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Sent: 03 May 2017 16:37
To: TRANSPORTANDWORKSACT
Cc: Steve Kerr
Subject: Response to Network Rail Anglia Level Crossing Reduction Reductions TWA Order
Attachments: 2017-05-03 SCC TWAO response.pdf

Please see attached Suffolk's response to the above order.

Many Thanks
Regards
Geoff

Geoff Dobson,
Director of Resource Management

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Date: 3 May 2017
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Secretary of State for Transport
c/o Transport and Works Act Unit
General Counsel's Office
Department of Transport
Zone 1/18, Great Minster House
33 Horseferry Road
London SW1P 4DR

Dear Sirs,

Suffolk County Council's Response to Network Rail Anglia Level Crossing Reduction Reductions TWA Order

This letter sets out Suffolk County Council's ('the council') response to the Network Rail (Suffolk Level Crossing Reduction) Order 201X ('the Order'). The response has been approved by Councillor James Finch, Cabinet Member for Roads and Transport, which accords with the council's constitutional requirements at this time.

In common with other local authorities responding to the Order, the council is unable to comply with the requirements of section 239 of the Local Government Act 1972 (as incorporated into this objection procedure by section 20 of the Transport and Works Act 1992) due to the local elections on 4 May 2017. The council will make arrangements to comply with these procedures at the earliest practicable and appropriate point, which will now be the next full council meeting after the general election on 8 June 2017. This meeting is currently scheduled for 20 July 2017.

The council notes this position accords with the Department for Transport's guidance on the matter at para. 4.7 of its June 2006 *TWA Guide to Procedures*.

The council supports better rail services in Suffolk, and believes the right balance must be struck between safety, efficiency, and highway accessibility. Officers spent considerable time working with Network Rail (NR) during the consultation stages to achieve the best outcome for each level crossing, and whilst there was some success in improving the overall package, the council feels it must object to a number of the proposals being put forward in the draft Order.

Some of the council's concerns could have been addressed by the applicant at an earlier stage, had, for example, NR taken up the council's offers to undertake joint site inspections of each proposal.

Further, the council must consider the impact of the proposals in its capacity as highway authority. New routes will become maintainable at the public expense and must therefore meet appropriate standards.

The council very much hopes that following the submission of its response, the applicant will seek to address these concerns in discussion with the council, so enabling the modification of the package and thus reducing the number of objections. This is in line with the TWA Unit's own guidance to applicants ("TWA Good Practice Tips for Applicants").

The council also makes the following observations regarding the effects of the Order on the Definitive Map and Statement (DM & S).

1. The Order Schedules do not refer to the relevant Definitive Statements, which together with the Definitive Map, constitute the legal record of Public Rights of Way (PROW). This constrains the surveying authority's requirements to integrate the resultant changes in a modified or new Statement.
2. The Order Schedules and plans do not include any Ordnance Survey grid references. This constrains the surveying authority's requirement to integrate the resultant changes in a modified or new Definitive Map and Statement (DM & S).

Accordingly, the council requests the Secretary of State for Transport (SoSfT) to modify the Order to include Ordnance Survey grid references.

The primary impact of the Order is to close mainly PROW level crossings, and divert users on to alternative routes to nearby roads and over and underbridges. In considering its response, the council has had regard to the effect of each proposal on the safety and enjoyment of users of the PROW network. PROW are important to the council, which seeks wherever possible to encourage their use by local communities as a means of improving health and sustainability.

At this stage, this response sets out whether the council objects to a proposal, and why, together with any other comments on each proposal.

The council will, however, be seeking a commuted sum from the applicant, to offset future maintenance costs of the resultant network. It is also preparing a list of works it considers necessary to bring the new routes into being and capable of being maintained at public expense. This information will accompany the council's formal response, to be sent following the meeting on the 20 July 2017.

Yours sincerely,



Geoff Dobson
Director of Resource Management

S01 – Brantham Sea Wall (Public Footpath 13 Brantham)

The council **objects** to this proposal.

There is concern as to how viable D to E and possibly C to D may be in winter months in wet conditions. The area is low lying and there is evidence that there are problems with cultivations in parts of the field, suggesting it could be wet at certain times. It might be possible to create a viable path if a hardened route was provided.

