TRANSPORT AND WORKS ACT 1992

APPLICATION FOR THE PROPOSED NETWORK RAIL (SUFFOLK LEVEL CROSSING REDUCTION) ORDER

Ref: TWA/17/APP/04/OBJ/60

Statement of Case

on behalf of Mr David Caldwell

Objector

Overview

1. This statement of case is made on behalf of David Caldwell of [redacted], the owner of land which is affected by the proposed change to a public right of way, Footpath 22 Bentley, consequent upon the intended closure of level crossing referenced Buxton Wood S03 ("the crossing").

2. The land in the vicinity of the crossing within the ownership of the Objector is a field known as Eleven Acres and is identified on the plan at Appendix **BLLP01** hereto ("the plan").

3. The crossing is a pedestrian only crossing to accommodate Footpath 22 Bentley, which runs northerly from Station Road, Bentley over the crossing and then continues north westerly to join to Footpath 21 to the east of Falstaff Manor. To the east of the junction, Footpath 19 leads easterly to the pedestrian level crossing of the railway line known as Falstaff.

4. Census survey of the use of the crossing undertaken by Network Rail ("NR") during June and July 2016 showed no use of the crossing.

5. The Objector does not object to the proposed closure of the crossing and extinguishment of part of Footpath 22. Objection has been made (by letter dated 4 May 2017 and at Appendix **BLLP02** hereto) to the proposed public right of way to be created ("the Red Route") as the alternative way to the route proposed to be extinguished.

6. As set out below, the Objector's case is based on:

6.1 the remit to provide an appropriate alternative route for Footpath 22 to maintain connectivity in the public rights of way network

6.2 the impact of the Red Route on the Objector's property.

The Remit to Provide an Appropriate Alternative Route

7. There is no immediate continuation of Footpath 22 on the south side of Station Road. However, it is acknowledged that a footpath exists slightly further east and provides a link southerly to Brantham Bridge and then to the B1080 road. The principle of providing continuing access from Falstaff Manor to Station Road is accepted therefore.

8. However, it is not accepted that the remit to provide continuity extends to providing a less than direct route as an alternative to the route to be closed. There is no remit to seek improvements to the network, or to consider criteria beyond the provision of a through route at a standard appropriate for use by the public as a right of way on foot. The Red Route extends the distance to be walked by 220 metres against the provision of the most direct route, and so represents an inconvenience to the public.

9. The most direct route is one which runs southerly from the crossing known as Falstaff on the eastern side of and parallel to the railway line. An example of such an alignment was contained in the NR Round 1 Consultation on closure of the crossing in June 2016 and is shown on that Consultation Summary Sheet as the Green Route (and contained in Appendix **BLLP03** hereto). Not only is such an alignment the most direct route, this alignment was also supported by the majority of respondents to the Round 1 Consultation (as shown on the Summary Sheet for Round 2 Consultation contained in Appendix **BLLP04** attached). It is stated by NR at the end of paragraph two of page two in the latter Summary: "The consultation feedback together with a range of other factors such as user safety and convenience, environmental impacts and economic factors were used to determine a preferred option. In this case the green route shown at the June 2016 Stage 1 Consultation has been taken forward."

10. Contrary to this statement NR has made application for an order which creates the Red Route shown on this latter Summary Sheet, which impacts severely and unnecessarily on the Objector's property; it is not the appropriate alternative.

11. NR's only stated reason for contradicting its stated intention to proceed with the Green Route and proposing the Red Route is stated on the plan contained in the latter Summary Sheet to be 'due to drainage issues adjacent to the railway'. The drainage issues referred to by NR are alleged by the Objector to be caused by NR and are NR's responsibility to resolve, as a separate issue to the application for the order. This matter is the subject of current litigation (as attached at Appendix **BLLP05**). It is submitted that, if NR fulfilled its obligations in respect of drainage of its land, the appropriate direct alternative footpath route could, and should, be provided on its land. On page 93 of submitted document NR5-SCC: Statement of Consultation NR acknowledges the issue arises from the railway corridor as follows:

"Site visits identified boggy section south of Falstaff level crossing, potential spring or drainage route from railway corridor."

12. To further support this contention and by way of comparison, the proposed alternative route in respect of the intended closure of level crossing referenced S04 Island, situated immediately to the north, is considered by NR to comprise a route running on NR land to the east of the railway at a width of 2m and fenced from the railway line. This route is also the most direct for users. As set out on pages 99 and 100 of submitted document NR5-SCC: Statement of Consultation, in respect of the S04 closure NR recognises the need to reduce loss of farmland by proposing this route stating *"The design freeze proposal was amended to reduce the loss of farmland by using NR land on the east of railway"* and to utilise NR land, not private land.

13. The S04 – Island Update December 2016 (and attached at Appendix **BLLP06**) proposes this route (although at a width of only 1.5m) and also confirms that consultation took place with the landowner in this area to provide an appropriate alternative route which did not affect private land.

14. The Objector strongly deplores that no consultation was undertaken by NR with him as part of Round 1 or 2 consultation. The Objector is now the only affected landowner in respect of the appropriate alternative route for the S03 crossing closure; other potentially affected landowners were included in the Round 1 and Round 2 consultations and their land is no longer affected.

15. In summary, it is submitted that the appropriate alternative route for the footpath to be closed is a route running wholly on NR land to the east of the railway line and fenced from the Objector's land. This is because:

15.1 Such an alignment was supported by the majority of respondents to the Round 1 Consultation

15.2 It is the most direct route

15.3 It has nil impact on productive farmland and private property

15.4 Such a route can be provided to a standard suitable for public use once drainage problems on NR's land are addressed

The Impact of the Proposed Route on the Objector's Property

16. The impacts of the creation of the Red Route over the Objector's property are as follows:

Loss of Productive Arable Land

17. The shape of Eleven Acre field, the stream edge and the location of an electricity pylon make this land a difficult area to cultivate and manoeuvre with today's farm machinery. The location of the pylon is marked on the plan at Appendix **BLLP01**.

18. The loss of productive land specifically to the creation of the proposed 2m wide headland path as applied for, would be 1200m2, compared with nil for a route on NR land.

19. In addition NR states on page 95 of its submitted document NR5-SCC: Statement of Consultation that "the footpath could be located up to 5m from the top of the watercourse bank". This would place the footpath on the west side of the pylon, leading to a loss of a total of 3035m^2 (ie 0.75 acres) of the Objector's land.

20. Even if the footpath was not located on the west side of the pylon, the size of the farm machinery would still prevent cultivation between the pylon and the stream.

21. The Red Route is counter-intuitive at its southern end, taking walkers from the south in a south easterly direction before turning north. The Objector would need continual vigilance to ensure that a desire line was not followed by walkers which cut this corner, leading to damage to crop.

Maintenance of the Stream

22. Routing the footpath adjacent to the stream creates the likelihood that walkers will wish to explore the stream, damaging the banks and requiring constant vigilance by the Objector in respect of litter, access into the stream and disturbance to wildlife.

23. The Objector dredges the stream under licence from the Environment Agency (as at Appendix **BLLP07**). Contrary to the implication on page 95 of submitted document NR5-SCC: Statement of Consultation, this is not undertaken only to resolve the issue caused by drainage problems on NR land. It would continue to be necessary after resolution of this area of poor drainage as the stream needs general maintenance due to debris being carried down it from a distance away with the flow of water.

24. Dredging is undertaken from the western bank as the eastern side is lower lying water meadows. The presence of a public right of way in this location will impede dredging operations and increase the Objector's public safety burden. The spoil from dredging is required to be deposited within the length of the boom, but the Objector is aware that there are offences under the Highways Act 1980 of obstructing the highway, damaging the surface of the highway and depositing anything on the highway. These would become relevant considerations for continued dredging by the Objector.

Shooting

25. Eleven Acres is currently used for occasional shooting and there is the potential to extend this as a business operation. However, current and future shooting would be precluded by the creation of the Red Route, for public safety reasons.

Impact on the Land Overall

26. Eleven Acres will be burdened by an additional 545 metres of footpath as a result of the Red Route. This presents an additional management burden to the Objector, in respect of landowner statutory obligations to a public right of way.

Conclusion

27. There is no objection to the extinguishment of part of Footpath 22 and the need to create an alternative route for use by the public on foot is accepted.

28. The Red Route is not the appropriate alternative route, being inconvenient to the public and having a significant and unnecessary impact upon the Objector's productive farmland and associated activities.

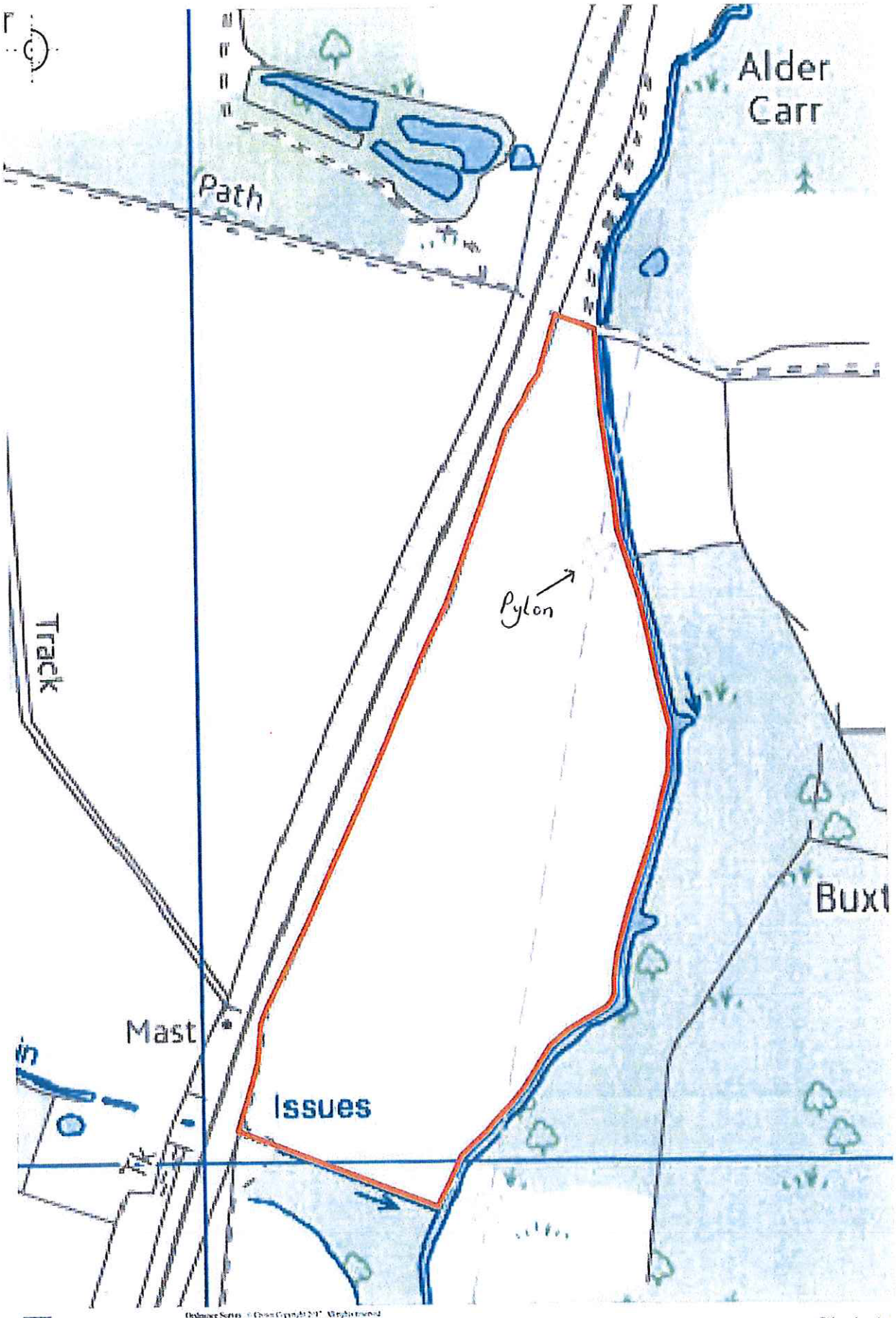
29. The application for the Red Route should be refused and the order should require NR to provide a route on its own land parallel to the railway line, fenced from adjoining private property, and at a standard suitable for use by the public on foot.

