gooderhams, as the means of crossing the railway. As there are existing PRoW links between S12 Gooderhams to Cow Creek level crossing, there is no need to create any new footpaths or other PROW links.
- 12.3. Users who would have been heading east along footpath 19 would (at the junction with footpath 18), head north on footpath 18, and follow it east to Cow Creek level crossing. They would cross the railway at Cow Creek and using Kerry's Farm Lane they would reach the B1113. At this point they would continue their journey as if having not been diverted.
- 12.4. The existing private vehicular level crossing would be retained for use by the land owner and are not affected by the draft Order.

- 12.5. Mr Crossman, the Estates Manager for the Orwell Settlements Trustees (Obj25) has objected to the proposal on 3 grounds. Firstly, the Trustees are concerned that the proposals for the diversion relating to S69 Bacton would restrict their ability to take vehicles through the existing bridge at Pound Hill, and requests that the vehicular gate be widened at S12 to mitigate this risk. As I have stated above, the draft Order includes provision only in respect of the footpath level crossing. The vehicular level crossing is not included within the scope of the Order. Further, as I discuss below (in section 14 in respect of S69 - Bacton), Network Rail is not proposing to create a new footway under Pound Hill bridge, and will, in any event, need to work with the highway authority to achieve the footway provision and in doing so will need to adhere to suitable carriageway widths. Secondly, the Trustees object to the creation of a new PROW on their land to provide a diversionary route following the closure of S13 & S69 footpath crossings as they say it is not justified due to low usage. Susan Tilbrook addresses the reasons why Network Rail consider the provision of an alternative PROW is required, and why Network Rail's proposed diversionary route is considered to be suitable and convenient in her Proof of Evidence (NR/32/1). Thirdly, the Trustees object to the creation of formal access rights across their land to get to the crossings. I understand that this has been addressed by Network Rail in its response to the letter of objection, as set out in Nigel Billingsley's Proof of Evidence in section 8.4 (NR/29/1).
- 12.6. Similar concerns have been raised by Mssrs E. Hudson Baker (Obj 26), the tenants of the Orwell Settlements Trustees. I understand that additional concerns they have raised were addressed in a letter from Network Rail responding to their letter of objection, as set out in section 8.4 of Nigel Billingsley's Proof of Evidence (NR/29/1).
- 12.7. I understand that the highway authority, Suffolk County Council, does not object to this proposal.

13. S13 Fords Green

- 13.1. Fords Green footpath level crossing provides a crossing point of the railway for footpath 14. Footpath 14 provides a broadly east – west link from Ford's Green to Wyverstone Green
- 13.2. Our proposal is to utilise the Cow Creek level crossing to the south of S13 Fords Green as the means of crossing the railway. To enable this, a new footpath would be created to run along the western side of the railway linking footpath 14 to footpath 18.
- 13.3. Users heading in a south easterly direction from Bacton along footpath 14 would, on reaching the railway, head south along a new footpath to Cow Creek level crossing. They

would cross the railway at Cow Creek level crossing and then head south east along Kerry's Farm Lane. From here they could either continue along Kerry's Farm Lane or, if wishing to re-join footpath 14 they could head north on footpath 22 to re-join footpath 14.

13.4. Mr Crossman, Estates Manager for the Orwell Settlements Trustees (Obj25) objects to use of Orwell Estates land for public footpaths. There has been considerable discussion regarding the proposals in this area (there are 4 level crossings very close together – S12, S13, S69 and Cow Creek) and there is a balance to be struck between the needs of the land owner and of users of the PROW network (and the highway authority which is responsible for the same). Network Rail believes that they have found the balance and this was set out at the second public consultation in September.

13.5. I understand that the highway authority, Suffolk County Council, does not object to this proposal.

14. S69 Bacton FPS

14.1. Bacton footpath level crossing provides a crossing point of the railway for footpath 13. Footpath 13 provides an east west link from the B1113 to Bacton.

14.2. Our proposal is to utilise the railway underbridge (Pound Hill Road) to the north of the level crossing as the means of crossing the railway. To reduce the amount of on road walking along the B1113 it is proposed to provide a footpath along the eastern side of the railway from the current level crossing to footpath 14.

