

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

SUFFOLK COUNTY COUNCIL

PROOF OF EVIDENCE:

STEPHEN KERR – DEFINITIVE MAP MANAGER

BSc (Hons) Environmental Sciences
Post Graduate Diploma in Conservation Management

TOPICS COVERED

S69 (BACTON)
DEFINITIVE MAP AND STATEMENT
EFFECTS AND IMPLICATIONS OF THE ORDER
POLICY CONTEXT

INTRODUCTION

1. My name is Stephen Kerr. I am employed by Suffolk County Council ('SCC' or the 'Council') as a Definitive Map Manager within the Rights of Way and Access Service. This forms part of the Suffolk Highways Division of the Resource Management Directorate. I have been in my current managerial position since 2008 and was previously employed as a Definitive Map Officer since joining the Council in 1994.
2. I hold a BSc (Hons) degree in Environmental Sciences from the University of East Anglia and a Post-Graduate Diploma in Conservation Management from Easton and Otley College.
3. As the Council's Definitive Map Manager, I have overall responsibility for a small team of Definitive Map Officers (the Definitive Map Team (DMT)), who are collectively responsible for maintaining Suffolk's legal record of Public Rights of Way (PROW).
4. The county of Suffolk has approximately 5,700 kilometres (3,560 miles) of PROW. These routes form an integral part of the county's transport network, allowing residents and visitors to move around the county on foot, bicycle, horse and vehicle away from busy roads. The network provides vital access to services, links between settlements, access from towns and villages and opportunities for healthy exercise. Rights of Way are a major recreational resource and asset to the rural economy, attracting both regular users and tourists to the countryside. Suffolk also has over 5,000 hectares of open access land, part of the England Coast Path, a Heritage Coast and two Areas of Outstanding Natural Beauty.

BACKGROUND

5. I have been responsible for co-ordinating SCC's response to Network Rail Infrastructure Limited's (NRIL) draft Transport and Works Act Order, the proposed Network Rail (Suffolk Level Crossing Reduction) Order (the 'Order'), since it was first tabled with SCC officers in 2015.

6. The Order, as submitted, proposes to close 24 (now 23, following the withdrawal of S05 on, or around, 7 December 2017) level crossings across Suffolk, the majority of which are recorded PROW. The Council has objected to 9 of the 24 proposals (now 8, following the withdrawal of S05), as set out in its amended Statement of Case (SoC) dated 5 December 2017. The Order is both wide-ranging in its geographical extent and complex, and in responding to it SCC officers have had to devote a great deal of time and resource. This has been at the cost of other service priorities and projects.
7. My Proof of Evidence (PoE) sets out the Council's overarching concerns on the effects and implications of the Order and how this impacts on certain local and national policies and strategies.
8. 4 of the Council's specific level crossing objections are road safety based, 2 are based on deliverability grounds and a further 2 are considered to be unreasonably long diversions and/or have negative health and wellbeing impacts.

Witness List

9. The following witnesses have provided further Proofs relating to the above:
 - (i) 4 of the Council's objections are on the basis of road safety concerns - namely S23 (Higham), S27 (Barrells), S31 (Mutton Hall) and S69 (Bacton) and in response to NRIL's Road Safety Audits (RSA), has commissioned its own independent Road Safety Audits. Andrew Haunton, Associate Director of Capital Traffic, provides commentary on these RSAs in his PoE. The Council may decide to call Mr Haunton to give evidence in person at the Inquiry.
 - (ii) Annette Robinson, East Area Rights of Way Manager sets out the Council's objections to S01 (Brantham Sea Wall) and S02 (Brantham High Bridge) in her PoE.
 - (iii) Glyn French, West Area Rights of Way Manager sets out the Council's objections to S27 (Barrells) and S31 (Mutton Hall) in his PoE.

(iv) Andrew Woodin, Rights of Way and Access Manager sets out the Council's objections to S23 (Higham), S22 (Weatherby) and S25 (Cattishall) in his PoE.

(v) Andrew Murray-Wood, Senior County Ecologist, sets out the Council's objections to the proposed ecological planning condition in his PoE

(vi) Abdul Razaq, Director of Public Health, provides further evidence to support the Council's objections relating to S22 Weatherby and S25 Cattishall. Mr Razaq will not be presenting his evidence in person at the Inquiry.