LIST OF SUPPORTING DOCUMENTS

Reference	Document	Page
Appendix BLLP01	Plan of Eleven Acres with Pylon	7
Appendix BLLP02	Letter of Objection	8
Appendix BLLP03	NR Consultations for S03 – Buxton Wood: Round 1	11
Appendix BLLP04	NR Consultations for S03 – Buxton Wood: Round 2	13
Appendix BLLP05	Correspondence Between Objector and NR regarding Drainage	15
Appendix BLLP06	NR Consultation for S04 – The Island: December 2016 Update	38
Appendix BLLP07	Objector's Dredging Licence	40

BLLP01

Eleven Acres, Rookery Farm, Tattingstone, Suffolk



Promap®

Clarke & Simpson

BLLP02

Birketts

Our Ref: CMR/HMFM/318138.0001
Your Ref:
Date: 4 May 2017

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Secretary of State for Transport
c/o Transport and Works Act Orders Unit
Department for Transport
Zone 1/18
Great Minster House
33 Horseferry Road
London SW1P 4DR

Dear Sirs

The Transport and Works Act 1992
The Transport and Works (Applications and Objections Procedure) (England and Wales) Rules 2006
Proposed Network Rail (Suffolk Level Crossing Reduction) Order

We are instructed by Mr David Caldwell, of [redacted]
Mr Caldwell is the owner of land which is subject to the above order, in respect of the closure of level crossing S03 Buxton Wood (S03) in the parish of Bentley, Suffolk.

We write to lodge strong objection of behalf of our client to the creation of a new public right of way on foot on his land. The grounds for objection are outlined as follows:

Background
Network Rail (NR) has undertaken no consultation with our client. Mr Caldwell only became aware of the proposal to close level crossing S03 as a result of local newspaper coverage and his consequent attendance at a public consultation event in September 2016. Since then NR has refused to engage in any meaningful discussion with him on the matter.

Our client is now aware that in June 2016, Round 1 consultations on the closure of S03 by NR proposed the creation of a new public footpath of length approximately 380 metres and width 2 metres on his land, creating a direct link for the public between S03 and the Falstaff crossing to the north. This would have rendered an area of some 760m2 of his arable land unproductive, and was referred to by NR as the Green Route.

Information published by NR in respect of its Round 2 consultations in September 2016 stated that it had consulted widely in June including, erroneously, that it had consulted with landowners. It published that, of responses received to its June 2016 consultation, 58% of respondents supported the Green Route. The other options published in June for a new public footpath received less public support: Red Route: 8% and Blue Route: 17% and Other: 17%.

Notwithstanding the strong public support for the Green Route, in September NR dismissed this option on the grounds of "drainage issues adjacent to railway". It published the proposed creation of a public right of way on foot on our client's land of length approximately 600 metres and width 2

metres, affecting an area of some 1200m2 of his land ('Round 2 Route'). The Round 2 Route is the subject of the current application for an order.

Since the September consultation NR has revised its proposals for the diversion of a footpath in respect of the closure of S04, The Island, which is the neighbouring crossing. It now proposes a fenced 1.5m wide footpath on its own land as adequate provision for public access in this area.

Objection 1
The drainage issues referenced by NR as the reason for not proceeding with the Green Route are the result of NR's failure to maintain proper drainage of its land. This matter is the subject of separate litigation between our client and NR. If NR was fulfilling its obligations the Green Route would be practical, as would a route which replicated NR's current proposal in respect of S04.

Objection 2
Our client has a permit from the Environment Agency to dredge the watercourse adjacent to the Round 2 Route. This work is to keep the stream clear, flowing freely and to remove silt/debris which has washed from upstream. It also maintains the banks to stop any collapses. The permit requires the spoil from this operation to be spread on the land within a digger boom length of the watercourse. Dredging from the other side of the watercourse is not possible, this being water meadow and too difficult to access. The Round 2 Route will therefore render dredging impossible, there being offences under the Highways Act 1980 of obstructing the highway, damaging the surface of the highway and depositing anything on the highway.

Objection 3
There is an electricity pylon in the field adjacent to the Round 2 Route. At present our client is able to cultivate between the pylon and the watercourse. However, the Round 2 Route will make this impossible, it being an offence under the Highways Act 1980 to disturb a field edge footpath; there will be insufficient width for farm machinery to access the space between the footpath and the pylon. In consequence, in addition to the 2m width of arable land taken by the footpath there will be the loss of approximately 40m2 of land currently capable of cultivation, as a result of negotiating round the pylon in the area of the Round 2 Route.

Objection 4
The watercourse and adjacent field headland currently provide an undisturbed environment for flora and fauna. In the past the Suffolk Wildlife Trust has undertaken a survey of the area. The disturbance of the environment which results from the Round 2 Route is unnecessary and unjustified.

Objection 5
The objective of creating a new public footpath is to enable walkers who would currently use Footpath 22 at S03 to be able to continue their journey using the Falstaff crossing instead. The Green Route proposal achieved this objective, continuing the approximate desire line for walkers in a generally northerly direction. A route which replicated the S04 Island route (ie 1.5m wide on NR land and fenced adjacent to the track) would provide the most direct link possible. The Route 2 Route represents a significant diversion in direction and adds some 220 metres to the distance to be walked between the two crossings over the Green Route or over a direct link on NR land. This is substantially less convenient to the public.

In consequence it is anticipated that walkers would not follow the southern section of the route, but seek a direct east-west route from level with S03 to the Round 2 Route, leaving the owners of the land with a need for constant diligence to prevent the public accessing this land.

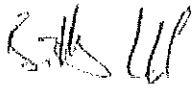
Conclusion
Our client deplores the lack of consultation on this matter by NR and that it is pursuing the Round 2 Route given that the drainage issue is its responsibility and the subject of current litigation.

Our client objects to the Round 2 Route on the grounds of the unnecessarily burdensome impact on his land, and on the environment, notwithstanding that he will be entitled to full compensation for the impact.

Our client can see no justification for the Green Route, given that NR's resolution of the drainage issue would render it possible to create a route in its land which would be wholly comparable with the route proposed to be created in respect of the S04 Island crossing closure. This link would be the most direct route for the public.

Our client requests the opportunity to be heard at a local public inquiry.

Yours faithfully



Birketts LLP

Direct Line: 01473 406338
Direct e-mail: carol-ramsden@birketts.co.uk

cc Mr A Prowse, Bruton Knowles 15 Castle Gate Nottingham NG1 7AQ (Ref AWP/LE/32028)

Round 1 Consultation BLLP03

Anglia

Level Crossing Proposals

S03 – Buxton Wood
Bentley Parish – SK/W-138/022/0#1 and SK/W-138/022/0#2

Network Rail has been working hard to better manage its level crossings and the risks they pose, and has developed proposals for the possible closure or change to public rights of way at over 130 of its level crossings in Anglia. Closing or modifying level crossings can help to bring about a number of benefits:

- Improve the safety of level crossing users
- Deliver a more efficient and reliable railway, which is vital in supporting the regional and UK economy
- Reduce the ongoing operating and maintenance cost of the railway
- Reduce delays to trains, pedestrians and other highway users
- Improve journey time reliability for all railways, highway and other rights of way users

The level crossings in this initial phase of the Anglia Level Crossing Reduction Strategy do not include any new bridges or underpasses, and offer benefits which are currently affordable and deliverable.

Buxton Wood is one of the level crossings in Suffolk County. It is located in Bentley Parish and has the postcode IP9 2DB. This is a stop, look and listen public footpath level crossing where the user has to decide whether it is safe to cross. The railway at this crossing carries passenger and freight trains. A photograph of the crossing is shown above.

Our proposed change: Is to close the level crossing to all users. To cross the railway the following separate options are currently proposed (shown on the drawing overleaf):

Red Route - Users would be diverted on a new footpath in farm fields west of the railway which provides a link to Station Road to the south and Falstaff level crossing in the north. To the south the diversion uses Station Road and Bentley Road level crossing to cross the railway.