14.3. Users heading southeast from Bacton would (from Birch Avenue the beginning of footpath 13) would head north along Birch Avenue to the junction with Pound Hill. Users would turn right and head in an easterly direction along Pound Hill. Users would need to cross Pound Hill to walk on the north side of the road in order to use the proposed marked out footway, crossing the railway through the existing underbridge. Users would then continue to the junction of Pound Hill and Broad Road (the B1113). At this junction users would head south along Broad Road to the point where footpath 13 joins Broad Road. From here users would continue as if they had not been diverted.

14.4. Mr Crossman, the Estates Manager for the Orwell Settlements Trustsees (Obj25), and Messrs E Hudson Baker (Obj 26) object to use of Orwell Estates land for public footpaths. There has been considerable discussion regarding the proposals in this area (there are 4 level crossings very close together) and there is a balance to be struck between the needs of the land owner and the public. Network Rail believes that they have found the balance and this was set out at the second public consultation in September.

- 14.5. They also raise concerns as to the proposed use of the Pound Hill underbridge for pedestrians restricting the ability for the Estates' tenants to be able to take vehicles through the underbridge, and requesting that the vehicular gate width be widened at Gooderham level crossing. Firstly, I note that Network Rail is not proposing to create a 'new' footway, as such, through the underbridge – the underbridge is currently used by pedestrians as well as vehicles – rather to formalise the existing footway usage. Network Rail will need to work with the highway authority in respect of the proposed the footway provision and in doing so will need to ensure that suitable carriageway widths are maintained. Even in the worst case scenario of a 'give and take system' for vehicular use of the bridge, normal width vehicles (those not requiring escorted convoy) would be able to utilise the bridge. . Network Rail does not therefore consider widening of the vehicular gates at Gooderhams level crossing is justified and, as I have set out in respect of S12 Gooderhams above, it is only the footpath level crossing, and not the private vehicular crossing, which is included within the draft Order.
- 14.6. Mr Feavearyear, on behalf of Bacton United' 89 Football Club ("the Club"), (Obj5) has objected to the temporary access rights shown on the Order Limit Plans. Mr Feavearyear has asked what guarantees are available to the Club "that the property will be handed back [to the Club] in the same condition that it was handed over and that Network Rail will meet any costs of repair or renewal". This concern was addressed in Network Rail's response letter to the objection, dated 18 December 2017. Under the Order Network Rail is required to restore the land occupied temporarily to the reasonable satisfaction of the owners. Compensation provisions are dealt with in the proof of Nigel Billingsley (NR/29/1).
- 14.7. Mr Finbow (Obj22) has objected to the use of his land for the new footpath. There is a balance to be struck between the needs of the land owner and of users of the public right of way network. Network Rail believes that they have found the right balance for the reasons I have set out above, and as discussed in the Proof of Evidence of Susan Tilbrook (NR/32/1).
- 14.8. I understand that the highway authority, Suffolk County Council, is objecting (Obj29) to this proposal due to localised flooding issues under the bridge at Pound Hill. I understand that this is a highway drainage issue, rather than an issue arising from Network Rail infrastructure, but Network Rail will of course work closely with Suffolk highway authority during the detailed design of proposals for this diversion, including the footway provision through the underbridge, to ensure that the proposed diversionary route is suitable and fit for purpose.

15. S16 Gislingham

- 15.1. Gislingham bridleway level crossing provides a crossing point of the railway for bridleway 23. Bridleway 23 forms part of a north - south equestrian route from Gislingham to Dandy Corner.
- 15.2. Our proposal is to utilise a byway (BOAT22) underbridge to the south of the level crossing for users to cross under the railway. To enable this, it is proposed to provide a new bridleway link on the western side of the railway from bridleway 23 to BOAT 22.
- 15.3. Users heading south along bridleway 23 would head southwest (just before the railway) along a new bridleway linking to BOAT 22. Once users join BOAT 22, they would head east until they arrive at Eastlands Lane. From here they would continue as if they were not diverted.
- 15.4. Mr Black (Obj11) is objecting to the access arrangements shown on the Order Limit Plans and in particular to the proposed acquisition by Network Rail of rights over Plot 5 (shown on Sheet 22 of the Order Plans). This plot is proposed to be removed from the Order Limit Plans and Network Rail notified Mr Black of this by letter dated 8 December.
- 15.5. I understand that the highway authority, Suffolk County Council, does not object to this proposal.

