

PUBLIC INQUIRY

APPLICATION BY NETWORK RAIL UNDER TRANSPORT AND WORKS ACT 1992

PROPOSED NETWORK RAIL SUFFOLK LEVEL CROSSING REDUCTION ORDER

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OBJ/27/W1 – FOREST HEATH DISTRICT COUNCIL

REBUTTAL

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PRINCIPAL GROWTH OFFICER

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In addition to my previously submitted Proof of Evidence, and in response to the Proofs of Evidence submitted by Network Rail, I wish to make this further statement to rebut a number of points made within the evidence. I have referred to each statement in turn, my number reference is to the numbered paragraph in the statement referred. I have set out to concentrate on points that are in addition to the evidence already submitted by Forest Heath District Council, to reduce duplication.

With reference to NR27, statement of Mark Brunnen:

2.3 refers to one of the reasons for the strategic case for seeking the order is to increase the safety of both rail users and those interacting with railway by reason of public and private rights across the operational railway. Network Rail have not provided comparisons of the safety risk of those pedestrians diverted from level crossings on to highway routes. How can Network Rail be certain they are not increasing risk to pedestrians?

2.3 also refers to more efficient use of public funds in accordance with "Managing Public Money" Network Rail have not detailed to what extent savings resulting from closing level crossings are from a maintenance backlog or future planned maintenance, nor did they include details on cost savings in their public consultation sessions.

4.7 a/b/c refers to Network Management and the purpose to secure the operation and maintenance of the network and renewal and replacement of the network. Network Rail have not provided asset management plans including the details of cost and more specifically dates of when maintenance is required for Weatherby prior to seeking a TWAO for closure. NR's Statement of Case makes the case for closure on both efficiency (cost) and safety grounds, but have not provided the same level of detail for asset maintenance savings as they have for safety.

3.10 Notes that trains which were once less frequent, slower and louder have been replaced by rolling stock which is significantly faster and quieter than predecessors. Outside of their level crossing risk scoring, Network Rail have not acknowledged that the section of the CCH line containing Weatherby is a unique section of the line, which is single track line, with an hourly service, a maximum speed of 40mph due to proximity to the station and no committed plans for service or linespeed increases.

4.10 (e) regarding Asset Management (1.19 – 1.22): *to develop and apply policies and criteria regarding maintenance, renewal, replacement, improvement, enhancement and development of relevant assets to demonstrate compliance with the general duty and to maintain appropriate and accurate information about the relevant assets, including their condition, capability and capacity.* Network Rail have not supplied their asset management plans on a suitably disaggregated level of detail for each crossing within the order as regards their condition.

5.2. summarises the need for rail network development and Network Rail makes the case that closing the crossings is being proactive to support development. With no committed development to the Ipswich to Cambridge line and the potential for community severance in Newmarket the closure of Weatherby would not be proactive, but premature closing the crossing a decade or more in advance of any development.

5.2 references section 2.9 of the Networks NPS references rail network development needing to enhance the environment or enhance accessibility for non-motorised users, closing Weatherby is contrary to this and Weatherby was flagged red in Network Rail's own disability impact assessment of level crossing closures.

5.6. *The Network Rail (Suffolk Level Crossing Reduction) Order Statement of Case, Folder 2, NR14*) states: *"In particular, we want to: Encourage crossing closure and ensure that all risk assessments consider this first, in line with the principles of prevention, prioritising those crossings that present the highest risk:"* Network Rail goes on to clarify in Section 8.24 that *whilst Network Rail uses ALCRM to model level crossing risk as part of our Health and Safety and Asset Management duties, and it is a useful indicator of crossing risk, it has not been used to select or prioritise crossings for inclusion in this Order. In other words, the inclusion of a crossing is not determined by its ALCRM score in isolation or relative to other crossings in the vicinity.*

In their own Statement of Case Network Rail have stated that they have prioritized not those crossings with the highest risk, but those in phases 1 and 2 are priorities because they can be diverted and are the easiest to close. It is unclear to what extent the aims and needs of the order are justified by safety (level crossing risk), ease of closure (diversions which may or may not be suitable and convenient) and asset management (reducing existing and forecast level crossing maintenance costs).