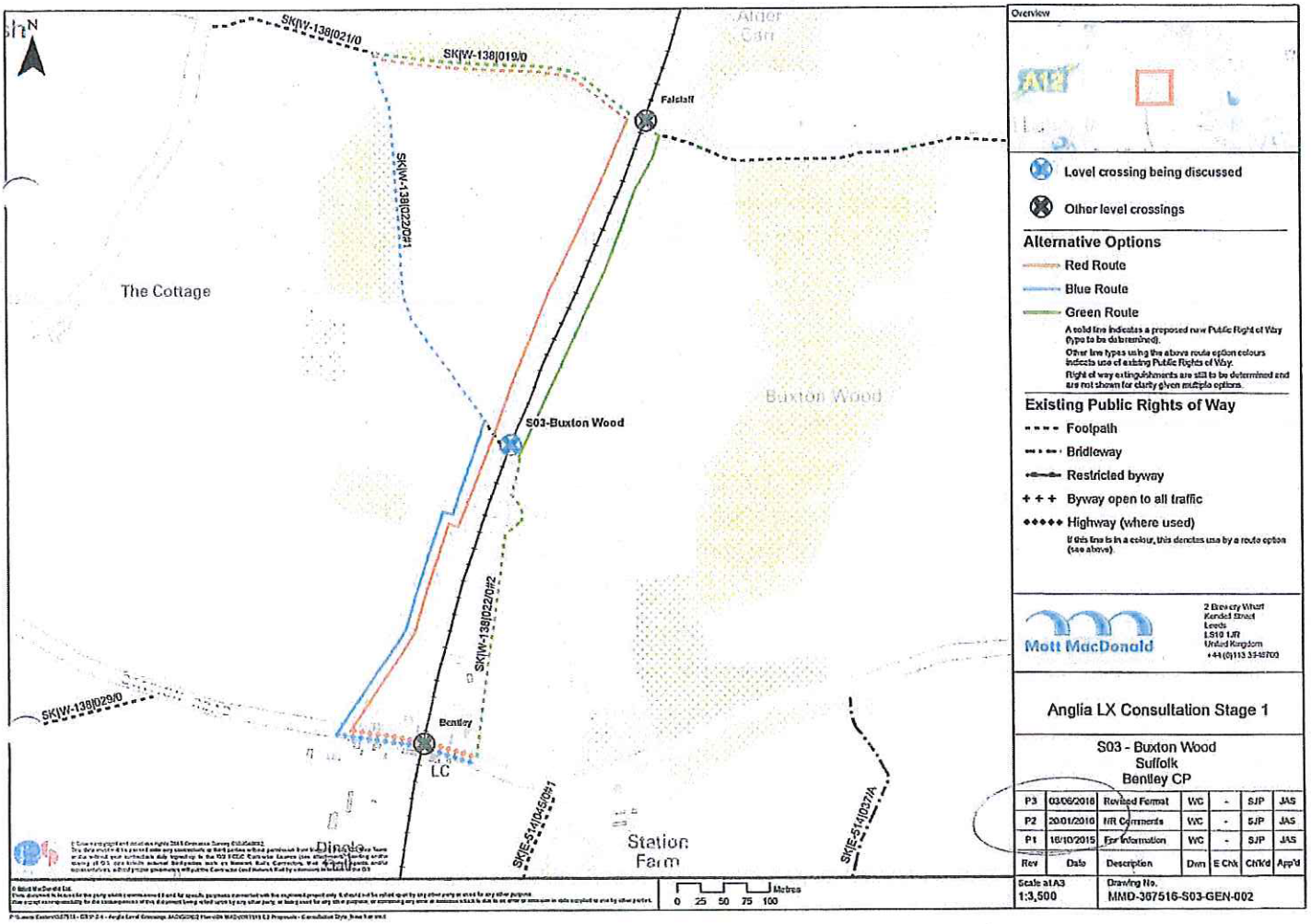
Blue Route - Users would be diverted on a new footpath in farm fields west of the railway which provides a link to Station Road to the south and Bentley Road level crossing to cross the railway.

Green Route - Users would be diverted on a new footpath on the east of the railway to Falstaff level crossing in the north. Falstaff level crossing and existing footpaths will be used to take walkers across the railway.

This summary sheet and a questionnaire are available at the public exhibitions and on the project website at: **www.networkrail.co.uk/anglialevelcrossings**. Please complete the separate questionnaire using the level crossing identification number **S03** and your feedback will be considered before the proposals are finalised.

To contact our team, please email us at: **anglialevelcrossings@networkrail.co.uk** or phone the helpline: **03457 11 41 41.** We thank you for your time and providing your comments on the Anglia Level Crossing Proposals.

Round 1 Consultation document



BLLP04

Anglia Level Crossing Proposals

S03 – Buxton Wood (Bentley Parish)

Public Right of Way Reference – E-138/022/0

Network Rail has been working hard to better manage its level crossings and the risks they pose. It has developed proposals for the possible closure or change to public rights of way at around 130 level crossings in Anglia. Closing or modifying level crossings can help to bring about a number of benefits:

- Improve the safety of level crossing users
- Deliver a more efficient and reliable railway, which is vital in supporting the regional and UK economy
- Reduce the ongoing operating and maintenance cost of the railway
- Reduce delays to trains, pedestrians and other highway users
- Improve journey time reliability for railway, highway and other rights of way users

The level crossings in this initial phase of the Anglia Level Crossing Reduction Strategy do not include any new bridges or underpasses, and offer benefits which are currently affordable and deliverable.

Buxton Wood is one of the level crossings in the county of Suffolk. It is located in Bentley Parish and has the postcode IP9 2DB. This is a stop, look and listen public footpath level crossing where the user has to decide whether it is safe to cross. The railway at this crossing carries passenger and freight trains with a line speed of 100 mph. There are generally 286 trains passing through this level crossing per day.

Network Rail's level crossing risk assessments are supported by use of the All Level Crossing Risk Model (ALCRM). This produces a score for the 'individual risk' presented as a letter ranging from A to M, where A is the highest risk and M is the lowest. In addition 'collective risk' is based on the number of people who use the crossing, and is presented as a number ranging from 1 to 13, where 1 is the highest risk and 13 is the lowest. Buxton Wood level crossing currently has an ALCRM score of C6 which is considered high risk. Key issues relate to frequent trains and sun glare. There were no incidents of misuse, no near misses and no accidents at this crossing between 2011 and 2015.

Public consultation was undertaken in June on initial options for changes at this level crossing. At this level crossing, twelve questionnaire responses were received. For Buxton Wood a summary of the questionnaire responses is shown below (route colours refer to the June 2016 Stage 1 consultation plan – please see the project website for details):

- 8% agreed with the proposals
- 67% of responses were neutral towards the proposals
- 25% of responses disagreed with the proposals

- 8% supported the red route
- 17% supported the blue route
- 58% supported the green route
- 17% of responses prefered another route

As part of the consultation process a wide range of statutory consultees, landowners and user groups were also consulted. The responses received have been taken into account when determining the preferred option.

During June and July of this year, Network Rail undertook new census surveys of the number and type of level crossing users. A three day census was undertaken (Saturday, Sunday and Monday) and the daily usage was as follows:

Weekday (Monday)	0 pedestrians
Weekend (average daily)	0 pedestrians

The consultation feedback together with a range of other factors such as user safety and convenience, environmental impacts and economic factors were used to determine a preferred option. In this case, the green route shown at the June 2016 Stage 1 consultation has been taken forward.

Our preferred option is to close the level crossing to all users. Crossing users would make use of Falstaff level crossing to the north (ALCRM score C6). The footpath W-138/022/0#1 to the west of the railway would be extinguished to prevent a long section of footpath with a dead end. To maintain connectivity in the network footpath W-138/022/0#3 would be extended with a new 2m wide footpath to connect to W-138/019/0 at Falstaff level crossing. The new footpath would be constructed to an appropriate standard with new wayfinding signs with details to be discussed and agreed with the local authority. Crossing infrastructure at Buxton Wood would be removed and fencing installed to prevent trespass onto the railway.

Diversion lengths:

- The diversion route adds up to an additional approximate 220m to the route.

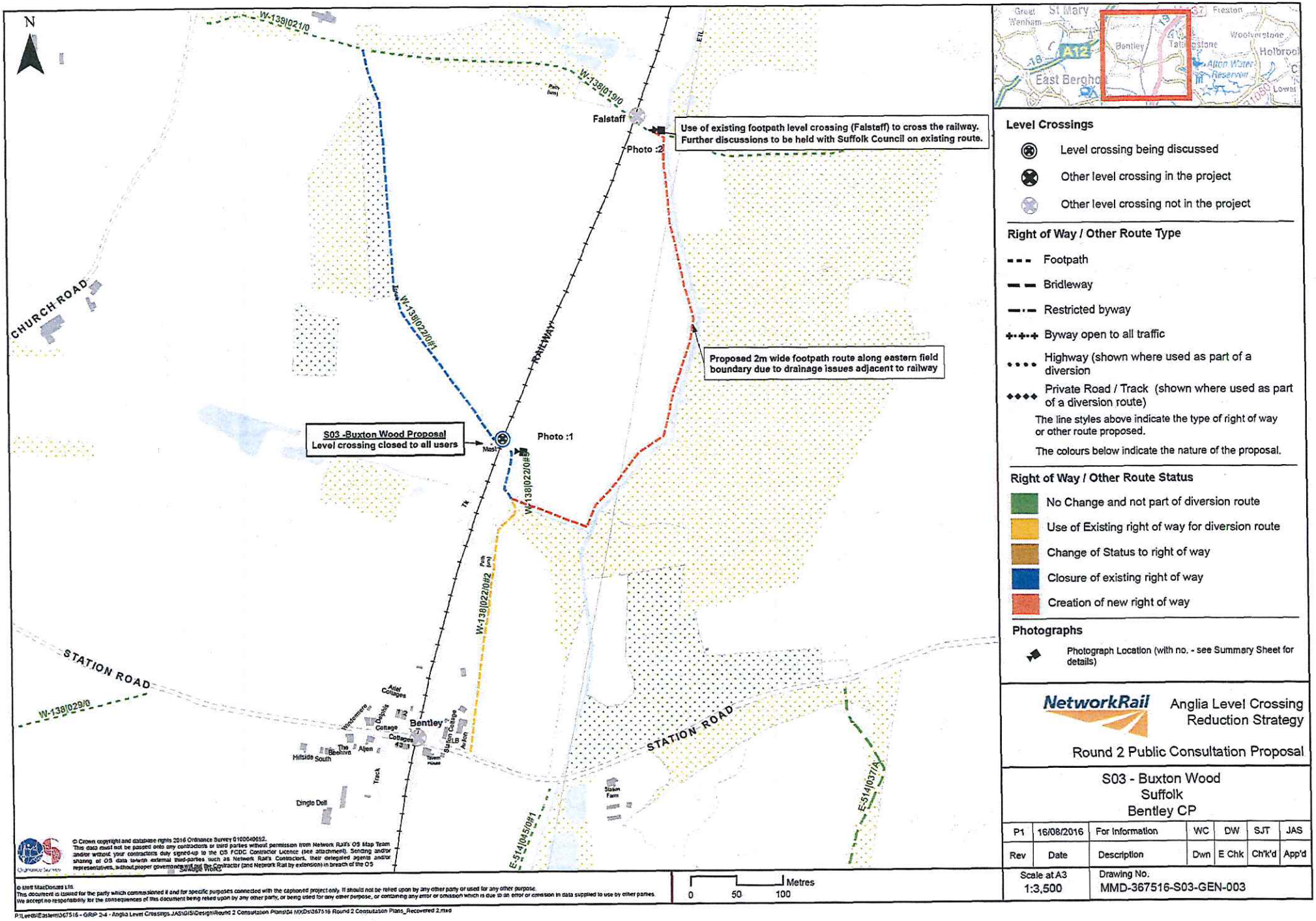
Photo 1: Existing level crossing

Photo 2: Alternative railway crossing

Photo locations are shown on the plan overleaf.