OVERARCHING CONCERNS

10. SCC supports better rail services in Suffolk (as set out in its 'Suffolk Rail Prospectus' – see OBJ/29/C12), but believes the right balance must be struck between safety, efficiency, and highway accessibility. The Council recognises that NRIL is hoping to achieve strategic benefits by pursuing the Order, but the Council must also take account of other local and national policies and strategies, when considering its response to the Order.
11. The Council is not entirely clear from NRIL's application how the 23 crossings were selected for closure, nor how the different interests and needs of existing users have been assessed or taken into account when identifying the level crossings to be included in the Order.
12. For the 4 level crossing proposals referred to in paragraph 10 above, it is again not clear if, or how, the applicant has assessed or compared the associated risks on the railway and highway network.
13. The Council notes that the key at 'Section 4:- Proposed Status Change' of the Design Freeze Plans (at NR12) highlight alternative routes as "Use of existing right of way as part of diversion", when in fact in many cases they are trafficked roads. In some cases (for example S22 (Weatherby) and S23 (Higham) and S68 (Bacton)), the proposal does not involve a diversion at all and is effectively tantamount to an outright extinguishment. The Council considers this information on the plans to be misleading.

INDIVIDUAL LEVEL CROSSING CONCERNS

S69 (Bacton) – FP13 Bacton

14. In its letter dated 27 July 2017 (Ref Obj/29/SUFF/R001) NRIL provides a response to SCC's objection letter dated 3 May 2017. In relation to S69 Bacton, on the final page it states:

'Under Network Rail's proposal we are proposing improvements to Pound Hill, hence its inclusion in the Order limits. This includes new footway, road markings, vegetation clearance and we are investigating drainage works. We would like to discuss your concerns in more detail at our meeting on Tuesday 1st August.'

15. The Council seeks an explanation as to why the recommendation of NRIL's own independent Road Safety Audit (Report Number 367516/RPT015 Revision A, August 2016 at NR16, section 2.12, page 9) has not been included in the Order. This specifically recommended the provision of a new footway along Broad Road to avoid pedestrians walking in the carriageway, as part of road safety mitigation measures.
16. Section 3.4 (page 33) of the Design Guide (NR12) indicates small sections of footway are proposed on the approaches to the Pound Hill underpass. The Council considers this is insufficient as a pedestrian safety improvement and requests a footway be provided along Broad Road, as per the Audit recommendation.
17. At page 43 of the Guide the applicant proposes that pedestrians use the highway verge along Broad Road. In view of the RSA recommendation, this is not considered an acceptable proposition.
18. It is worth noting that an outline application for up to 47 dwellings was submitted in early March 2015 (Ref 0764/15, Application for Outline Planning Permission for the erection of up to 47 No. dwellings with attenuation basin, Land On The West Side Of Broad Road Bacton). The application was granted planning permission (subject to conditions) on 5 April 2016.

19. Conditions 7, 8 and 9 state:-

(7) 'Prior to the commencement of development a scheme providing for a footway connection to the village centre and associated priority system (indicatively shown on drawing no. IT1527/SK/03 Rev. B) shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure pedestrian safety and to provide suitable sustainable links for the development.

(8) No dwelling shall be occupied until the proposed footway connection to the village centre and associated priority system (as shown on drawing no. IT1527/SK/03 Rev.B having been revised as required by the Highway Authority) has been provided in accordance with details which previously shall have been submitted to and approved in writing by the Local Planning Authority under condition 7.

Reason: To ensure pedestrian safety and to provide suitable sustainable links to the development.

(9) No dwelling shall be occupied until a footway has been provided and made functionally available along the site frontage adjacent to Broad Road and street lighting has been installed and is operational between and including the junction between the site access and Broad Road and the junction between Pound Lane and Broad Road in accordance with details which previously shall have been submitted to and approved in writing by the Local Planning Authority.

The footway shall thereafter be retained in its approved form.

Reason: To provide a safe pedestrian access in the interests of the sustainability of the development.'

20. The above conditions serve to highlight the pedestrian safety risks at the Pound Hill underpass and the need for a dedicated footway along Broad Road linking to FP 13

Bacton.

