

**Philip Hodson**  
**40 New Cheveley Road**  
**Newmarket, Suffolk. CB8 8BS.**

Dear Joanna Vincent

Summary of my Evidence given on 02 May 2018.

This evidence was composed from previous submissions:

Statement of Case 1500 word Summary. Philip Hodson. Ref:- Obj/13/SUFF/R001. - 08 02 2018

Cross Examination for 1/2 May 2018 by Philip Hodson OBJ13. Amended 23/4/18,  
and my email of 23<sup>rd</sup> April 2018.

What is written in brown was earlier submitted to the Inquiry. I did not use material in brown on 2<sup>nd</sup> May.

Yours sincerely,

Philip Hodson.

**Material drawn from**

- **Statement of Case, Network Rail Suffolk Level Crossing Reduction Order, Folder 01, July 2017.**
- **Mr Brunnen's Proof of Evidence NR27/1 section 3.1.**
- **OP-INQ-41. Press cuttings.**
- **NR5 Table 4.2. Page 26.**
- **Miss Tilbrook....NR32/2 Page 165 and Page 172. Both Pages say, "Lots of use and concern over closure. SCC suggest move to a later stage for a bridge."**
- **Steve Day's Note of 07 03 18. NR-INQ-58a**
- **Section 57 of the Transport and Works Act as referenced by Steve Day in his Note dated 07/03/18.**
- **The Case between the Ramblers and the Secretary of State for Environment concerning a crossing known as "Zulus Crossing" which passed over the Nottingham-Lincoln railway which was judicially reviewed by the High Court, dated 07 April 2017.**
- **Miss Lean's Position Statement dated 07 March 2018.**
- **Section 31 of the Highways Act 1980, paragraph 8.**
- **NR18 Client Requirements Document CRD Page 26. "Building and Civils", and GC/RT5212.**
- **Mr Prest's Proof of Evidence, NR31/1, section 3.7 and 3.9.**
- **OP-INQ-53 Evidence to show Network Rail is capacitated to build infrastructure assets and bridges.**

**I submitted that Network Rail is demanding of the Minister of State for Transport an Unconstitutional Act according to the custom and constitution of England, in that it is seeking imposition of an Order by the Minister of State for Transport in over-ride of the communities which that Order affects.**

**I submitted that there has, to date, been serious miscarriage of due process.**

The essence of our Laws' strength and acceptance is that English Law contains the Voice, Will and Aspirations of the People

The essence of English Law is its emphasis on gaining the consent of a community before enshrining orders and law.

**Network Rail's Consultations.**

That including the consent of communities to a government action is still influencing today's procedures is reflected by Network Rail's lists of efforts to "make consultation", these declared on pages 37 and 38 of Network Rail's Statement of Case July 2017. But, I claimed there is no indication that Network Rail intends to include what it has learned into the orders it seeks.

Without inclusions of community aspirations into any proposed Order, efforts to consult with communities become vacuous.

**The Suffolk Level Crossing Order was deposited on 24<sup>th</sup> March 2017.**

The Department of Transport invited objections and representations, these to be submitted by 5<sup>th</sup> May 2017, only a month and a half after the Order was submitted!

But The public had not been shown this order, and did not know what to object about. The very short timescale of a month and a half dis-enabled the Newmarket community as a whole to come to understand what was happening.

This led to a small response of 23 letters of objection being received by 1 November 2017. This should have rung “alarm bells”. Out of a population of some 20,000 town-residents this indicated that they had not been sufficiently consulted.

There were no explanatory meetings arranged by Network Rail in Newmarket. The nearest was in Bury St Edmunds in 2016, at an address, allegedly “difficult to find” for the few who did attend. At no time did Network Rail act as the native commissioners of Southern Rhodesia, by sending their representatives into the high-roads and by-roads of Newmarket town to learn the customs, habits and aspirations of the community for their railway crossing.

**For this, I allege that Network Rail has not done its public duty, for its process has not been at all effective in informing the citizens of Newmarket.**

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In the circumstances, I took actions to inform the public, soon to be assisted by Patricia Collins, (local resident), Michael Smy (local resident), and Dr Rachel Wood, governor of All Saints School, near to the Crossing.

When I started distributing leaflets, too many Newmarket individuals told me that they were not aware of impending closure of the crossing. I did, however, learn the views of many of those I leafleted.

This enabled me to word a petition which said:-

**Most residents of Newmarket want or need the pedestrian Weatherby Railway Crossing to remain open.**

**Some 400 crossings are made each day on foot, 146,000 crossings a year.**

**Many are happy for a foot-bridge to accommodate prams and mobility scooters instead of a level crossing.**

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I started my petition on 9 December 2017 and together with Patricia Collins and Michael Smy, gathered some 800 signatures by 30 January 2018. This represents a small reach into the community but compared with the, “only 23 objections received” as indicator of Network Rail’s reach into the community, Network Rail’s effort compares unfavourably to my petition.