This summary sheet and a questionnaire are available at the public exhibitions and on the project website at: **www.networkrail.co.uk/anglialevelcrossings.** Please complete the separate questionnaire using the level crossing identification number **S03** and your feedback will be considered before the proposals are finalised ahead of submitting a Transport and Works Act Order to the Secretary of State.

To contact our team, please email us at: **anglialevelcrossings@networkrail.co.uk** or phone the helpline: **03457 11 41 41.** We thank you for your time and providing your comments on the Anglia Level Crossing Proposals.



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BLLP05

Our Ref: AP/318138.0002
Your Ref:
Date: 4 May 2017

BY FIRST CLASS POST AND RECORDED DELIVERY
Network Rail Infrastructure Limited
Network Rail Legal Services
Cottons Centre
Cottons Lane
London
SE1 2QG

Dear Sirs

LETTER BEFORE ACTION
OUR CLIENT: DAVID CALDWELL
CLAIM IN PRIVATE NUISANCE FOR FLOODING

We act for Mr David Caldwell, the freehold owner of [redacted] (the "Property"). We are instructed to write to you in relation to your failure to maintain proper drainage on your land, causing water to escape onto our client's Property.

This letter is being sent to you in accordance with the Practice Direction on Pre-Action Conduct and Protocols (the "Pre-action PD") contained in the Civil Procedure Rules ("CPR"). In particular, we refer you to paragraphs 13 to 16 of the Pre-action PD concerning the court's powers to impose sanctions for failing to comply with its provisions. Ignoring this letter may lead to our client commencing proceedings against you and may increase your liability for costs.

PRIVATE NUISANCE

Our client's Property borders your land to the east and can be seen edged red on the enclosed plan. On the part of your land which borders the property there are two drains which service your land.

The drain to the north of our client's Property (the "Northern Drain") runs underneath our client's Property to the stream to the east (Eleven Acres). The drain to the south of our client's Property (the "Southern Drain"), the outlet of which is on your land, drains directly into the stream. The Northern and Southern Drains have fallen into disrepair, causing water to escape from your land onto our client's Property. Your failure to keep the Northern and Southern drains in repair has caused you wrongfully to permit spring water to flood onto our client's Property, thereby constituting a private nuisance.

The Northern Drain

The northern part of our client's Property continues to be flooded because the Northern Drain is damaged and fails to remove the spring water that collects on your land. The water floods consequently onto our client's Property. It is our position that if the Northern Drain is repaired, this

04 May 2017
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area would cease to be flooded and our client would be able to cultivate his land up to his northern boundary.

It would furthermore be possible, but for your unlawful nuisance, for the new public footpath required under the Network Rail (Suffolk Level Crossing Reduction) Order to extend across your land that abuts the western part of our client's Property. Alternatively, as per the route you initially proposed (although the aforementioned route is preferred), the public footpath could extend across the western part of our client's Property. We understand, however, that as a result of the flooding, the application has been amended so that the proposed footpath extends around the northern, eastern and southern boundaries of our client's Property. This proposal if accepted would impact significantly upon our client's interests. We consider that this loss is directly attributable to your actions in permitting water to escape onto our client's Property.

The Southern Drain

The southern part of our client's Property also becomes flooded, although not to the extent of the flooding of the northern land, again due to the damaged Southern Drain failing to remove the excess spring water. It is our position, that if the Southern Drain is repaired, this area would cease to be flooded and our client would be able to cultivate his land up to his western boundary.

As stated above, these matters constitute a private nuisance for which you are responsible.

Our client has suffered loss and damage which can be attributed to 480m^2 of our client's Property being taken out of cultivation, culminating in a loss of income. The precise extent of our client's loss will be quantified by an accountant as necessary. Furthermore, as stated above, the proposed public footpath would significantly affect the value of our client's land.

In the circumstances, should proceedings be necessary, our client will seek a mandatory injunction requiring you to abate the nuisance.

Action required

We require your confirmation that you accept liability for these matters, together with a full written proposal as to what action you will now take to repair the Northern and Southern Drain within 21 days of the date of this letter.

In the absence of the action requested and a full response by that date, we are instructed to issue and serve proceedings without further notice in private nuisance and to seek an order for an injunction from the court ordering you to abate the continuing nuisance. We will also seek damages for our client's lost income (which continues to accrue on a daily basis) plus interests and costs.

Our client reserves all his rights, including the right to commence proceedings against you (without further reference to you should that prove necessary).

Alternative Dispute Resolution ("ADR")

We confirm that our client is willing to consider ADR as a means of resolving this matter. If you are prepared to engage in ADR, then we invite you to provide your proposals by return.

As set out above, ignoring this letter may lead to our client starting proceedings against you and may increase your liability for costs.

If you are unsure about the contents of this letter we advise that you seek your own independent legal advice.

04 May 2017
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We look forward to hearing from you within 21 days.

Yours faithfully

Birketts LLP

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Direct e-mail: abigail-powell@birketts.co.uk

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Your Ref: AP/318138.0002

Confidential - 1
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Birketts LLP
DX: 3206 Ipswich

18 May 2017

Dear Sirs

Caldwell, D v Network Rail Infrastructure Limited

We refer to your letter of 4 May 2017 to Network Rail Infrastructure Ltd in relation to the above claim.

We write to advise that we have been instructed on behalf of Network Rail Infrastructure Limited, and shall be grateful if you would direct any further correspondence on this claim to us.

We shall be grateful if you would initially advise us when you state that the relevant flooding/escape of water first occurred both to the northern and southern boundaries of your client's property.

Yours faithfully

BLM

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British Railways Eastern Region

Governor House,
112/114 Prince of Wales Road,
Norwich, Norfolk, NR1 1NZ.
Tel: Norwich 22255. Ext. 6447
Telex: 299431 NRTC

C.O. 1/10 ATTACHMENT 2

Mr D. Caldwell,

[redacted]

y/r
o/r 13.A.1/6151 7th January 1985.

Dear Sir,

The points raised in your letter of the 6th December 1984 have been looked at and I must accept that your complaint is fully justified. The problems have been created by the contractor employed on the electrification of the railway, and I am arranging for remedial measures to be taken.

I apologise for the considerable inconvenience you have been put to and hope that this has not prejudiced the good relationship that existed between us.

Yours faithfully,

B.H. MORRIS
Area Civil Engineer.

GM/MC

OR 1/10

copy.

ATTACHMENT 1

[redacted]

6 December 1984

Area Manager
British Rail
Grovesnor House
Prince of Wales Road
Norwich

Dear Sir,

The frustration caused by the entanglement of wire in my beet harvesting machinery has prompted me to write making a few complaints against British Rail.

In my crops I have found numerous pieces of wire, a heavy piece of metal, electric cable, wooden crates and blocks of polystyrene. This rubbish has obviously been thrown from the line. Damage to my machinery could have been considerable.

There is a wet place in a field adjoining the line. I am sure this is caused by a faulty drain on your side of the fence.

In the past when track maintenance has taken place waste ballast has been dumped on the embankment. In a few places this ballast has cascaded through the fence.

Scrub clearance, started in the summer, has not been completed. Cut scrub is lying in the fence.

I trust that you will put right these nuisances. I would like to mention that over the past year I have given permission to your employees and those of your contractors to use a farm track to give them easier access to their work on the line. The need for writing this letter suggests that not much gratitude has been shown for the granting of that permission.

Yours faithfully

D CALDWELL

BLM

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Contact: Andrew Plunkett
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Our Ref: ATP/ AYS/150342.160
Your Ref: AP/318138.0002

Confidential - 1
28909184v1

Birketts LLP
DX: 3206 Ipswich

26 May 2017

By email abigail-powell@birketts.co.uk and by DX

Dear Sirs

Caldwell, D v Network Rail Infrastructure Limited

We refer to your letter of 4 May 2017, and ours of 18 May 2017. We shall be grateful if you would acknowledge receipt of our letter.

We are continuing to liaise with our client in relation to the matters raised in your letter of 4 May 2017. We consider that the Engineering and Constriction Pre-Action protocol is the relevant protocol, and shall be grateful if you would advise whether you agree.

In the meantime we shall be grateful if you could provide further information in relation to the following matters, to enable us to understand the basis of your client's claim.

1. Clarification of when you state that the relevant flooding/escape of water first occurred both to the northern and southern boundaries of your client's property (as requested in in our letter of 18 May 2017), and details of when and where you state the flooding occurs (for example, whether it is seasonal).

2. The plan attached to your letter of 4 May 2017 is unclear. In particular we shall be grateful if you could advise whether you have a plan which shows:

   i. the location of the Northern and Southern drains as referred to in your letter, and

   ii. the areas of your client's land which you state have been flooded due to the alleged disrepair of those drains.

3. We shall be grateful for clarification of the nature and extent of the damage which you state has occurred to the Northern and Southern drains, insofar as this affects your client's property.

4. The position of the proposed public footpath referred to in your letter, as you understand it, and clarification of how and in what way this affects your client's interests, including whether you are alleging that this causes your client any monetary loss, and if so how, and the extent of any such loss.

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5. Details of the crops cultivated on your client's land, and how you state that these have been affected by the flooding, including (for example) whether any crops and have been spoiled by the flooding, and when.

At present we do not consider that we have sufficient information to consider your client's claim, and in the circumstances any application for an injunction would in our view be premature.

We shall be grateful if you would acknowledge safe receipt of this letter, and look forward to hearing from you substantively as soon as possible.

Yours faithfully

BLM

Birketts

Our Ref: AP/318138.0002
Your Ref: ATP/AYS/150342.160
Date: 26 May 2017

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DX 33861
Finsbury SQ

Also by email: Andrew.plunkett@blmlaw.com

Dear Sirs

Our client: Mr David Caldwell
Your client: Network Rail Infrastructure Limited

We write further to your letter of 18 May 2017.

Our client is unable to confirm the precise date on which the flooding first occurred.

Our client has provided us with copies of correspondence between them and your client's predecessor, British Rail, which indicates that the flooding first occurred in or around 1984.

Copies of the correspondence are enclosed. We draw your attention to British Rail's letter of 7 January 1985 in which they admit liability for the flooding.

We look forward to hearing from you shortly with confirmation that your client accepts liability, together with their written proposal as to what action they will now take to repair the drains.

Yours faithfully

Birketts LLP

Birketts LLP

Direct Line: 01473 406312
Direct e-mail: Abigail-powell@birketts.co.uk

Enc

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copy

ATTACHMENT 1

[redacted]

6 December 1984

Area Manager
British Rail
Grovesnor House
Prince of Wales Road
Norwich

Dear Sir,

The frustration caused by the entanglement of wire in my beet harvesting machinery has prompted me to write making a few complaints against British Rail.

