

## CROSSING S22 WEATHERBY

Comments by M.A.Beaven. OBJ/91

My comments come under 5 headings:

- (i) The strategy;
- (ii) ORR Terms of Reference;
- (iii) Public Rights;
- (iv) The case itself;
  - (a) Walking times,
  - (b) Safety record,
  - (c) Technology,
  - (d) Speed;
- (v) Conclusions.

## 1. The strategy.

The strategy is "close the lot". But, because Network Rail have withdrawn 5 crossings (never mind why), the strategy is blown. Therefore, each crossing must be considered case by case. (Please note that I was not aware of this change until 13/2/2018.)

## 2. ORR Terms of Reference.

This body is publicly funded. It is, therefore, axiomatic that its Terms of Reference must include "to protect the rights and interests of the public". There is no mention of this in Network Rail's case.

## 3. Public Rights.

In English Common Law, rights are established and maintained by usage. The High Court is far too low to overturn that principle – it should be the Court of Appeal at the very least.

The Inspector is quite free to ignore the case Network Rail quotes and to conclude that the usage of the crossing over decades has established and maintained the public's right to continue to use it.

## 4. The case itself.

- (i) Walking times. I do not dispute Network Rail's figures. However, 2.5 mph is quite fast (70% of Standard Performance) and will not be reached by many users.

Of more significance is that (with one important exception and two trivial ones) all the facilities of Newmarket are on the north side. The exception of importance is the football ground; this has been upgraded to "all weather" and is heavily used – and it is right next to the crossing.

The Inspector will note that everyone who goes THERE comes BACK. So now, 12 mins and 22 mins (at the rather high speed given) are not so trivial after all.

(ii). Safety record. Network Rail's figures show 10 "incidents" in 11 years – less than one per year. If this is to be the criterion for the Inspector, he had better tell the Chief Constable of Suffolk to close Newmarket High Street immediately, and <sup>then</sup> every street in the county.

(iii). Technology. Network Rail says it can't be done. One word....RUBBISH.

(iv). Speed. As Network Rail points out, the crossing is close to the station. Trains cannot go into or out of stations very fast. If you do the arithmetic, you will find that, if the average speed is reduced from 20 mph to 10 mph, the extra time taken is 22.5 seconds. Compare that with the delays experienced by all travellers, and the question of speed becomes nonsense. (And remember that there is only one track.).....Unless Network Rail is planning to run HS3 through Newmarket.....

#### 5. Conclusions.

Network Rail's case is THIN – in fact, wafer thin.

In that circumstance, it is legitimate to ask, "what is the reason for this request?"

I offer a possible solution:

Some years ago, two schoolgirls were killed at a crossing in Essex. Network Rail were savaged, ripped to shreds for their part in that tragedy – and quite rightly. The proper response is for Network Rail to say, "we must do all we can to make our crossings as safe as we reasonably can."

But what was their response? "To hell with the public and their rights and interests; we'll close the lot, and we'll never be kicked like that again." It is an arrogant, selfish, despicable policy.

It is in the power of the Inspector to refuse. I urge him to do so.



M.A.Beaven. 13/02/2018.