



John E Smith – by email copy to Doreen and Neil Smith  
[Church Farm  
Bacton  
Stowmarket  
Suffolk  
IP14 4LW]

Network Rail  
James Forbes House  
27 Great Suffolk St  
London  
SE1 0NS

20 April 2018

**Ref: Obj/121/SUFF/R001**

Dear Mr Smith

**The Network Rail (Suffolk Level Crossing Reduction) Order  
S69 Bacton  
Sheet 21 of the Order plan – plots 30, 31, 32, 35, 36 (leaseholder)**

The Department for Transport has passed to us your letter of objection to the proposed Order made on behalf of your parents, Mrs Doreen Smith and Mr Neil Smith. The objection has been allocated the reference OBJ/121.

We note your request to send any further correspondence relating to these proposals to your parents at their address and we confirm that we have sent a copy of this letter to them by post.

We note the concerns set out in your letter and we respond to specific points raised in the following paragraphs.

We note that neither you nor your parents object to the closure of the crossing (S69), but you object to the creation of a footpath between points P072/P073 as shown on Sheet 21 of the order plans.

First, it may be helpful to set out the strategic context and background against which the Order is brought forward.

Network Rail is responsible for the management and safe and efficient operation of the railway network. It operates under and is bound by the terms of its licence under

the Railways Act 1993. It is regulated by the Office of Rail and Road (ORR).

In accordance with the terms of its licence and the strategic aims and policies of the ORR, Network Rail has a duty to ensure the safety of users of the railway and to promote improvements in railway services by cost effective and efficient management of the network. It is also legally responsible for safety on and around the railway, including at level crossings, not only for those using the railway, but members of the public who may otherwise come into contact with it. Network Rail is thus obliged to protect the public from the dangers of the railway so far as reasonably practicable.

As is recognised by the ORR in its Level Crossings Policy, the removal of level crossings is the most effective way to achieve this objective, removing the interface between trains and highway users entirely.

ORR's strategy for health and safety regulation of level crossings makes clear that it will encourage crossing closure, and ensure that all risk assessments consider this first, in line with the principles of prevention.

In accordance with that objective, Network Rail has established a long term strategy of reducing level crossing risk (see *Transforming Level Crossings 2015–2040*). Closure of level crossings is the most effective way of removing the risk from the network. Reducing the number of level crossings will also remove constraints on the railway to enable enhancement of capacity and improvement of line speed (in association with other schemes) and to secure operation and maintenance of the network in a timely, efficient and economical manner in accordance with Network Rail's statutory duties and licence.

For further information about Network Rail's strategic aims please refer to Network Rail's Statement of Case. The Statement can be found at:

<https://www.networkrail.co.uk/running-the-railway/our-routes/anglia/anglia-level-crossings/>.

You say that you were not made aware of the proposals affecting your parent's farm until October 2017, owing to your parents being elderly and having health issues during consultation.

Our records indicate that notices were sent to both Neil and Doreen Smith for the Application to Temporarily Use Land on the 16 January and 9 February 2017. Additionally, both of your parents individually signed for a further notice via recorded delivery on the 27 March 2017.

As per the Transport and Works Act full details on how to lodge an objection or representation regarding the Suffolk Level Crossing Reduction Order were provided in the notices. It is unfortunate that there was a miscommunication regarding the

lodgement of your objection to the proposed public right of way (PROW) following your conversation with Bruton Knowles.

Turning to the specific points, we address them in the order in which they appear in the letter.

### **Proposed route**

You say that the proposed footpath between points P072 and P073 is not required and is replicating a footpath that already exists.

Network Rail's proposals in this area involve the closure of three crossings, S69 Bacton and the nearby S12 Gooderhams and S13 Fords Green. Under s. 5(6) of the Transport and Works Act 1992, a public right of way cannot be extinguished unless the Secretary of State is satisfied that an alternative right of way has been or will be provided, or that the provision of an alternative is not required. In light of the feedback we have received during our consultations we have found that it is generally necessary to provide alternative rights of way in place of the rights which are to be extinguished under the order; extinguishment of rights of way without provision of an alternative route is not acceptable in most cases.

Government guidance goes on to state that if an alternative is to be provided the Secretary of State would wish to be satisfied that it will be a convenient and suitable replacement for existing users. Network Rail considers that the proposed footpath between points P072 and P073 is suitable and convenient for users and provides connectivity to the existing footpath network.

You mention the existing path the runs from Wheatlands estate past your father's property. However, much of it is channeled between boundary features (hedges/fences); whilst the proposed route provides an open aspect, similar in nature to the existing cross-field and field edge paths that are being lost as a result of the crossing closure. The proposed route also provides a more direct link into the residential area of Pretymen Avenue, which is to be lost as part of the S69 closure proposals.

The proposed link between points P072 and P073 reduces road walking. The use of the private track adjacent to Pretymen Avenue was rejected due to feedback received during consultation.

You request that the proposed new footpath be moved to the end of Church Farm's second field in order to avoid splitting your parents' fields. There is a currently a well-worn path following the route of our proposed diversion (at plot 33 on Sheet 21 of the order plans) which indicates that it is currently used to get to the private track. From here, pedestrians head south as part of a circular walk leading back to S69 crossing and the residential area. This route is entirely within field margins and not recorded

as a public right of way.

### **Access to Pullman's Lane**

You say that the works involved in creating the proposed footpath will cause access issues to the fields that are reached from Pullman's lane.

The proposed works include the creation of a timber footbridge over the existing ditch at Pullman's Lane. This is envisaged to be 5 metres long and will not affect the ability of farm vehicles to use Pullman's Lane at its current width.

### **Safety of proposed route**

You are concerned that the new footpath to the east of S69 Bacton level crossing will run down the eastern side of the railway line, which you believe will encourage children onto the line.

The public footpath at S69 crossing is proposed to be extinguished. The level crossing infrastructure will be removed and fencing will be installed to prevent trespass onto the railway.

To maintain public right of way connectivity to the east of the railway, a new 2m wide public footpath will be created along the east side of the railway to the point of S13 Fords Green where users can connect with existing footpaths heading east. The new footpath will be completed to the satisfaction of Suffolk Highways.

You say that little thought has been given to whether the new routes are necessary, safe or allow access to farm machinery. We have explained above the reason why Network Rail is providing an alternative right of way and why the new footpath between points P072 and P073 has been chosen. We have also explained that the proposed footbridge over a ditch will not affect the use of Pullmans Lane by farm machinery.

The new footpath and the bridge will be maintained by Network Rail for 12 months after it has been constructed and it will be maintained by the local highway authority after that period.

We hope that our response had provided sufficient clarity on each of the points made in your objection, and has addressed your concerns about this level crossing. If so we would be grateful if you would kindly let the Department for Transport know by withdrawing your objection. We look forward to learning your position.

Meanwhile, if you require further information please do not hesitate to contact me on the address above or by email to [ALCross@networkrail.co.uk](mailto:ALCross@networkrail.co.uk) , quoting the reference number provided.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Elizabeth Noonan', with a stylized, cursive script.

Elizabeth Noonan  
Anglia Level Crossing Reduction Team  
Network Rail