21. For clarification purposes, the planning conditions regarding footway construction are to serve the village centre and the development site and do not obviate the need for further footway provision as set out in the Council's objection letter and as per the applicant's Audit recommendation.
22. The Council also raises concerns that NRIL appear not to have identified a significant housing development near to the Pound Hill underpass, despite the fact that as part of their consultation and optioneering exercise they ought to have scoped the impact of local developments on their proposals. Furthermore, the applicant's proposed works at or near the underpass appear to, in part, replicate those relating to the conditions described above. This is consistent, as it is clear that both proposals (Network Rail's proposals in the Order and the developer's proposals for an increase in housing) will result in an increase in pedestrian usage of the underpass.

Definitive Map and Statement

23. The legal record of PROWs is known as the Definitive Map and Statement (DM & S). The Council is both the local highway authority, the traffic authority and the surveying authority. In its capacity as the surveying authority there is a statutory duty, under section 53 of the Wildlife and Countryside Act 1981 (WCA 1981), to maintain and keep the DM & S up-to-date.
24. The DM & S is a conclusive record of the alignment, status and width of recorded PROW; namely footpaths, bridleways, restricted byways and byways open to all traffic.
25. The Council holds its legal record on an 'old rural district' and 'urban district' basis, this being a legacy from when the first DM & S's were prepared in the early 1950's.
26. The Council is under a duty, pursuant to section 53 of the Wildlife and Countryside Act 1981, to, as soon as reasonably practicable, make a modification order to the DM & S, to reflect a "legal event" whereby:

- (i) a highway has either been stopped up, diverted, widened or extended;
- (ii) a highway has ceased to be a highway of that description; or,
- (iii) a new right of way has been created over land in the area to which the map relates, being a right of way such that the land over which the right subsists is a public path or restricted byway.

27. The duty to maintain the DM & S also requires the surveying authority to publish new DM & S's. This process is known as Consolidation and provides for all legal events that have modified a DM & S since it was last prepared, to be included in one Legal Event Modification Order (LEMO). The LEMO allows for a revised DM & S to be prepared and published. The Council is currently undergoing an exercise to consolidate its DM & S's from a digital base, and this project is one of the DMT's highest service priorities. Some areas to the east of the county have already been completed but the majority of Suffolk remains to be done.

28. The Council also holds and maintains the List of Streets (LoS), a record of all highways maintainable at public expense, in accordance with section 36 of the Highways Act 1980.

29. In addition to its obligations set out above, the DMT is also responsible for complying with other statutory functions, including:

- (i) processing deposits made under s31(6) of the Highways Act 1980 and maintaining the associated online register of applications;
- (ii) processing formal applications to modify the DM & S and maintain the Council's online register of such formal applications;
- (iii) processing applications for public path orders, made under the Highways Act 1980; and,
- (iv) dealing with property search queries and responding to planning application consultations.

30. In order to assist the Inquiry, extracts of the working copy of the Definitive Map and the relevant Statements for each of the level crossing proposals now included in the Order (with the exception of S21 Abbots and S22 Weatherby), are provided at

Appendix 1.

THE EFFECT AND IMPLICATIONS OF THE ORDER

Order Plans and Book of Reference

31. The Council has identified that some of the alignments (S02 (Brantham High Bridge), S11 (Leggetts), S12 (Gooderhams), S13 (Fords Green), S27 (Barrells), S31 (Mutton Hall)) depicted on the Order Plans do not strictly accord with the legal record shown on the DM. The Council provides extracts of these mapping inconsistencies at **Appendix 2** and requests NRIL work with SCC to reflect the correct legal record on these plans. Failure to do so could mean that the Order does not correctly stop up the legally recorded highway, resulting in these public rights remaining inextant. In this respect, the Inspector is requested to note these inconsistencies and, if the Inspector were to recommend that the Order be made, the Council requests that the Inspector also recommends modification of those Order plans accordingly, to reflect the true legal record.
32. At one location (S07 Broomfield – FP12 Barham), the Council is also concerned that the Order plan does not identify or address a known definitive map anomaly affecting FP11 Barham. In the Council's view, the draft Order should pro-actively address this issue by stopping up the definitive alignment and re-creating the on-ground alignment used by the walking/riding public. This would have the added benefit of preventing a future user based claim to modify the DM & S from being successful. The anomaly is illustrated in **Appendix 3**. The Council further notes the legal alignment of FP11 is not accurately represented on the Design Freeze plan.
33. Despite SCC providing NRIL with its PROW in digital format in October 2015, the draft Order plans were not subsequently provided to the Council for checking. If this had been done, these mapping errors could have been addressed before the deposition of the draft Order in March 2017, saving time (and cost) for all parties concerned.

