



E. F. Keeble  
On behalf of John R. Keeble & Son  
(Brantham) Limited

Network Rail  
James Forbes House  
27 Great Suffolk St  
London  
SE1 0NS

18 December 2017

**Ref: Obj/44/SUFF/R001**

Dear Mr. Keeble

**The Network Rail (Suffolk Level Crossing Reduction) Order**  
**Level crossings : S01 Sea Wall and S02 Brantham High Bridge**  
**Freeholder Interest: S01 plots 16, 20, 22, 23, 24, 24A, 24B, 24C, 31, 32 and 33**  
**S02 plots 01, 02, 03, 09, 10, 12 and 13**

The Department for Transport has passed to us your letter of objection to the proposed Order dated 5 May 2017, which has been allocated the reference OBJ/44.

We note your concerns and, in the following paragraphs, we respond to each point you raise. First, we set out the current and proposed status of the level crossing referred to in your objection and briefly explain Network Rail's proposals.

Level Crossing	Current Status	Proposed Status
S01 Sea Wall	Public footpath	Closed. Users diverted to adjacent bridge to northeast.
S02 Brantham High Bridge	Public footpath	Closed. Users diverted to adjacent A137 footbridge to the south via The Street.

Firstly, it may be helpful to set out the background against which the Order is brought forward.

Network Rail is responsible for the management and safe and efficient operation of the railway network. It operates under and is bound by the terms of its licence under the Railways Act 1993. It is regulated by the Office of Rail and Road (ORR).

In accordance with the terms of its licence and the strategic aims and policies of the ORR, Network Rail has a duty to ensure the safety of users of the railway and to promote improvements in railway services by cost effective and efficient management of the network. It is also legally responsible for safety on and around the railway, including at level crossings, not only for those using the railway, but members of the public who may otherwise come into contact with it. Network Rail is thus obliged to protect the public from the dangers of the railway so far as reasonably practical.

As is recognised by the ORR in its Level Crossings Policy, the removal of level crossings is the most effective way to achieve this objective, removing the interface between trains and highway users entirely.

ORR's strategy for health and safety regulation of level crossings makes clear that it will encourage crossing closure, and ensure that all risk assessments consider this first, in line with the principles of prevention.

In accordance with that objective, Network Rail has established a long term strategy of reducing level crossing risk (see Transforming Level Crossings 2015-2040). Closure of level crossings is the most effective way of removing the risk from the network. Reducing the number of level crossings will also remove constraints on the railway to enable enhancement of capacity and improvement of line speed (in association with other schemes) and to secure operation and maintenance of the network in a timely, efficient and economical manner in accordance with Network Rail's statutory duties and licence.

For further information about Network Rail's strategic aims please refer to Network Rail's Statement of Case, which can be found at:

<https://www.networkrail.co.uk/running-the-railway/our-routes/anglia/anglia-level-crossings/>.

Alternatively you can inspect a copy at one of the locations in the attached list.

Turning to the specific points in your letter.

You are concerned that "unless appropriate measures are taken (both now and ongoing) by Network Rail between P161 and P162, trees on the lower slope of the embankment will damage the proposed fence and encroach onto the footpath, with the result that users of the footpath will divert onto our retained agricultural land".

Network Rail will cut back the vegetation along the proposed route to erect the fencing and create the footpath.

Under the provisions in the proposed Order we will continue to maintain the footpath in the first year after it has been created.

The local highway authority, Suffolk County Council, will assume responsibility thereafter.

We note your intention to construct a new farm road between points P162 and Work No. 6, and a suggestion to combine your works with the footbridge works to save

costs and to ensure "a more integrated outcome at this point". Network Rail regards this as a sensible approach and would be happy to discuss the possibility with you. Please provide us with the details of your works and let us know how advanced your proposals are.

Regarding S02 Brantham High Bridge level crossing, as you say, it was initially intended to extinguish the footpath adjacent to Victoria Cottage between points P147A/P155A through to P153. However, in consultation with Suffolk Highways, they requested for the section of footpath between P145/P154 and P153 to remain in order to retain access to the woodland area.

In so far as Network Rail's proposals may affect the value of your property, you may be entitled to compensation in line with the compensation code. The UK Government has issued guidance on compulsory purchase, which is available from Government publications on the following link: [article 20 rights (<https://www.gov.uk/government/publications/compulsory-purchase-and-compensation-booklet-1-procedure>)].

Where powers are required for temporary use of land, article 22 of the Order provides that Network Rail must pay compensation to the owner and occupiers of land of which temporary is taken under this article for any loss or damage arising from the exercise of these powers. Network Rail must also restore the land to the reasonable satisfaction of the owners of the land.

We hope that our response had provided sufficient clarity on each of the points made in your objection, and has addressed your concerns about this level crossing. If so we would be grateful if you would kindly let the Department for Transport know by withdrawing your objection. We look forward to learning your position.

Meanwhile, if you require further information please do not hesitate to contact me on the address above or by email to [ALCross@networkrail.co.uk](mailto:ALCross@networkrail.co.uk), quoting the reference number provided.

Yours sincerely



Bridgit Choo-Bennett

Anglia Level Crossing Reduction Team  
Network Rail

Encl: Suffolk deposit locations







Messrs Birketts LLP  
FAO Ms Carol Ramsden

Network Rail  
James Forbes House  
27 Great Suffolk St  
London  
SE1 0NS

12 January 2018

**Ref: Obj/60/SUFF/R001**

Dear Ms Ramsden

**The Network Rail (Suffolk Level Crossing Reduction) Order  
Level crossing S03 Buxton Wood  
Parish of Bentley plots 15, 16 and 17  
Your client: Mr. David Caldwell**

The Department for Transport has passed to us your letter of objection to the proposed Order dated 4 May 2017 on behalf of your client, Mr David Caldwell, which has been allocated the reference OBJ/60. We have also received your client's Statement of Case.

Our response follows on from the recent site meeting held with Network Rail's consultants, Bruton Knowles and Mott Macdonald on 21 December 2017. We are grateful to have had the opportunity to meet and discuss the issues on site, which enabled us to reconsider our proposals following the on-site inspection and in view of the discussion with Mr Caldwell and his advisors at the meeting. We are also grateful for the additional information about the dredging machinery used by Mr Caldwell for the purpose of dredging under permit from the Environment Agency which we received yesterday.

We note that your client does not object to the closure of the crossing, but to the creation of a new public right of way on foot on his land. The current and proposed status of the level crossing referred to in the objection is set out below.

Level Crossing	Current Status	Proposed Status
S03 Buxton Wood	Public footpath	Closed. Users diverted via new footpath to alternative footpath level crossing to the north.

Turning to the specific points made in the objection letter.

### *Consultation*

Before the application of the Order, Network Rail employed various methods of notification which were intended to bring Network Rail's proposals to the attention of as many people as possible who might be affected by them. This comprised the circulation of consultation flyers to properties in the vicinity of level crossings, public consultation events and publicity in the local press and Network Rail's website. Network Rail also sought to notify people of our public consultation events by posting notices at all the affected level crossings, stating the dates of the public consultations, and pointing interested parties to our website. The notices were placed in areas around each level crossing so that the public could see them, such as footpath junctions and stiles.

Your client's land is unregistered and therefore he was not included in the first round of landowner consultation. Nevertheless, he may have become aware of the proposals through other methods mentioned above, as he participated in round 2 consultation and provided feedback by submitting a questionnaire with an accompanying email (via his agent Mr Baker at Clarke and Simpson). The feedback in this submission was considered and taken into account in Network Rail's options appraisal process. Our agent, Bruton Knowles, spoke with Sarah Caldwell on 19 December 2016, who called on behalf of Mr Caldwell and made further enquiries about the process. Your client was served notice of the application in accordance with rule 15 of The Transport and Works (Applications and Objections Procedure) (England and Wales) Rules 2006.

Network Rail considered all feedback received during the two rounds of consultation before the final decision on the diversionary route was made. The Statement of Consultation submitted with the application documents sets out the extent of the consultation undertaken, including affected landowners. Your client's comments from the consultation and responses from the project team are noted on pages 94 and 95 of the Statement of Consultation.

As stated above, further consideration of Network Rail's current proposals and those put forward by your client was given following the meeting on 21 December. Following detailed discussions with Network Rail's engineers and its other consultants, Network Rail has decided to proceed with its proposals as submitted with the draft Order. We set out our reasons below.

### **Objection 1**

Your client alleges that the drainage issues, which Network Rail stated as the reason for not proceeding with the Green Route (round 1 consultation), are the result of Network Rail's failure to maintain proper drainage of its land and that "if Network Rail was fulfilling its obligations the Green Route would be practical as would a route that replicated Network Rail's current proposal in respect of S04".

We note from the site meeting on December 2017 that your client's preferred route would be for the proposed footpath to run alongside the railway on Network Rail's land and you cite an example of where this is proposed at another location (S04 level crossing). However, at crossing S03, the railway is on an embankment and Network Rail's operational land is demarcated by a fence on the slope of the embankment. Therefore there is no space to create a footpath on Network Rail's land except by cutting into the embankment. As it is not possible to cut into an embankment without undermining its stability unless expensive retaining walls are provided, Network Rail does not consider your client's proposal practicable in this case.

The 'Green Route' on your client's land adjacent to the railway was not considered to be a suitable option because of ponding of water on your client's land at the foot of the railway embankment. This would make it unsuitable for use by the public. We are aware of the current correspondence between yourselves on behalf of your client and Network Rail's solicitors who are instructed on that matter, in relation to your client's allegations. Network Rail is refuting your client's claim and this matter has not been determined.

## **Objection 2**

You state that your client has a permit from the Environment Agency to dredge and keep the stream clear of silt/debris and maintain the watercourse and the area surrounding the proposed new footpath (route 2). You have also confirmed that dredging is normally carried out every 20 years or so and the required plant would be a 22 ton machine with a 9 metre boom. This machine would have a jaw on it to clear the overhanging trees/brush as well as dredge the stream without impacting the proposed footpath.

At the 21 December 2017 meeting, an option was discussed to set the new proposed footpath further back from the ditch e.g. in a 5 meter wide strip. However on further consideration of the frequency of dredging activities, it is Network Rail's view that the impact on your client's land would be less by not widening the strip of land to be used for the proposed footpath. Instead, when required, your client could apply to the local Highway Authority to temporarily stop up the public footpath to carry out dredging activities.

## **Objection 3**

### *Electricity pylon in field adjacent to proposed new footpath*

Network Rail has noted that the proposed route may affect the ability of your client to farm a small area between the electricity pylon and the watercourse.

Insofar as Network Rail's proposals may affect the value of your client's property, your client may be entitled to compensation in line with the compensation code. The Government has issued guidance on compulsory purchase, which is available from Government publications on the following link (<https://www.gov.uk/government/publications/compulsory-purchase-and-compensation-booklet-1-procedure>).

## **Objection 4**

### *Impact on flora and fauna*

A desktop study for proposed works at S03 did identify Buxton wood and water meadows (a County Wildlife Site) adjacent to the new route. The water meadow is an extensive area of grassland that lies adjacent to Buxton Wood, an ancient woodland. A field survey of the route was undertaken by ecologists on 10 January 2017 to assess the potential impacts of the proposed route on habitats and species. The proposed route runs along an arable field margin adjacent to the water meadows. No vegetation removal is required within the water meadow and no resurfacing works are required. The vegetation removal along the proposed route alignment will be minimal and will not impact the water meadow or the adjacent ancient woodland, nor will it disturb the environment as your client states.

Any impact resulting from the creation and operation of the new route is unlikely to be significant compared to the existing arable farming activities and existing footpaths.

## **Objection 5**

### *Diversion less convenient to public, additional 220m*

Under s5(6) of the Transport and Works Act 1992, Network Rail cannot extinguish any public right of way over land unless the Secretary of State is satisfied that an alternative right of way has been or will be provided or that the provision of an alternative right of way is not required. In considering the provision of an alternative right of way, the Secretary of State takes into account whether the alternative right of way is a convenient and suitable replacement for existing users.

The impact of the proposed diversion will be dependent upon users' points of origin and destination. In the case of the proposed diversion route for S03, those users approaching from or heading to the east will see their route reduced by approximately 300m. As an indication, this equates to 4.5 minutes using an average walking speed of 1.115m/s (or 2.5 miles per hour) which is provided in guidance issued by the Ramblers (source: <http://www.ramblers.org.uk/advice/navigation/calculating-walking-pace.aspx>).

Conversely those approaching from or heading to the west will have their route increased by approximately 340m (approx. 5 mins walk).

The difference between the Round 1 'green route' and the proposed route under the Order is 220m, or just over 3 minutes walking. This difference is considered not to be significant in the context of a leisure walk and unlikely to affect the behaviour or route choice of users. Walkers are used to following field edges when using public footpaths, even where this means small increases in their route.

