

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

SUMMARY TO

PROOF OF EVIDENCE:

STEPHEN KERR – DEFINITIVE MAP MANAGER

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

INTRODUCTION

1. My name is Stephen Kerr. I am employed by Suffolk County Council ('SCC' or the 'Council') as a Definitive Map Manager. 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.
2. As the Council's Definitive Map Manager, I have overall responsibility for a small team who are collectively responsible for maintaining Suffolk's legal record of Public Rights of Way (PROW).

BACKGROUND

3. 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.
4. 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

5. The following Council witnesses have provided further Proofs relating to specific crossings or elements of the Order:
 - (i) Andrew Haunton (Capital Traffic) - S23, S27, S31 and S69.
 - (ii) Annette Robinson - S01 and S02.
 - (iii) Glyn French - S27 and S31.
 - (iv) Andrew Woodin - S23, S22 and S25.
 - (v) Andrew Murray-Wood - proposed ecological planning condition.
 - (vi) Abdul Razaq, Director of Public Health – S22 and S25.

OVERARCHING CONCERNS

6. SCC supports better rail services in Suffolk 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.
7. The Council is not entirely clear from NRIL's application how the 23 crossings were selected for closure, 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, nor how the applicant has assessed or compared the associated risks on the railway and highway network.

Individual Level Crossing Concerns

S69

8. Further to the Council's objection relating to the above crossing, and in addition to the evidence set out in Mr Haunton's Proof, the Council wishes to draw the Inspector's attention to an outline planning application (and associated conditions) which has a material impact on the applicant's proposals for this crossing.
9. The Council raises concerns that NRIL appear not to have identified a significant housing development near to the Pound Hill underpass.
10. For clarification purposes, conditions 7, 8 and 9 relating to the footway construction are to serve the village centre and the development site and the Council is still of the view that further footway provision along Broad Road is required.

Definitive Map and Statement

11. The legal record of PROWs is known as the Definitive Map and Statement (DM & S). The surveying authority has 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.

12. This duty also requires the surveying authority to publish new DM & S's. This process, known as Consolidation, 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 EFFECT AND IMPLICATIONS OF THE ORDER

Order Plans and Book of Reference

13. The Council has identified that the alignments shown for S02, S11, S12, S13, S27 and S31 as depicted on the Order Plans do not strictly accord with the legal record and requests NRIL work with SCC to reflect the correct legal record on these plans.
14. At one location (S07) the Council requests, that if the Inspector is minded to recommend that the Order be granted, it should be so modified to extinguish the FP11 Barham DM alignment and re-create the walked alignment.

Widths and Grid References

15. In its letter dated 5 December 2017 the Council 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.
16. The Council requests that if the Inspector is minded to recommend that the Order be granted, it should be so modified to include widths and grid references.

Commuted Sums

17. The Council requests that the Inspector, if he were minded to recommend that the Order be granted, recommends modification to the Order as set out in paragraph 41 of my main Proof.

Site Visits

18. In its letter dated 5 December 2017 the Council sets out 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.

Certification and Maintenance

19. The Council considers Article 16 (11) places an overwhelming and unnecessary burden on the highway authority and requests the Inspector. If he were minded to recommend that the Order be granted, modify the Article as set out in paragraphs 50 and 51 of my main Proof.

Costs Reimbursement and Arbitration

20. Due to the unprecedented geographical extent and scale of the Order, and the amount of officer time absorbed in responding to it, the Council considers some of these costs should be reimbursed by NRIL.
21. Article 35 of the Order is, in the Council's view, drafted unsatisfactorily and 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.

Planning Condition

22. 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.

23. These concerns are further expanded on in Andrew Murray-Wood's Proof.

SUITABILITY AND CONVENIENCE

24. 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

25. 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.

26. In my main Proof I set out the various local and national policies and strategies which the Council has had regard to when responding to the Order.

27. 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.

28. 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 Council's Local Transport Plan and local transport policy.

29. In respect of S22 and S25, the Council considers these proposals will deter people from walking and this will have a detrimental effect on people's health.

30. The Council is of the view that the proposed alternatives for S01 and S02 are neither suitable nor convenient and further, that the extinguishment of part of the river wall at S01 goes against the thrust of the Suffolk Nature Strategy's aims to promote public access to the natural environment.

SUMMARY

31. 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. 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.

Signed:
Stephen Kerr

Dated: 10 January 2018