

Network Rail (Suffolk Level Crossing Reduction) Order :Public Inquiry
Closing submissions of Paul Baker OBJ/26

Unsuitability of the Use of TWO to close crossings and divert footpaths without meaningful stakeholder communication.

1. The TWO processes in allowing approval before the detailed design stage is completed has caused or allowed the incomplete investigation of the impacts of the proposed closures and their alternative routes. The Inspector at the early stages of the Inquiry asked Network Rail to confirm that they were satisfied that all effected parties were included in NR09 Book of Reference. I am not convinced this is the case particularly considering the evidence I have read and heard for the Bacton crossings that I have a direct interest in. I believe stakeholders have failed to lodge objections in the correct timeframe as they were blinded by junk mail scale multiple notices. The details of correct objection procedure are lost in the sheer volume of information.
2. Similarly the volume of information due to number of crossings considered has made seeking legal advice extremely expensive as all information needed to be reviewed before advice could be given. This has made the process inaccessible to all but those with the greatest resources or largest interest.
3. Where stakeholders have engaged in the process and clarification has been sort, Network Rail has appeared unwilling or unable to answer any queries to the impact of their proposals.
4. Incorrect information has been passed to stakeholders. Network Rail acknowledging during the crossing specific evidence for the Bacton Crossings S12, S13 and S69 that GEN-04 design freeze maps should not have been distributed to stakeholders and as a result any time and resources spent relying on these was wasted.
5. Mr Billingsley and Ms Tilbrook have also acknowledged in their evidence no joint site meetings with stakeholders were held, even though requested, nor had the alternative routes been fully surveyed for the Bacton crossings.
6. Stakeholders have been kept at arm's length making objections and the Inquiry inevitable with its costs borne by stakeholders and the public purse alike. It would have been sensible to engage in detail design and site meetings with stakeholders to enable the Order to be considered with minimal objections.

Inquiry process and Costs

7. I would like to thank the Inspector for his ability to interpret the intention of my contribution to the Inquiry especially when my evidence or cross examination has not be instantly clear.
8. I and other stakeholders have tried to engage constructively with Network Rail to clarify the actions and impact of the Order. It is difficult to identify if Network Rail have been unreasonable with the lack of detail in the information that they have supplied to stakeholders or that it is just to the limitation required at this stage in the TWO process.
9. It has not been my intention to have increased the time required for this Inquiry by submitting late evidence such as OP-INQ-49 and OP-INQ-65 but on hearing NR's inaccuracies in evidence in what I would have expected to have been completed or included as due diligence it has fallen on me and Inquiry time to correct this.

10. I do believe it was unreasonable for Network Rail not to have identified earlier that incorrect information was provided to stakeholders such as the GEN-04 design freeze maps for the Bacton crossings.
11. I am concerned that Stakeholders are still exposed to further costs trying to engage in the detail design stage assuming we are even consulted. Who is our recourse with for resultant Highway and access issues; Suffolk County Council Highways or Network Rail? What is the process?

OBJ/26 Alternate Proposal

12. I again commend to the Inspector and Secretary of State my alternative proposal as outlined in my Proof of Evidence (with further detail OP-INQ-57) as supported by multiple stakeholders. I also contest Network Rail's submission that my proposed Diversion of footpath 20 does not satisfy the below conditions

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.

I submit in regards to:

- (a) The acquisition or right is not compulsory acquired. It is being proposed and supported by the statutory objector parties that are impacted by the proposal.
- (b) The essential nature is not substantially different... it is still closing crossing S13 and offering a suitable and convenient diversion route that had been in the large proposed by Network Rail in their consultations and GEN-04 design freeze and is supported by other stakeholders as evidenced during the Inquiry
- (c) Network Rail has not identified any other parties that would be prejudiced by the suggested amendments.

Summary

12. I can fully understand Network Rail's desire to close level crossings as our business is similarly impacted by the network of pre Victorian public rights of way. Yes, the order proposals will reduce Network Rails risk, cost and increase their resilience. But at the same time it will have an inverse effect on us and other stakeholders... increasing our risk and cost while reducing our resilience. With this in mind I request that the Inspector and the Secretary of State after him looks favourably on my stakeholder supported proposal with known impact, rather than approving the Draft Order proposals as they stand that will have many still to be fully clarified impacts.

Paul Baker Obj/26 23 May 2018