### *Shooting activities*

You say in your Statement of Case that you conduct shooting activities on your land. However, we were unable to locate planning permission that would allow you to do so. If you wish to change the usage of your land in the future, you may apply to Suffolk County Council to divert the public footpath.

We hope that our response has provided sufficient clarity on each of the points made in your objection and explained Network Rail's position regarding its proposals.

Having considered all the factors following the on-site meeting, Network Rail is of the view that its proposals provide a suitable and convenient alternative diversionary route as required under the Transport and Works Act.

Meanwhile, if you require further information please do not hesitate to contact me on the address above or by email to [ALCross@networkrail.co.uk](mailto:ALCross@networkrail.co.uk) , quoting the reference number provided.

Yours sincerely



Bridgit Choo-Bennett

Anglia Level Crossing Reduction Team  
Network Rail







### East Anglia Level Crossing Closure Project

NAME (Stakeholder /Other)	David Caldwell Objection 60 (Suffolk)	Date of Contact/Meeting	21/12/17
		Time of Contact/Meeting	9.30am till 11.30am
Location/Address of Meeting		Type of Contact:	Meeting
Level Crossing	S03 Buxton Wood	Property Address:	Rookery Farm/ S03 Buxton Wood
NR/BK/Alliance Project Contact:	Bridget Choo-Bennett/Patrick Hackett	Telephone No:	
Land Interest:	Owner/Occupier <u>Owner</u> Occupier Other		
Agent:	Carol Ramsden (Birketts) James Baker (Clarke and Simpson)		
Details of Contact and discussions with Stakeholder			
<p>Meeting Attendees;</p> <p>David Caldwell (DC) Sarah Caldwell (SC) Carol Ramsden (CR) James Baker (JB)</p> <p>Ob behalf of NR;</p> <p>Stephen Price (SP - Mott Macdonald) Patrick Hackett (PH - Bruton Knowles)</p>			
<p>The above attendees met at Rookery Farm and walked the route of the proposed new PROW on Mr Caldwell's land east of S03 Buxton Wood Crossing and also the route of the round 2 consultation (green route), which is the preferred alternative stated in the Caldwells Statement of Case.</p> <p>It was noted that there had been a previous meeting with Will Jackson/Bruton Knowles, but it was felt this had not been helpful as nothing was heard back. PH advised that the comments from this meeting would have been passed back to NR and he would send the notes to CR for her records.</p> <p>it was noted by CR that the consultation had been poor from the start and that although the land was unregistered, this should not be an excuse for lack of consultation.</p>			



It was noted by Mr Caldwell's agents that a minimum of 1.5m wide footpaths have been provided in other instances on NR lineside areas.

The objectors preferred route is for the PROW to run alongside the railway on NR land and once the ballast is removed from the trackside there would be ample room for a PROW. Failing that their second option is to cover the original 'green route' with mitigation put in place to deal with the problem of the boggy area. SP noted that Network Rail would have to confirm the suitability of the lineside route and that this would be a matter for NR to decide if they wished to progress.

PH noted that the field around which the PROW runs was arable land, currently being used for winter barley and was advised by Mr Caldwell that the land was farmed and tenanted by a local farmer.

It was noted by SC and CR that the PROW route on Island crossing to the North of SO3 had been altered in later design freeze plans and the assumption was that this was to accommodate the landowner affected by this closure (ie the suggestion was that if the plans could be altered to accommodate this landowner why couldn't they be altered in this instance).

Mr Caldwell advised that the boggy patch of land adjacent to the railway line on his land became boggy after works were carried by NR in 1984 to remove a section of railway. He believes that the displacement of a large amount of ballast and the works involved damaged the drainage system under the field. We observed a section of drain in an inspection chamber (photo 3) and he advised that he had rodded this section of drain and determined there was a blockage approximately 5 metres along the drain. He advised that the point where the blockage is where the water is backing up – the backed up water is going into his field and causing the boggy patch. The boggy area is approximately 27m in length but it was also noted that Mr Caldwell is unable to farm right up to the NR fenceline at the embankment in some other areas due to the encroachment of unsuitable land from the NR side of the fence.

The requirement for dredging the stream running parallel to the proposed PROW was raised. SC advised that this was a requirement of the EA and normally took place every 20 years or so, but it was difficult to determine when it would next be required due to factors such as rainfall etc – JB advised that the last dredging took place around 10 years ago. CR advised they could send details of the EA requirements for dredging or PH would be able to look them up. Information has been supplied as part of the Objection.

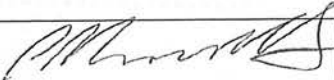
SP requested that details of the plant used for dredging be forwarded by Mr Caldwell to PH and that correspondence was sent to Bruton Knowles to maintain a single point of contact (BK can forward information to NR etc, if required).

SP suggested that the dredging could possibly be accommodated by NR purchasing a larger strip of land, to allow the dredging machinery to run alongside the ditch with the PROW set further back from the ditch – this could require around a 5m strip of land to be purchased but would be dependent on the details of the dredging plant.

It was pointed out by SC/CR that if a 5m strip of land was purchased, then the dredging strip would probably also be used as a PROW by the public.

It was noted by PH and SP that the stream running along the bottom of the field could be dredged and accessed by dredging machinery, however the stream running north along the east side of the field was not very easily accessible due to vegetation and the distance between the edge of the field and the stream being quite wide in places. This would appear to make dredging operations difficult.

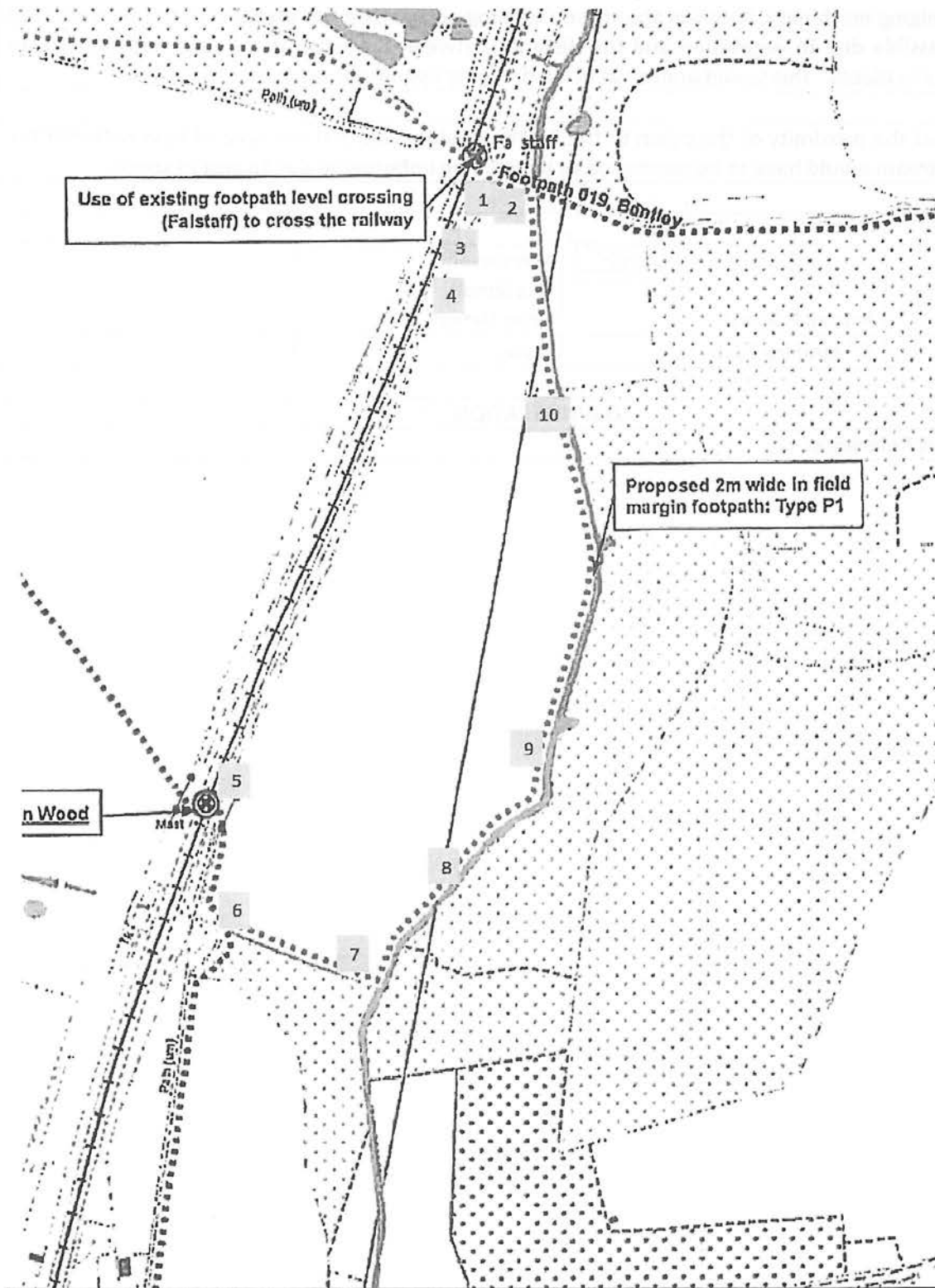
It was noted that the proximity of the pylon to the PROW would mean that the area of land between the pylon and the stream would have to be purchased as it would be unfarmable due to lack of space.

Signed:		Witnessed: (Optional)	
Print Name:	Patrick Hackett	Print Name:	
Date:	5 <sup>th</sup> January 2018	Date:	

#### ADMINISTRATION

Document Reference:		
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**Fig 1 – Approximate Location of Site Photos**





Orwell Settlement Trustees  
c/o Ben Crossman  
Estates Manager  
Orwell Park Estates

Network Rail  
James Forbes House  
27 Great Suffolk St  
London  
SE1 0NS

19 December 2017

**Ref: Obj/25/SUFF/R001**

Dear Mr. Crossman

**The Network Rail (Suffolk Level Crossing Reduction) Order  
Level crossing S12 Gooderhams and S13 Fords Green  
Parish of Bacton Freeholder for plots 6, 7, 8, 11 and 12  
Representing Orwell Settlement Trustees**

The Department for Transport has passed to us your letter of objection to the proposed Order dated 4 May 2017, which has been allocated the reference OBJ/25. We have also received your Statement of Case dated 12 July 2017.

We note your concerns and, in the following paragraphs, we respond to each point you raise. First, we set out the current and proposed status of the level crossing referred to in your objection and briefly explain Network Rail's proposals.

Level Crossing	Current Status	Proposed Status
S12 Gooderhams	Private rights and public footpath	Public footpath closed. Users diverted to alternative Cow Creek level crossing to the north.
S13 Fords Green	Public footpath	Closed. Users diverted to alternative Cow Creek level crossing to the south.
S69 Bacton	Public footpath	Closed. Users diverted to adjacent Pound Hill underbridge to the north.

It may be helpful to set out the strategic context and background against which the Order is brought forward.

Network Rail is responsible for the management and safe and efficient operation of the railway network. It operates under and is bound by the terms of its licence under the Railways Act 1993. It is regulated by the Office of Rail and Road (ORR).

In accordance with the terms of its licence and the strategic aims and policies of the ORR, Network Rail has a duty to ensure the safety of users of the railway and to promote improvements in railway services by cost effective and efficient management of the network. It is also legally responsible for safety on and around the railway, including at level crossings, not only for those using the railway, but members of the public who may otherwise come into contact with it. Network Rail is thus obliged to protect the public from the dangers of the railway so far as reasonably practicable.

As is recognised by the ORR in its Level Crossings Policy, the removal of level crossings is the most effective way to achieve this objective, removing the interface between trains and highway users entirely.

ORR's strategy for health and safety regulation of level crossings makes clear that it will encourage crossing closure, and ensure that all risk assessments consider this first, in line with the principles of prevention.

In accordance with that objective, Network Rail has established a long term strategy of reducing level crossing risk (see *Transforming Level Crossings 2015-2040*). Closure of level crossings is the most effective way of removing the risk from the network. Reducing the number of level crossings will also remove constraints on the railway to enable enhancement of capacity and improvement of line speed (in association with other schemes) and to secure operation and maintenance of the network in a timely, efficient and economical manner in accordance with Network Rail's statutory duties and licence.

For further information about Network Rail's strategic aims please refer to Network Rail's Statement of Case. The Statement can be found at:

<https://www.networkrail.co.uk/running-the-railway/our-routes/anglia/anglia-level-crossings/>.

Alternatively you can inspect a copy at one of the locations in the attached list.

Turning to the specific points you raise.

