

## Network Rail (Suffolk Level Crossing Reduction) Order

### Clarification of Network Rail's response to Mr Finbow (Obj/22)

On day 14 of the Inquiry, in his cross-examination of Nigel Billingsley, Mr Baker queried on behalf of Mr Finbow (Obj/22) Network Rail's response dated 19.12.2017 ('NR response') to Mr Finbow's objection letter dated 28.04.2017, and in particular the following paragraph:

*"We further note our land agents Bruton Knowles have been in communication with you between 4 January 2017 and 13 March 2017. In the email dated 28 February, you say you agree to the proposed route so long as the in-field path is extinguished.*

*We believe we have achieved what you ask".*

The Inspector has asked for clarification of this paragraph, which is set out below.

During the course of consultation with landowners, including Mr Finbow, regarding the proposals for crossing S13 Fords Green, there was an exchange of correspondence between Mr Finbow and NR's agents, Ardent and later Bruton Knowles, in which Mr Finbow sought clarification of the proposals.

The reference in the NR response to the email from Mr Finbow dated 28 February 2017 in which he confirms his agreement "to the proposed route so long as the in-field path is extinguished" relates to an earlier Round 1 consultation proposal which involved a new footpath on the east of the railway between Cow Creek crossing (which is to remain open) and S13. Mr Finbow objected to it because the new footpath was proposed to run on the edge of his field in addition to an existing parallel footpath - SK/W-115/020/0 - running in the middle of the field .

On 27 February 2017, Miss Laurie Edwards of Bruton Knowles emailed Mr Finbow and attached a design freeze plan dated 14 October 2016 referenced MMD-367516-S13-GEN-004. The plan was referred to as *"the latest design freeze plan showing what Network Rail are proposing to do here"*.

That plan showed the proposed new footpath on the east of the railway between Cow Creek and S13 crossings and the proposed extinguishment of the footpath SK/W-115/020/0 which was Mr Finbow's concern. Unfortunately the plan was incorrect and did not show the proposed footpath on the east of the railway between crossings S13 to S69. Network Rail apologises for the mistake and the confusion it had caused.

The final design freeze plan, included within the Design Guide (NR 12) submitted with the application documents showed the new footpath between Cow Creek and crossing S13 on the west side of the railway and the existing footpath SK/W-115/020/0 unchanged. The comment in the NR response *"We believe we have achieved what you ask"* relates to the fact that the final proposal did not involve creation of a footpath on the east of the railway between Cow Creek and crossing S13. The comment was imprecise and it is acknowledged that it may have caused confusion.

The final design freeze plan also showed a new footpath to be provided on the east side of the railway between crossings S13 and S69, which had not been confirmed to Mr Finbow before the Order was submitted.

The land required for the new footpath between Cow Creek and crossings S13 and S69 was correctly shown in the Order plan Sheet 19 sent to Mr Finbow on 24 March 2017 together with the notices of the Order.

Network Rail did explain the proposal to create a footpath on the eastern side of the railway between S13 and S69 in its response letter to Mr Finbow's objection dated 19 December 2017:

*“However, the proposal was subject to further discussions with Suffolk County Council who, as the authority responsible for the public rights of way network, proposed an alternative diversion route on the western side of the railway [.....]; the footpath proposal from S13 Fords Green to S69 Bacton was provided to mitigate this concern”.*

However, Network Rail acknowledges that it could have set out the position more clearly at an earlier stage, and again apologises for any confusion caused as a result of its earlier communications.