

TRANSPORT AND WORKS ACT 1992

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

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

SUSAN TILBROOK

**REBUTTAL
PROOF OF EVIDENCE**

-FOR-

**S12 GOODERHAMS
S13 FORDS GREEN S69 BACTON**

Document Reference	NR/32/4/5
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Contents

1	Introduction	1
2	S12 Gooderhams, S13 Fords Green & S69 Bacton	2

1 Introduction

- 1.1 This Rebuttal Proof of Evidence has been prepared on behalf of Network Rail to respond to particular matters raised in the Proofs of Evidence submitted on behalf of the following parties which were received by Network Rail on 18 January 2018. These include the Proofs of Evidence of:
- 1.1.1 Suffolk County Council (OBJ/29)
- a) Steve Kerr
 - b) Andrew Haunton
- 1.1.2 The Ramblers (OBJ/36)
- a) John Russell
 - b) Robert Boardman
- 1.1.3 Paul Baker (OBJ/26)
- 1.1.4 The Suffolk Local Access Forum (OBJ/23)
- a) Barry Hall
- 1.2 It is not intended that this rebuttal proof should address matters that have already been addressed in my Proof of Evidence (NR32/1) or of other witnesses for the Promoter; however, cross references to relevant parts of that evidence are given below, where appropriate. The fact that I have not expressly rebutted a point does not mean that it is accepted.
- 1.3 I believe the facts and opinions stated to be true and that my evidence conforms to the standards and requirements of my professional body.

2 S12 Gooderhams, S13 Fords Green & S69 Bacton

2.1 Pound Hill

- 2.1.1 *At paragraph 4.99 of his Proof of Evidence John Russell states “The mitigation measures include the intention by NR to delineate a safe space for pedestrians crossing the bridge by use of a white line. However this is only a safe space if motorists comply with the intention of the white lines and take up a central position in the bridge. I consider it more likely that motorists will keep to the left in order to reduce the risk of colliding with on-coming cars. The use of a white line would not prevent motorists from doing this either by reason of imposing a legal sanction or physically. At paragraph 4.100 of his proof he goes on to state “I therefore consider that there remains an increased risk of pedestrian and vehicle collisions due to drivers not seeing pedestrians walking in the carriageway in sufficient time.”*
- 2.1.2 *At paragraph 4.1.1 of Appendix 4 to Andrew Haunton’s proof the Road Safety Audit Team make the following recommendation:*
- Pedestrian facilities in the vicinity of the Pound Hill railway bridge should be improved, within the constraints posed by the arch. The resulting overall scheme (see also recommendation 4.1.2) should be subject to a robust risk assessment, comparing the use of it to the use of the level crossing.*
- 2.1.3 I note that the only information that appears to have been issued to the Suffolk County Council Audit Team as part of the Audit brief was the GRIP stage 1 drawing. This drawing does not include details of the proposed pedestrian improvement measures planned on Pound Hill as set out on drawing no MMD-367516-S69-GEN-005 which can be found in core document **NR26** and at page 32 of the Design Guide **NR12**.
- 2.1.4 It is considered that the proposed measures improve the current pedestrian provision through the underbridge, which will benefit many local residents in Bacton. However, it should be noted that the proposed works are outline proposals only and will be subject to detailed design, a Stage 2 RSA and agreement with the Highway Authority.
- 2.1.5 Safety risk at level crossings cannot be directly compared to road safety as there is no accepted methodology for comparing the relative risk. The Road Safety Audit process (as set out in the Design Manual for Roads and Bridges, Volume 5, Section 2, HD19/15) is accepted procedure for assessing road safety for highway improvement schemes. Suffolk County Council, in their role as the highway authority, have not raised any issues with using the road safety audit procedure for assessing road safety on the proposed diversion routes.
- 2.1.6 *At paragraph 32 of his Proof of Evidence (OBJ/29/W1), Steve Kerr states “Network Rail has not identified a significant housing development near to the Pound Hill underpass, despite the fact that as part of their consultation and optioneering exercise they ought to have scoped the impact of local developments on their proposals. Furthermore, the applicant’s proposed works at or near the underpass appear to, in part, replicate those relating to the conditions described above. This is consistent, as it is clear that both proposals (Network Rail’s proposals in the Order and the developer’s proposals for an increase in housing) will result in an increase in pedestrian usage of the underpass.”*