We note that Orwell Park Estate own land straddling the railway and can only cross at a number of points and vital that they remain in use. Negotiations have been undertaken with Network Rail over the last 12 months and some concerns have been allayed as you say.

Your concerns are two-fold:

Firstly, you say that "the proposed new footway under the railway bridge at Pound Hill, Bacton (Sheet 20, Parcel 38) will significantly reduce the useable width for vehicles under the bridge. If the proposed footway restricts farm movement due to width, this will create long diversions of very large and slow moving farm machinery through neighbouring villages". You say that this is a safety issue and a cost issue



for the tenant (Mr Baker). You suggest that this should be removed from the proposed Order or an increase in permissible width of machinery should be included in the Order at crossing S12 (Gooderhams) to mitigate this risk.

We explain our proposals at each crossing below.

### **S69 Bacton**

This public footpath only crossing is proposed to be extinguished. Crossing infrastructure will be removed and fencing installed to prevent trespass onto the railway.

Users would be diverted north to the existing underbridge on Pound Hill. Users would get to Pound Hill underbridge via Broad Road to the east of the railway (verge walking) and Birch Avenue (existing footway) to the west of the railway.

On the west side of the railway, users would be able to connect to the existing public rights of way network via the existing footpath 014 Bacton. At the northern end of footpath 014 looking east, a new 2m wide public footpath and a proposed timber footbridge at Pulhams Lane would be constructed over an existing ditch. This is envisaged to be 5m in span.

The proposals are not envisaged to significantly reduce the track width and it is not the intention of the proposals to affect farm operations.

To maintain public rights of way connectivity to the east of the railway, a new 2m wide public footpath to be created along the east side of the railway to the point of S13 Fords Green where users could connect with existing footpaths heading east.

To provide some additional safety reassurance for pedestrians, both those who would normally use the road and those diverted from the footpath network, Network Rail has proposed tarmac footway on the south side of Pound Hill road at the approach to the road bridge to allow off road space for pedestrians to take note of on-coming vehicles.

However, the proposals do not involve construction of a footway under the road bridge as part of the level crossing closure works and therefore there will no restriction of movement of farm machinery, which you are concerned about.

### **S12 Gooderham**

This crossing is proposed to be closed to public users only. The public footpath infrastructure would be removed. Public footpath users would be diverted to Cow Creek level crossing to the north of S12 with use of the existing public rights of way and highway network. To the west of the railway, users would make use of public footpath 018 Bacton. To the east of the railway, users would use existing Kerry's Farm Lane and the B1113.

Public footpath 019 Bacton will be extinguished to prevent a dead-end path being formed up to the railway.

We note that the Trustees own plot 6 which can be found on sheet 18 of the Order plan. If the Order is made this plot is required temporarily to enable Network Rail to remove the current footpath structure at S12. Works at the crossing would require the removal of stile and fingerposts which should take a day to complete. This will be of minimal impact on you. Our Level Crossing Reduction team will contact you and also liaise with the Trustees' tenant, Mr Baker, directly in advance of the works so that that a suitable working arrangement can be reached.

You will note that the private rights over S12 will be retained.

Under the Order Network Rail is also seeking to acquire rights over Plot 6 for the purpose of inspecting, maintaining and renewing the remaining private level crossing from time to time. We note that you accept that Network Rail "probably have such rights by long use". Network Rail is seeking to formalise its rights of access and we do not accept that the rights sought are beyond the scope of the order, as you suggest. So far as reasonably practicable and excepting any emergency access if required, Network Rail would be happy to liaise with you regarding the exercise of its rights over Plot 6.

### **S13 Fords Green**

This public footpath only crossing is proposed to be extinguished. Crossing infrastructure will be removed and fencing installed to prevent trespass onto the railway. As with S12, users who currently enjoy walks across S13 will be diverted to Cow Creek level crossing to the south.

A new 2m wide public footpath on the west side of the railway will be created in field margins to connect footpath 022 Bacton and 018 Bacton. The new footpath would be constructed to an appropriate standard required by Suffolk Highways with new wayfinding signs.

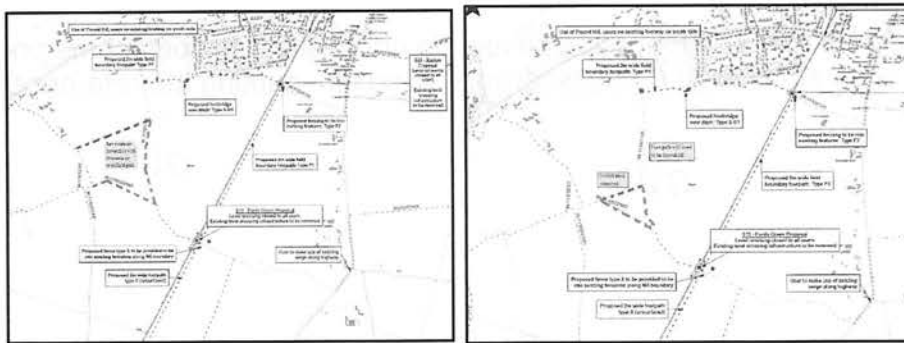
We note that the Trustees are the owners of plots 8, 11 and 12 which can be found on sheet 19 of the Order plan. Plots 11 and 12 are required as laydown area for the duration to construct the 2m wide public footpath mentioned in the paragraph above. Plot 8 would be required to access plots 11 and 12 and also provision for continued maintenance at Cow Creek level crossing.

Under article 22 (*Temporary use of land for construction works*) of the Order Network Rail must pay compensation to the owners and occupiers of land of which temporary possession is taken under this article for any loss or damage arising from the exercise in relation to the land of the powers conferred under this article.

In the second paragraph of your letter you say the proposed footpaths over the Trustees' land had been discussed, however, the draft order had reverted to



previous design. We take this to mean your proposed changes to footpath 023 and footpath 014 on the west of the railway in your drawings below.



Network Rail's purpose in this Order is to provide suitable and convenient alternatives for current users who cross the railway on the level.

Under s5(6) of the Transport and Works Act 1992 a public right of way cannot be extinguished unless the Secretary of State is satisfied that an alternative right of way has been or will be provided or that the provision of an alternative way is not required. If an alternative is to be provided the Secretary of State would wish to be satisfied that it will be a convenient and suitable replacement for existing users. Network Rail considers that the alternative diversion route is suitable and convenient for users and provides connectivity to the existing footpath network.

The new footpath will be completed to the satisfaction of the highway authority.

The public rights of way network is the responsibility of the local highway authority. It is not possible to use the Order for the purpose of rationalisation of the rights of way network as a whole. Applications can be made to Suffolk Highways to extinguish footpaths that are not required. Please refer to the following for guidance: <https://www.suffolk.gov.uk/roads-and-transport/public-rights-of-way-in-suffolk/>

The Order provides for compensation to be paid to owners for loss or damage as a result of the Order. Article 16 of the Order incorporates the provisions of s28 of the Highway Act 1981 for compensation for loss as if the new public right of way was created by a public path creation order. In case of a dispute as to the amount of compensation the matter is referred to the Upper Tribunal. Network Rail will be responsible for the maintenance of the new public right of way for the period of 12 months from its completion and afterwards it will be maintained by the highway authority.

In so far as Network Rail's proposals may affect the value of the Trustees' property, they may be entitled to compensation in line with the compensation code. The UK Government has issued guidance on compulsory purchase, which is available from Government publications on the following link (<https://www.gov.uk/government/publications/compulsory-purchase-and-compensation-booklet-1-procedure>).

We hope that our response had provided sufficient clarity on each of the points made

in your objection, and has addressed your concerns about this level crossing. If so we would be grateful if you would kindly let the Department for Transport know by withdrawing your objection. We look forward to learning your position.

Meanwhile, if you require further information please do not hesitate to contact me on the address above or by email to [ALCross@networkrail.co.uk](mailto:ALCross@networkrail.co.uk) , quoting the reference number provided.

Yours sincerely



Bridgit Choo-Bennett

Anglia Level Crossing Reduction Team  
Network Rail

Encl: List of Deposit Locations

8.4.4.1

8.13.6.1

**NetworkRail**

Messrs. Baker

Network Rail  
James Forbes House  
27 Great Suffolk St  
London  
SE1 0NS

19 December 2017

Ref: Obj/26/SUFF/R001

Dear Mr Baker

**The Network Rail (Suffolk Level Crossing Reduction) Order**  
**Level crossing: S12 Gooderhams, S13 Fords Green and S69 Bacton**  
**Sheet 18 of the Order plan – plots 6 (tenant) and 7 (in respect of rights);**  
**Sheet 18/19 of the Order plan – plot 8 (leaseholder and occupier);**  
**Sheet 19 of the Order plan – plots 11 and 12 (leaseholder and occupier)**

The Department for Transport has passed us your letter of objection to the proposed Order dated 4 May 2017, which has been allocated the reference OBJ/26. We have received your Statement of Case dated 10 July 2017.

We note your concerns and, in the following paragraphs, we respond to each point you raise. First, we set out the current and proposed status of the level crossing referred to in your objection and briefly explain Network Rail's proposals.

Level Crossing	Current Status	Proposed Status
S12 Gooderhams	Private rights and public footpath	Public footpath closed. Users diverted to alternative Cow Creek level crossing to the north.
S13 Fords Green	Public footpath	Closed. Users diverted to alternative Cow Creek level crossing to the south.
S69 Bacton	Public footpath	Closed. Users diverted to adjacent Pound Hill underbridge to the north.

It may be helpful to set out the strategic context and background against which the Order is brought forward.

Network Rail is responsible for the management and safe and efficient operation of the railway network. It operates under and is bound by the terms of its licence under the Railways Act 1993. It is regulated by the Office of Rail and Road (ORR).

In accordance with the terms of its licence and the strategic aims and policies of the ORR, Network Rail has a duty to ensure the safety of users of the railway and to promote improvements in railway services by cost effective and efficient management of the network. It is also legally responsible for safety on and around the railway, including at level crossings, not only for those using the railway, but members of the public who may otherwise come into contact with it. Network Rail is thus obliged to protect the public from the dangers of the railway so far as reasonably practicable.

As is recognised by the ORR in its Level Crossings Policy, the removal of level crossings is the most effective way to achieve this objective, removing the interface between trains and highway users entirely.

ORR's strategy for health and safety regulation of level crossings makes clear that it will encourage crossing closure, and ensure that all risk assessments consider this first, in line with the principles of prevention.

In accordance with that objective, Network Rail has established a long term strategy of reducing level crossing risk (see *Transforming Level Crossings 2015-2040*). Closure of level crossings is the most effective way of removing the risk from the network. Reducing the number of level crossings will also remove constraints on the railway to enable enhancement of capacity and improvement of line speed (in association with other schemes) and to secure operation and maintenance of the network in a timely, efficient and economical manner in accordance with Network Rail's statutory duties and licence.

For further information about Network Rail's strategic aims please refer to Network Rail's Statement of Case. The Statement can be found at:

<https://www.networkrail.co.uk/running-the-railway/our-routes/anglia/anglia-level-crossings/>.

Alternatively you can inspect a copy at one of the locations in the attached list.

Network Rail has been in discussion with Ben Crossman who represents the freehold owner Orwell Settlement Trustees. Our Engineer, Andrew Kenning also recalls speaking with both you and Mr Crossman at a public consultation event.

We have set out the current and proposed status of the level crossings in the above table. It may also be helpful to clarify in detail of our proposals for each crossing to allay some of the concerns you have raised.

## **S12 Gooderhams**

This crossing is proposed to be closed to public users only. The public footpath infrastructure would be removed. Public footpath users would be diverted to Cow Creek level crossing to the north of S12 with use of the existing public rights of way

and highway network. To the west of the railway, users would make use of public footpath 18 Bacton. To the east of the railway, users would use existing Kerry's Farm Lane and the B1113.

Public footpath 19 Bacton will be extinguished to prevent a dead-end path being formed up to the railway. We feel that this extinguishment will benefit your operations.

We note you are the tenant of plot 6 which can be found in sheet 18 of the Order plans. If the Order is made, this plot is required temporarily to enable Network Rail to remove the current footpath structure at S12. Works at the crossing require the removal of the stiles and fingerposts which should take a day to complete. This will be of minimal impact to you. Our Level Crossing Reduction team will liaise with you directly in advance of the works so that a suitable working arrangement can be reached.

Plot 6 is also required for Network Rail to inspect, maintain and renew the remaining private level crossing from time to time. So far as reasonably practicable and excepting any emergency access if required, Network Rail would be happy to liaise with you regarding the exercise of its rights over Plot 6.