The Order proposes extinguishing section F to G, a popular route for bird watchers. The council has previously requested its retention and believes this section of PROW should not be extinguished.

S02 – Brantham High Bridge (Public Footpath 6 Brantham)

The council **objects** to this proposal.

There is concern regarding the viability of part of the route. It is understood that to date, NR have not had a site meeting with one of the affected landowners and he is unable to confirm whether NR have actually surveyed the alternative route.

The landowner has indicated that section G to H has a long history of instability and points out that a wide bank once existing on NR land where railway maintenance staff used to walk. This has all but eroded away in the last 50 years. His view was therefore that any path in this area (including his land) would not survive for very long. NR need to assure the council of the integrity of this bank. The proposed footways link on the A137 will require the agreement of Suffolk Highways and will have to meet any specifications they may require.

S03 – Buxton Wood (Public Footpath 22 Bentley)

The council does **not object** to this proposal.

S04 – Bentley (Public Footpath 18 Bentley)

The council does **not object** to this proposal.

S05 – Pannington Hall (Public Footpath 34 Wherstead)

The council **objects** to this proposal.

The council has previously requested A-C be recorded as a bridleway, which would improve local network connectivity by linking to Bridleways 29/30 Wherstead, and is disappointed to see this has not been included in the Order. The council does not consider this an unreasonable request, as it would only require an extra 1 metre of width to be created in order to provide a 3 metre wide headland bridleway. The proposed footbridge listed in Schedule 1 of the Order would also need replacing with a bridleway bridge.

S07 - Broomfield (Public Footpath 12 Barham)

The council does **not object** to this proposal.

Between points B and C, the definitive route is recorded through the lake. The SoSfT is requested to modify the Order to include the extinguishment of the anomalous section, together with the re-creation of the walked alignment.

S08 – Stacpool (Public Footpath 33 Barking)

The council does **not object** to this proposal.

Please note Schedule 2 of the Order incorrectly refers to FP33 Needham Market.

S11 Leggetts (Public Footpath 6 Old Newton with Dagworth/Public Footpath 12 Haughley)

The council does **not object** to this proposal.

S12 Gooderhams (Public Footpath 19 Bacton)

The council does **not object** to this proposal.

The council has, however, previously requested a westwards footpath link to the Wassicks crossing (Public Footpath 18 Bacton) and is disappointed to see this has not been included in the Order. In view of the proposals to close four local level crossings, the council requests that the stiles currently in place at the Wassicks crossing be replaced with compliant kissing gates.

S13 Fords Green (Public Footpath 14 Bacton)

The council does **not object** to this proposal.

S16 Gislingham (Bridleway 10 Finningham)

The council does **not object** to this proposal.

S17 Paynes (Public Footpaths 22/26 Gislingham)

The council does **not object** to this proposal.

S18 Cow Pasture Lane (Byway Open to All Traffic 11 Mellis)

The council does **not object** to this proposal.

S21 Abbotts (Private)

The council has no comment to make with respect to this crossing proposal.

S22 Weatherby (No recorded public highway status)

The council **objects** to this proposal.

This crossing has the highest usage figures of all the crossings included in the Order. The council also notes the strong local opposition to the crossing's closure. Following a meeting on 25/4/17, attended by NR representatives, County Councillor and Forest Heath District Council Deputy Leader, Robin Millar, Newmarket Town Council members and West Suffolk Council, the council supports the deferral of the future of this crossing to a later phase of the Anglia Level Crossing Reduction Strategy (ALCRS).

S23 – Higham (Public Footpath 1 Higham)

The council **objects** to this proposal.

The council considers the diversionary route to be inadequate in terms of pedestrian safety for the following reasons:

1. The Design Guide notes users will be diverted along Higham Road crossing the railway at the existing bridge and will make use of existing verges and carriageways up to the point where Higham Road meets the A14 slip road.

SCC wishes to point out that during an inspection on 9th April 2017, the verges were already overgrown, and in parts have a pronounced cross fall into the carriageway. Pedestrians are therefore forced into the carriageway for much of the route, creating an unpleasant walking experience and conflicting with vehicular traffic.

