

TRANSPORT AND WORKS ACT 1992

**APPLICATION FOR THE PROPOSED NETWORK RAIL
(SUFFOLK LEVEL CROSSING REDUCTION) ORDER**

REF: TWA/17/APP/03/OBJ/042

LEVEL CROSSING S24 HIGHAM GROUND FRAME

**Proof of Evidence of Charles Loyd
on behalf of**

**Mairi Johnston and Alistair Fish as Trustees M J Johnston
Settlement and M J Johnston Children's Settlement and Mairi
Johnston and Alistair Fish**

SUMMARY OF PROOF OF EVIDENCE



TRANSPORT AND WORKS ACT 1992
APPLICATION FOR THE PROPOSED NETWORK RAIL (SUFFOLK LEVEL CROSSING
REDUCTION) ORDER
Ref. TWA/17/APP/03/OBJ/42
Level Crossing S24 Higham Ground Frame

Summary of Proof of Evidence

Statement of on behalf of Mairi Johnston and Alistair Fish as Trustees of the M J Johnston Settlement and M J Johnston Children's Settlement Trust and Mairi Johnston and Alistair Fish ("the Landowners")

I, Charles Loyd am a partner in the firm of Strutt and Parker specialising in land management issues. In this capacity I advise the Landowners in relation to their landholdings at Barrow, Suffolk. I am authorised by the Landowners to make this statement on their behalf.

This is a Summary of the Proof of Evidence:-

1. **LANDOWNERS**

- 1.1 The land edged blue and shaded green on the plan ("the plan") is owned by the Landowners.
- 1.2 The plan is at OBJ/42/W1/2/Appendix 1.

2. **THE ORDER**

- 2.1 The Order includes proposals to create new public rights of way within the boundaries of land owned by the Landowners.
- 2.2 There is no provision in the Act giving authority for Network Rail to provide any additional routes which are not necessary to provide an alternative to the route or routes being extinguished.

3. **FOOTPATH 6 BARROW**

- 3.1 The Landowners do not object to the closure of the crossing at FP 6 Barrow. The crossing is rarely used and the crossing is an unmanned pedestrian only crossing to accommodate FP 6 Barrow which runs on a north/south alignment.

There is no link from FP3 Higham to any route running east. The proposal is that the closure of the crossing would be accommodated by:-

- 3.2 The creation of a footpath between points A and B, on the plan, creating a link to the highway (U7020) at point B, and
- 3.3 The creation of a footpath on the alignment A-G-F on the plan, to create a link with FP5 Higham.

The Landowners do not object to the addition of these routes.

4. **ROUTE A-G-F**

- 4.1 Whilst route A-G-F is not on land in ownership of the Landowners, it is recognised that this is a necessary addition to the public rights of way network as it serves as a diversion to the closure of FP 6 Barrow.

5. **ROUTE A-B**

- 5.1 The proposed new additional public rights of way affecting land owned by the Landowners are shown on the plan as A-B, B-C and D-E.
- 5.2 The proposed creation of a route between points A and B, is not required to mitigate the effects of the closure of the crossing, and therefore is not within the remit of an order under the Act, however in order to assist in the overall provision of public access in the vicinity, the Landowners do not object to this link.