In so far as Network Rail's proposals may affect the value of your property, you may be entitled to compensation in line with the compensation code. The UK Government has issued guidance on compulsory purchase, which is available from Government publications on the following link (<https://www.gov.uk/government/publications/compulsory-purchase-and-compensation-booklet-1-procedure>).

You will note the private rights over S12 will be retained, so you will continue to be able to use it.

### **S13 Fords Green**

This public footpath crossing is proposed to be extinguished. Crossing infrastructure will be removed and fencing installed to prevent trespass onto the railway. As with S12, users who currently enjoy walks across S13 will be diverted to Cow Creek level crossing to the south.

A new 2m wide public footpath on the west side of the railway will be created in field margins to connect footpath 22 Bacton and 18 Bacton. The new footpath would be constructed to an appropriate standard required by Suffolk Highways with new wayfinding signs.

We note you are the leaseholder and occupier of plots 8, 11 and 12 which can be found in sheet 19 of the Order plan. Plots 11 and 12 are required as laydown area for the duration to construct the 2m wide public footpath as mentioned. Plot 8 would be required to access plots 11 and 12 and conduct maintenance on Cow Creek level crossing.



Under article 22 (*Temporary use of land for construction works*) of the Order, Network Rail must pay compensation to the owners and occupiers of land of which temporary possession is taken under this article for any loss or damage arising from the exercise in relation to the land of the powers conferred under these articles.

### **S69 Bacton**

This public footpath crossing is proposed to be extinguished. Crossing infrastructure will be removed and fencing installed to prevent trespass onto the railway.

Users would be diverted north to the existing underbridge on Pound Hill. Users would get to Pound Hill underbridge via Broad Road to the east of the railway (verge walking) and Birch Avenue (existing footway) to the west of the railway.

On the west side of the railway, users would be able to connect to the existing public rights of way network via the existing footpath 14 Bacton. At the northern end of footpath 14 looking east, a new 2m wide public footpath and a proposed timber footbridge at Pulhams Lane would be constructed over an existing ditch. This is envisaged to be 5m in span and will not affect the ability of vehicles to use Pulhams Lane to its current width.

The Design Guide, which can be found at Tab NR12 of the application documents sets out, on pp. 32–33, the proposed changes to Pound Hill underbridge. Hopefully you will note that we are not proposing to narrow the carriageway at any point. We are looking to clear the vegetation under the bridge and replace with a rural carriageway if needed, and to convert 10m of verges on either side of the bridge into footways. There will be no pedestrian pop-outs or other measures that are anticipated to affect usage of Pound Hill by vehicles.

To maintain public rights of way connectivity to the east of the railway, a new 2m wide public footpath to be created along the east side of the railway to the point of S13 Fords Green where users could connect with existing footpaths heading east.

There is no obligation on Network Rail to expand the capacity of accommodation works to enable passage with larger vehicles than were envisaged when the railway first opened.

You state that “the diversion for this closure will divert more people via Bacton footpath 14 across our forage and grazing land”. You question why this is necessary “when there is a metalled path that runs parallel 125m to the north of the proposed new route. We do not believe that the closure of S69 *per se* will divert significant additional users onto footpath 14, as we do not believe that users of S69 are presently walking south along Broad Road with any great regularity. The new link to footpath 14 provides convenient communication with the existing footpath network, allowing users to avoid road walking.

The new footpath will be completed to the satisfaction of Suffolk Highways. Article 16 of the Order incorporates the provisions of s.28 Highways Act 1980 for compensation for loss as if the new public right of way was created by a public path creation order. In case of dispute as to the amount of compensation the matter is referred to the Upper Tribunal (Lands Chamber). Network Rail will be responsible for the maintenance of the new public right of way for the period of 12 months from its completion and afterwards it will be maintained by the highway authority.

We note your concerns with dog fouling if users were diverted to Cow Creek. Census data recorded over 9 days in June 2016 shows 8 users at S12 and 6 users at S13. This suggests a total of 14 users would be diverted to Cow Creek crossing. As the census data show they are infrequently used by a small number of people and for these reasons we feel that they should not be a great imposition on your farm or local residents.

If you are still concerned, we are happy to discuss with you if any further mitigations at this location might be suitable. It may also be helpful to note The Suffolk Landowner Guidance if such nuisance does occur:  
<http://www.suffolkpublicrightsofway.org.uk/assets/On-line-forms-and-guidance/Landowner-guidance-revised-27-02-17-AJM.pdf/>

### **Consultation**

Regarding your concerns with the consultation drawings, you will note that version 4 drawings were used for internal discussions and had not been issued to the public. You will also note the difference between the current proposed route (version 5) and the round 2 consultation plans (version 3) is the location of the path at P070-P073 which can be found in sheet 21 of the Transport Works Act Order plan. We regard this option to be beneficial to you as we have kept our proposed footpath to field edge margin between your field and the allotments to the north

The link P070-P073 is to reduce road walking and the use of the private track adjacent to Pretymen Avenue was rejected due to landowner objections and to provide a slightly shorter and more convenient diversion than using the private track.

You state that you would welcome the "rationalisation of the public rights of way in the vicinity of the proposed crossing closures as part of the Order". Network Rail's purpose in this Order is to provide suitable and convenient alternatives for current users who cross the railway on the level. The public rights of way network is the responsibility of the local highway authority. It is not possible to use the Order for the purpose of rationalisation of the rights of way network as a whole. Applications can be made to Suffolk Highways to extinguish footpaths that are not required.

In summary, and in response to your statements which you say you would welcome the consideration of to remove your objection;



- The proposed footpaths have been subject to lengthy consultation with Suffolk Highways. Network Rail does not have the powers to 'rationalise' the existing Public Rights of Way network under the Order.
- The works proposed at S12 would provide some benefit to you as we are removing public access through the crossing. Our census notes there is very little footfall at S12 and S13 currently (census count at 12 users in total). We believe, by diverting the users to Cow Creek it is recognized that although this is a change to the current footpath network, it is anticipated that the impacts would not significantly impinge on the nature of your farming operation.
- At S69, Network Rail is merely using the existing route as would the residents in the area. Providing additional footways on either side of the Pound Hill road bridge would add benefit to both the public rights of way network and also residents.
- Regrettably, raising the height of the User Worked Level crossings is not part of the proposed Order and cannot be treated as such.
- Network Rail is not involved in the weight impositions on certain routes which we note you are concerned about. We believe this is an issue to raise with Suffolk Highways directly, they can be contacted at <http://highwaysreporting.suffolk.gov.uk>.

We note the comments in your Statement of Case relating to development proposals in the area. Network Rail are aware of the development proposals in the area, however our proposals are not part of, associated with or affected by the works that have been conditioned by the relevant Planning Authorities as part of the approvals for these developments. Such conditions would have been considered on the merits and requirements specifically relating to the impacts of the development proposals.

You state that you wish to review other parties' statements of case, particularly the highway authority's. The statements can be viewed on the inquiry website: <http://suffolk-level-crossings.persona-pi.com/statements-of-case>.

At para 3(d) of your Statement of Case "Clarification", you state that a parcel which is shown edged red on the plan attached to the Statement of Case, and which you state is "near and on diversion route for S69 and S13", should be regarded 'as grazed grass' by the Inspector and stakeholders, as it will be reverted to grass in accordance with the terms of your tenancy. We have explained the applicable compensation provisions in the Order above.

We hope that our response had provided sufficient clarity on each of the points made in your objection, and has addressed your concerns about this level crossing. If so we would be grateful if you would kindly let the Department for Transport know by withdrawing your objection. We look forward to learning your position.

Meanwhile, if you require further information please do not hesitate to contact me on

the address above or by email to [ALCross@networkrail.co.uk](mailto:ALCross@networkrail.co.uk) , quoting the reference number provided.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Bridgit Choo-Bennett', with a stylized, cursive script.

Bridgit Choo-Bennett

Anglia Level Crossing Reduction Team  
Network Rail





John Finbow  
Finbows Bacton 1991 Ltd

Network Rail  
James Forbes House  
27 Great Suffolk St  
London  
SE1 0NS

19 December 2017

**Ref: Obj/22/SUFF/R001**

Dear Mr Finbow

**The Network Rail (Suffolk Level Crossing Reduction) Order  
Level crossing S13 Fords Green  
Parish of Bacton plots 10, 14, 15 and 16  
Freeholder: Finbows Bacton 1991 Ltd.**

The Department for Transport has passed to us your letter of objection to the proposed Order dated 28 April 2017, which has been allocated the reference OBJ/22.

We note your concerns and, in the following paragraphs, we respond to each point you raise. First, we set out the current and proposed status of the level crossing referred to in your objection and briefly explain Network Rail's proposals.

Level Crossing	Current Status	Proposed Status
S13 Fords Green	Public footpath	Closed. Users diverted to alternative Cow Creek level crossing to the south.

It may be helpful to set out the strategic context and background against which the Order is brought forward.

Network Rail is responsible for the management and safe and efficient operation of the railway network. It operates under and is bound by the terms of its licence under the Railways Act 1993. It is regulated by the Office of Rail and Road (ORR).

In accordance with the terms of its licence and the strategic aims and policies of the

ORR, Network Rail has a duty to ensure the safety of users of the railway and to promote improvements in railway services by cost effective and efficient management of the network. It is also legally responsible for safety on and around the railway, including at level crossings, not only for those using the railway, but members of the public who may otherwise come into contact with it. Network Rail is thus obliged to protect the public from the dangers of the railway so far as reasonably practicable.

As is recognised by the ORR in its Level Crossings Policy, the removal of level crossings is the most effective way to achieve this objective, removing the interface between trains and highway users entirely.

ORR's strategy for health and safety regulation of level crossings makes clear that it will encourage crossing closure, and ensure that all risk assessments consider this first, in line with the principles of prevention.

In accordance with that objective, Network Rail has established a long term strategy of reducing level crossing risk (see *Transforming Level Crossings 2015-2040*). Closure of level crossings is the most effective way of removing the risk from the network. Reducing the number of level crossings will also remove constraints on the railway to enable enhancement of capacity and improvement of line speed (in association with other schemes) and to secure operation and maintenance of the network in a timely, efficient and economical manner in accordance with Network Rail's statutory duties and licence.

For further information about Network Rail's strategic aims please refer to Network Rail's Statement of Case. The Statement can be found at:

<https://www.networkrail.co.uk/running-the-railway/our-routes/anglia/anglia-level-crossings/>.

Alternatively you can inspect a copy at one of the locations in the attached list.

In response to your specific points, we follow the headings in your letter.

### **Process/NR attitude**

Network Rail conducted extensive consultation on its proposals with landowners and other stakeholders, including Suffolk County Council who is the local highway authority.

You will note at the first round of public consultation we tabled a proposal for S13 Fords Green footpath to be diverted south on the eastern side of the railway to Cow Creek level crossing. In creating this diversion it was planned to remove the cross field path as you describe. We understand that you were amenable to this option. However, the proposal was subject to further discussions with Suffolk County Council who, as the authority responsible for the public rights of way network, proposed an alternative diversion route on the western side of the railway which addressed issues which were of concern to them, such as the provision of amenity to current users by retaining the existing cross field footpath, creation of a circular walk

on the western side of the railway to mitigate the level crossing closure impact on footpath users, and avoiding safety issues highlighted by the Road Safety Audit in relation to the unsuitability of the southern section of the B1113 which was considered to present a safety risk if used by pedestrians; the footpath proposal from S13 Fords Green to S69 Bacton was provided to mitigate this concern.

Our final proposals were based on careful considerations of a range of factors including consultation feedback and measures to provide a safe and suitable diversion route for users.

During consultation Network Rail and the design team were asked to consider whether an abandoned underpass beneath the railway could be utilized as an alternative crossing point for the diversion, as you say. It has been noted that the structural elements of the underpass designed to support the railway were intentionally destroyed during the abandonment and backfilling process. In essence there is no longer an underpass that can be reinstated by simply removing the backfill. The reconstruction and re-provision of works such as a new underpass or bridge would not be within the remit of this Order proposal.

We further note our land agents Bruton Knowles have been in communication with you between 4 January 2017 and 13 March 2017. In the email dated 28 February, you say you agree to the proposed route so long as the in-field path is extinguished.

We believe we have achieved what you ask.

### **Safety concerns**

You state that Network Rail's objective "Norwich in 90" is to expand the commuter belt into rural communities to increase profits, although you acknowledge, "understandably", but that "they seem to be afraid to spend money on infrastructure at level crossings to make them safer, it is cheaper just to close them". You go on to say that you don't feel that "NR has the right to extinguish them without due consideration of lights barriers bridges or tunnels as an alternative, to increase safety!".

We explained above that safety is not the only reason for closure of level crossings.