In my crops I have found numerous pieces of wire, a heavy piece of metal, electric cable, wooden crates and blocks of polystyrene. This rubbish has obviously been thrown from the line. Damage to my machinery could have been considerable.

There is a wet place in a field adjoining the line. I am sure this is caused by a faulty drain on your side of the fence.

In the past when track maintenance has taken place waste ballast has been dumped on the embankment. In a few places this ballast has cascaded through the fence.

Scrub clearance, started in the summer, has not been completed. Cut scrub is lying in the fence.

I trust that you will put right these nuisances. I would like to mention that over the past year I have given permission to your employees and those of your contractors to use a farm track to give them easier access to their work on the line. The need for writing this letter suggests that not much gratitude has been shown for the granting of that permission.

Yours faithfully

D CALDWELL

British Railways Eastern Region

Grosvenor House,
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Norwich, Norfolk, NR1 1NZ.
Tel: Norwich 22255. Ext. 6447
Telex: 299431 NRTC

[redacted]

ATTACHMENT 2

Mr D. Caldwell,
Rookery Farm,
Tattingstone,
Ipswich.

y/r
o/r 13.A.1/6151

7th January 1985.

Dear Sir,

The points raised in your letter of the 6th December 1984 have been looked at and I must accept that your complaint is fully justified. The problems have been created by the contractor employed on the electrification of the railway, and I am arranging for remedial measures to be taken.

I apologise for the considerable inconvenience you have been put to and hope that this has not prejudiced the good relationship that existed between us.

Yours faithfully,

B.H. MORRIS
Area Civil Engineer.

GM/MC

BLM

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Our Ref: ATP/ AYS/150342.160
Your Ref: AP/318138.0002

Confidential - 1
29011654v1

Birketts LLP
DX: 3206 Ipswich

2 June 2017

By email abigail-powell@birketts.co.uk and by DX

Dear Sirs

Caldwell, D v Network Rail Infrastructure Limited

Thank you for your letter of 26 May 2017, which appears to have crossed with our letter of the same date.

With reference to the correspondence enclosed with your letter dating from December 1984 and January 1985, this relates chiefly to rubbish or debris on your client's land. In their letter of 7 January 1985 British Rail apparently accepted that there was debris on your client's land which came from works on the railway, and stated that *"The problems have been created by the contractor employed on the electrification of the railway"*. There was no admission of liability by British Rail as such, and the primary issue appears to have been dealing with debris, rather than with the "wet place" in a field adjoining the railway line referred to in your client's letter.

We are continuing to liaise with our clients as to the subject matter of your client's claim. In the meantime we shall be grateful if you could assist us to understand the claim by responding to the queries in our letter of 26 May 2017. Entirely without prejudice to our client's position, we shall be grateful if you would also advise the alleged quantum of the claim, in approximate terms if necessary.

Under the pre-action protocol a letter of response is due 28 days after receipt of the letter of claim, subject to extensions agreed between the parties. At present however we do not consider that there is sufficient information in the letter of claim to enable our client to respond substantively to your client's claim. We would propose that our client's formal letter of response follows within 14 days of receipt of the further information sought in our letter of 26 May 2017, and in this letter.

In principle our client would be amenable to ADR, including a pre-action meeting as envisaged in the pre-action protocol. Before considering such a meeting however our client will need the further information requested in this correspondence.

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We shall be grateful if you would confirm your agreement to the above proposals, and we look forward to hearing from you substantively as soon as practicable.

Yours faithfully

BLM

Birketts

Our Ref: AP/JG/318138.0002
Your Ref: ATP/AYS/150342.160
Date: 20 June 2017

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BLM
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Finsbury SQ

Also by email: Andrew.plunkett@blmlaw.com

Dear Sirs

Our client: Mr David Caldwell
Your client: Network Rail Infrastructure Limited

We write further to your letter of 2 June 2017.

We are taking our client's instructions in respect of your letter dated 26 May 2017 and shall revert to you as soon as this is received.

In the meantime, we agree that your client's substantive response is to be served within 14 days of you receiving the above information.

Yours faithfully

Birketts LLP

Direct Line: 01473 406312
Direct e-mail: Abigail-powell@birketts.co.uk

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Birketts

Our Ref: AP/JG/318138.0002
Your Ref: ATP/AYS/150342.160
Date: 05 July 2017

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Finsbury SQ

Also by email: andrew.plunkett@blmlaw.com

Dear Sirs

Our client: Mr David Caldwell
Your client: Network Rail Infrastructure Limited

Thank you for your letters dated 26 May 2017 and 2 June 2017. We write in response to both of the aforementioned letters and agree to your proposal that your client's letter of response follows within 14 days of receipt of this letter.

We agree that the Engineering and Construction Pre-action protocol is the relevant protocol that will dictate matters going forward.

Below, we will deal with each of the points raised in your letter of 26 May 2017, using your numbering.

1. The flooding is not seasonal; the two areas of land in question are constantly flooded. As advised in our letter of 26 May 2017, the flooding first occurred in around 1984.

2. Please see the attached plan identifying the northern and southern drain. The parts shaded yellow on the plan show approximately the areas which are flooded.

3. The damaged area surrounding the northern drain is approximately 400m^2 and the damaged area surrounding the southern drain is approximately 250m^2. The land surrounding both the northern and southern drains is too wet for farm machinery to be used in order to drill the land; therefore, these parts of land cannot be cultivated. This has resulted in a conservative profit loss of £1,700. In addition, the reduced arable area has decreased the value of our client's land by approximately £2,000. Our client's objective is to abate the ongoing nuisance and our client may be willing to take a view on the damages element of the claim if a satisfactory resolution is presented.

4. In the initial consultations for the Anglia Level Crossing Proposals for SO3 Buxton Wood, one of the three routes proposed (which was supported by 58% of respondents) ran along the

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boundary of Eleven Acres, parallel to your client's land. This route crossed the two wet areas that are the subject matter of this claim. The map submitted for the Buxton SO3 closure Round 2, however, showed the proposed footpath re-routed around the opposite boundary of Eleven Acres, following the stream edge. The footpath was re-routed due to the 'drainage issues adjacent to the railway'. It is our client's contention therefore, that but for your client's unlawful nuisance, the route initially proposed would have been used. Alternatively, as set out in our letter before action, it is our client's proposal that the footpath should extend across your client's land that abuts the western part of our client's Property. This proposal will be achievable if the drains were fixed and properly maintained. The current proposals, to which our client has lodged an objection, will take more of our client's land out of cultivation and will result in additional loss of income and further decrease the value of the land. In particular, it is envisaged that users of the footpath will take shortcuts across the remainder of our client's Property to access the crossing more quickly thereby causing damage to our client's crop.

5. Our client cultivates a rotation of cereals and sugar beet. As mentioned above, the wet areas at both the northern and southern drain prevent our client from using farm machinery to drill the land. These areas, therefore, cannot be cultivated.

We look forward to hearing from you within 14 days of the date of this letter with confirmation that your client accepts liability for these matters, together with a full written proposal as to what action you will now take to repair the northern and southern drain. In the absence of the action requested and a full response by the above date, we are instructed to issue and serve proceedings without further notice in private nuisance and to seek an order for an injunction from the court ordering your client to abate the continuing nuisance. We will also seek damages as stated above for our client's lost income (which continues to accrue on a daily basis) plus interest and costs.

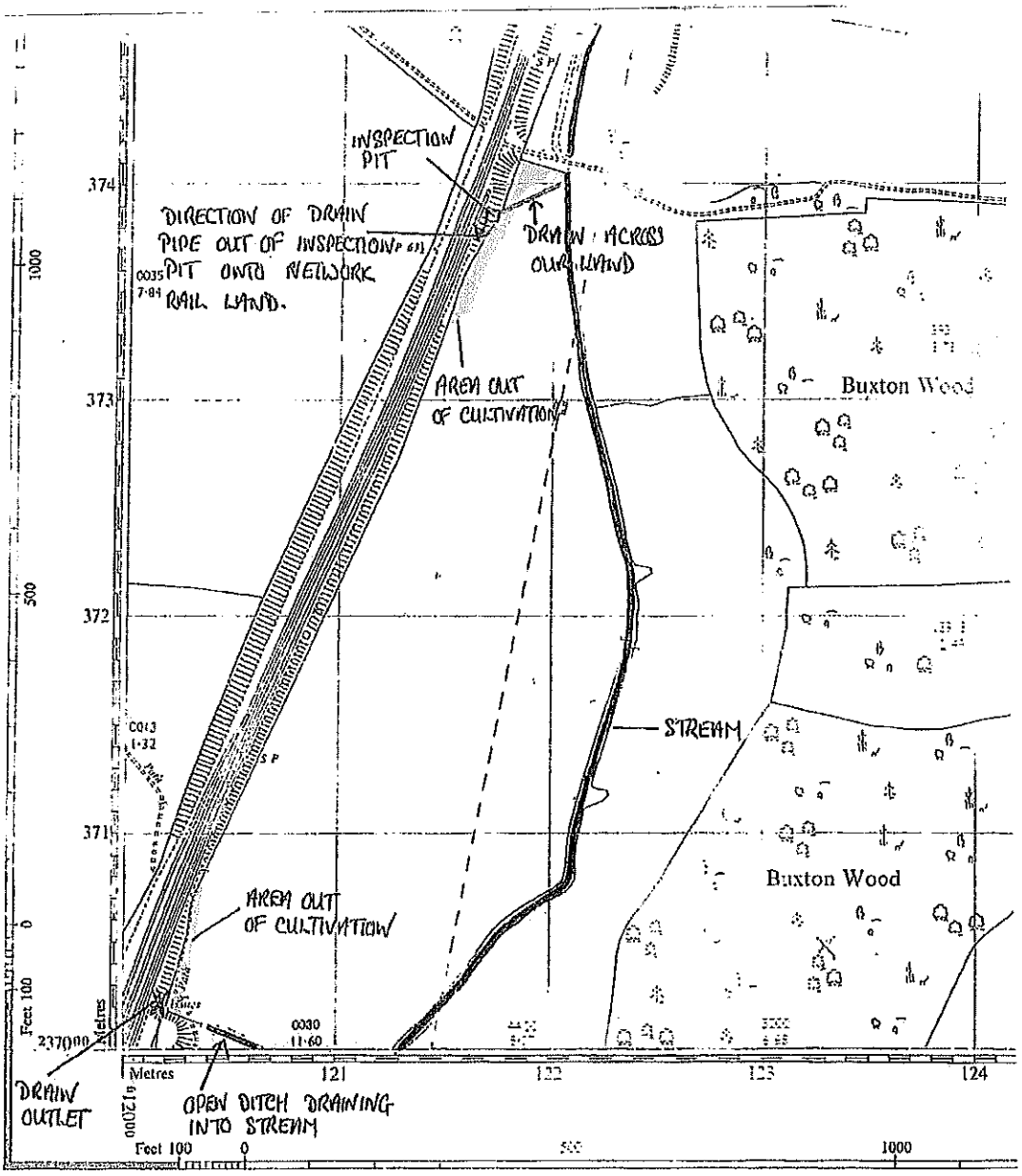
Yours faithfully

Birketts LLP

Birketts LLP

Direct Line: 01473 406312
Direct e-mail: Abigail-powell@birketts.co.uk

Enc



A

Made and published by the Director General of the Ordnance Survey, Chessington, Surrey, 1967.
Reconstituted from former County Series plans and revised 1966.