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### **Network Rail – Permissive Path**

I wrote in, fairly extensively why I thought Network Rail was hasty to claim Weatherby to be a Permissive Path which seems to have been used as excuse for Network Rail not extensively consulting the community of Newmarket about the crossing. I understand it was decided the matter of Rights of Way or otherwise could not be decided at this inquiry. However, lack of consultation with the public means that the ALCRM score, which is supposed to include public consultation, is compromised, that apart from its inaccuracy as regards the dangers and risks of the crossing.

### **Compensatory indication for the community of Newmarket upon closure of the Weatherby Crossing.**

I described how the loss of amenity to ten thousand men, women and children around the crossing may be ascertained and based on an £8 return taxi fair described how loss of amenity could be valued at £29,200,000 per annum of closure. I then proposed the actual costs for those who can no longer cross the lines is additional to the loss of amenity.

These very high losses to the community need to be set against the very much smaller costs of maintaining the crossing open, or building a bridge.

Mr Kerr, in his cross examination conceded that a bridge would completely separate the public from the live rails and that would overcome all issues of risk to the public. He then continued, that according to Network Rail’s costings, a bridge would not be cost effective. To which my rebuttal was that with 460,000 crossings a year, the cost per crossing would be some £1.37 over ten years. The cost, variously put around £2million becomes very cost effective when compared to the loss of amenity at £29,200,000 per year of closure to the community.

Mr Kenning, in his original proof of evidence claimed that a bridge could not be built at Weatherby, but later, conceded that it would be difficult. I difficulty can be overcome, especially with a civil, structural engineer such as Network Rail.

There is no reason to close Weatherby as part of the wider plan. The Warren Hill tunnel prevents large container trains from accessing the Newmarket branch to Cambridge. The issue of the East-West Rail was brought up and whether this might be routed through Newmarket. This matter was not properly aired, but is it really the case that Network Rail or the government may route high-speed, heavy container trains, perhaps, several per hour at all times of the day and night, right through the middle of a densely residential area, on rails which, through Newmarket, are often at roof height, ensuring significant noise to the community?

I asked of Mr Kenning is some detail the methods of consulting the Newmarket community as recorded in my cross examination for 1/2 May and it was clear this has not been done. This negates the ALCRM score.

To my mind, and I asked Mr Kenning if he can agree with me, "Effective Consultation with a Community" means various actions which might include the following 6 points:-

- Show-casing your intent within the community boundaries?
- leafleting houses likely to be affected?
- Standing your agents in the highways and byways of the town with stalls and signage to distribute further verbal information and issuing leaflets of your intent?
- engaging in proper consultation with the public together with proper note-taking of what they say?
- Placing agents at the pedestrian gates of the level crossing to hear and record their views?
- All efforts like this to be continued until it becomes self-evident that the knowledge conveyed by Network Rail is so embedded in the community that the community is continuing its dissemination in spite of Network Rail's input. I suggest this might take at least a fortnight of intensive engagement if not a lot more, in a community of some 20,000. Would you agree with the concept that proper engagement with a community of people takes intensive effort?

### **Suitability of New Cheveley Road**

I have been resident on New Cheveley Road since August 1980, nearly 37 years. I have not lived anywhere else in the interim.

I have seen steadily increasing traffic negotiating New Cheveley Road during my residence and I have seen an especial increase in traffic density occurring in the last four to five years. During peak hours, the amount of traffic is becoming quite unpleasant and depending on wind direction there is, indeed reduced air quality at these times on New Cheveley Road. Has Network Rail collected any evidence to confirm or rebut these, my observations about increasing traffic over time?

I claim that not only are there more vehicles, but the weight and size of private cars has greatly increased, there are many more vans and many more heavy lorries using New Cheveley Road. Has Network Rail any data to confirm or rebut this, my claim?

Newmarket is a growing town, becoming more populous. Would you wish to rebut my claim that Newmarket is becoming more populous?

With increased numbers of people working in the town centre, the last five years or so has seen an increase in those workers seeking roads which are free to park-in. Old Station Road is very full of parked cars during working hours. From the High Street, travelling along Old Station Road, the route becomes Cheveley Road. Cheveley Road is becoming very congested due to cars parked both sides of the road, and even though part-parked on the pavement, there is resulting in congestion of moving traffic. Heavy lorries are being particularly hindered on Cheveley Road.

To the West is The Avenue. Its free parking places are also commonly entirely filled as are the roads leading off the Avenue. In searching for free parking, drivers are increasingly parking in New Cheveley Road, South of the under-bridge, St John's Avenue and Stretton Avenue. A new phenomenon is occurring in that taxis, apparently not

fitting into their rank on the High Street, have started to await custom in the bus lay-by outside my house. Has Network Rail done any work to confirm or rebut my claim of increasing use of the roads South of the railway line for parking and therefore increasing narrowing and therefore congestion of moving traffic on those roads?