Having said that, level crossings collectively pose the highest safety risk on the railway. The installation of technology does reduce the risk at level crossings, but cannot eliminate it. Technology is also expensive, and so, where a suitable alternative exists, Network Rail seeks to divert users to safe crossing points of the railway. In this instance, users are diverted from S13 Fords Green to the nearby Cow Creek level crossing. Whilst still requiring users to cross the railway on the level, as a key agricultural crossing point of the railway, the rationalisation of rights of way to a single point will facilitate efficient construction of a suitable bridge, or provision of technology, at a later date. We also consider that the footpaths we are seeking to create will provide alternative circular walks for users that will enable them not to cross the railway at all.

A crossing with locking gates requires visual monitoring by the signaller or technology, to ensure that users are not trapped on the railway once the gates are



Network Rail has a duty to manage public funds responsibly and in the public interest. Wherever possible, the diversions in this Order utilize existing infrastructure in the first instance to deliver better value for money.

At S13 Fords Green, the public footpath crossing is proposed to be extinguished. Crossing infrastructure will be removed and fencing will be installed to prevent trespass onto the railway. Users who currently enjoy walks across S13 will be diverted to Cow Creek level crossing to the south.

We note that you own and occupy plots 10, 14, 15 and 16 which can be found on sheet 19 of the Order plan. Plot 10 and 16 are required as laydown area and worksite for the duration to construct the 2m wide public footpath. Plot 15 is required to access plot 13 to remove level crossing infrastructure and secure the railway. Plot 14 forms part of the proposed diversion route to provide northbound public rights of way connectivity for footpath 014 Bacton.

We believe our current proposals have benefited you by removing the in-field path and reducing the footpath on your land.

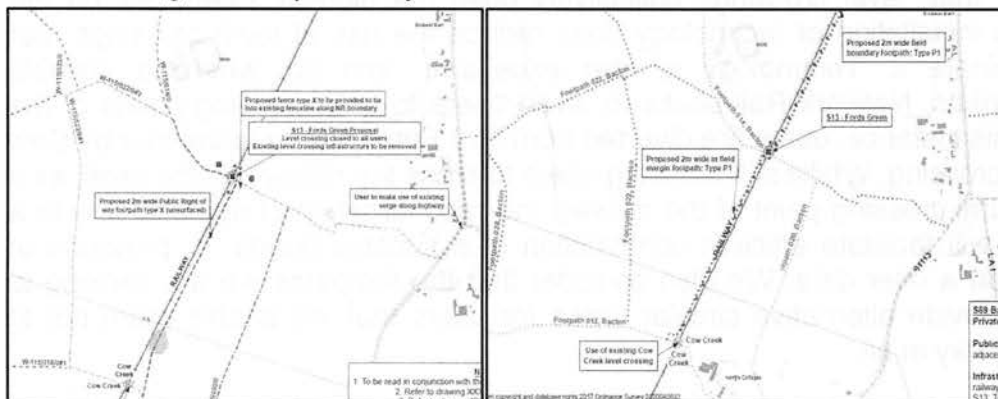


Figure 2: Version 5 (current proposal)



You say the route has consequence on certain 'environmental plans' you have under farming schemes, although you do not specify what these plans entail.

Under the Order, minimal construction works are required and no significant environmental impacts are anticipated. The footpath is unsurfaced and no digging is required. Therefore, it is anticipated that there will be no significant ecology effects of the works.

Network Rail would be happy to discuss any further any concerns you have.

Insofar as Network Rail's proposals may affect the value of your property, you may be entitled to compensation in line with the compensation code. The Government has issued guidance on compulsory purchase, which is available from Government publications on the following link:

(<https://www.gov.uk/government/publications/compulsory-purchase-and-compensation-booklet-1-procedure>).

We hope that our response had provided sufficient clarity on each of the points made in your objection, and has addressed your concerns about this level crossing. If so we would be grateful if you would kindly let the Department for Transport know by withdrawing your objection. We look forward to learning your position.

Meanwhile, if you require further information please do not hesitate to contact me on the address above or by email to [ALCross@networkrail.co.uk](mailto:ALCross@networkrail.co.uk) , quoting the reference number provided.

Yours sincerely



Bridgit Choo-Bennett

Anglia Level Crossing Reduction Team  
Network Rail

Encl. List of deposited locations





Colin and Judith Hull

Network Rail  
James Forbes House  
27 Great Suffolk St  
London  
SE1 0NS

18 December 2017

**Ref: Obj/37/SUFF/R001**

Dear Mr And Mrs Hull

**The Network Rail (Suffolk Level Crossing Reduction) Order  
Level crossings S13 Fords Green and S69 Bacton  
Parish of Bacton plots 17, 18, 21 and 22**

The Department for Transport has passed to us your letter of objection to the proposed Order dated 4 May 2017, which has been allocated the reference OBJ/37. We have received your Statement of Case dated 10 July 2017.

We note that you do not object to the principle of closing the level crossings and understand the necessity for such action. You strongly believe that there is no need for the creation of a new footpath on your land between the crossings.

In the following paragraphs, we respond to each point you raise. We set out the current and proposed status of the level crossing referred to in your objection and briefly explain Network Rail's proposals.

Level Crossing	Current Status	Proposed Status
S13 Fords Green	Public footpath	Closed. Users diverted to alternative Cow Creek level crossing to the south.
S69 Bacton	Public footpath	Closed. Users diverted to adjacent Pound Hill underbridge to the north.

First, it may be helpful to set out the strategic context and background against which the Order is brought forward.

Network Rail is responsible for the management and safe and efficient operation of the railway network. It operates under and is bound by the terms of its licence under

the Railways Act 1993. It is regulated by the Office of Rail and Road (ORR).

In accordance with the terms of its licence and the strategic aims and policies of the ORR, Network Rail has a duty to ensure the safety of users of the railway and to promote improvements in railway services by cost effective and efficient management of the network. It is also legally responsible for safety on and around the railway, including at level crossings, not only for those using the railway, but members of the public who may otherwise come into contact with it. Network Rail is thus obliged to protect the public from the dangers of the railway so far as reasonably practicable.

As is recognised by the ORR in its Level Crossings Policy, the removal of level crossings is the most effective way to achieve this objective, removing the interface between trains and highway users entirely.

ORR's strategy for health and safety regulation of level crossings makes clear that it will encourage crossing closure, and ensure that all risk assessments consider this first, in line with the principles of prevention.

In accordance with that objective, Network Rail has established a long term strategy of reducing level crossing risk (see *Transforming Level Crossings 2015-2040*). Closure of level crossings is the most effective way of removing the risk from the network. Reducing the number of level crossings will also remove constraints on the railway to enable enhancement of capacity and improvement of line speed (in association with other schemes) and to secure operation and maintenance of the network in a timely, efficient and economical manner in accordance with Network Rail's statutory duties and licence.

For further information about Network Rail's strategic aims please refer to Network Rail's Statement of Case. The Statement can be found at:  
<https://www.networkrail.co.uk/running-the-railway/our-routes/anglia/anglia-level-crossings/>.

Alternatively you can inspect a copy at one of the locations in the attached list.

You state in your Statement of Case that you had not been consulted on the proposed diversion routes until you had been alerted to Network Rail's proposals by a neighbouring landowner.

Network Rail carried two rounds of consultation on the proposals, both in July and October 2016. You refer to advice given at consultation in relation to culvert/underpass between S13 and S69, which indicates that you participated in the consultation process.

It is also noted you had emailed Martin Wheeler of Ardent Management and sent your concerns to Network Rail in October 2016, which had not been responded to, for which we apologise. You will note that at the time, Network Rail was in the process of appointing Bruton Knowles to undertake Ardent's role as land agents. Bruton Knowles was tasked to resume conversations or correspondence Ardent would have had with you and other landowners. Bruton Knowles sent a letter of introduction to you on 13<sup>th</sup> December 2016. As there was no reply, they sent another letter on 6<sup>th</sup> January 2017. Both letters were signed for but we did not receive a response. It was not clear whether you had further concerns about Network Rail's

proposals. We subsequently sent to you statutory notices on 27<sup>th</sup> March 2017 and you submitted your formal objection on 4 May 2017

You say that there is no need for the creation of a new footpath on your land between crossings S69 and S13 as survey states that S69 is hardly used.

Under s5(6) of the Transport and Works Act 1992 a public right of way cannot be extinguished unless the Secretary of State is satisfied that an alternative right of way has been or will be provided or that the provision of an alternative way is not required. If an alternative is to be provided the Secretary of State would wish to be satisfied that it will be a convenient and suitable replacement for existing users. Network Rail considers that the alternative diversion route is suitable and convenient for users and provides connectivity to the existing footpath network.

The new footpath will be completed to the satisfaction of the highway authority. Article 16 of the Order incorporates the provisions of s28 of the Highway Act 1981 for compensation for loss as the new public right of way was created by a public path creation order. In case of a dispute as to the amount of compensation the matter is referred to the Upper Tribunal. Network Rail will be responsible for the maintenance of the new public right of way for the period of 12 months from its completion and afterwards it will be maintained by the highway authority.

You state in your letter that one of the overriding factors for the creation of the footpath from S69 to S13 is the supposed safety aspect of keeping pedestrians away from B1113. You go on to say that the diversion route brings pedestrians through the housing estate on to Pound Hill and up to the B1113 which they have to walk along until they meet Footpath 013 Bacton which then takes them towards the railway line. Your suggested solution is to move Footpath 013 Bacton to the northern boundary edge of the football club ground and northern boundary edge of the small piece of land adjoining the B1113 so that pedestrians join the B1113 approximately 100m nearer to Pound Hill.

You say that Network Rail stated at consultation that the culvert/underpass between S69 and S13 is 'rendered unusable'. You will note the structure at the culvert is damaged and could no longer support the railway. As such, the culvert was in-filled with concrete to enable the safe running of trains.

Round 1 consultation proposal had a very long length of road walking on the B1113 (approx 950m north from Fords Green level crossing). Road Safety Audit was undertaken in August 2016 and noted that traffic speed observed to be high particularly on the straight section and towards the southern end of Broad Road where there is a sharp bend. This would restrict forward visibility for pedestrians in the carriageway.

As a result of the feedback from consultation and the Road Safety Audit it was considered that measures should be taken to mitigate and reduce the use of B1113 Broad Road. Therefore, an off road footpath was introduced along the railway line from S69 level crossing to Footpath 14 Bacton at S13 Fords Green level crossing, which ultimately would take pedestrians to Cow Creek level crossing via Footpath 20 Bacton. From site inspections undertaken in September 2016, it was seen that existing site constraints were not suitable to extend this footpath north to Pound Hill. This amendment removed approximately 700m of road walking to the south and



removed the need to use the sharp bend noted in the Road Safety Audit.

The remaining much shorter section of verge walking on the northern end of B1113 Broad Road will be used in the same manner that Suffolk County Council expects users wishing to walk from existing Footpath 04 Cotton to Footpath 13 Bacton to undertake at the moment. It is considered that existing highway verges are available to provide the opportunities for pedestrians to avail themselves of space off the carriageway to safely undertake this short section of the diversion (which is also an existing part of the public right of way interconnectivity).

We consider we have addressed the RSA issues by removing the need for road walking in southern parts of B1113 which were of concern to the RSA team, without the need to provide a new footway.

These revised proposals with the new field edge footpath were shown at Round 2 public consultation in September 2016.

You ask why the width of proposed footpath between S69 and S13 is 2m instead of the required 1.5m. It was agreed with the highway authority at the early stages of consultation with them where the width of the footpath is determined and standardised across the Order.

You say that it is counterproductive to encourage pedestrians to walk along the busy mainline railway "when closing of the crossings is being undertaken for safety reasons". As set out above, safety is an important consideration but it is not the only reason for closure of the crossings.

To prevent trespass it is proposed to install a Type F4 1.8m high fence with concrete posts and chain link mesh along the east side of the railway between S69 and S13.

Network Rail inspects and maintains lineside fencing on a regular basis.

We hope that our response had provided sufficient clarity on each of the points made in your objection, and has addressed your concerns about this level crossing. If so we would be grateful if you would kindly let the Department for Transport know by withdrawing your objection. We look forward to learning your position.

Meanwhile, if you require further information please do not hesitate to contact me on the address above or by email to [ALCross@networkrail.co.uk](mailto:ALCross@networkrail.co.uk) , quoting the reference number provided.

