

TRANSPORT AND WORKS ACT 1992
WRITTEN PROOF OF EVIDENCE BY PAUL EDMUND BAKER
REGARDING THE APPLICATION FOR THE PROPOSED NETWORK RAIL
(SUFFOLK LEVEL CROSSING REDUCTION) ORDER
REFERENCE TWA/17/APP/05/OBJ/26
DATE 16 JANUARY 2018

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1.0 Introduction

- 1.1** My name is Paul Baker. I am a Farmer living at Grange Farm, Gipping, Stowmarket, Suffolk
- 1.2** I hold a BSc (Hons) in Agriculture and a MSc in Agricultural Economics. I am a Member of The Institute of Agricultural Management and a Nuffield Scholar.
- 1.3** I have been a Partner in our family farming business since 1992 and have served as Director and advisory committee member for various agricultural businesses and organisations.
- 1.4** I am depositing this Proof of Evidence as an individual and representative of Messrs E Hudson Baker

2.0 Background

- 2.1** I have been farming the land directly adjoining the following Order Crossings in Bacton Suffolk; S12 Gooderhams, Cow Creek (sic), S13 Fords Green and S69 Bacton since 2000 as contractor to CC Gooderham & Sons (OBJ/40) and Tenant of Orwell Settlement Trustees (OBJ/25) since 2015.
- 2.2** I was made aware of the crossing rationalisation policy during this period and have been in communication with Network Rail's representatives to optimise the safe use of these crossings.

3.0 The Consultation and Communication Process

- 3.1** I was approached by Ardent on behalf of Network in April 2016 at the start of the current process. Frankly the ensuing correspondence with them now appears to have largely been a one way flow of information with them using us to attempt to trace Stakeholders rather than any meaningful discussion.
- 3.2** Our submissions in responses to the various rounds of Consultations are on record.
- 3.3** Limited response had been received from Network Rail to us in regard to any of the issues raised by our responses to the consultations.
- 3.4** It was drawn to my attention our responses to consultation had been discussed with other stakeholders but not reciprocated
- 3.5** Crossing closure proposals were changed between the final consultation and Order publication offering us no other recourse than Objection.
- 3.6** An objection letter was submitted on 4th May 2017 highlighting our concerns.
- 3.7** Our wish to speak at the Inquiry was transmitted on 15th May 2017
- 3.8** Our statement of case was submitted on 10th July 2017. Issues and concerns were raised for the following crossings:
 - Crossing S12 – Gooderhams
 - Crossing S13 – Fords Green
 - Crossing S69 – Bacton
- 3.9** I received a written response to our Objection Ref Obj/26/SUFF/R001 dated 19th December 2017, after the date when it was confirmed an inquiry would be held. It does not enable us to remove our objection as detailed in section 6 below.
- 3.10** I believe that Network Rail have not been constructively engaging with the stakeholders particularly the landowners and farmers affected by the proposed level crossing closures. I believe many issues could have been resolved before the creation of a Public Inquiry if there had been full consultation and earlier disclosure between Network Rail and Stakeholders.

- 3.11** I refer to case in Common with Proof of Evidence By NFU Ref TWA/17/APP/05/OBJ/32 Section 3.0 para 3.5 to 3.17 inclusive
- 3.12** Delays in the distribution of other Objectors statements of case. (13th December 2017 to us) has prevented the compilation of Evidence in Common and stopped its use to determine any crossings treatment prior to and potentially negating the need for them to be included in the Inquiry.
- 3.13** I am further dismayed that I was told that at the PIM Objectors Statements of Case had not been released due to the time required to redact any personal contact information. As at 15th Jan 2018 our personal contact information has not been fully redacted.
<http://bailey.persona-pi.com/Public-Inquiries/Suffolk/B%20-%20Respondents'%20Correspondence/SUFFOLK%20-%20OBJ26.pdf>