Acres 0

Hectares 0

VEGETATION CLASSIFICATION. Where space permits, tree and scrub symbols in woods are shown in groups of Four, Three, Two or One to indicate Close, Medium, Open or Scattered density of trees or scrub.

Antiquities .....
Change of boundary mereing .....
Limit of area within which the acreage of individual parcels are not shown .....

Altitude .....
Bench Mark lists, containing full [illegible]

Base of Bank .....
Centre of Bank .....
Centre of Canal, etc .....
Centre of Drain, etc .....
Centre of Covered Stream .....

PLAN TM 1237 & PLAN TM 1337

[66] For price [illegible]

BLM

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Our Ref: ATP/ AYS/150342.160
Your Ref: AP/318138.0002

Confidential - 1
29694395v1

Birketts LLP
DX: 3206 Ipswich

11 July 2017

By email abigail-powell@birketts.co.uk and by DX

Dear Sirs

Caldwell, D v Network Rail Infrastructure Limited

Thank you for your letter of 5 July 2017.

We are making further enquiries of our client with reference to the additional information in your letter.

With reference to the route of the proposed footpath, whilst we are making our own enquiries it would be helpful if you could provide us with copies of any documentation in your clients possession relating to the proposed route, including any relevant maps.

Entirely without prejudice to our client's position, our client would be prepared to carry out an inspection of the land and investigate any Network Rail drainage system in the vicinity of any flooding to consider whether there is anything that they can do to alleviate your client's position.

In order to carry out this work they would need access to your client's land. We shall be grateful if you could advise whether your client is content to allow access to his land for that purpose and if so advise suitable dates and/or times for an inspection.

With regard to a formal response to your letter of claim it would be preferable for this to be provided after inspection by our client: in any event the writer is away from the office from 13-20 July inclusive and we shall be grateful if you would confirm that a formal response should be deferred until 27 July 2017.

Given the writer's absence from the office after tomorrow, as above, we shall be grateful to hear from you by return if possible on the above points.

Yours faithfully

BLM

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Birketts

Our Ref: AP/JG/318138.0002
Your Ref: ATP/AYS/150342.160
Date: 12 July 2017

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Dear Sirs

Our client: Mr David Caldwell
Your client: Network Rail Infrastructure Limited

Thank you for your letter dated 11 July 2017.

Please find enclosed copies of the Anglia Level Crossing Proposals and corresponding plans.

Our client is content for your formal response to be deferred until 27 July 2017 to facilitate a site inspection.

Our client and/or a representative will be available at our client's property on the following dates from 9:00 am onwards (save where indicated):

- Monday 17th July;
- Tuesday 18th July;
- Wednesday 19th July;
- Thursday 20th July (3:30 pm onwards);
- Friday 21st July;
- Monday 24th July;
- Tuesday 25th July;
- Wednesday 26th July; and
- Friday 28th July.

We look forward to hearing from you with confirmation of the date and time that the inspection will take place and the name of the individual(s) attending.

Yours faithfully

Birketts LLP

Birketts LLP

Direct Line: 01473 406312
Direct e-mail: Abigail-powell@birketts.co.uk
Enc

Cambridge, Chelmsford and Norwich

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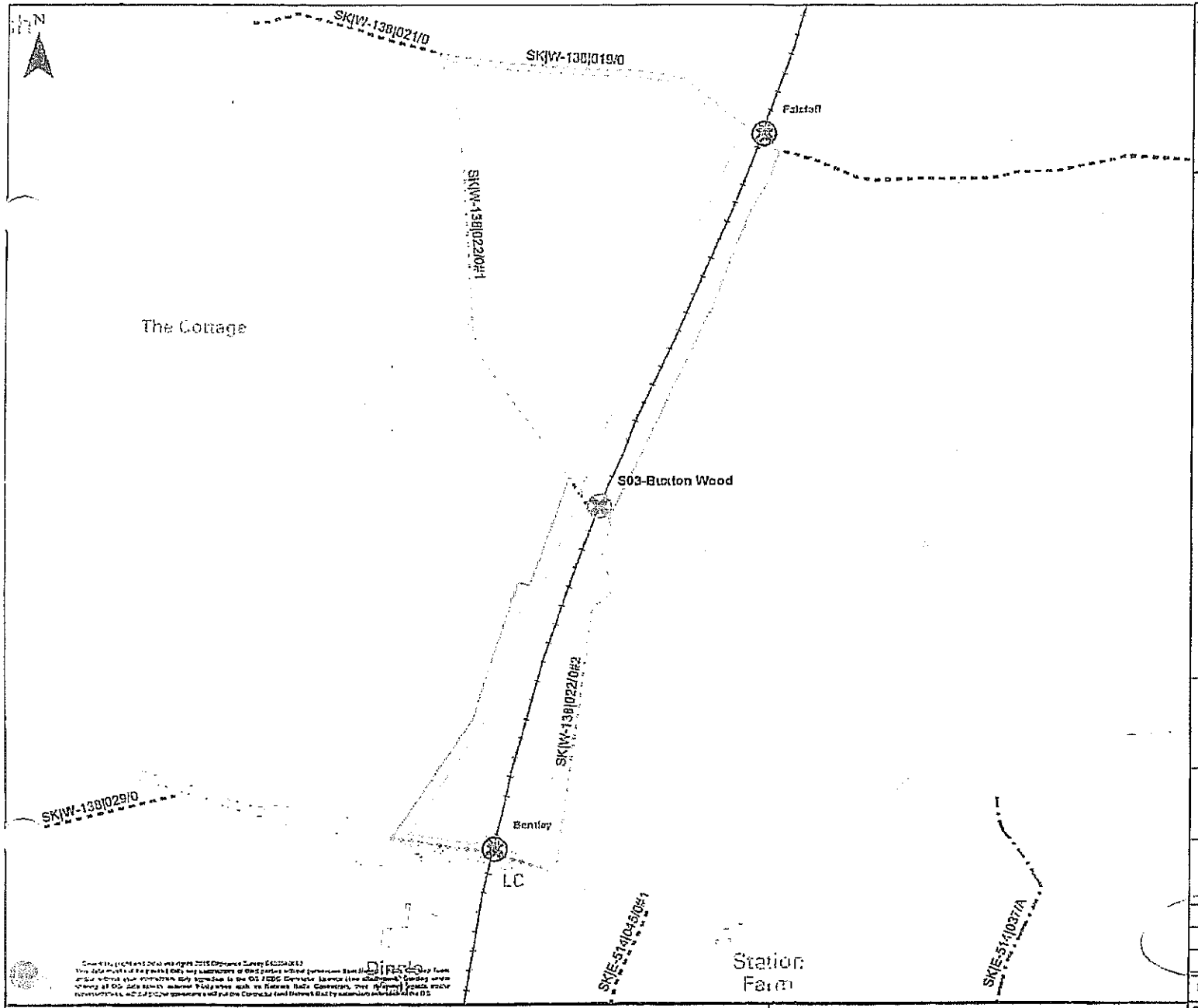
33



Overview

Level crossing being discussed

Other level crossings

Alternative Options

Red Route

Blue Route

Green Route

A solid line indicates a proposed new Public Right of Way (type to be determined).

Other line types using the above route option colours indicate use of existing Public Rights of Way.

Right of way extinguishments are still to be determined and are not shown for clarity given multiple options.

Existing Public Rights of Way

Footpath

Bridleway

Restricted byway

Byway open to all traffic

Highway (where used)

If this line is in a colour, this denotes use by a route option (see above).

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Anglia LX Consultation Stage 1

S03 - Buxton Wood
Suffolk
Bentley CP

Rev	Date	Description	Dwn	E Chk	Ch'k'd	App'd
P3	03/06/2016	Revised Format	WC	-	SJP	JAS
P2	20/01/2016	HR Comments	WC	-	SJP	JAS
P1	18/10/2015	For Information	WC	-	SJP	JAS

Scale at A3
1:3,500

Drawing No.
MMD-367516-S03-GEN-002

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Anglia Level Crossing Proposals

S03 – Buxton Wood (Bentley Parish)

Public Right of Way Reference – E-138/022/0

Network Rail has been working hard to better manage its level crossings and the risks they pose. It has developed proposals for the possible closure or change to public rights of way at around 130 level crossings in Anglia. Closing or modifying level crossings can help to bring about a number of benefits:

- Improve the safety of level crossing users
- Deliver a more efficient and reliable railway, which is vital in supporting the regional and UK economy
- Reduce the ongoing operating and maintenance cost of the railway
- Reduce delays to trains, pedestrians and other highway users
- Improve journey time reliability for railway, highway and other rights of way users

The level crossings in this initial phase of the Anglia Level Crossing Reduction Strategy do not include any new bridges or underpasses, and offer benefits which are currently affordable and deliverable.

Buxton Wood is one of the level crossings in the county of Suffolk. It is located in Bentley Parish and has the postcode IP9 2DB. This is a stop, look and listen public footpath level crossing where the user has to decide whether it is safe to cross. The railway at this crossing carries passenger and freight trains with a line speed of 100 mph. There are generally 286 trains passing through this level crossing per day.

Network Rail's level crossing risk assessments are supported by use of the All Level Crossing Risk Model (ALCRM). This produces a score for the 'individual risk' presented as a letter ranging from A to M, where A is the highest risk and M is the lowest. In addition 'collective risk' is based on the number of people who use the crossing, and is presented as a number ranging from 1 to 13, where 1 is the highest risk and 13 is the lowest. Buxton Wood level crossing currently has an ALCRM score of C6 which is considered high risk. Key issues relate to frequent trains and sun glare. There were no incidents of misuse, no near misses and no accidents at this crossing between 2011 and 2015.

Public consultation was undertaken in June on initial options for changes at this level crossing. At this level crossing, twelve questionnaire responses were received. For Buxton Wood a summary of the questionnaire responses is shown below (route colours refer to the June 2016 Stage 1 consultation plan – please see the project website for details):

- 8% agreed with the proposals
- 67% of responses were neutral towards the proposals
- 25% of responses disagreed with the proposals

- 8% supported the red route
- 17% supported the blue route
- 58% supported the green route
- 17% of responses prefered another route

As part of the consultation process a wide range of statutory consultees, landowners and user groups were also consulted. The responses received have been taken into account when determining the preferred option.