Yours sincerely



Bridgit Choo-Bennett

Anglia Level Crossing Reduction Team  
Network Rail

Encl: List of Deposit Locations



James Thomas Black  
(as trustee of David Black & Sons Limited)

Level Crossing Development Team  
Network Rail  
The Quadrant: MK  
Elder Gate  
Central Milton Keynes  
MK9 1EN

8<sup>th</sup> December 2017

**Ref: S16 Gislingham**

Dear Mr. Black

**The Network Rail (Suffolk Level Crossing Reduction) Order - Level Crossing S16 Gislingham**

Network Rail recently discovered certain non-compliances in relation to the service of landowner notices relating to this crossing and Network Rail served notices on additional affected parties on 10 November. In light of the service of these notices, and assuming the affected land would remain part of the draft Order proposals, the Secretary of State decided to postpone the Public Inquiry and you may have received a letter from the Secretary of State to that effect.

Network Rail has now decided not to include plot 05 in the parish of Finningham in relation to crossing S16 as part of this proposed Order. This means we are no longer seeking the compulsory use of your land.

Network Rail considered that it would be proper to remove this plot from the Order, in the interests of natural justice and fairness.

Network Rail has secured the agreement of the Inspector and the Secretary of State to this course of action which will enable the public inquiry to proceed. Network Rail will submit an amended Order to reflect this change at the forthcoming public inquiry.

If you require further information please do not hesitate to contact me on the address above or by email to [AngliaLevelCrossings@networkrail.co.uk](mailto:AngliaLevelCrossings@networkrail.co.uk), quoting the reference number provided.

Yours sincerely



Anglia Level Crossing Reduction Project  
Network Rail





James Black  
David Black & Son Ltd.

Network Rail  
James Forbes House  
27 Great Suffolk St  
London  
SE1 0NS

13 December 2017

Ref: Obj/11/SUFF/R001

Dear Mr Black

**The Network Rail (Essex Level Crossing Reduction) Order**

**Level crossing S16 Gislingham**

**Parish of Finningham plot 5**

**Freeholders : the Trustees of David Black & Sons Limited ; David Black, James Thomas Black and Robert James Black**

The Department for Transport has passed to us your letter of objection to the proposed Order dated 10 April 2017, which has been allocated the reference OBJ/11.

The current and proposed status of the level crossing referred to in your objection and Network Rail's proposal is explained below.

Level Crossing	Current Status	Proposed Status
S16 Gislingham	Public bridleway	Closed. Users diverted to adjacent underpass to the south.

You were specifically concerned about the proposed acquisition by Network Rail of rights over Plot 5 as shown on Sheet 22 of the Order plans, which would block access to your farm yard.

We have confirmed in a letter dated 8 December 2017 that this plot will not be included in the Order for the reasons stated in that letter.

We hope that in light of the information in the letter of 8 December your objection to the Order can be withdrawn and would be grateful if you would kindly inform the

Department for Transport. We look forward to learning your position.

Meanwhile, if you require further information please do not hesitate to contact me on the address above or by email to [AngliaLevelCrossings@networkrail.co.uk](mailto:AngliaLevelCrossings@networkrail.co.uk) , quoting the reference number provided.

Yours sincerely



Bridgit Choo-Bennett

Anglia Level Crossing Reduction Team  
Network Rail



Mrs. F Cadman

Network Rail  
James Forbes House  
27 Great Suffolk St  
London  
SE1 0NS

13 December 2017

**Ref: Obj/45/SUFF/R001**

Dear Mrs. Cadman

**The Network Rail (Suffolk Level Crossing Reduction) Order  
Level crossing S21 Abbotts  
Freeholder interest: plots 4, 5, 6 and 7**

The Department for Transport has passed to us your letter of objection to the proposed Order dated 5 May 2017, which has been allocated the reference OBJ/45.

We note your concerns and, in the following paragraphs, we respond to each point you raise. We set out below the current and proposed status of the level crossing referred to in your objection.

Level Crossing	Current Status	Proposed Status
S21 Abbotts	Private footpath	Closed. Users diverted to Mellis Road level crossing to the north.

First, it may be helpful to set out the strategic context and background against which the Order is brought forward.

Network Rail is responsible for the management and safe and efficient operation of the railway network. It operates under and is bound by the terms of its licence under the Railways Act 1993. It is regulated by the Office of Rail and Road (ORR).

In accordance with the terms of its licence and the strategic aims and policies of the ORR, Network Rail has a duty to ensure the safety of users of the railway and to promote improvements in railway services by cost effective and efficient management of the network. It is also legally responsible for safety on and around the railway, including at level crossings, not only for those using the railway, but

members of the public who may otherwise come into contact with it. Network Rail is thus obliged to protect the public from the dangers of the railway so far as reasonably practicable.

As is recognised by the ORR in its Level Crossings Policy, the removal of level crossings is the most effective way to achieve this objective, removing the interface between trains and highway users entirely.

ORR's strategy for health and safety regulation of level crossings makes clear that it will encourage crossing closure, and ensure that all risk assessments consider this first, in line with the principles of prevention.

In accordance with that objective, Network Rail has established a long term strategy of reducing level crossing risk (see *Transforming Level Crossings 2015-2040*). Closure of level crossings is the most effective way of removing the risk from the network. Reducing the number of level crossings will also remove constraints on the railway to enable enhancement of capacity and improvement of line speed (in association with other schemes) and to secure operation and maintenance of the network in a timely, efficient and economical manner in accordance with Network Rail's statutory duties and licence.

For further information about Network Rail's strategic aims please refer to Network Rail's Statement of Case. The Statement can be found at:

<https://www.networkrail.co.uk/running-the-railway/our-routes/anglia/anglia-level-crossings/>.

Alternatively you can inspect a copy at one of the locations in the attached list.

Turning to the specific points in your letter:

You state that you object to the extinguishment of your historic right of access across the railway at this location and will continue to do so until Network Rail confirms an appropriate level of compensation for its loss.

We confirm that article 15 (*Closure of level crossings*) of the draft Order (which can be found at Tab NR2 Folder 01 of the Application documents dated March 2017) provides for compensation to any person who suffers loss by the suspension or extinguishment of any private right of way under that article. If there is a dispute as to the amount of compensation, the matter is determined by the Upper Tribunal in accordance with the provisions of the Land Compensation Act 1961.

You object to the acquisition of rights over plot 7, being the access track and hardstanding, west of Abbotts crossing and east of Mellis Road. In our letter dated 28 November 2017 we advised that Network Rail intends to put forward an amendment to the Order removing the power to take rights over plot 7. Instead we



will rely on the powers in the Order to gain access from the east of the railway.

We hope that in light of this you can confirm that your objection to this provision in the Order can be withdrawn.

You also object to temporary use of land in plot 4 and 5 without appropriate compensation.

Article 26 (*Extinction or suspension of private rights of way*) of the Order provides that any person who suffers loss by the suspension or extinguishment of any private rights of way under this article is entitled to compensation.

If there is a dispute as to the amount of compensation, the matter is determined by the Upper Tribunal in accordance with the provisions of the Land Compensation Act 1961.

The works will consist of removal of the level crossing furniture and fencing the line so that it is secure. The land in plots 4 and 5 would be used as worksite. These plots will be accessed via the railway or Earlsford Road to facilitate the works that are required, for example, installing new fencing materials. It is not possible to state the exact duration of the works at this stage since programming of the works will be undertaken after the Order has been made, however we would expect it to be less than 4 week at this site.

Once the works are completed, under article 22 of the Order Network Rail is obliged to reinstate the land to the reasonable satisfaction of the owners (of the land). Network Rail's proposals will not be affecting the nearby pond or other wildlife habitats, such as grasslands and shrubs, on Mellis Common as identified during our early ecological survey work.

We hope that our response had provided sufficient clarity on each of the points made in your objection, and has addressed your concerns. If so we would be grateful if you would kindly let the Department for Transport know by withdrawing your objection. We look forward to learning your position.

Meanwhile, if you require further information please do not hesitate to contact me on the address above or by email to [AngliaLevelCrossings@networkrail.co.uk](mailto:AngliaLevelCrossings@networkrail.co.uk) , quoting the reference number provided.

Yours sincerely



Bridgit Choo-Bennett

Anglia Level Crossing Reduction Team  
Network Rail

Encl. List of Deposit Locations



Colin Joyce

Network Rail  
James Forbes House  
27 Great Suffolk St  
London  
SE1 0NS

13 December 2017

**Ref: Obj/47/SUFF/R001**

Dear Mr Joyce

**The Network Rail (Suffolk Level Crossing Reduction) Order**  
**Level crossing S21 Abbots**  
**Freeholder interest: plots 4, 5, 6 and 7**

The Department for Transport has passed to us your letter of objection to the proposed Order dated 4 May 2017, which has been allocated the reference OBJ/47.

We note your concerns and, in the following paragraphs, we respond to each point you raise. We set out below the current and proposed status of the level crossing referred to in your objection.

Level Crossing	Current Status	Proposed Status
S21 Abbots	Private footpath	Closed. Users diverted to Mellis Road level crossing to the north.

First, it may be helpful to set out the strategic context and background against which the Order is brought forward.

Network Rail is responsible for the management and safe and efficient operation of the railway network. It operates under and is bound by the terms of its licence under the Railways Act 1993. It is regulated by the Office of Rail and Road (ORR).

In accordance with the terms of its licence and the strategic aims and policies of the ORR, Network Rail has a duty to ensure the safety of users of the railway and to promote improvements in railway services by cost effective and efficient management of the network. It is also legally responsible for safety on and around

the railway, including at level crossings, not only for those using the railway, but members of the public who may otherwise come into contact with it. Network Rail is thus obliged to protect the public from the dangers of the railway so far as reasonably practicable.

As is recognised by the ORR in its Level Crossings Policy, the removal of level crossings is the most effective way to achieve this objective, removing the interface between trains and highway users entirely.

ORR's strategy for health and safety regulation of level crossings makes clear that it will encourage crossing closure, and ensure that all risk assessments consider this first, in line with the principles of prevention.

In accordance with that objective, Network Rail has established a long term strategy of reducing level crossing risk (see *Transforming Level Crossings 2015-2040*). Closure of level crossings is the most effective way of removing the risk from the network. Reducing the number of level crossings will also remove constraints on the railway to enable enhancement of capacity and improvement of line speed (in association with other schemes) and to secure operation and maintenance of the network in a timely, efficient and economical manner in accordance with Network Rail's statutory duties and licence.

For further information about Network Rail's strategic aims please refer to Network Rail's Statement of Case. The Statement can be found at:

<https://www.networkrail.co.uk/running-the-railway/our-routes/anglia/anglia-level-crossings/>.

Alternatively you can inspect a copy at one of the locations in the attached list.

Turning to the specific points in your letter:

You state that you object to the extinguishment of your historic right of access across the railway at this location and will continue to do so until Network Rail confirms an appropriate level of compensation for its loss.

We confirm that article 15 (*Closure of level crossings*) of the draft Order (which can be found at Tab NR2 Folder 01 of the Application documents dated March 2017) provides for compensation to any person who suffers loss by the suspension or extinguishment of any private right of way under that article. If there is a dispute as to the amount of compensation, the matter is determined by the Upper Tribunal in accordance with the provisions of the Land Compensation Act 1961.

You object to the acquisition of rights over plot 7, being the access track and hardstanding, west of Abbots crossing and east of Mellis Road. In our letter dated 28 November 2017 we advised that Network Rail intends to put forward an

amendment to the Order removing the power to take rights over plot 7. Instead we will rely on the powers in the Order to gain access from the east of the railway.

We hope that in light of this you can confirm that your objection to this provision in the Order can be withdrawn.

You also object to temporary use of land in plot 4 and 5 without appropriate compensation.

Article 26 (*Extinction or suspension of private rights of way*) of the Order provides that any person who suffers loss by the suspension or extinguishment of any private rights of way under this article is entitled to compensation.

If there is a dispute as to the amount of compensation, the matter is determined by the Upper Tribunal in accordance with the provisions of the Land Compensation Act 1961.

The works will consist of removal of the level crossing furniture and fencing the line so that it is secure. The land in plots 4 and 5 would be used as worksite. These plots will be accessed via the railway or Earlsford Road to facilitate the works that are required, for example, installing new fencing materials. It is not possible to state the exact duration of the works at this stage since programming of the works will be undertaken after the Order has been made, however we would expect it to be less than 4 week at this site.

Once the works are completed, under article 22 of the Order Network Rail is obliged to reinstate the land to the reasonable satisfaction of the owners (of the land). Network Rail's proposals will not be affecting the nearby pond or other wildlife habitats, such as grasslands and shrubs, on Mellis Common as identified during our early ecological survey work.

We hope that our response had provided sufficient clarity on each of the points made in your objection, and has addressed your concerns about this level crossing. If so we would be grateful if you would kindly let the Department for Transport know by withdrawing your objection. We look forward to learning your position.

Meanwhile, if you require further information please do not hesitate to contact me on the address above or by email to [AngliaLevelCrossings@networkrail.co.uk](mailto:AngliaLevelCrossings@networkrail.co.uk) , quoting the reference number provided.