Widths and Grid References

34. In its letter, dated 5 December 2017, addressed to NRIL's solicitors, and copied for the attention of the Inspector, the Council requested that the contents of this letter be added to the Council's statement of case. That letter sets out additional comments and holding objections, including '*...a holding objection to the whole Order unless and until the Order is modified so as to specify the relevant information on widths and grid references to enable the Surveying Authority to make a LEMO*'. The absence of this information severely constrains the surveying authority's ability to consolidate its DM & S's and provide meaningful descriptions for the newly diverted paths. In the event that the Inspector were to recommend that the Order be made, the Council requests that the Inspector also recommends modification of the Order so as to ensure that the relevant widths and grid references will be provided within a legally binding framework.

Commuted Sums

35. In its objection letter dated 3 May 2017 and its SoC (as amended), the Council made clear that it intends to seek a commuted sum from NRIL, to cover the costs of maintaining the new highway network resulting from the Order proposals. The Council notes that there is still no mechanism within the Order requiring the payment of commuted sums to the highway authority, nor is there any provision in the Order specifying what those sums must cover. The Council, hereby requests that the Inspector, if he were minded to recommend that the Order be granted, recommends modification to the Order so as to ensure that:

- (i) the requirement that commuted sums be paid to the highway authority be specifically provided for in Article 14 of the Order; and,
- (ii) that the commuted sums must cover the whole of the new network and associated assets.

36. The Council has had regard to, and agrees with, the core principles as set out in section 5.2 (page 15) of the 2008 County Surveyors Society guidance document 'Commuted Sums for Maintaining Infrastructure Assets' – see OBJ/29/C4. On the same page section 5.3 sets out the elements of highway infrastructure for which commuted sums may be payable. The Council reserves the right to add to these, if this list does not include any of the new assets being inherited as a result of the

Order.

37. The overarching SCC principles for calculating commuted sums are set out below.

SCC seeks the agreement of NRIL to adopt these principles.

- (i) The commuted sum shall be the cost of maintaining and replacing the new asset over the period of the relevant period, minus foregone maintenance of any superseded assets. The highway authority reserves the right to include a one-off payment to put in good repair any public highway which has fallen into disrepair, through lack of use, which, by virtue of this Order, it considers will come into public use again.
- (ii) In respect of the current Order, the Council seeks a period of 60 years as the period of framework (the 'relevant period'), as is recommended throughout the guidance (but expressly referred to on pages 14 and 28) and is to be applied to the whole extent of the new asset.

38. The Council takes the view that it is not possible to agree with the NRIL a final commuted sum figure until detailed designs for the proposed alternative routes have been agreed.

39. The Council's regime for calculating its Schedule of Rates for the various asset types is commercially sensitive and as the extent and type of assets that might be created as a result of the Order is unknown at this time, the Council considers it more appropriate for an agreement to be sought on the principles of commuted sums and that these must be provided by a specific date and prior to certification. The Council considers individual calculations should be undertaken as assets are adopted. The Council also suggests that the mechanism of calculation used would be that used by the Council for all adopted assets and would be applied at the time of adoption, as the highway authority is within its rights to review these on a regular basis.

Site Visits

40. In its letter dated 5 December 2017, the Council set out additional comments and holding objections, including a holding objection to all proposals which involve a

diversionary route, on the basis that to date, NRIL have not taken up the Council's requests for joint site visits. These visits would have had the benefit of confirming whether the alternatives are indeed suitable and convenient and are capable of being delivered on the ground. They would also have served to agree the type and location of any path furniture, whilst at the same time also potentially helping inform the Council (and NRIL) on the commuted sum calculations.

Certification and Maintenance

41. Article 16 (1) of the Order states that the new highways are to be completed to the *'reasonable satisfaction of the highway authority and are to be maintained by and at the expense of [NRIL] for a period of 12 months from their completion and after the expiry of that period by and at the expense of the highway authority'*.