16. S17 Paynes

- 16.1. Paynes footpath level crossing provides a crossing point of the railway for footpath 22. Footpath 22 forms part of a northwest – southeast footpath from Gislingham to Wickham Street.
- 16.2. Our proposal is to utilise the railway over bridge to the north of the level crossing (used by footpath 21) for users to cross over the railway. To enable this, a new footpath link would be provided on the east side of the railway from footpath 21 to footpath 4.
- 16.3. Users looking to head southeast along footpath 22, from either footpath 26 or footpath 28, would use footpath 30 to head north to reach footpath 29. On arriving at footpath 29 they would head east and join footpath 21. Footpath 21 crosses the railway by means of a railway overbridge. Users would continue through the woods on footpath 21 and on leaving the woods they would turn right onto a new footpath heading south. This new footpath joins with footpath 4 and from here users would continue as if they had not been diverted.

- 16.4. I understand that the highway authority, Suffolk County Council, does not object to this proposal.

17. S18 Cow Pasture Lane

- 17.1. Cow Pasture Lane bridleway level crossing provides a crossing point of the railway for Byway Open to All Traffic (BOAT) 11. BOAT 11 is a northwest – southeast link from Mellis Common to Thornham Park.
- 17.2. Our proposal is to formally downgrade the BOAT to bridleway. The BOAT currently has a Temporary Traffic Restriction Order (TTRO) in place for the section over the railway and there is therefore no vehicular use of the crossing today: the effect of the Order would be to formalise the current position.
- 17.3. Users would continue to use Cow Pasture lane as they do today.
- 17.4. I understand that the highway authority, Suffolk County Council, does not object to this proposal.

18. S21 Abbots

- 18.1. Abbots footpath level crossing provides a private crossing point of the railway. This private footpath affords access from Mellis Common to Earlsford Road.
- 18.2. Our proposal is to utilise the existing active level crossings to the north and south of the level crossing as the means of crossing the railway.
- 18.3. Users travelling from Earlsford Road to the common would head north on Earlsford Road to Mellis Road where they would turn left and cross the railway via Mellis active level crossing. Once over the railway users would have access to the common, and could continue on their way as if they had not diverted.
- 18.4. A number of objections have been received to the proposed acquisition of rights over plot 7 on Mellis Common (on the west of the railway) to provide access to remove the level crossing infrastructure. Network Rail is putting forward an amendment to remove these rights over plot 7 from the Order, and has notified the holders of common land rights who have raised these concerns by letter dated 28 November 2017.
- 18.5. I understand that the highway authority, Suffolk County Council, does not object to this proposal.

19. S22 Weatherby

- 19.1. Wetherby footpath level crossing provides a crossing point of the railway from All Saints Road & Granary Road. There are no recorded public rights of way over this level crossing.
- 19.2. Our proposal is to utilise the existing railway underbridge to the west of the level crossing as the means of crossing the railway. As there are already public road networks connecting both sides of the level crossing, no new footpath are being proposed.
- 19.3. Users heading northwest from New Chevely road would, instead of heading northwest along Cricket Field Road, travel along New Chevely road in a south westerly direction. New Chevely road bends in a north-westerly direction before passing under the railway. Once under the railway users would turn right onto Granary Road, where they would head in a north easterly direction to a point where they would have been if they had used the level crossing.
- 19.4. Network Rail undertook a number of assessments at this site to understand what alternative could be offered at this site.
- 19.4.1. Link footpath. Network Rail considered if it was possible to provide a link footpath along the eastern edge of the railway within the Network Rail land holding. Unfortunately there was insufficient room to enable any footpath to pass between an operational telecoms building and the existing railway boundary. If the path was to be provided it would require the equipment to be relocated.
- 19.4.2. Footbridge. Any provision of a footbridge would need to be fully accessible and this would include 1:20 ramps. It is not possible to physically fit a bridge with ramps at this location due to the restricted width of Network Rail land and the close proximity of the highway to the railway boundary. The construction of a footbridge over the railway would also not fall within the phases of the project being progressed through this Order.
- 19.4.3. Provision of technology at the crossing. Due to the close proximity of the level crossing to the Newmarket station any technology provision would need to be integrated into the signalling. It would also require a signal to be located at the northern end of Newmarket station platform.
- 19.5. In addition to the issues I have identified above, Network Rail considered each of the options above did not represent good use of public money, not least as there are no formal public rights of way across the level crossing.