Yours sincerely

A handwritten signature in black ink, appearing to be 'J. B.', written in a cursive style.

Bridgit Choo-Bennett

Anglia Level Crossing Reduction Team  
Network Rail

Encl. List of deposit locations





Julie Wicks

Network Rail  
James Forbes House  
27 Great Suffolk St  
London  
SE1 0NS

13 December 2017

**Ref: Obj/50/SUFF/R001**

Dear Ms. Wicks

**The Network Rail (Suffolk Level Crossing Reduction) Order  
Level crossings S21 Abbotts and S18 Cowpasture Lane  
Freeholder interest: plots 4, 5, 6 and 7**

The Department for Transport has passed to us your letter of objection to the proposed Order dated 4 May 2017, which has been allocated the reference OBJ/50.

We note your concerns and, in the following paragraphs, we respond to each point you raise. We set out below the current and proposed status of the level crossings referred to in your objection.

Level Crossing	Current Status	Proposed Status
S18 Cowpasture Lane	Byway Open to all Traffic with Traffic Regulation Order	Change of status to a public bridleway across the railway only
S21 Abbotts	Private footpath	Closed. Users diverted to Mellis Road level crossing to the north.

First, it may be helpful to set out the strategic context and background against which the Order is brought forward.

Network Rail is responsible for the management and safe and efficient operation of the railway network. It operates under and is bound by the terms of its licence under the Railways Act 1993. It is regulated by the Office of Rail and Road (ORR).

In accordance with the terms of its licence and the strategic aims and policies of the ORR, Network Rail has a duty to ensure the safety of users of the railway and to promote improvements in railway services by cost effective and efficient

management of the network. It is also legally responsible for safety on and around the railway, including at level crossings, not only for those using the railway, but members of the public who may otherwise come into contact with it. Network Rail is thus obliged to protect the public from the dangers of the railway so far as reasonably practicable.

As is recognised by the ORR in its Level Crossings Policy, the removal of level crossings is the most effective way to achieve this objective, removing the interface between trains and highway users entirely.

ORR's strategy for health and safety regulation of level crossings makes clear that it will encourage crossing closure, and ensure that all risk assessments consider this first, in line with the principles of prevention.

In accordance with that objective, Network Rail has established a long term strategy of reducing level crossing risk (see *Transforming Level Crossings 2015-2040*). Closure of level crossings is the most effective way of removing the risk from the network. Reducing the number of level crossings will also remove constraints on the railway to enable enhancement of capacity and improvement of line speed (in association with other schemes) and to secure operation and maintenance of the network in a timely, efficient and economical manner in accordance with Network Rail's statutory duties and licence.

For further information about Network Rail's strategic aims please refer to Network Rail's Statement of Case. The Statement can be found at:

<https://www.networkrail.co.uk/running-the-railway/our-routes/anglia/anglia-level-crossings/>. Alternatively you can inspect a copy at one of the locations in the attached list.

Turning to the specific points in your letter:

#### S21 Abbott's

You correctly state that you are entitled to compensation in respect of the extinguishment of your rights to use the crossing.

Article 15 (*Closure of level crossings*) of the draft Order (which can be found at Tab NR2 Folder 01 of the Application documents dated March 2017) provides for compensation to any person who suffers loss by the suspension or extinguishment of any private right of way under that article. If there is a dispute as to the amount of compensation, the matter is determined by the Upper Tribunal in accordance with the provisions of the Land Compensation Act 1961.

You object to the acquisition of rights over plot 7, being the access track and hardstanding, west of Abbotts crossing and east of Mellis Road. In our letter dated 28 November 2017 we advised that Network Rail intends to put forward an

amendment to the Order removing the power to take rights over plot 7. Instead we will rely on the powers in the Order to gain access from the east of the railway.

We hope that in light of this letter you can confirm that your objection to this provision in the Order can be withdrawn.

#### C18 Cowpasture Lane level crossing

Network Rail's proposals will see the portion of BOAT across the railway redesignated as a public bridleway. We do not envisage that significant works will be required at the level crossing, which is already of a type appropriate for a public bridleway, but we are looking to make some minor enhancements, such as squaring up the level crossing across the tracks, and providing mounting blocks to make it easier for horseriders to mount and dismount when crossing the railway. On occasions when vehicular access is necessary (say for delivery of the mounting blocks), we note that the Traffic Regulation Order makes provision for vehicular use of the BOAT for purposes of 'the maintenance, improvement or reconstruction of [...] the byway'. This means that Network Rail has a right of access to maintain the crossing from Chapel Farm Lane, albeit that the byway is not maintained to an appropriate standard. It is acknowledged that access across Mellis Green is not possible and so the mounting blocks for the western side of the railway would be delivered to the eastern side and then carried across the line.

Network Rail is seeking powers to temporarily use Plots 1 and 3 shown on Sheet 25 of the Order plans for the purpose of installing the mounting blocks on each side of the railway.

We hope that our response had provided sufficient clarity on each of the points made in your objection, and has addressed your concerns about this level crossing. If so we would be grateful if you would kindly let the Department for Transport know by withdrawing your objection. We look forward to learning your position.

Meanwhile, if you require further information please do not hesitate to contact me on the address above or by email to [AngliaLevelCrossings@networkrail.co.uk](mailto:AngliaLevelCrossings@networkrail.co.uk), quoting the reference number provided.

Yours sincerely



Bridgit Choo-Bennett

Anglia Level Crossing Reduction Team, Network Rail

Encl. List of deposit locations





Mrs. Caroline S. Box

Network Rail  
James Forbes House  
27 Great Suffolk St  
London  
SE1 0NS

13 December 2017

Ref: Obj/59/SUFF/R001

Dear Mrs. Box

**The Network Rail (Suffolk Level Crossing Reduction) Order**  
**Level crossing S18 Cowpasture Lane**  
**Parish of Mellis**  
**In respect of Common Land Rights**

The Department for Transport has passed to us your letter of objection to the proposed Order dated 5 May 2017, which has been allocated the reference OBJ/59.

We note your concerns and, in the following paragraphs, we respond to each point you raise. We set out below the current and proposed status of the level crossing referred to in your objection.

Level Crossing	Current Status	Proposed Status
S18 Cowpasture Lane	Byway Open to all Traffic with Traffic Regulation Order	Change of status to a public bridleway across the railway only

First, it may be helpful to set out the strategic context and background against which the Order is brought forward.

Network Rail is responsible for the management and safe and efficient operation of the railway network. It operates under and is bound by the terms of its licence under the Railways Act 1993. It is regulated by the Office of Rail and Road (ORR).

In accordance with the terms of its licence and the strategic aims and policies of the ORR, Network Rail has a duty to ensure the safety of users of the railway and to promote improvements in railway services by cost effective and efficient management of the network. It is also legally responsible for safety on and around the railway, including at level crossings, not only for those using the railway, but members of the public who may otherwise come into contact with it. Network Rail is thus obliged to protect the public from the dangers of the railway so far as

reasonably practicable.

As is recognised by the ORR in its Level Crossings Policy, the removal of level crossings is the most effective way to achieve this objective, removing the interface between trains and highway users entirely.

ORR's strategy for health and safety regulation of level crossings makes clear that it will encourage crossing closure, and ensure that all risk assessments consider this first, in line with the principles of prevention.

In accordance with that objective, Network Rail has established a long term strategy of reducing level crossing risk (see *Transforming Level Crossings 2015-2040*). Closure of level crossings is the most effective way of removing the risk from the network. Reducing the number of level crossings will also remove constraints on the railway to enable enhancement of capacity and improvement of line speed (in association with other schemes) and to secure operation and maintenance of the network in a timely, efficient and economical manner in accordance with Network Rail's statutory duties and licence.

For further information about Network Rail's strategic aims please refer to Network Rail's Statement of Case. The Statement can be found at:

<https://www.networkrail.co.uk/running-the-railway/our-routes/anglia/anglia-level-crossings/>.

Alternatively you can inspect a copy at one of the locations in the attached list.

Turning to the specific points in your letter:

We note that you do not object to the downgrading of crossing S18 Cowpastrure Lane to a bridleway.

You state that as owner of Willow Farm, The Common, Mellis, you have common rights in land giving access to Cowpasture Lane level crossing.

You say that Network Rail has no vehicular rights over Mellis Common and that Cowpasture Lane is a no-through road. You object to any access for works to the railway crossing from the west side of the crossing and you say that any access would have to be from the Chapel Farm (east) side of the line.

Network Rail's proposals will see the portion of BOAT across the railway redesignated as a public bridleway. We do not envisage that significant works will be required at the level crossing, which is already of a type appropriate for a public bridleway, but we are looking to make some minor enhancements, such as squaring up the level crossing across the tracks, and providing mounting blocks to make it easier for horseriders to mount and dismount when crossing the railway. On occasions when vehicular access is necessary (say for delivery of the mounting blocks), we note that the Traffic Regulation Order makes provision for vehicular use of the BOAT for purposes of 'the maintenance, improvement or reconstruction of [...] the byway'. This means that Network Rail has a right of access to maintain the crossing from Chapel Farm Lane, albeit that the byway is not maintained to an appropriate standard. It is acknowledged that access across Mellis Green is not possible and so the mounting blocks for the western side of the railway would be



delivered to the eastern side and then carried across the line.

Network Rail is seeking powers to use temporarily Plots 1 and 3 shown on Sheet 25 of the Order plans for the purpose of providing mounting blocks on each side of the railway. Once the works are completed, under article 22 of the Order Network Rail is obliged to reinstate the land to the reasonable satisfaction of the owners of the land.

Article 26 (*Extinction or suspension of private rights of way*) of the Order provides that any person who suffers loss by the suspension or extinguishment of any private rights of way under this article is entitled to compensation.

If there is a dispute as to the amount of compensation, the matter is determined by the Upper Tribunal in accordance with the provisions of the Land Compensation Act 1961.

We hope that our response had provided sufficient clarity and has addressed the points you made in your letter. We would be grateful if you would kindly let the Department for Transport know by withdrawing your objection. We look forward to learning your position.

Meanwhile, if you require further information please do not hesitate to contact me on the address above or by email to [AngliaLevelCrossings@networkrail.co.uk](mailto:AngliaLevelCrossings@networkrail.co.uk) , quoting the reference number provided.

Yours sincerely



Bridgit Choo-Bennett

Anglia Level Crossing Reduction Team  
Network Rail

Encl. List of Deposit Locations





Nigel William Arthur Battell Esq.

Network Rail  
James Forbes House  
27 Great Suffolk St  
London  
SE1 0NS

13 December 2017

**Ref: Obj/57/SUFF/R001**

Dear Nigel Battell, Esq.

**The Network Rail (Suffolk Level Crossing Reduction) Order**  
**Level crossing S21 Abbotts**  
**Freeholder interest: plots 4, 5, 6 and 7**

The Department for Transport has passed to us your letter of objection to the proposed Order dated 5 May 2017, which has been allocated the reference OBJ/57.

We note your concerns and, in the following paragraphs, we respond to each point your raise. We set out below the current and proposed status of the level crossing referred to in your objection.

Level Crossing	Current Status	Proposed Status
S21 Abbotts	Private footpath	Closed. Users diverted to Mellis Road level crossing to the north.

First, it may be helpful to set out the strategic context and background against which the Order is brought forward.

Network Rail is responsible for the management and safe and efficient operation of the railway network. It operates under and is bound by the terms of its licence under the Railways Act 1993. It is regulated by the Office of Rail and Road (ORR).

In accordance with the terms of its licence and the strategic aims and policies of the ORR, Network Rail has a duty to ensure the safety of users of the railway and to promote improvements in railway services by cost effective and efficient management of the network. It is also legally responsible for safety on and around

the railway, including at level crossings, not only for those using the railway, but members of the public who may otherwise come into contact with it. Network Rail is thus obliged to protect the public from the dangers of the railway so far as reasonably practicable.

As is recognised by the ORR in its Level Crossings Policy, the removal of level crossings is the most effective way to achieve this objective, removing the interface between trains and highway users entirely.

ORR's strategy for health and safety regulation of level crossings makes clear that it will encourage crossing closure, and ensure that all risk assessments consider this first, in line with the principles of prevention.

In accordance with that objective, Network Rail has established a long term strategy of reducing level crossing risk (see *Transforming Level Crossings 2015-2040*). Closure of level crossings is the most effective way of removing the risk from the network. Reducing the number of level crossings will also remove constraints on the railway to enable enhancement of capacity and improvement of line speed (in association with other schemes) and to secure operation and maintenance of the network in a timely, efficient and economical manner in accordance with Network Rail's statutory duties and licence.