42. Article 16 (11) further states *‘the new highways are to be treated as completed to the satisfaction of the highway authority for the purpose of paragraph (1) if it fails to reply to a request for certification that it is satisfied with the work within 28 days of receiving the request.’*

43. The Council considers Article 16 (11) places an overwhelming and unnecessary burden on the highway authority. It is both unreasonable and impractical to expect the highway authority, at a time when its resources are over-stretched, to be able to comply with this provision.

44. The Council therefore requests, again in line with neighbouring authorities (Cambridge County Council and Essex County Council et al), that Article 16 (11) is amended to allow for the highway authority to agree with NRIL the necessary works and design standards prior to construction and for the NRIL to provide a phased programme of certification requests, on a path-by-path basis.

45. The Council requests that further dialogue is held with the NRIL to discuss these concerns, with the aim of agreeing a more realistic and workable timescale for certification. Once agreed, the Inspector is asked to recommend modification of Article 16 (11) accordingly (in the event that the Inspector is minded to recommend that the Order be granted).

Costs Reimbursement

46. Due to the unprecedented scale of the Order, in addressing multiple PROW level crossings at the same time, and the amount of officer response time that this has absorbed, the Council considers some of these costs should be reimbursed by NRIL.

47. The Council’s letter of 5 December also sets out why it will be seeking the reimbursement of its officer costs relating to:

- (i) those costs incurred to date in responding to the Order; and,
- (ii) the future costs of certification and potential ‘pre-certification’.

48. SCC officers have already spent a huge amount of time liaising with NRIL in the run up to the deposition of the Order. It is simply inequitable on the part of NRIL to expect the Council to absorb any further costs relating to this Project. The Council therefore requests the Inspector insert a further Article in the Order that provides for the applicant to reimburse the Council's costs, on an hourly basis and based on a schedule of rates. The Council requests that the relevant period be calculated from the date the draft Order was deposited.

49. The Council recognises that costs related to the preparation for a Transport and Works Act inquiry are not normally awarded, except in circumstances where it can be shown there has been unreasonable conduct by another party. However, for the reasons set out above the Council believes this case should be treated differently.

Arbitration

50. Article 35 of the Order is, in the Council's view, drafted unsatisfactorily. It provides that in the event of a dispute, the matter is to be referred to a *'single arbitrator to be agreed between the parties or, failing agreement, to be appointed on the application of either party (after giving notice in writing to the other) by the President of the Institution of Civil Engineers.'*

51. The Council considers arbitration should be undertaken by not just one person but rather a panel of specialists, including representation from both the Institution of Civil Engineers and the Institute of Public Rights of Way (IPROW). This would ensure that the disputed matter would be more properly considered by persons with a range of knowledge or experience, particularly in those two disciplines.

52. The Council therefore requests the Inspector to recommend modification of the Order accordingly (in the event that the Inspector is minded to recommend that the Order be granted).

Planning Conditions

53. The Council has concerns with the way in which the applicant has drafted the

wording of the 'Proposed Planning Conditions' (see NR10) that relate to ecology.

54. The Council's Senior Ecologist has stated that he does not consider NRIL's proposed condition is sufficiently robust or wide-ranging enough "*To protect the ecological value of the area*", as is claimed in the 10(6) Request for Planning Permission.

55. These concerns are further expanded on in Andrew Murray-Wood's PoE.

56. The Council's Senior Archaeological Officer has been consulted on the draft planning condition that relates to archaeological interests and has stated as follows:

'On the basis of the limited below-ground impacts, I can confirm the initial assessment given by the archaeological service and would advise that there is no need for archaeological work, and no need for a condition on the consent.'

I would therefore recommend that the archaeological condition is removed from the draft consent relating to the Suffolk programme of works.'

57. The Inspector is therefore requested to recommend deletion/modification of these conditions accordingly.

SUITABILITY AND CONVENIENCE

58. Section 5(6) of the Act prohibits the extinguishment of any public right of way over land unless the Secretary of State is satisfied that either (a) an alternative right of way has been, or will be, provided or (b) that the provision of an alternative right of way is not required. The DfT Guide to TWA Procedures states (Annex 2, p. 105) that if an alternative route is to be provided as part of a Transport and Works Act Order, the Secretary of State would want to be satisfied that it will be a '*convenient and suitable replacement for existing users*'.

59. Although it is noted that the Act does not expressly require a comparative assessment to be undertaken between the route to be replaced (if indeed it needs replacing) and the alternative to be provided, the Council considers the word

‘replacement’ in the Guide important in this context. In its view, when taken together with the literal definitions of the words ‘suitable and convenient’, the DfT guidance suggests a comparative meaning. This is supported by the definitions below.