I submitted that many cyclists, particularly adult males, are travelling at high speed on the pavements, that this is frightening for many walkers and such fear causes some walkers to be deterred from walking on the pavements where they may encounter cyclists. Has Network Rail any data to confirm or rebut my assertion?

returning to the matter that Newmarket is becoming more populous, and that increasing numbers of town-workers are parking their cars South of the railway during working hours, has it been considered by Network Rail that additional facility to cross the rails on foot may be required and that in the event of Weatherby being closed there may, in the not too distant future, be demand to create a crossing there again to relieve the pressure?

Finally, as a local resident I have made a number of unsubstantiated claims regarding the increasing congestion of Newmarket and of Newmarket roads South of the railway line. Do you have cause to reason that my claims are untrue or exaggerated?

It you have no cause to believe I am exaggerating nor telling untruth, would you agree that Network Rail's effort to date establish safety, suitability and convenience of its alternative route for pedestrians is as yet, incomplete and cannot now be presented as definitive of the state of that route?

I pointed out that at Weatherby, only two trains run an hour, between about five minutes past the hour to 20 minutes past the hour. The rest of the 45 minute period is free of trains. However, on the New Cheveley Road, route, vehicles are commonly passing at one car every 20 seconds. That is there cars a minute, and much more in morning rush hour from around 7 am to 9 am. Each vehicle is a collision opportunity, especially for parents wick free-ranging children off the lead.

A mother and child, walking to school around 0845 hours taking 5 minutes to walk from Cricket Field road to the underpass on New Cheveley Road therefore face 15 collision opportunities. If the walk across Weatherby, there are no collision risks because there are no trains running.

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I criticised the ALCRM score and drew attention to it inherent mis-informing. I made general reference to the nature of complex models causing people to nod like nodding donkeys imagining they are involved with something significant, when the facts show a different story. We think Weatherby has had no deaths all the 100 years of the twentieth century and no accidental deaths this century. There have been some near misses, and these can be indication ofr building a bridge, an act which is properly Network Rail's to action since it is Network rail which is under government pressure to achieve no risk situations. ALCRM is entirely misleading and worth nothing.

#### **Some comments from users:-**

An individual has said to me, I moved to Newmarket 37 years ago. "I use the Weatherby Crossing about weekly. In the 37 years I have used the crossing, I have only had to wait for a train three times. Normally, the crossing is entirely empty and quiet."

Another comment: "I always walk my dog over the Weatherby Crossing because it is much safer than to walk via the main roads. Old Station Road has very fast traffic, and the traffic from the top of New Cheveley Road to the bridge is very fast too. It does not feel safe walking those routes. Any moment, someone texting on his mobile phone may mount the pavement at speed and hit me. This is increasingly likely. With a dog, those routes are positively unpleasant. You have to watch them all the time. A dog can pull you onto the road."

Another comment:- "On the Weatherby route, you hardly ever meet a car on the Cricket Field Road Approach. On the other side, you have a choice of walking to town via Park Lane or Old Station Road. Either route is quiet relative to the main roads. You may come across just one or two moving vehicles and these move slowly because they are heavily restricted by the narrowness. These routes are so much safer."

Mr Russell, in describing measurement of risk for Highways says that historical collision data is evaluated as-is and this gives a higher indication of the degree of risk or safety. Highways do not use ALCRM, he said.

Q- Does Network Rail have comment regarding mine for the use of ALCRM?

Yesterday, Dr Wood and Miss Lean discussed transfer of risk issues. Miss Lean drew attention to a child who was pulled from the path of a train by a parent. It is because of the risk of "on the loose children" that parents prefer the Weatherby Crossing. At Weatherby, only two trains pass per hour, one towards Ipswich, the other towards Cambridge, and they do this mostly between approximately 7 minutes to 20 minutes past the hour. The rest of each hour is empty of trains. Deliveries of pupils to school occur mostly between 8.20 am and 8.50 am Collections occur around 3.30 pm (this time is my error. The school day finishes at 3 pm). The chance of meeting a train (in the morning ) is nil.

Mott MacDonald has not estimated the congestion levels of traffic on its alternative routes in previous years, and compared them to today, nor has Mott MacDonald informed Network Rail of the increasing congestion which is occurring now. Nor has Mott MacDonald estimated future congestion levels given the increased house-building in the locality and region. Old Station Road and New Cheveley Road/The Avenue are already near full-traffic capacity at the busiest times of day. Already these roads are unpleasant to walk at peak times.

**Further congestion will soon open demands for a quieter pedestrian route.** A more peaceful, safer pedestrian route is already provided by the approach roads to the Weatherby Crossing, both North and South of the crossing. As such, with congestion reaching unacceptable levels on Old Station Road and New Cheveley Road/The Avenue, Network Rail will be soon asked to provide a new crossing and the only place this can go will be at Weatherby.

I submit it will be Network Rail which builds the new crossing and that Mott MacDonald should have warned Network Rail that in an environment of steeply increasing population, a new crossing will be needed.

Finally, under the heading, The Yellow Brick Road, Newmarket has a town plan which I read out which involves the Princes Foundation. There is wish to incorporate the Weatherby Crossing as part of improving the connectivity of Newmarket.

Here, ends my summary.

Philip Hodson

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