4.0 Impact on Our Agricultural Businesses

- As not to repeat I refer to Case in Common with Written Proof of Evidence By NFU Ref TWA/17/APP/05/OBJ/32 Section 4.0 4.9 inclusive
- 4.1** The rationale for Network Rail's proposals to close the level crossings is not clear and even appears to be predetermined. (Cow Creek (sic) was never consulted upon)
- 4.2** The maintenance costs and efficiency of the line appear to be the real drivers for Network Rail rather than safety of users. It took 8 years and an incident at another Suffolk crossing to get crossing telephones fitted to S12 Gooderhams Crossing.
- 4.3** I can appreciate the closing crossing reduces risk to users but in closing some of the crossings, Network Rail's liabilities and costs are being moved on to other stakeholders without reducing risk or creating new risks to users as illustrated by the Ramblers Association OBJ/36 Statement of Case Submission.
- 4.4** Our primary concern is to ensure access to our farmland on a safe and timely basis, for our staff or appointed contractors, for agricultural operations, and to transport harvested produce. Where livestock is grazed, access to land is also required for husbandry purposes.
- 4.5** Some of the proposals would lead to very lengthy diversions which would have disproportionate impacts on current farm practices and increase our sanitary risk

5.0 Public Rights of Way

- 5.1** As not to repeat Case in Common with Written Proof of Evidence By NFU Ref TWA/17/APP/05/OBJ/32 Section 5.0 5.1-5.20 inclusive
- 5.2** In general I view the new rights of way created are disproportionate and unnecessary in relation to the recorded use of the proposed crossing closures. The creation of the new circular routes are beyond the scope of the TWO's remit

6.0 Crossing Specifics to our Objection

- 6.1** **S12 Gooderhams:** On the original approach from Network Rail's Agents it was proposed all crossing rights would be closed
- 6.1.1** I acknowledge and welcome that after discussion our private rights were to be retained and this is what was proposed on later rounds of consultations

- 6.1.2 I support the current Order proposals for S12 with public footpath closed and private rights retained. I view this action to reduce the risk at this crossing as all vehicular crossings only proceed after telephone communication with the signal box and foot crossings (with good visibility) only conducted by inducted staff or contractors. Both as per our current health and safety procedures.
 - 6.1.3 Our objection (in common with Orwell Settlement Trustees OBJ/25) was lodged as this proposal was not clarified or confirmed as definite action at the point of Objection and understand this could still be changed by the inspector and we wish to be able to respond to any proposed changes.
- 6.2 **Cow Creek** (sic) : Locally know as Cow Green or Kerry's Crossing. This crossing is a similar isolated crossing to S12 Gooderhams with Public Foot and Private Vehicular rights. It is surprising that its future status was not consulted upon and is proposed as a diversion route for closed crossings.
 - 6.2.1 It has reduced visibility compared to the proposed crossings closures due to the Railway signalling and overhead powerline equipment located beside the track.
 - 6.2.2 The diversion proposals create significant new lengths of public footpath to get to it
 - 6.2.3 Closure of public rights would have reduced risk by limiting crossings as para 6.1.2 above.
- 6.3 **S13 Fords Green** : I do not object to the closure of the public footpath rights over this crossing particularly considering there are alternative crossings in the vicinity served by the current rights of way network.
 - 6.3.1 Our Objection (In common with Finbows of Bacton OBJ/22 and Colin and Judith Hull OBJ/37 and potentially Orwell Settlement trustees OBJ/25) lies with the creation, location and impact of new or diverted rights of way should they be created for diversions as part of this Order.
 - 6.3.2 The proposed diversions relevant to this crossing have changed with no consultation with the effected Statutory Objector Stakeholders between the stages of consultation and the Order being made making it inevitable that a Public Inquiry would be required.
 - 6.3.3 Proposed new rights of way are disproportionate to use and the amenity lost due to closure of this crossing
- 6.4 **S69 Bacton**: I object to the closure of this crossing as we view the proposed diversions and alternatives as unsuitable and believe the rights should be retained without modification or creation of new rights of way in the short term.
 - 6.4.1 The out of sequence numbering suggests the closure of this crossing was an afterthought and has led to its consideration in isolation rather than in conjunction with its contiguous crossings
 - 6.4.2 It is noted that unaccompanied children were the main surveyed users of this crossing suggesting closure would be a sensible solution to reduce risk
 - 6.4.3 Unfortunately the description of the proposed road and footway diversion using the underbridge on Pound Hill is unrecognisable to any of the relevant Objectors I have spoken to and does not appear to be accurate or completely assessed possibly as per 6.4.1. Whereas the risks of the Broad Road B1113 section have been considered.