60. The terms ‘suitable’, ‘convenient’ and ‘replacement’ are defined as follows in the concise English Oxford Dictionary (2011):

- (i) suitable - right or appropriate for a particular person, purpose, or situation
- (ii) convenient - fitting in well with a person’s needs, activities and plans, involving little trouble or effort.
- (iii) replacement – a person or thing that takes the place of another

61. The Council considers that some of NRIL’s proposals are neither suitable nor convenient and it is these that have been the subject of SCC’s crossing-specific objections. The Council further believes that both the safety of, and the effect on, the enjoyment of users of the PROW network, should be considered when assessing whether a route is ‘suitable and convenient’.

LOCAL AND NATIONAL STRATEGIES AND POLICIES

62. The overall position of the Council on the 8 objected level crossings is that the alternative routes proposed by Network Rail are either not safe, or will be perceived as not safe, or are impractical to construct, or have reduced amenity value. All of these factors will serve to deter people from walking, which is contrary to local and national policy.

63. I fully acknowledge I am not a planning or policy specialist and have had no direct input into the formulation of county council policy or strategy but make the following comments on the basis that they are considered entirely relevant to both the Order and for the benefit of the Inspector, as set out in the Statement of Matters that he wishes to be informed on.

64. The Council’s Rights of Way and Access priorities are set out principally in its

Rights of Way Improvement Plan (ROWIP) 2006 – 2016, a 10-year statutory document setting out various objectives, with action plans to deliver those objectives – see OBJ/29/C9. The Council is required to produce a ROWIP under section 60(1) of the Countryside and Rights of Way Act 2000 (CROW 2000). The Council is also under a duty to review its ROWIP at least every 10 years (section 60(3) CROW 2000) and officers are currently in the process of drafting ROWIP II.

65. Other policies and strategies SCC must have regard to, include:

- (i) the Department for Transport's Cycling and Walking Investment Strategy 2017 (OBJ/29/C5)
- (ii) the Suffolk Local Transport Plan 2011 – 2031 Part 1 (OBJ/29/C11)
- (iii) 'Active for Life' - Suffolk's Walking Strategy 2015 – 2020 (OBJ/29/C13)
- (iv) Suffolk's Nature Strategy (OBJ/29/C14)
- (v) the Suffolk Highways 'Highway Infrastructure Asset Management Strategy November 2015' (OBJ/29/C8)
- (vi) 'Highway Infrastructure Asset Management Plan 2016' (OBJ/29/C7)
- (vii) Suffolk's Joint Health and Wellbeing Strategy 2012 – 2022 (2016 Refresh) (OBJ/29/C1)

66. At a more general level, the Council is very concerned that there should not be a simple shift of risk and maintenance liability from the rail to the road network. That is why the Council is seeking a commuted sum to cover new maintenance responsibilities, at least for a period.

67. Some of the key national and local policies are set out below.

Department for Transport's Cycling and Walking Investment Strategy 2017

68. The Government's own walking and cycling policy "**Cycling and Walking Investment Strategy**", published in April 2017, states the following on page 4 in the forward by the Rt Hon Chris Grayling MP, Secretary of State for Transport and Andrew Jones MP, Parliamentary Under-Secretary of State with responsibility for cycling and walking:

“For that to happen [reversing the decline in walking that has been seen over the last few years], we want cycling and walking to be the natural choices for shorter journeys in every urban and rural community in England. For cycling or walking to be normalised in this way, they need to be safer, and be perceived to be safe, normal and enjoyable ways to travel.

We cannot achieve these changes alone. Our ambition will be delivered only if we bring people together in local places, including local government, businesses, charities, and the public - the same approach taken in other nations, such as the Netherlands. This ambition is part of our commitment to build a society and an economy that works for all people.”

69. It is important to note the reference to journeys being ‘perceived to be safe’. The Council contends that when assessing new or alternative walking or cycling routes, the strategy requires that consideration should be given not just to whether they are safe but also whether they are perceived to be safe. The strategy has much to say about encouraging walking, and environments that support that ambition. By 2040 the Government’s ambition is, inter alia, that “walking and cycling should be the natural choice for shorter journeys, or as part of a longer journey” (paragraph 1.1).