During June and July of this year, Network Rail undertook new census surveys of the number and type of level crossing users. A three day census was undertaken (Saturday, Sunday and Monday) and the daily usage was as follows:

Weekday (Monday)	0 pedestrians
Weekend (average daily)	0 pedestrians

The consultation feedback together with a range of other factors such as user safety and convenience, environmental impacts and economic factors were used to determine a preferred option. In this case, the green route shown at the June 2016 Stage 1 consultation has been taken forward.

Our preferred option is to close the level crossing to all users. Crossing users would make use of Falstaff level crossing to the north (ALCRM score C6). The footpath W-138/022/0#1 to the west of the railway would be extinguished to prevent a long section of footpath with a dead end. To maintain connectivity in the network Footpath W-138/022/0#3 would be extended with a new 2m wide footpath to connect to W-138/019/0 at Falstaff level crossing. The new footpath would be constructed to an appropriate standard with new wayfinding signs with details to be discussed and agreed with the local authority. Crossing infrastructure at Buxton Wood would be removed and fencing installed to prevent trespass onto the railway.

Diversion lengths:

- The diversion route adds up to an additional approximate 220m to the route.

Photo 1: Existing level crossing

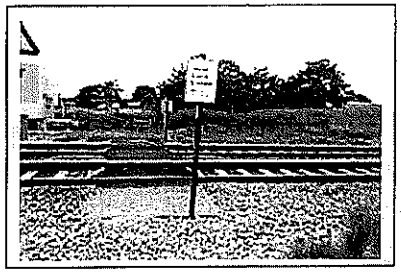


Photo 2: Alternative railway crossing

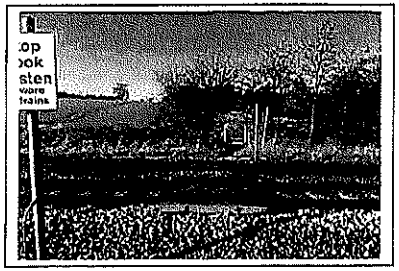
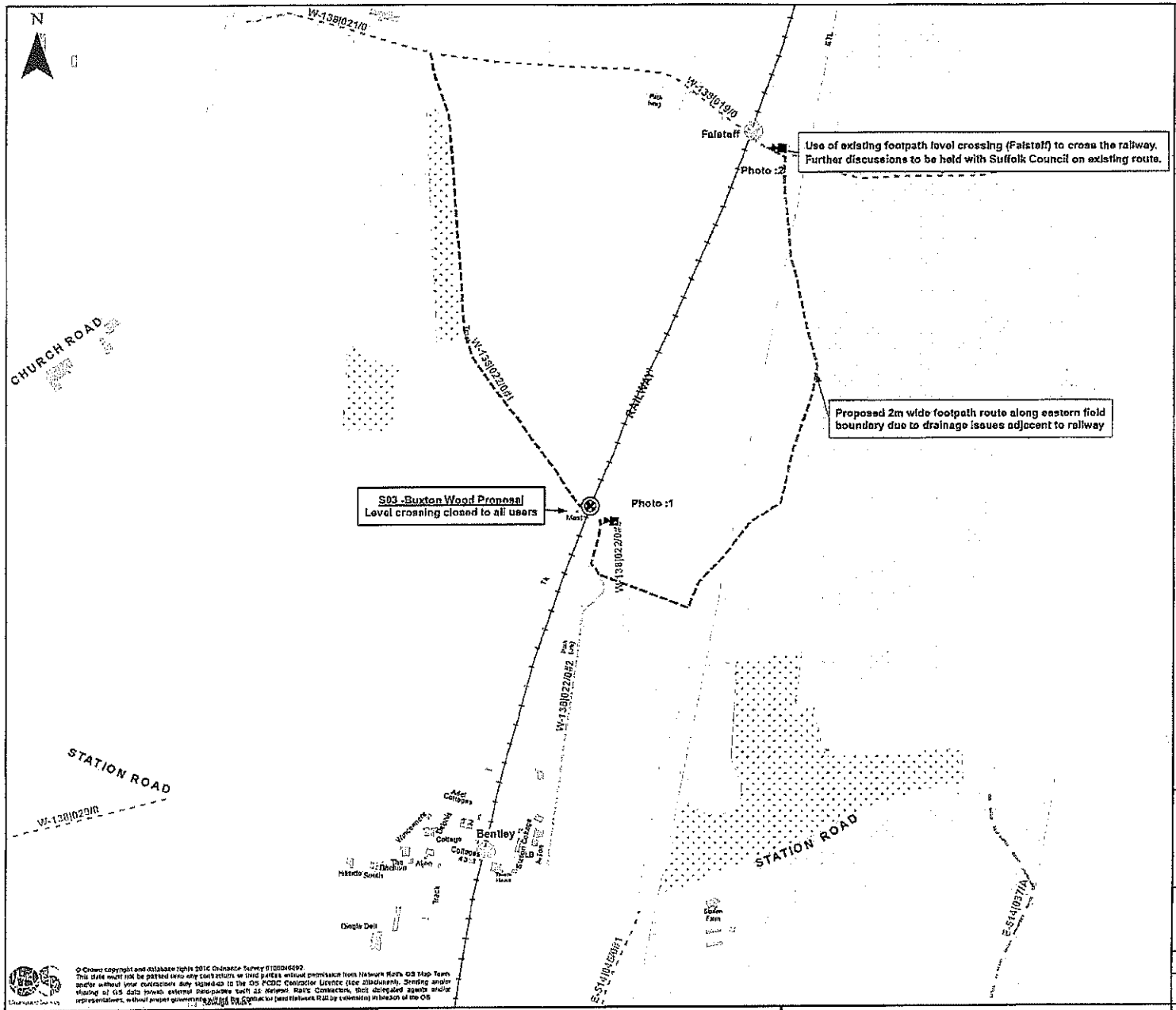
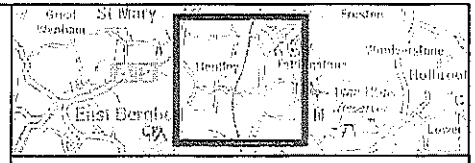


Photo locations are shown on the plan overleaf.

This summary sheet and a questionnaire are available at the public exhibitions and on the project website at: **www.networkrail.co.uk/anglialevelcrossings.** Please complete the separate questionnaire using the level crossing identification number **S03** and your feedback will be considered before the proposals are finalised ahead of submitting a Transport and Works Act Order to the Secretary of State.

To contact our team, please email us at: **anglialevelcrossings@networkrail.co.uk** or phone the helpline: **03457 11 41 41.** We thank you for your time and providing your comments on the Anglia Level Crossing Proposals.





Level Crossings

- Level crossing being discussed
- Other level crossing in the project
- Other level crossing not in the project

Right of Way / Other Route Type

- Footpath
- Bridleway
- Restricted byway
- Byway open to all traffic
- Highway (shown where used as part of a diversion
- Private Road / Track (shown where used as part of a diversion route)

The line styles above indicate the type of right of way or other route proposed.

The colours below indicate the nature of the proposal.

Right of Way / Other Route Status

- No Change and not part of diversion route
- Use of Existing right of way for diversion route
- Change of Status to right of way
- Closure of existing right of way
- Creation of new right of way

Photographs

- Photograph Location (with no. - see Summary Sheet for details)

NetworkRail

Anglia Level Crossing Reduction Strategy

Round 2 Public Consultation Proposal

S03 - Buxton Wood
Suffolk
Bentley CP

Rev	Date	Description	Dwn	E Chk	Ch'k'd	App'd
P1	16/08/2016	For Information	WC	DW	SJT	JAS

Scale at A3	Drawing No.
1:3,500	MMD-367516-S03-GEN-003

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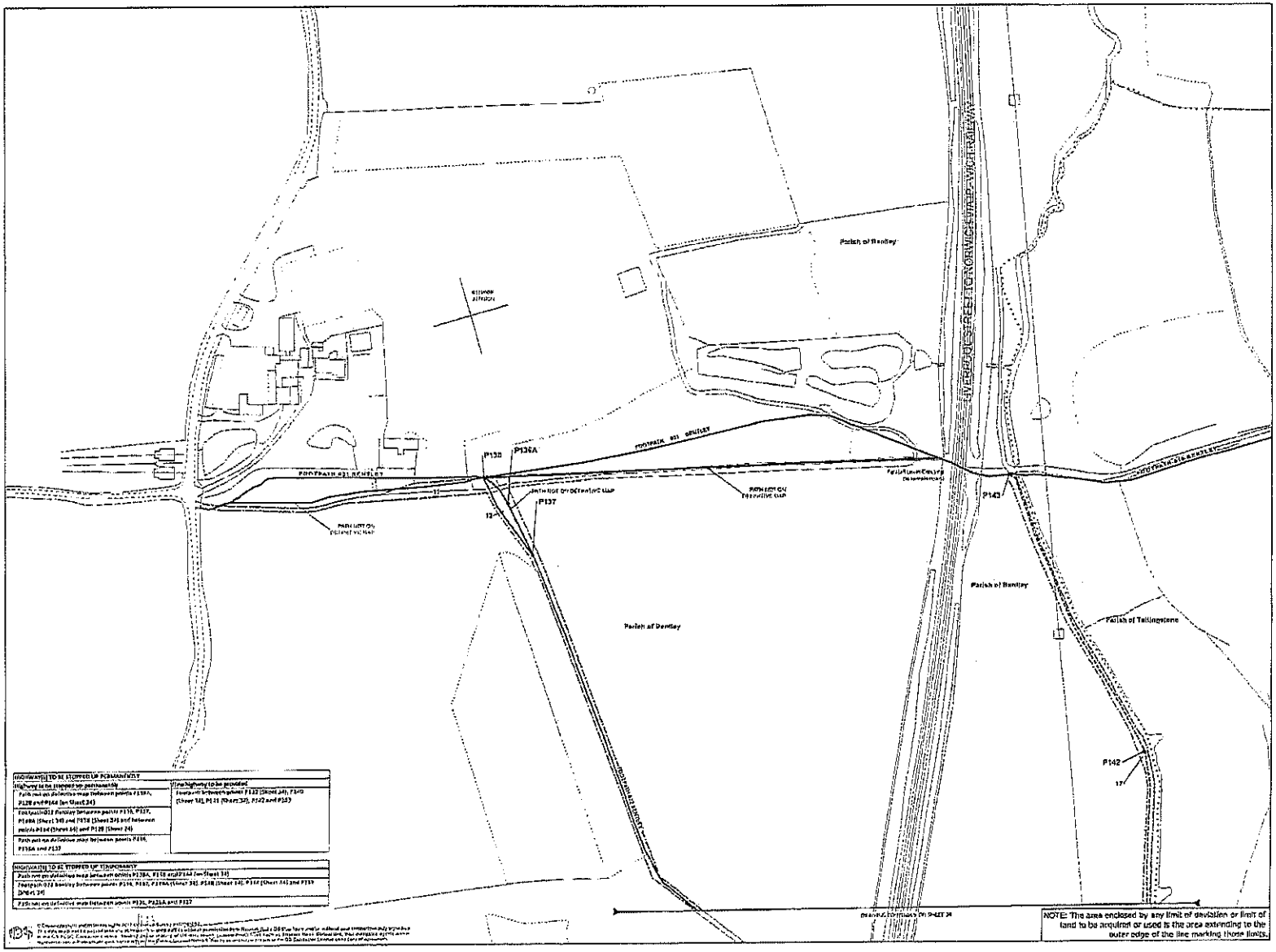
P:\Leeds\Eastern\367516 - GRIP 2-4 - Anglia Level Crossings JAS\GIS\Design\Round 2 Consultation Plans\Drawings\367516 Round 2 Consultation Plans_Recovered 2.mxd

