

Network Rail (Suffolk Level Crossing Reduction) Order

Note on the Statement of Matters

Network Rail received the Statement of Matters from the Secretary of State on 24 August 2017. The Statement contains ten matters which the Secretary of State particularly wishes to be informed about for the purpose of his consideration of Network Rail's application for the Network Rail (Suffolk Level Crossing Reduction) Order ("the Order").

Network Rail addresses these matters in its Statement of Case, Proofs of Evidence (PoE) and Appendices to PoE provided to the Inspector at the public inquiry into the Order. This note sets out specifically where the individual matters are addressed within these documents.

1. The aims and the need for the proposed Network Rail (Suffolk Level Crossing Reduction) Order Scheme ("the scheme").

The aims of the scheme: Statement of Aims (NR04); Client Requirement Document (NR/18) Mark Brunnen Proof of Evidence (NR/27/1) paragraphs 2.3, 4, 5 and 6,.

The need for the scheme: ORR Strategy for regulation of health and safety risks – 4: Level Crossings (NR14); Transforming Level Crossings 2015-2040 (NR17); Dr Eliane Algaard Proof of Evidence (NR/28/1) paragraphs 2.2 – 2.6.

2. The main alternative options considered by Network Rail and the reasons for choosing the proposals comprised in the scheme.

The main alternatives considered: Statement of Consultation NR05; Andrew Kenning Proof of Evidence (NR/30/1) paragraphs 3.1 – 3.8, 5 - 27, Proof of Evidence Susan Tilbrook Proof of Evidence paragraphs 1.11.1-1.11.11 2.1 – 2.19 (on a crossing by crossing basis), 1.13.1-1.13.7 Susan Tilbrook Appendices to PoE (NR/32/2) tabs 6 and 7,); the Client Requirement Document (NR/18).

The reasons for choosing the proposals: Dr Algaard Proof of Evidence paragraphs 2.6.5-2.6.8; Andrew Kenning Proof of Evidence section 3.

3. The extent to which the proposals in the TWA Order are consistent with the National Planning Policy Framework, national transport policy, and local transport, environmental and planning policies.

Dr Algaard Proof of Evidence paragraphs 2.6.12 – 2.6.19, Mark Brunnen Proof of Evidence paragraphs 5.1-5.4, Susan Tilbrook Proof of Evidence paragraphs 1.11.6-1.11.9, 1.12.1-1.12.5;

4. In relation to each of the 23 level crossings to be closed, the 1 level crossing to be redesignated, and the proposed diversionary routes to be created:

a. The likely impacts on landowners, tenants, local businesses, the public, utility providers and statutory undertakers, including any adverse impact on their ability to carry on their business or undertaking or access their properties;

The impact on landowners, tenants and businesses: Nigel Billingsley Proof of Evidence (NR/29/1) paragraphs 3, 4, 7 and 8.

The impact on the public: Susan Tilbrook Proof of Evidence (NR/32/1) paragraphs 1.9 - 1.11 and 2; Statement of Consultation NR05.

Utility providers: Dr Algaard Proof of Evidence paragraph 2.8.

b. Impact on other users;

Susan Tilbrook Proof of Evidence paragraph 1.9, 1.10, 2 (on a crossing by crossing basis).

c. Impacts on flood risk and drainage;

Susan Tilbrook Proof of Evidence paragraph 1.12, 1.6.9, 2.1 (S01), 2.5 (S07), 2.8 (S12, S13 and S69) and Susan Tilbrook Appendices to PoE Tab 8, Environmental Impact Assessment Screening Report (NR-INQ-37).

- d. Impacts on the landscape and agricultural land;**
Nigel Billingsley Proof of Evidence paragraphs 3 and 4, Susan Tilbrook Proof of Evidence paragraph 2 (on a crossing by crossing basis).
 - e. Any other environmental impacts including noise and health; and**
Susan Tilbrook Proof of Evidence at paragraph 1.12 and Susan Tilbrook Appendices to PoE Tab 8.
 - f. The suitability (including length, safety, design, maintenance and accessibility) of diversionary routes proposed for each right of way proposed to be closed.**
Susan Tilbrook Proof of Evidence and Appendices to PoE.
- 5. The measures proposed by Network Rail to mitigate any adverse impacts of the scheme including any protective provisions proposed for inclusion in the draft TWA Order or other measures to safeguard the operations of utility providers or statutory undertakers.**
Nigel Billingsley Proof of Evidence paragraphs 4 and 7. Schedule 11 to the draft Order has been amended to reflect agreed protective provisions for the Environment Agency.
- 6. Having regard to the criteria for justifying compulsory purchase powers in paragraphs 12 to 15 of the DCLG Guidance on the “Compulsory purchase process and the Crichel Down Rules for the disposal of surplus land acquired by, or under threat of, compulsion” (published on 29 October 2015):**
 - a. Whether there is a compelling case in the public interest for conferring on Network Rail powers compulsorily to acquire and use land and rights in land for the purposes of the scheme; and**
Nigel Billingsley Proof of Evidence paragraphs 3.4-3.6.
 - b. Whether the land and rights in land for which compulsory acquisition powers are sought are required by Network Rail in order to secure satisfactory implementation of the scheme.**
Nigel Billingsley Proof of Evidence paragraphs 3.5 – 3.6;
Note on the removal of plots from the Order [NR-INQ-x]
 - c. The conditions proposed to be attached to the deemed planning permission for the scheme, if given, and in particular whether those conditions satisfy the six tests referred to in Planning Practice Guidance, Use of Conditions (Section ID:21a).**
Susan Tilbrook Proof of Evidence paragraph 1.12.7. Draft conditions are included within the Rule 10(6) Request for Planning Permission (NR/10). These conditions are subject to review and will be discussed at the conditions session at the end of the inquiry.
- 7. Network Rail’s proposals for funding the scheme.**
Network Rail Funding Statement (NR/6); Periodic Review 2013: Final determination of Network Rail’s outputs and funding for 2014-19 [NR/15]; Control Period 6 Funding note (NR-INQ-25);
- 8. Whether the statutory procedural requirements have been complied with.**
Compliance Bundle (NR-INQ-01), Photographic evidence of public inquiry notices (NR-INQ-27); Statement from Bruton Knowles and photo of notice of inquiry placed at local school (NR-INQ-56)

9. **Any other matters which may be raised at the inquiry.** Refer to other documents submitted during the course of the Inquiry.