6. **ROUTE B-C**

- 6.1 The Landowners do object to the proposed creation of a route between points B and C as it is wholly unrelated to the closure of the crossing and is not appropriate within the ambit of the Order.
- 6.2 This route is not needed by the public in order to mitigate the closure as an alternative route to FP 6 Barrow. The route A-G-F provides a suitable alternative. The closure of the crossing does not necessitate the creation of any link to the east to preserve the utility of the existing network.
- 6.3 The addition of route B-C is considered a desired route by Suffolk County Council which, as highway authority, wishes to increase the network. Indeed, its utility is wholly unrelated to any route affected by the proposed crossing. I submit that the dedication of this route is not within the remit of the Act.
- 6.4 The proposal is for Route B-C to be a bridleway. The addition of this route as a bridleway is inherently dangerous, in that its proposed location, immediately adjacent to a railway line, has the potential to frighten and upset horses being ridden along the route and cause accidents which by their nature will be very serious.
- 6.5 The Landowners also object to the creation of route B-C on the grounds that the creation of this route will affect adversely the business, Forelock and Load. The creation of B-C as a public right of way would be wholly incompatible with the business and would severely restrict the business shooting activity.
- 6.6 The land hatched red on the plan is the location for the well-established Barrow Heath Shooting Ground. This land is used for recreational and competitive clay shooting. The proximity of a public right of way in this position would significantly restrict the way in which the land could be used for clay shooting.
- 6.7 Horses would be unsettled by the noise of gunfire and the proximity of a bridleway to a busy clay shooting ground would be potentially dangerous for horse riders. It should also be noted that it is an offence under Section 161 (2) of the Highways Act 1980 to discharge any firearm within 50 feet of the centre of any highway.

- 6.8 Additionally, the Landowners operate a Simulated Game Shooting Business on various parts of the land, including on the red and black hatched land. If land was not capable of being used for this purpose it would significantly diminish the attractiveness and viability of the site for this activity.
- 6.9 The clay shooting ground has recently been taken on by Ben Thorrold, an internationally renowned Clay Shooting Coach who already operates an established venue in Norfolk. He intends to develop the shooting ground. If the shooting operations are affected by the public right of way, it is unlikely that the site's potential would be fully realisable and the Landowners would be likely to lose him as a tenant.
- 6.10 Planning permission is being sought for the land hatched yellow on the plan as a caravan and storage facility. The plans are currently on hold (but not withdrawn). The addition of the 3 metre bridleway will be a security issue for the site and significantly reduce the area available for the development.
- 6.11 Any land taken for public rights of way would also be land lost to arable production.

7. ROUTE D-E

- 7.1 The Landowners object to the proposed creation of route D-E as it is unrelated to the consequences of closure of the crossing. The existing network does not provide a link to the east from point A. D-E duplicates the effect of the route A-B, and thus unnecessary to mitigate the closure of the crossing and provides no additional utility.
- 7.2 The alternative route is provided by the creation of A-G-F. D-E may be considered by Suffolk County Council to be a desired addition to the network of public rights of way, but is not needed or essential in providing an alternative route to FP 6 Barrow. There is no legal basis and there is insufficient reason to create this route.
- 7.3 The creation of the proposed footpath along the route D-E is located on land which is used for game shooting and its creation will severely restrict the operation of that activity. This will mean that Game Covers can no longer be located on the land, the shooting operations will be restricted and there would be an adverse effect on the commercial viability of the business.

- 7.4 Game shooting areas require peace and quiet if they are to be properly managed. Use by the public, especially those accompanied by dogs, will disturb and interfere with that aspiration and will make the area incompatible with current management operations.
- 7.5 Considerable conservation works have been undertaken in this area to create suitable habitat for the native grey partridge which is in serious decline.
- 7.6 Any land taken for public rights of way would also be land lost to arable production and the introduction of any additional public rights of way will impact on agricultural operations, including livestock areas where a sheep grazing on land adjacent to the proposed routes.

8. CONCLUSION

- 8.1 The creation of B-C and D-E will have an adverse effect on both land and business interests as the creation of public rights of way, which are not needed, will affect business operation and future plans. The Landowners agree to work with Network Rail and have therefore, consented to the addition of route A-B which is an additional benefit to the network although this route is not necessarily needed as an alternative to FP6 Barrow.
- 8.2 The creation of routes B-C and D-E are not needed as an alternative to FP 6 Barrow. The creation of routes B-C and D-E have no relevance to the closure of the crossing.

The contents of this statement are true to my knowledge and belief

Signed: Charles Loyd

Full Name: CHARLES LOYD

Date: 11th January 2018