- 2.1.7 Network Rail has been aware of the proposed housing development since July 2016 when Suffolk County Council made the project team aware of it, as recorded in the meeting minutes appended to my proof **NR32/2 at Tab 5 page 164**. However, it should be noted that the alternative route associated with the closure of the level crossing is required for existing users of the crossing only.
- 2.1.8 The proposals have been developed with the knowledge of that development and it is considered that the proposed improvements to pedestrian facilities at Pound Hill as part of the level crossing closure project are sufficient to accommodate existing users of the level crossing.
- 2.1.9 Any additional traffic or pedestrian flows through the bridge on Pound Hill generated by the development, which may necessitate the need for further traffic management arrangements, should be implemented as part of that development. I note that the planning condition for the housing development requires the proposed footway connection to the village centre and associated priority system to be completed prior to occupation. I confirm that, as stated in my proof **NR 32/1** at paragraph 2.8.50, the proposals as part of the level crossing closure project will not preclude the works associated with the housing development taking place.
- 2.2 **Broad Road**
- 2.2.1 *At paragraph 4.95 of his Proof of Evidence John Russell highlights the risk of vehicle to pedestrian collisions on Broad Road identified by the road safety auditors:*
- "the standard of verge varies along Broad Road with a minimal verge in places and several sections where vegetation is overgrown restricting the available width for pedestrians. This is likely to result in pedestrians walking within the carriageway. Traffic speeds were observed to be high particularly on the straight section and towards the southern end of Broad Road there is a sharp bend which may restrict forward visibility of pedestrians in the carriageway. These factors could result in collisions between vehicles and pedestrians.*
- It is recommended that a suitable footway is provided to enable pedestrians to continue along Broad Road without walking within the carriageway."*
- 2.2.2 *At paragraph 4.1.2 of Appendix 4 to Andrew Haunton's proof the Road Safety Audit Team make the following recommendation:*
- Pedestrian facilities along Broad Road from Pound Hill to the recreation ground should be improved.*
- 2.2.3 *At paragraph 32 of his Proof of Evidence (OBJ/29/W1), Stephen Kerr states that The Council seeks an explanation as to why the recommendation of NRIL's own independent Road Safety Audit (Report Number 367516/RPT015 Revision A, August 2016 at NR16, section 2.12, page 9) has not been included in the Order. This specifically recommended the provision of a new footway along Broad Road to avoid pedestrians walking in the carriageway, as part of road safety mitigation measures.*
- 2.2.4 *At paragraph 8 of his Proof of Evidence (OBJ/36/W1), Robert Boardman raises concerns about the lack of footway and availability of verge on Broad Road.*
- 2.2.5 *At paragraph 8 of his Proof of Evidence (OBJ/23), Barry Hall acknowledges that the proposals for S13 Fords Green and S69 Bacton have reduced the length of road walking on the B1113, but he considers that it is essential that that a proper footway is established along Broad Road for safety reasons.*

- 2.2.6 In response, the road safety audit comments referred to by Mr Russell and Mr Kerr related to earlier options that included verge walking along a much longer stretch of Broad Road between Pound Hill and the point where Footpath 014 Bacton meets the B1113 to the south. It is considered that the RSA issues pertained to the southern section of the Broad Road route shown. These options (green and blue) can be seen on the Round 1 consultation plan that can be found appended to my proof **NR32/2 at Tab 2 on page 103**.
- 2.2.7 The project amended the proposals following the Stage 1 RSA and the combined proposals for S13 Fords Green and S69 Bacton have reduced this length to retain verge walking in the northern section of Broad Road only. I explain this in my proof NR32/1 at paragraphs 2.8.40, 2.8.41 and 2.8.42.
- 2.2.8 The proposed route along Broad Road, utilising existing highway verges, currently provides the linkage between Footpath 013 Bacton and Footpath 004 Cotton to the north east. The verges also currently provide pedestrian access between the properties along this section of Broad Road and the amenities and facilities in Bacton Village via Pound Hill. As the route is used in this context at the moment it is considered that the route is suitable for use by any diverted users of Bacton level crossing.
- 2.2.9 It is accepted that vegetation overgrowth along the property frontages is causing an obstruction to the highway by reducing the available verge width in a couple of locations but this can be dealt with through initial cutback and regular maintenance.
- 2.3 **Impact on Landowners**
- 2.3.1 *At paragraph 6.4.6 of his Proof of Evidence (OBJ/26) Paul Baker states that "The creation of a new footpath over a new footbridge between Birch Hill and FP14 Bacton is unnecessary as there is an existing paved footway running parallel only 180m north"*
- 2.3.2 *At paragraph 6.4.7 of his Proof of Evidence (OBJ/26) Paul Baker states "The proposed Footbridge in 6.4.6 will restrict the width of our access"*
- 2.3.3 The new link to Footpath 14 provides a convenient connection with the existing footpath network, allowing users to avoid road walking.
- 2.3.4 The proposed timber footbridge at Pulhams Lane would be constructed over an existing ditch. This is envisaged to be 5m in span and will not affect the ability of vehicles to use Pulhams Lane to its current width.
- 2.3.5 *At paragraph 7.3 of his Proof of Evidence (OBJ/26) Paul Baker states that "Leaving S69 Rights intact significantly reduces the need to create diversions and modifications to the existing rights of way network to mitigate the closure of S13 Fords Green"*
- 2.3.6 At paragraph 7.4 of his Proof of Evidence (OBJ/26) Paul Baker puts forward an alternative proposal:

A single short (230m) section extinguishment of Bacton Footpath 14 east of S12

Diversion of regularly disturbed cross field footpath Bacton 20 to a permanent undisturbed route along the field edge and through a copse beside the railway running south from S12 to Cow Creek Crossing
- 2.3.7 The proposals for the alternative route to enable the closure of both S13 Fords Green and S69 Bacton have been assessed as suitable and convenient in my proof **NR 32/1** at section 2.8. .

- 2.3.8 The new footpath between S13 Fords Green crossing and Cow Creek level crossing is on the west side of the railway to mitigate the loss of footpath connectivity resulting from closing S13 level crossing. This new footpath provides greater options for pedestrian movement to the north and south. In addition, it also mitigates the loss of circular walks currently available via the S13 level crossing by making new circular routes on the west side of the railway.
- 2.3.9 Placing the footpath on the west side requires the section of Footpath 14 Bacton, proposed by Mr Baker for extinguishment, to remain open. Footpath 20 Bacton needs to remain open to maintain the existing network on the east of the railway. My assessment of this alternative proposal is appended to my proof NR31/2 at Tab 7 page 198.