5.16 *When spending public money Network Rail needs to satisfy itself that any spend is justified. Network Rail operates within defined budgets, each covering a five year control period. Any money that is used unnecessarily or inefficiently directly impacts our ability to deliver other important improvements elsewhere across the network. Unjustified expenditure is therefore not acceptable.* The closure of Weatherby would be inefficient in the current control period (2014-2019) taking into consideration that there are currently no committed rail enhancements planned for this section of line and the central section of East West Rail is estimated to be completed in control period 8 (2029-2034).

With reference to NR28, statement of Eliane Algaard

2.2.4 It is noted that the Suffolk Order would provide a saving of £4,777,920 in asset inspections and general maintenance over a 30 year period. Network Rail have not provided savings information on a per crossing basis.

2.2.6 Network Rail note that if complete renewal of assets were required, this would represent £89,100 for a passive public footpath / bridleway level crossing. Network have not provided the detail of whether or not a complete renewal of Weatherby is needed and when.

2.5.5 *At Appendix TAB 1 (NR28/2), I set out prospective network enhancement schemes, which include lines on which crossings in this Order are located. I note that none of these schemes are at present funded through to completion, and the details of the schemes may change. The table is indicative of the benefits of closure for future network enhancement.* For S22 Weatherby East West Rail is referenced as a prospective network enhancement scheme, with the EWR Central Section (Bedfordshire to Cambridge) estimated to be completed in control period 8 (2029-2034), improvements to line through Weatherby are likely to be in control period 8 or even later meaning Weatherby is closed over a decade in advance of any enhancements.

2.6.11 *In this Order, we have sought to improve accessibility for all users on our diversionary routes where feasible, and have proposed routes which are free of steps and stiles in the majority of cases. We have discharged our public sector equality duty at all levels of decision making, and our contractors have undertaken a Diversity Impact Assessment Scoping Report for all level crossings in the Order as well as preparing several site specific Diversity Impact Assessments where possible issues have been identified.* The diversionary route for Weatherby is not an accessibility improvement due to it being 870m longer and with new gradients of approximately 5% introduced on the route. Network Rail have shown no evidence of any attempt to improve accessibility other than indicating the alternative, circuitous route, which is 870m longer and introduces new gradients of approximately 5% to the route.

2.6.16 *I consider that the proposals in the Order to close level crossings are in line with Suffolk County Council's relevant plans, strategies and policies. For instance, the proposals align with the Suffolk Local Transport Plan 2011-2013<sup>12</sup>. The transport plan seeks to improve Suffolk's transport networks and encouraging a shift to more sustainable travel patterns.* The diversionary proposal for Weatherby increases the walking distance from neighbourhoods south of the railway line into the town centre. It is contrary to encouraging a shift to more sustainable travel patterns. Response to the online petition has noted that people will use their cars instead of walking to town.

2.6.18 references Network Rail's approach as being consistent with the recommendations of the House of Commons Transport Select Committee. *The Committee supported a public interest test for closure of crossings, which includes various factors which I consider have been taken into account in identifying crossings for closure, namely:*

*The convenience of the public;* The views of the public regarding convenience have not been taken into account prior to the public inquiry.

*The cost of maintaining the crossing;* This has not been provided on a crossing per crossing basis, nor has this cost been included in public consultation.

*The need for the crossing and its significance for the local community (including the protection of heritage);*

The proposal does not take into account how long the public have been using this crossing.

With reference to NR 30, statement of Andrew Kenning

## 19. S22 Weatherby

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.*

No reference to users from the houses located on Willow Close or the New Chevely Road allotments and Newmarket Football Club, who both have entrances on Cricket Field Road.

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.*

Were the high number of users considered in assessing the option to provide technology at the crossing?

With reference to NR32, statement of Tillbrook

No mention is made of the change in gradient of the proposed diversion.