- 19.6. I understand that the highway authority, Suffolk County Council, is objecting (Obj29) to this proposal, on the basis of usage and local opposition to the proposed closure, considering that its closure should be delayed until a later stage. I have set out Network Rail's response to this above.

20. S23 Higham

- 20.1. Higham footpath level crossing provides a crossing point of the railway for footpath 1. Footpath 1 provides a north south route from Higham Road to the A14 on slip.
- 20.2. This level crossing is currently closed due to safety reasons, as set out in the Proof of Evidence of John Prest (NR/31/1).
- 20.3. Our proposal is to utilise the existing over bridge to the east of the level crossing as the means of crossing the railway.
- 20.4. Users heading north from Higham Road would, instead of using footpath 1, head east along Higham Road. Higham Road bends broadly north and crosses the railway via an over bridge. Once over the railway, users would continue to head broadly north until they reach the right hand bend in the road. From this point, users would be on the route they would have been on had they used the level crossing.
- 20.5. I understand that the highway authority, Suffolk County Council, is objecting (Obj29) to this proposal due to pedestrian safety concerns. This is addressed in the Proof of Evidence of Susan Tilbrook (NR/32/1).

21. S24 Higham Ground Frame

- 21.1. Higham Ground Frame footpath level crossing provides a crossing point of the railway for footpath 6. Footpath 6 forms part of a north south link from Heath Farm to Church Farm.
- 21.2. Our proposal is to create a new east – west link as the existing north south link has effectively become severed by the traffic levels on the A14. To enable this, new footpaths would be created along the south side of the railway.
- 21.3. Users heading north along the existing footpath 6 would, on reaching the railway, turn left along a new footpath heading west. On reaching Coalpit Lane, the footpath would remain in the field boundary and head south to a point where it is possible to cross Coalpit Lane and join footpath 5. Users would walk the length of footpath 5 until they reach an unnamed road. On reaching the road they would turn right and head north following the

road over the railway (via an overbridge), the road turns right, heading east, where users would utilise a new 1.5m wide footway in the highway verge. On meeting the junction with Coalpit Lane users would turn left heading north (passing over the A14 via an overbridge) and shortly after they would arrive at a point they would have got to if they had not been diverted.

21.4. Additional connectivity was added to this proposal to make up for the loss of amenity at the request of the highway authority.

21.5. Discussions were held with Suffolk County Council following the first round of public consultation. The Council noted that the use of the Needles Eye underpass – which is situated to the east of the level crossing - would seem to provide another route providing a link to the east. . It was agreed that the Council would assess the wider network and supply the design team with further consideration of their preferred routes in the area. Following those discussions, proposed an additional route to the east, using the Needles Eye underbridge to cross under the railway and then running along the north side of the railway, linking to New Road to the east. It was suggested this be a bridleway as this would then form a circular bridleway route in the local area. This option was appraised by Mott MacDonald and Network Rail considered that it should be taken forward, as it would provide better connectivity to the wider PROW network, and thus mitigate the loss of north-south links which I have discussed above.