- 6.4.4 The proposed new footpath alternate diversion to Cow Creek (sic), assuming S13 Fords Green is closed, is long and still crosses the railtrack offering no reduction of risk. Even increasing risk as the Cow Creek (sic) crossing has less visibility and is in an isolated position unlike S69 where unsafe use by children is more likely to be observed and reported.
- 6.4.5 Considering unaccompanied children are one of the main users closure of this crossing creates an increased risk of Trespass along the closed route as the alternate routes are significantly longer than the existing route.
- 6.4.6 The creation of a new footpath over a new footbridge between Birch Hill and FP14 Bacton is unnecessary as there is an existing paved footway running parallel only 180m north
- 6.4.7 The proposed Footbridge in 6.4.6 will restrict the width of our access see attached picture in appendix 1 OBJ26 Sheet21 Inset A work 3 Area S69
- 6.4.8 Other proposed new rights of way and diversions increase the Sanitary risk to our business Appendix 2
<https://www.moredun.org.uk/research/diseases/neosporosis>

7.0 Common ground proposal S69 Bacton and S13 Fords Green

- 7.1 Unfortunately due to the incomplete and inconsistent consultation with Stakeholders and delays in publication of other Objectors Statement of case it has not been possible to fully compile a case in common for an alternate for the proposed works for these two crossings or confirm an acceptable agreed solution.
- 7.2 All Objecting parties appear to be uncomfortable with the proposals and alternatives considering the proposed closure of Crossing S69 Bacton. I suggest this crossing is retained unchanged until larger budget safer alternatives are available as defined in later Phases of the Anglia Level Crossing reduction Strategy NR18.
- 7.3 Leaving S69 Rights intact significantly reduces the need to create diversions and modifications to the existing rights of way network to mitigate the closure of S13 Fords Green that appear to be the main common cause of objection and significant potential cost to Network Rail.
- 7.4 I put forward the attached alternative proposal Appendix 3 **OBJ26 Common Ground Proposal S12 S69** Comprising of
 - 7.4.1 A single short (230m) section extinguishment of Bacton Footpath 14 east of S12
 - 7.4.2 Diversion of regularly disturbed cross field footpath Bacton 20 to a permanent undisturbed route along the field edge and through a copse beside the railway running south from S12 to Cow Creek Crossing
- 7.5 Correspondence has shown support for the proposal and potentially removes the majority of Statutory Objections for the two crossings.
 - 7.5.1 Verbal indication of land owner/occupier support of proposal received from:
 - OBJ/5 Martin Feaveryear, Bacton United Football Club
 - OBJ/22 John Finbow, Finbows Bacton 1991 Ltd
 - OBJ/25 Ben Crossman, Orwell Settlement Trustees
 - OBJ/26 Ourselves, Messrs E Hudson Baker
 - OBJ/37 Colin and Judith Hull
 - 7.5.2 OBJ/40 S Gooderham only out of office reply received
 - 7.5.3 OBJ/24 Bacton Parish council noted receipt of proposal expressed interest but had insufficient time to put it to committee
 - 7.5.4 OBJ/23 Suffolk Local Access Forum, OBJ/29 Suffolk County Council and OBJ/36 Ramblers were not approached as written confirmation of

support had not been received from land occupiers prior to Deadline for Proof of Evidence Submission