Suffolk Local Transport Plan 2011-2031 – Part 1 (LTP)

70. The Suffolk LTP supports ‘Transforming Suffolk: Suffolk’s Sustainable Community Strategy’ (page 8). The headline themes of the community strategy (OBJ/29/C15) are:

- (i) creating a prosperous and vibrant economy
- (ii) improving learning and skills for the future
- (iii) creating the greenest county
- (iv) providing safe, healthy and inclusive communities

71. The LTP has the following points to make about walking and health, that reinforce the Council’s position in relation to the Order. SCC is of the view that aspects of the Order are contrary to policy because they create an unsafe walking environment or will deter people from walking. This will have a detrimental effect on health and people’s ability to enjoy their natural and built environment on foot. This is

exemplified in the evidence from the Council's Director of Public Health in relation to S22 Weatherby and S25 Cattishall.

- (i) Under 'Safe, healthy and inclusive communities' (Protect vulnerable people and reduce inequalities) at page 9 it states improving health impacts can be achieved by facilitating an increase in walking and cycling.
- (ii) Page 14 notes that where transport can contribute towards creating the Greenest County through the reduction of carbon emissions this should be done by *"encouraging the use of more sustainable forms of transport"* (which will include walking).
- (iii) Page 15 notes that the *"cost of physical inactivity, poor air quality and noise associated from transport across towns in England has been forecast as being up to £25.4 billion per annum"*, and a *"healthier, more active workforce will reduce levels of absenteeism and increase productivity. Active travel also provides an effective intervention for more deprived and unhealthy members of communities. Greater levels of physical activity can reduce the need for costly clinical intervention... Ways to improve health through transport include... creating pedestrian and cycle-friendly environments that support active transport in towns and on the wider rights of way network."*
- (iv) Page 27 notes that the *"public rights of way network can play an important role in rural areas and on the fringes of towns in providing traffic-free and safe routes for walking and cycling journeys. The use of this network will become very important given the likely financial constraints on providing new facilities such as pavements alongside roads in rural areas."*
- (v) The county council also aims to improve the quality, reliability and connectivity of its rural road networks over the life of the plan, including relief for communities suffering from high volumes of traffic. At page 30 the Plan states that *'Many communities remain concerned about traffic impacts, particularly lorries and speeding. We will work with communities to establish local solutions, owned by the community, to deal with these problems.'*

(vi) At page 29 the Plan states *‘the county council also aims to provide safe continuous routes for cycling and walking, removing gaps and addressing barriers and disincentives to users’.*

72. The Council considers that by forcing users onto the rural road network, the applicant's proposals for S23, S27, S31 and S69 are contrary to the aims of the Plan and local transport policy.

Suffolk's Nature Strategy

73. This has its own section on public access (page 37). Suffolk believes *“public access to nature is a vital means of improving health and wellbeing, as well as connecting and educating people about the natural environment. Without access to the natural environment, people will not value it nor will they be able to gain from the wealth of benefits it can provide.”* The strategy notes *“there are over 5,600 kilometres of public rights of way in Suffolk providing one of the most dense networks of access in England”,* and *“the rights of way network provides strategic links between settlements and into the wider countryside. It caters for a range of local needs including daily dog walking, sustainable commuting routes and promoted village walks.”*

74. At page 37 the strategy further states:

“We are in favour of increased, sensitive public access to the countryside and other green spaces as a means of achieving a wider social good. The appropriate development of countryside access through effective visitor management, information provision and heightened awareness, can help conserve the environment and utilise its natural capital. The development of countryside access can provide a relatively low- cost solution to enabling communities to access and enjoy Suffolk's natural environment. This has a positive impact on the health and wellbeing of Suffolk's communities and can also be used as a catalyst to position and market Suffolk as a truly accessible county for all.”

75. Recommendation 28 (page 37) states that *“Suffolk County Council should seek opportunities to improve the connectivity of the public access network and the*

development and improvement of the public rights of way network.” On the same page, the associated action (Action 15) reads:

“We will work in partnership to ensure physical access improvements go hand-in hand with wildlife sensitivity and quality interpretation, to enable people to access and understand our natural environment.”