21.6. Ms Johnston (Obj42) is objecting to this proposed section of bridleway to the north east of the Needles Eye underpass on the basis that the presence of the bridleway on their land will affect shooting activities carried out in this area. Network Rail does not consider that the bridleway provision will materially add to the restrictions which already exist: namely, It is considered that any such activities are currently restricted by the presence of the railway to the south and the A14 to the north. This proposal has been the subject of a significant amount of discussion, both at the public consultations and with the highway authority. Whilst Network Rail acknowledged the fact that the land owner had a planning application in place for change of use of land, this has now been withdrawn.

21.7. I understand that the highway authority, Suffolk County Council, does not object to this proposal.

22. S25 Cattishall

- 22.1. Cattishall footpath level crossing provides a crossing point of the railway for footpath 17. Footpath 17 links two public roads either side of the railway.
- 22.2. Our proposal is to utilise an existing underbridge to the west of the level crossing. To enable this, a new bridleway track is proposed to be created on the north side of the railway.
- 22.3. Users heading south along the unnamed road from Cattishall on arriving at the railway would turn right and head west along a new bridleway. This bridleway leads to a railway underbridge where users would turn left heading south along a purpose built cycleway that leads to Mount Road. Once the users are at Mount Road, they can turn left and head east to a point where they would have come to if they had not been diverted.
- 22.4. Network Rail has been working closely with Berkeley Group (who are developing the land to the northwest of the level crossing) and the designs for a footbridge at the level crossing (a requirement of the Berkeley Group development) has progressed to the Network Rail Approval in Principle stage. Once approved, this will form part of the planning application which will be made by the Berkeley Group for its development of the site.
- 22.5. I understand that the highway authority, Suffolk County Council, is objecting (Obj29) to this proposal on the basis that Network Rail should await the outcome of the development of the land to the northwest of the level crossing. Nothing in the Order will preclude Network Rail is doing will jeopardise the construction of a bridge at this location in the future. However, Network Rail simply wishes to third party development, not least as these can (sometimes) be put on hold for years (especially in uncertain financial times).

23. S27 Barrels

- 23.1. Barrels footpath level crossing provides a crossing point of the railway for footpath 5. Footpath 5 provides a north – south link between Barrell’s Road & Birds Road.
- 23.2. Our proposal is to utilise the existing over bridges to the east and the west of the level crossing. To enable this, a new footpath is proposed along the north side of the railway linking to footpath 11.
- 23.3. Users on Barrell’s Road looking to head south to Birds Road, would remain on Barrell’s Road and head west along the road, following it to the railway overbridge. Users would pass over the bridge and continue along Barrell’s Road to the junction of Birds Road.

From here users can head east to a point they would have come to if they had not been diverted.

23.4. If users were looking to head south then east from Barrell's Road, they would utilise a new footpath along the field boundary, and then turn left along a new footpath in Network Rail land to a point where they would have arrived (if not diverted) where the new path meets footpath 11.

23.5. Mr & Mrs Brace (Obj 48) have raised an objection about loss of privacy. Network Rail would be happy to work with Mr & Mrs Brace to discuss what could be included in the detailed design proposals to provide some form of suitable screen to provide a privacy barrier for their property.

23.6. I understand that the highway authority, Suffolk County Council, is objecting (Obj29) to this proposal due to concerns as to the railway overbridge. This is addressed in the Proof of Evidence of Susan Tilbrook (NR/32/1).

24. S28 Grove Farm

24.1. Grove Farm level crossing provides a crossing point of the railway for footpath 11. Footpath 11 provides a broadly east west link between an unnamed road to the east and Birds Road to the west.

24.2. Our proposal is to utilise the existing over bridges to the east and the west of the level crossing. To enable this, a new footpath is proposed along the north side of the railway linking to footpath 11.

24.3. Users on footpath 11 heading northeast from Birds Road would use footpath 11 to reach the railway and then utilise a new footpath heading east along the railway boundary until it reached an unnamed road. At this point users would turn left and head north using the railway over bridge to cross the railway. Continuing along the road to the point where the existing footpath 11 meets the road. At this point users can either continue as they would have done before being diverted or use footpath 11 to head southwest.