8.0 Conclusion

- 8.1** Closure of level crossings will compromise access to our agricultural land. This concern is brought in part by a lack of clarity and transparency on the impact of these changes on private access.
- 8.2** The economic and amenity impact of the proposed closures and diversion to the crossings has been underestimated.
- 8.3** The proposals considerably increase the length of the rights of way network running across agricultural land through the creation, diversion or extinguishment of rights of way. This will have an economic impact our agricultural holding without significantly reducing risk to users.
- 8.4** Once a crossing is closed, it is unlikely to be re-opened thus future opportunities for land use, development and neighbouring property may be restricted.
- 8.5** The direct effects of closing and downgrading level crossings, including economic, logistical and safety implications have not been fully considered. Forcing agricultural machinery to take longer routes, often using longer stretches of public road, can have significant impacts on the farm business, their contractors and the rural villages and rural local roads and we believe this has not yet been taken into full consideration.
- 8.6** Greater consideration needs to be and should have been given, to farmer and landowner responses to the consultations and to points made in meetings when on site. Only through this full engagement with landowners and other interested parties at an individual or local level can compromise arrangements be made to improve Network Rail's assets whilst not disadvantaging agricultural businesses and rural communities.
- 8.7** The lack of meaningful consultation with farmers, landowners will have significantly increased the cost to Network Rail.
- 8.8** No specific case for the requirement of the closure of individual crossings in the Bacton area covered by the Order has been made by Network Rail to improve the efficiency of the railway. Such as allowing signalling improvements for rail traffic without trains stopping over a public crossing. As a result this process is likely only a cost and risk transference exercise away from Network Rail to other stakeholders.
- 8.9** This Order should not be granted as it stands.
- 8.10** Prepared by Paul Baker BSc MSc NSch MIAgrM Date: 16 Jan 2018

Appendix 1
OBJ26 Sheet21 Inset A work 3 Area S69



Appendix 2

Neosporosis

Neosporosis is the infectious disease of animals caused by *Neospora caninum* (*Neospora* or *N. caninum* for short). *Neospora* is a protozoan parasite (i.e. a microscopic, unicellular parasite organism) that can invade, live and multiply inside animal cells. The parasite is closely related to *Toxoplasma gondii*. Unlike *T. gondii*, which is an important infectious cause of abortion in sheep and goats, *Neospora* causes disease primarily in cattle and dogs. Another significant difference to *Toxoplasma* is that *Neospora* can cause repeat abortions in successive pregnancies and that the parasite is very effectively transmitted from an infected dam to its foetus.

Since its identification in the 1980s, *Neospora* has emerged as one of the most common infectious causes of abortion in cattle worldwide, resulting in significant economic losses and production inefficiency. Cattle may become infected by ingesting oocysts (parasite eggs) or by acquiring the parasite in the uterus from their mothers.

Key Points

- Neosporosis is caused by a microscopic protozoan parasite called *Neospora caninum*
- *Neospora* is one of the most frequently diagnosed infectious causes of abortion in cattle worldwide
- Cows that are infected with *Neospora* are 5 to 7 times more likely to abort than uninfected cows, although they will not show any other clinical signs
- Oocysts are shed in the faeces of acutely infected dogs and contaminate the environment
- Cattle may become infected by ingesting oocysts (parasite eggs) or by acquiring the parasite in the uterus from their mothers
- *Neospora* transmission from mother to foetus is very efficient and, in infected animals, may occur in up to 95% of pregnancies
- Since the parasite establishes persistent infections that may reactivate during successive pregnancies, infected animals may pass the infection to their offspring over several generations
- Dam to foetus transmission is the most common route of infection for *Neospora*

- Buying in infected animals is one of the most likely ways to introduce the disease into a herd
- Diagnosis of bovine neosporosis can be reached by submitting aborted foetuses for post-mortem investigation or by detecting parasite specific antibodies in the blood or milk of infected live animals
- Positive antibody tests are reliable but a negative results does not mean that an animal is not infected
- Currently, there are no effective vaccines to prevent Neospora infection and/or abortion
- At present, there are no licensed drugs for bovine neosporosis
- Control of bovine neosporosis is based on biosecurity and management practices
- Enhanced biosecurity measures should aim at limiting dog access to cattle areas, feed and water sources as well as preventing the introduction of persistently infected animals
- Testing cows for Neospora specific antibodies and removing positive animals will help to reduce the prevalence of the disease in a herd and therefore the risk of Neospora abortion cases
- If you think you may have Neospora problems on your farm, contact your veterinary practice to assess the risk and impact of the parasite on your herd and to decide the best course of action
- Bovine neosporosis has recently been included in CHeCS (Cattle Health Certification Standards) therefore CHeCS licensed health schemes include control programmes that are specific for bovine neosporosis
- There is no evidence that cow to cow transmission can occur
- There is no evidence that Neospora can infect or cause disease in humans

Reference: <https://www.moredun.org.uk/research/diseases/neosporosis>

Appendix 3
OBJ26 Common Ground Proposal S12 S69

