

The Network Rail (Suffolk Level Crossing Reduction) Order (“the Order”)

Order modification proposal from Mr Baker (Obj/26)

Mr Baker submitted his proposed modifications to the draft Suffolk Order by email on 06.04.18 (attached).

Mr Baker proposes:

- (i) that crossing S69 remains open; and
- (ii) that the existing footpath 20 Bacton is moved from its current location northwards to run along the east side of the railway between Cow Creek crossing (which is not included in the Order) and S13 Fords Green crossing.

Mr Baker’s justification for the proposal to retain the S69 crossing is that “NR’s proposed diversionary route “does not appear to be suitable or convenient to anyone other than NR”.

He is concerned with the cost of the works and the impact on his business and others.

He states that if crossing S69 is closed under the Order, “the diversion should use the existing route known as “Bracknell” footway rather than new path on Smith’s land”.

He sets out in detail the advantages of his proposal against Network Rail’s proposals.

Network Rail responds as follows:

The proposed diversion route between crossings S13 Fords Green and S69 Bacton

Network Rail proposes to close crossings S13 and S69 which are in close proximity.

The proposed diversion route on the east side of the railway between crossings S13 and S69 is required to provide connectivity to existing footpath network. It has been located in field edge, close to the railway, to reduce the amount of on-road walking along the busy B1113. This has been requested and is supported by Suffolk County Council. Network Rail considers this diversionary route suitable and convenient for users. The diversion would be required even if S69 remained opened because of the closure of the nearby S13.

Retaining crossing 69

Network Rail set out the reasons for the closure of the crossings included in the Order in its Statement of Case and evidence given to the inquiry.

Diversion of footpath 20

It is not the purpose of nor within the remit of the Order to alter the existing footpath network save to the extent that such changes are necessitated by the closure of the level crossings in the Order. Any wider changes to the network are a matter for Suffolk County Council. Network Rail is proposing a diversionary route on the west of the railway to provide connectivity to existing footpath network around Cow Creek crossing which is to remain open and S13. This diversionary route was proposed by Suffolk County Council, as the authority responsible for the public rights of way network, in place of a diversionary route to the east of the railway. Mr Baker’s proposal would require compulsory acquisition of rights

over land for which there are no powers in the draft Order, and which Network Rail considers could not be justified. Para 3.48 of the Guide to TWA Procedures states that the Secretary of State would not normally be prepared to accept for consideration amendments to the draft Order after it has been submitted unless the following conditions are satisfied:

- (a) the modifications did not contain (expressly or by implication) a proposal to authorise the compulsory acquisition of land, or the right to use land [...] which was not included in the application;
- (b) the modifications (taken together, if there were several of them) would not change the essential nature of the proposal submitted to the Secretary of State so as to amount, in effect, to a substantially different proposal. [...]; and
- (c) the interests of other parties would not be prejudiced by acceptance of the amendments or additional information [...]

Network Rail submits that Mr Baker's proposals do not satisfy the above conditions.