76. Again, this reinforces the importance of public rights of way and access to the natural environment and that connectivity should be retained or improved. The extinguishment of part of the river wall path at S01 Brantham (Sea Wall) goes against the thrust of the strategy’s aims to promote public access to the natural environment. This section of the path is popular with bird watchers and it is understood that as part of their consultation exercise, NRIL received comments to this effect.

Suffolk Walking Strategy 2015-2020

77. Suffolk County Council’s (including Suffolk Public Health’s, which lead on the strategy) vision is for people in Suffolk to walk more often, and the aims of the strategy are that (page 4):

(i) *“Walking is seen as beneficial, easy, inclusive, accessible, pleasant and safe;*

(ii) Walking is the ‘default’ choice for journeys of 20 minutes walking time or less.

More people walking more often will improve the physical and mental health of the people of Suffolk and make a significant contribution towards Suffolk’s ambition of being the most active county in England.”

78. Under the heading of outcomes on page 10, the county council wants the strategy to *“result in better evidence for planners to justify walking-friendly infrastructure and for those planning decisions on walking to take account of people’s needs.”*

Highway Infrastructure Asset Management Strategy November 2015

79. Under 6.5 (page 16) of the Highway Infrastructure Asset Management Strategy “Designing for maintenance”, it notes *“good asset management starts at the planning and design phase when decisions can be made that affect the amount of maintenance required, the ease with which the maintenance crews can do the work and the whole life costs of the asset. Accordingly, asset management principles will be adopted from the planning stage (new assets and maintenance projects) onwards.”*
80. Under section 2.2 (page 4) of the strategy, “Objectives of highway maintenance” this also includes keeping users safe as an objective.
81. This is reinforced under 4.6 at Appendix 2 (page 75) of the **Highway Infrastructure Asset Management Plan 2016 (HIAMP)** which notes there *“is a process in place whereby all new structures are required to follow a technical approval process... The technical approval process ensures that any new assets meet the requirements of the County Council and are designed and detailed with durability and whole life costing taken into account.”*

Rights of Way Improvement Plan (I and II)

82. ROWIP II (entitled ‘Green Access Strategy Policies and Action Plan’) is still in the draft stages and has not yet been completed or published. This has been largely due to lack of staff resource, following a restructuring of the Suffolk Highways service in 2017. The draft document is made available at (OBJ/29/C6). Objectives C of ROWIP I (‘Develop a Safer Network’) and E (‘Produce an up to date and publicly available digitised Definitive Map for the whole of Suffolk’) are particularly relevant in this case. At page 34 Objective C2 includes an Aim to ‘Improve the safety of road and rail crossings’. Whilst recognising the benefits of improving safety on both transport networks, it does not highlight any safety import between the two. The Council contends that this Aim did not envisage, and nor does it support, the transference of risk from rail to road.
83. The draft ROWIP II document goes further. On page 5 (under ‘Severance’) it proposes the following policy:-

‘SCC will continue to work with Network Rail to ensure that where PRow level crossings are closed, new PRow are created which work well for users, are well maintained and safe. SCC will oppose those proposals which do not meet the needs of local communities in accessing PRow’.

84. Under the heading ‘Health’ at page 8 of the above document it further states ‘SCC supports the objectives of Suffolk’s Health and Wellbeing board through the aspirations set out in the Health and Wellbeing strategy, the Walking and Cycling Strategy, the Volunteering Strategy, the Nature Strategy and the STP.’

85. At page 42 of ROWIP I Objective E1 seeks to ‘Produce a consolidated definitive digital map’. This is relevant in so much that if the Order does not include any OS grid references or widths (see paragraph 39 above), it constrains the surveying authority’s ability to include the effects of the Order as a legal event into the requisite LEMO, thereby preventing the production of meaningful Definitive Statements.

SUMMARY

86. In summary, the Council has both general and specific concerns regarding several aspects of the Order, which it considers can only be resolved via modification of the Order itself, or, where appropriate, through a separate legally binding agreement. It also has several site-specific concerns, some of which may be addressed if the applicant is minded to work with the Council to resolve them. Ultimately, if no agreement can be reached on these in the run-up to, or throughout the duration of the Inquiry, and if the Inspector is minded to recommend the making of the Order, the Council requests the Order is modified to remove the 8 crossings referred to above.

87. I believe the statements contained in this proof of evidence to be true to the best of my knowledge and belief.

Signed:
Stephen Kerr

Dated: 10 January 2018