

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

SUFFOLK COUNTY COUNCIL

REBUTTAL:

RE PROOF OF EVIDENCE OF ANDREW KENNING & SUSAN TILBROOK

ANNETTE ROBINSON – EAST AREA RIGHTS OF WAY MANAGER

BSc Hons Ecology
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1. In response to the Proof of Evidence submitted by Network Rail, I wish to make a further statement to rebut several points made within the following evidence:
 - i. Proof of evidence of Andrew Kenning
 - ii. Proof of evidence of Susan Tilbrook

PROOF OF EVIDENCE OF MR KENNING (NR30/1)

Sea Wall

Paragraph 5.4 of Mr Kenning's proof of evidence

2. Paragraph 5.4 refers to the SSSI status of the Stour Estuary where there are protected ground nesting birds. In fact, Natural England notified the estuary as SSSI because it is nationally important for 13 species of wintering waterfowl and 3 species of bird on autumn passage. The Ramsar and SPA designations also reflect the important populations of overwintering and migratory waterfowl. There is no mention of protected ground nesting birds in the SSSI citation.
3. The diversionary route is described as running alongside the SSSI area. In fact, the SSSI boundary as shown on the Natural England website, extends only inland as far as the river wall. Thus, the diversionary route does not run alongside the SSSI.
4. If, as stated in Mr Kennings' evidence, the diversionary route runs alongside the SSSI where there are protected ground nesting birds, why then are Natural England asking to extinguish the existing public footpath that runs in a different location altogether. The description of location is confused as is the rationale behind a request to extinguish existing public rights of access.
5. Note also that the section of Public footpath 13 that Network Rail wish to extinguish runs on the top of the river wall and not along the waters edge as described in Mr Kennings proof.

S02 Brantham High Bridge

Paragraph 6.5 of Mr Kenning's proof of evidence

6. The third line states that there 'would be no risk to the safety of footpath users as there would be a boundary fence in place'. In fact, there are two existing boundary fences already in place suggesting that this site has not been surveyed by Network Rail.
7. Network Rail also state that in the event of a failure of the cutting which is known to be unstable, that they would use their statutory emergency powers to repair or

reinstate the cutting including the reinstatement of the footpath. However, if this Order is made, then the public footpath will run along third party land and I question whether Network Rail have statutory powers to divert a public footpath from one location on third party land to another location on third party land. This begs the question as to the sustainability of the proposed alternative route on this unstable area.

PROOF OF EVIDENCE OF MS TILBROOK (NR32/1)

S01 Seal Wall

Paragraph 2.1.17 of Ms Tilbrook's proof of evidence

8. It states that 'the diversion route is on unsurfaced paths, which is the same as the existing footpath'. The existing footpaths whilst not having a man-made surface, do have a well established grass sward as the surface, unlike the proposed diversionary route which is bare soil for much of its length.

Paragraph 2.1.24 of Ms Tilbrook's proof of evidence

9. At the meetings with Mott Macdonald on 1.10.15, 15.1.16 and 27.7.16, there is no record that SCC 'did not object to the retention of the public footpath on the river wall'. This statement suggests ambivalence on the part of the county council when in fact, the council formally objected to the extinguishment of this existing public footpath and had previously requested its retention. It is not clear to me, nor is it evidenced as to why Natural England are concerned about an increase in footfall on this section of footpath on the river wall when the reality is that there will be less as the footpath will, in the event of the level crossing closure, become a cul de sac path. This paragraph appears confused in the description of the locations between the SSSI designated estuary and the undesignated small area of wetland on the farmland behind (north of) the river wall.

Paragraph 2.1.27 of Ms Tilbrook's proof of evidence

10. It states that the 'land adjacent to the reed bed (and location for the alternative footpath) could become muddy due to water ingress and that the footpath surface construction would require further considerations at detailed design'. However, the Description of the Proposals states that this will be an unsurfaced path and no works are shown on the Order Plan and the Design Freeze Proposals. If NR now accept that there are practical issues with their proposed route, then the Order proposals should reflect this requirement.

Paragraph 2.1.30 of Ms Tilbrook's proof of evidence

11. It states that 'any soft or wet areas that need a different surface treatment can be agreed with the Highways Authority at detailed design'. The Description of Proposals, the Order Plan and Design Freeze proposals state that this will be an unsurfaced path, hence no commitment to carry out any surfacing work. If NR now accept that there are practical issues with their proposed route, then the Order proposals should reflect this requirement.

S02 Brantham High Bridge

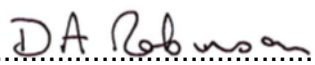
Paragraph 2.2.8 of Ms Tilbrook's proof of evidence

12. Lines 9-10 states that 'new infrastructure (steps or bridge) will be required for users to cross from the existing private road into a field to the west'. The inclusion of steps as possible new infrastructure is not described or shown on the Description of Proposals, the Order Plan and the Design Freeze Plans. These all describe a footbridge type S-B1 yet it is patently clear to anyone on site that there is no need for a bridge and in fact steps are required. The mention of steps is a latecomer to this process making it evident that this site was not visited by Network Rail before proposing an alternative route for the footpath.

Paragraph 2.2.33 of Ms Tilbrook's proof of evidence

13. It is clear from the repeated inclusion of a footbridge in the order documents that the alternative route for the footpath has not been physically walked by NR. I

query how Susan Tilbrook can be confident that the proposed field edge path will not increase loading and hence can be provided in this location, when it is not clear from the order plan or description as to where this path will be provided. See also point 6.5 above re the lack of knowledge of NR of the current arrangement of fences.

Signed: 
Annette Robinson

Dated: 01 February 2018