24.4. Mr & Mrs Brace (Obj 48) have raised an objection about loss of privacy. Network Rail is willing to work with Mr & Mrs Brace to provide some form of suitable screen to provide a privacy barrier during detailed design of the proposals.

24.5. I understand that the highway authority, Suffolk County Council, does not object to this proposal.

25. S29 Hawk End Lane

- 25.1. Hawk End Lane footpath level crossing provides a crossing point of the railway for footpath 12. Footpath 12 broadly forms a north south link from St Edmund's Drive to Hawk End Lane.
- 25.2. This level crossing is temporarily closed due to a TTRO in place whilst construction of the new housing is being undertaken. This TTRO was obtained by the developer, not by Network Rail.
- 25.3. Our proposal is to utilise an existing underbridge to the west of the level crossing. To enable this, a new footpath is proposed on the north side of the railway.
- 25.4. Users of footpath 12 would, on reaching the railway turn right onto a new footpath heading west along the railway boundary. This new footpath leads users to an underbridge where they would pass under the railway and turn left to join footpath 13. Footpath 13 heads east along the railway boundary and onto Hawk End Lane. From here users would continue as if they had not been diverted.
- 25.5. Taylor Wimpey (Obj 053) has objected to the proposal on the basis that the temporary access rights proposed under the draft Order would affect their development site. I understand that this concern relates to the route of the proposed access, rather than the principle of access being provided. Network Rail has been working with Taylor Wimpey to agree alternative access arrangements, and is hopeful that this issue can be resolved before the inquiry.
- 25.6. I understand that the highway authority, Suffolk County Council, does not object to this proposal.

26. S30 Lords No.29

- 26.1. Lords No.29 footpath level crossing provides a crossing point of the railway for footpath 9. Footpath 9 provides a north – south link from footpath 23 to permissive routes within the private grounds of Mutton Hall.
- 26.2. Our proposal is to provide a new footpath link on the south side of the railway to provide access to the permissive footpaths, and to provide a new footpath on the north side of the railway to prevent the creation of a cul-de-sac.
- 26.3. Users heading to Mutton Hall permissive paths from footpath 9 and 25 would use footpath 25 to cross over the railway via the over bridge, and once over the railway they would turn left and head east along a new footpath along the southern side of the railway.

26.4. Network Rail is proposing to remove from the Order Plot 25 (as it is now satisfied that it is public highway) and Plot 26.

26.5. I understand that the highway authority, Suffolk County Council, does not object to this proposal.

27. S31 Mutton Hall

27.1. Mutton Hall footpath level crossing provides a crossing point of the railway for footpath 35. Footpath 35 broadly forms part of a north south link between Wetherden Upper Town, and Wetherden.

27.2. Our proposal is to utilise the existing overbridge to the east of the level crossing. To enable this, a new footpath is proposed along the south side of the railway linking footpath 35 to the over bridge.

27.3. Users heading north on footpath 35 and wishing to join footpath 36 would, on reaching the railway, head east along a new footpath until they reach an unnamed road. On reaching the road they would turn left and cross the railway via the over bridge. Once over the railway users would turn right and head broadly west along footpath 20. This will lead users to a point that they would have come to if they had not been diverted. From here they can resume their normal route.

27.4. I understand that the highway authority, Suffolk County Council, is objecting (Obj29) to this proposal due to concerns as to pedestrian safety. This is addressed in the Proof of Evidence of Susan Tilbrook (NR/32/1).

28. Objections to the Order

- 28.1. In addition to the objections I have addressed above, and which are addressed in the Proofs of Evidence of the other witnesses appearing on behalf of Network Rail, I confirm that Network Rail has responded, in writing, to all objectors to the Order whose objections had not been withdrawn as at the end of August 2017. I confirm that that correspondence will be provided to the Inspector at the end of Inquiry in the usual way.

29. Witness declaration

I hereby declare as follows:

- i. 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.
- i. I believe the facts that I have stated in this proof of evidence are true and that the opinions expressed are correct.
- ii. I understand my duty to the Inquiry to help it with matters within my expertise and I have complied with that duty.