2. The proposal uses FP5, Higham, and thence on to one of the proposed new Higham S24 public footpaths, as part of the diversionary route. This route requires pedestrians to cross Coalpit Lane, which is a fast country road. Where FP5 crosses Coalpit Lane, there is no visibility of traffic, and SCC considers this to be unsafe.

The council considers the grounds for this objection can be addressed, and thus the level crossing closed, if the following measures are taken:

1. The Order modified to divert FP1 Higham, around the edge of the field, to exit on to Higham Road at a point as close as possible to the road bridge. This would minimise the amount of road walking required.
2. SCC recommends significant hedge clearance is undertaken where FP5 meets Coalpit Lane to improve visibility.

Additionally, the council would highlight that the Design Guide notes it is not considered that there are any ongoing footpaths to the north of the A14. This is not the case and Drawing No. MMD-367516-S23-GEN-005 shows clearly a continuation of FP1, Higham as part of the diversionary route. This demonstrates the proposed route is part of a walking network.

S24 – Higham Ground Frame (Public Footpath 6 Barrow)

The council does **not object** to this proposal.

Consideration should be given to verge and hedge clearance on New Road northwards from point E to the A14 overbridge as otherwise pedestrians will be forced to use the carriageway. Hedges should be cut right back where users are to use the verge and avoid the carriageway, to prevent regrowth from becoming an obstruction in the future.

S25 Cattishall (Public Footpath 17 Great Barton)

The council **objects** to this proposal for the following reasons:

1. The current crossing alignment provides a direct and convenient route for users. The proposed diversion entails a significant detour for users.
2. The area is subject to significant housing development and the local planning authority (LPA) has successfully negotiated the provision of a stepped footbridge with one of the developers. The council believes this crossing should be removed from the Order and, should for any reason agreement not be reached between the LPA, the developer, NR and the council as highway authority to construct the footbridge, this crossing be included in a later phase of the ALCRS.

It is noted the proposal includes creating a bridleway between points A and P022. This section is already recorded highway and has a metalled surface. If the SoSfT is minded to accept this crossing proposal, the council requests the Order is modified accordingly.

S27 Barrells (Public Footpath 5 Thurston)

The council **objects** to this proposal.

The proposed alternative route is along Barrells Road and crossing over the railway by means of the existing road bridge. There is no visibility for pedestrians to oncoming traffic as they approach the bridge, and very little refuge available on the verges leading to and from the bridge. The proposed pedestrian improvement measures are insufficient to address the highway authority's safety concerns.

S28 Grove Farm (Public Footpath 11 Thurston)

The council does **not object** to this proposal.

S29 Hawk End Lane (Public Footpath 12 Elmswell)

The council does **not object** to this proposal but was unable to access all the land to assess its viability.

S30 Lords No 29 (Public Footpath 9 Elmswell)

The council does **not object** to this proposal.

S31 Mutton Hall (Public Footpath 35 Wetherden)

The council **objects** to this proposal.

The council has serious concerns over the safety of pedestrians using the carriageway and existing road bridge to cross the railway. This is a 60mph U-Road with poor visibility on the approaches. The proposed pedestrian improvement measures are insufficient to address the highway authority's safety concerns.

S69 Bacton (Public Footpath 13 Bacton)

The council **objects** to this proposal.

The council has serious concerns over the safety of pedestrians using the carriageway and existing underbridge. Users will be diverted onto the B1113 Broad Road, where there is little verge to walk on. Although the speed limit on this road is 40mph, reducing to 30mph, it is a very busy road. Despite NR's own Road Safety Audit (Report Number 367516/RPT015, August 2016) recommending a footway be constructed along Broad Road, it is disappointing to note these works have not been included in the Order.

Users will also be expected to use the existing underbridge where there is little room for pedestrians. Two vehicles can only just pass under the bridge at the same time. There is also the problem of flooding which has not been addressed. After heavy rainfall the road under the bridge floods considerably and pedestrians would be knee deep in water if they tried to pass. The measures that have been suggested by Network Rail are not considered sufficient to ensure the safety of the public.