Transport and Works Act 1992

The Network Rail (Suffolk Level Crossing Reduction) Order

COUNTY OF SUFFOLK, DISTRICT OF BABERGH

Sheet 33
S03 - Buxton Wood
Level Crossing



PLAN

25 0 25 50 75 100 125 Metres

HORIZONTAL SCALE FOR PLAN 1:1250

Powers Limited to Temporary Use of Land and Acquisition of Rights
No. on plan:

Powers Limited to Temporary Use of Land
No. on plan:
11
12
17

Powers Limited to Rights
No. on plan:

Powers Limited to Extinguishment of Rights
No. on plan:

- Centreline of Work
- Commencement of Work
- Termination of Work
- New / Improved Access
- Limit of Deviation
- Limit of Land to be Acquired or Used

Individual Land Parcels are shaded in contrasting shades of grey

- Land Parcel Number
- Network Rail Property
- Areas of Third Party Land Benefitting from New Access Rights
- Existing or Alleged Public Right of Way
- New Public Right of Way

TRAFFIC REGULATION ORDERS (IF APPLICABLE)

- Traffic Regulation Order Reference Point
- Administrative Boundaries

BLLP06

Anglia
Level Crossing Proposals

S04 – Island
Bentley Parish

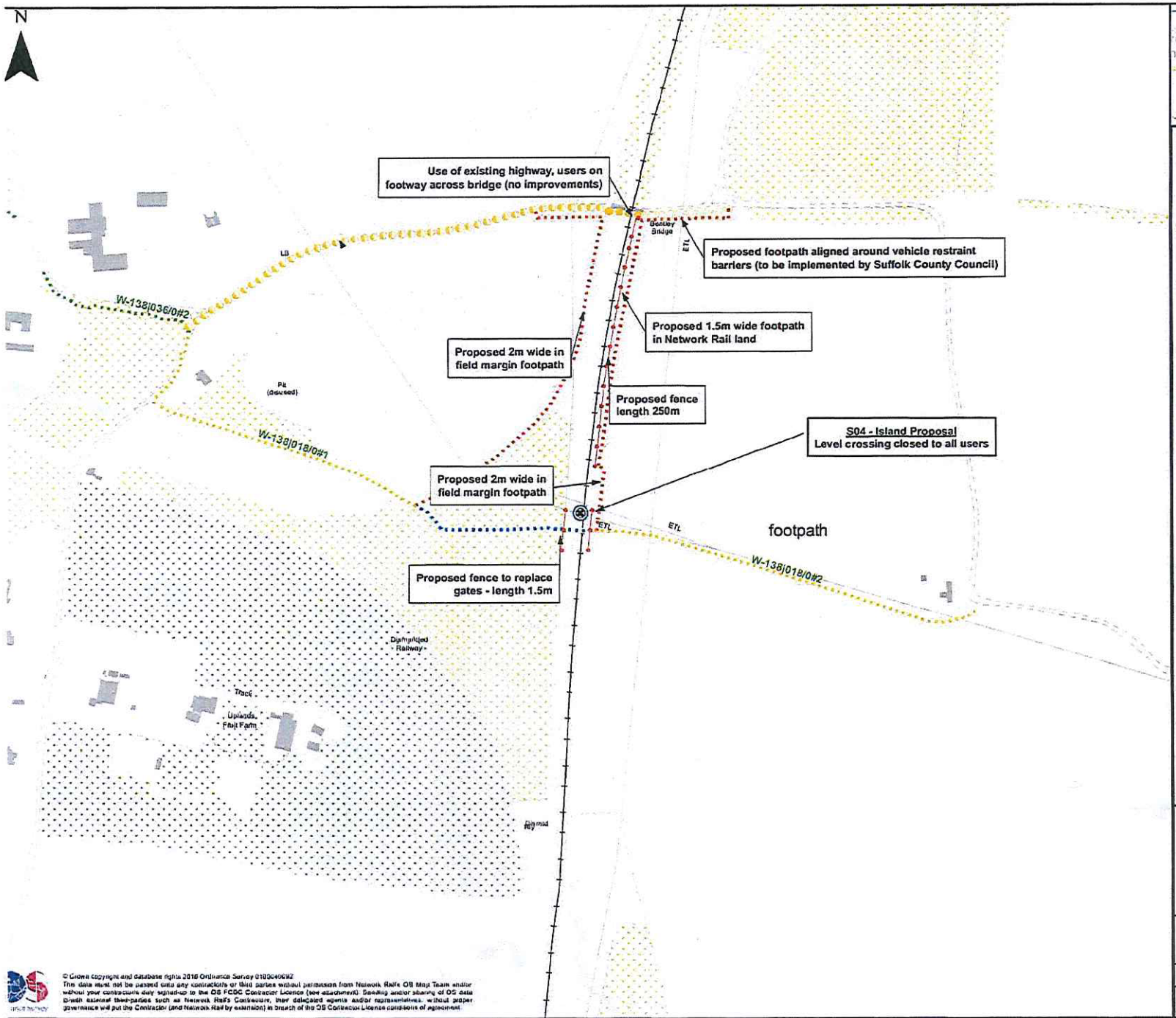
Island is one of the level crossings in the County of Suffolk. It is located in Bentley Parish and has the postcode IP9 2LP. This is a stop, look and listen public footpath level crossing where the user has to decide whether it is safe to cross. This level crossing is protected by whistle boards. Whistle boards are only effective between the hours of 07:00 – 23:00; outside of these hours train drivers are not allowed to use their horns. The railway at this crossing carries passenger and freight trains with a line speed of 100 mph. There are generally 286 trains passing through this level crossing per day. A photo of the crossing is shown here.

Public consultation was held in September 2016 on the preferred option (at the time) for this level crossing. 7 questionnaire responses were received. Key themes included:

- Comments that the new footpath along Capel St. Mary Road is not required, as the road has high banks and good visibility and would therefore be appropriate for pedestrians to walk along
- Support for the creation of a circular route on the western side of the railway
- Concerns that the diversion route is too long

This flyer is to update you on changes to our proposals as a result of the feedback received in September from the public and stakeholders for the Island level crossing.

Our revised proposals are to close Island level crossing to all users. Crossing infrastructure would be removed and fencing installed to prevent trespass onto the railway. The proposed diversion route is similar to the one shown in the previous round of consultation with some notable changes. After further discussions with the landowner and local authority, the new footpath which was proposed to be created running parallel to Capel St. Mary Road, has been removed. Instead users will use the road itself, as this has been identified as being suitable for pedestrians due to its good visibility and wide grass verges. The new footpath running on the eastern side of the railway between S04 level crossing and the existing bridge would be created partly within Network Rail land instead of fully within private land. The new footpaths would be constructed to an appropriate standard with new wayfinding signs with details to be discussed and agreed with the local authority. Finally, the proposed footpaths which join up to Capel St. Mary Road on both sides of the railway will be aligned around proposed vehicle restraint barriers (to be implemented by Suffolk County Council as part of a separate scheme). An overview of the revised proposals is shown on the drawing overleaf.



SECTION 1: LEVEL CROSSINGS

Rights to be modified as part of this project

Rights not modified as part of this project

The above symbols indicate existing level crossing locations.
The ring colours are as per section 4 below.

SECTION 2: TYPE OF RIGHT OF WAY (excluding adopted highway)

- Footpath (public)
- Bridleway (public)
- Restricted byway (public)
- Byway open to all traffic (public)
- Road / Track (private)

The line styles above illustrate the type of right of way extant or proposed.
The colour is per section 4 below.

SECTION 3: PROPOSED USE OF ADOPTED HIGHWAY

- Footway Walking
- Verge Walking
- Carriageway Walking

Where the proposals may divert users onto an adopted highway, the above symbols denote where a footway is available, a verge only, or if neither a footway or verge is available and pedestrians would need to walk in the carriageway.

SECTION 4: PROPOSED STATUS CHANGE

- No change and not part of diversion
- Use of existing right of way as part of diversion
- Change of status to existing right of way
- Closure of existing right of way
- Creation of new right of way

The above colours apply to sections 1, 2 and 3 above.

SECTION 5: ASSOCIATED INFRASTRUCTURE

This Project

- Fencing
- Gates
- Stile

Third Party Projects

- Future Developments where planning details are available

1. The layout shown on this drawing is indicative and may be subject to change at detailed design.
2. This drawing should be read in conjunction with the Cambridgeshire Urban Design and Access Statement (ref: 367516/RPT022) which contains details of the infrastructure types referred to in this drawing

NetworkRail

MOTT MACDONALD

Anglia Level Crossing Reduction Strategy

Public Information Update

S04 - Island
Suffolk, Bentley CP

Rev	Date	Description	Dwn	E Chk	Ch'k'd	App'd
P1	Nov 2016	For Information	WC	SRP	SJT	JAS

Scale at A3: 1:3,000

Drawing No.: MMD-367516-S04-PIU-001

0 50 100 Metres

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BLLP07

Showing 1 result(s) for:

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Address: Rookery Farm

✖ (/public-register/waste-exemptions/registration?__postcode=IP9+2LU&dist=1&easting=612833&name-search=D+%26+D+Caldwell&northing=237812)

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Download this data as CSV ... (/public-register/waste-exemptions/registration.csv?__postcode=IP9+2LU&address-search=Rookery+Farm&dist=1&easting=612

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Show 10 entries Filter results:

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David Caldwell	WEX052083 (/public-register/waste-exemptions/registration/WEX052083?__pageState=result-waste-exemptions)	D1, D4, D7, T23, T6, U1, U10, U12, U13, U14	0.7	ROOKERY FARM, TATTINGSTONE, IPSWICH, IP9 2LU

Showing 1 to 1 of 1 entries Previous 1 Next

Back

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