For further information about Network Rail's strategic aims please refer to Network Rail's Statement of Case. The Statement can be found at:

<https://www.networkrail.co.uk/running-the-railway/our-routes/anglia/anglia-level-crossings/>.

Alternatively you can inspect a copy at one of the locations in the attached list.

Turning to the specific points in your letter:

You state that you object to the extinguishment of your historic right of access across the railway at this location and will continue to do so until Network Rail confirms an appropriate level of compensation for its loss.

We confirm that article 15 (*Closure of level crossings*) of the draft Order (which can be found at Tab NR2 Folder 01 of the Application documents dated March 2017) provides for compensation to any person who suffers loss by the suspension or extinguishment of any private right of way under that article. If there is a dispute as to the amount of compensation, the matter is determined by the Upper Tribunal in accordance with the provisions of the Land Compensation Act 1961.

You object to the acquisition of rights over plot 7, being the access track and hardstanding, west of Abbotts crossing and east of Mellis Road. In our letter dated 28 November 2017 we advised that Network Rail intends to put forward an

amendment to the Order removing the power to take rights over plot 7. Instead we will rely on the powers in the Order to gain access from the east of the railway.

We hope that in light of this you can confirm that your objection to this provision in the Order can be withdrawn.

You also object to temporary use of land in plot 4 and 5 without appropriate compensation.

Article 26 (*Extinction or suspension of private rights of way*) of the Order provides that any person who suffers loss by the suspension or extinguishment of any private rights of way under this article is entitled to compensation.

If there is a dispute as to the amount of compensation, the matter is determined by the Upper Tribunal in accordance with the provisions of the Land Compensation Act 1961.

The works will consist of removal of the level crossing furniture and fencing the line so that it is secure. The land in plots 4 and 5 would be used as worksite. These plots will be accessed via the railway or Earlsford Road to facilitate the works that are required, for example, installing new fencing materials. It is not possible to state the exact duration of the works at this stage as programming of the works will be undertaken after the Order has been made, however we would expect it to be less than 4 weeks at this site.

Once the works are completed, under article 22 of the Order Network Rail is obliged to reinstate the land to the reasonable satisfaction of the owners (of the land). Network Rail's proposals will not be affecting the nearby pond or other wildlife habitats, such as grasslands and shrubs, on Mellis Common as identified during our early ecological survey work.

We hope that our response had provided sufficient clarity on each of the points made in your objection, and has addressed your concerns about this level crossing. If so we would be grateful if you would kindly let the Department for Transport know by withdrawing your objection. We look forward to learning your position.

Meanwhile, if you require further information please do not hesitate to contact me on the address above or by email to [AngliaLevelCrossings@networkrail.co.uk](mailto:AngliaLevelCrossings@networkrail.co.uk) , quoting the reference number provided.

Yours sincerely

A handwritten signature in black ink, appearing to be 'J. Brown', written in a cursive style.

Bridgit Choo-Bennett

Anglia Level Crossing Reduction Team  
Network Rail

Encl. List of Deposit Locations





Philip Butler

Network Rail  
James Forbes House  
27 Great Suffolk St  
London  
SE1 0NS

13 December 2017

**Ref: Obj/30/SUFF/R001**

Dear Mr. Butler

**The Network Rail (Suffolk Level Crossing Reduction) Order**  
**Level crossing S21 Abbotts**  
**Parish of Mellis plots 4, 5, 6 and 7**  
**Phillip Butler and Hillary Butler In respect of Common Land Rights**

The Department for Transport has passed to us your letter of objection to the proposed Order dated 3 May 2017, which has been allocated the reference OBJ/31. We have also received your Statement of Case dated 13 July 2017.

We note your concerns and, in the following paragraphs, we respond to the points you raise. In the following table, we set out the current and proposed status of the level crossings referred to in your objection.

Level Crossing	Current Status	Proposed Status
S18 Cowpasture Lane	Byway Open to all Traffic with Traffic Regulation Order	Change of status to a public bridleway across the railway only
S21 Abbotts	Private footpath	Closed. Users diverted to Mellis Road level crossing to the north.

First, we set out below the strategic context and background against which the Order is brought forward.

Network Rail is responsible for the management and safe and efficient operation of the railway network. It operates under and is bound by the terms of its licence under the Railways Act 1993. It is regulated by the Office of Rail and Road (ORR).

In accordance with the terms of its licence and the strategic aims and policies of the ORR, Network Rail has a duty to ensure the safety of users of the railway and to promote improvements in railway services by cost effective and efficient

management of the network. It is also legally responsible for safety on and around the railway, including at level crossings, not only for those using the railway, but members of the public who may otherwise come into contact with it. Network Rail is thus obliged to protect the public from the dangers of the railway so far as reasonably practicable.

As is recognised by the ORR in its Level Crossings Policy, the removal of level crossings is the most effective way to achieve this objective, removing the interface between trains and highway users entirely.

ORR's strategy for health and safety regulation of level crossings makes clear that it will encourage crossing closure, and ensure that all risk assessments consider this first, in line with the principles of prevention.

In accordance with that objective, Network Rail has established a long term strategy of reducing level crossing risk (see *Transforming Level Crossings 2015-2040*). Closure of level crossings is the most effective way of removing the risk from the network. Reducing the number of level crossings will also remove constraints on the railway to enable enhancement of capacity and improvement of line speed (in association with other schemes) and to secure operation and maintenance of the network in a timely, efficient and economical manner in accordance with Network Rail's statutory duties and licence.

Even where other level crossings on the same stretch of line remain open, closure of those level crossings where possible is in furtherance of Network Rail duties under its licence and ORR policy as explained above.

For further information about Network Rail's strategic aims please refer to Network Rail's Statement of Case which has been sent to you. The Statement can also be found at:

<https://www.networkrail.co.uk/running-the-railway/our-routes/anglia/anglia-level-crossings/>.

## **S21 Abbots**

We note that you appreciate the need for the changes to the Abbots level crossing (S21) as proposed by Network Rail. You say that you will continue to object to the extinguishment of your historic rights of access across the railway until Network Rail confirms an appropriate level of compensation for its loss.

We confirm that article 15 (*Closure of level crossings*) of the draft Order (which can be found at Tab NR2 Folder 01 of the Application documents dated March 2017) provides for compensation to any person who suffers loss by the suspension or extinguishment of any private right of way under that article. If there is a dispute as to the amount of compensation, the matter is determined by the Upper Tribunal (Lands Chamber) in accordance with the provisions of the Land Compensation Act 1961.

You say that it is unclear and would appear unnecessary for Network Rail to acquire new and permanent rights in plot 7. In our letter dated 28 November we advised that we will put forward an amendment to the Order to remove the power to take rights

over plot 7 and will rely on the powers in the Order to gain access from the east side of the railway.

Network Rail will retain the use of plot 4 on the west side of the railway as a temporary worksite during the removal of the crossing, with works comprising of removal of the level crossing deck and installing fencing.

We hope that in light of this you can confirm that your objection to this provision in the Order can be withdrawn.

Thank you for your comments regarding the description '*in respect of common land rights*' against the names of Mr and Mrs Cadman in relation to plot 6. We have checked this with the land referencing agents who agree that for consistency the description should be '*in respect of crossing rights*', as you point out. We will amend the Book of Reference before it is certified as being the correct document to accompany the Order when it is made by the Secretary of State. The rights of Mr and Mrs Cadman are not affected.

Thank you for drawing our attention to the fact that Order plan 26 shows Beecroft level crossing twice. The reference at the bottom of the plan should of course read 'Rectory Road Level Crossing (to remain open)'.

### **S18 Cowpasture Lane**

We note you do not object to the downgrading of crossing S18 Cowpasture Lane. You say that it is unclear how Network Rail intends to gain access to this crossing for the provision of the proposed additional bridleway structure as there is no public right of access to Cowpasture Lane across Mellis Common. You say that it is not possible to gain vehicular access to the crossing from Chapel Farm Lane.

Network Rail's proposals will see the portion of BOAT across the railway redesignated as a public bridleway. We do not envisage that significant works will be required at the level crossing, which is already of a type appropriate for a public bridleway, but we are looking to make some minor enhancements, such as squaring up the level crossing across the tracks, and providing mounting blocks to make it easier for horseriders to mount and dismount when crossing the railway. On occasions when vehicular access is necessary (say for delivery of the mounting blocks), we note that the Traffic Regulation Order makes provision for vehicular use of the BOAT for purposes of 'the maintenance, improvement or reconstruction of [...] the byway'. This means that Network Rail has a right of access to maintain the crossing from Chapel Farm Lane, albeit that the byway is not maintained to an appropriate standard. It is acknowledged that access across Mellis Green is not possible and so the mounting blocks for the western side of the railway would be delivered to the eastern side and then carried across the line.

Network Rail is seeking powers to temporarily use Plots 1 and 3 shown on Sheet 25 of the Order plans for the purpose of installing the mounting blocks on each side of the railway.

The public rights of way references on drawings MMD-367516-S18-GEN-005 and MMD-367516-S21-GEN-005 in the Design Guide NR12 incorrectly refer to Burgate rather than Mellis as you have stated. These plans have been amended and

submitted within Network Rail's Statement of Case (core document NR26). We attach the correct plans for quick reference. The footpath references are correct on the submitted TWAO plans and accompanying Order Schedules which are the legal documents.

We hope that our response has provided sufficient clarity on the points made in your objection, and has addressed your concerns about these level crossings. If so we would be grateful if you would kindly let the Department for Transport know by withdrawing your objection. We look forward to learning your position.

Meanwhile, if you require further information please do not hesitate to contact me on the address above or by email to [ALCross@networkrail.co.uk](mailto:ALCross@networkrail.co.uk) , quoting the reference number provided.

Yours sincerely



Bridgit Choo-Bennett

Anglia Level Crossing Reduction Team, Network Rail

Encl.

S18 level crossing, Appendix F Design Guide Drawings, Network Rail Statement of Case

S21 level crossing, Appendix F Design Guide Drawings, Network Rail Statement of Case

Prohibition of Motor and Horse Drawn Vehicles Order



Hilary Butler

Network Rail  
James Forbes House  
27 Great Suffolk St  
London  
SE1 0NS

13 December 2017

**Ref: Obj/31/SUFF/R001**

Dear Mrs Butler

**The Network Rail (Suffolk Level Crossing Reduction) Order  
Level crossing S21 Abbotts  
Parish of Mellis plots 4, 5, 6 and 7  
Phillip Butler and Hillary Butler In respect of Common Land Rights**

The Department for Transport has passed to us your letter of objection to the proposed Order dated 3 May 2017, which has been allocated the reference OBJ/31. We have also received your Statement of Case dated 13 July 2017.

We note your concerns and, in the following paragraphs, we respond to the points you raise. In the following table, we set out the current and proposed status of the level crossings referred to in your objection.

Level Crossing	Current Status	Proposed Status
S18 Cowpasture Lane	Byway Open to all Traffic with Traffic Regulation Order	Change of status to a public bridleway across the railway only
S21 Abbotts	Private footpath	Closed. Users diverted to Mellis Road level crossing to the north.

First, we set out below the strategic context and background against which the Order is brought forward.

Network Rail is responsible for the management and safe and efficient operation of the railway network. It operates under and is bound by the terms of its licence under the Railways Act 1993. It is regulated by the Office of Rail and Road (ORR).



In accordance with the terms of its licence and the strategic aims and policies of the ORR, Network Rail has a duty to ensure the safety of users of the railway and to promote improvements in railway services by cost effective and efficient management of the network. It is also legally responsible for safety on and around the railway, including at level crossings, not only for those using the railway, but members of the public who may otherwise come into contact with it. Network Rail is thus obliged to protect the public from the dangers of the railway so far as reasonably practicable.

As is recognised by the ORR in its Level Crossings Policy, the removal of level crossings is the most effective way to achieve this objective, removing the interface between trains and highway users entirely.

ORR's strategy for health and safety regulation of level crossings makes clear that it will encourage crossing closure, and ensure that all risk assessments consider this first, in line with the principles of prevention.

In accordance with that objective, Network Rail has established a long term strategy of reducing level crossing risk (see *Transforming Level Crossings 2015-2040*). Closure of level crossings is the most effective way of removing the risk from the network. Reducing the number of level crossings will also remove constraints on the railway to enable enhancement of capacity and improvement of line speed (in association with other schemes) and to secure operation and maintenance of the network in a timely, efficient and economical manner in accordance with Network Rail's statutory duties and licence.

Even where other level crossings on the same stretch of line remain open, closure of those level crossings where possible is in furtherance of Network Rail duties under its licence and ORR policy as explained above.

For further information about Network Rail's strategic aims please refer to Network Rail's Statement of Case which has been sent to you. The Statement can also be found at:

<https://www.networkrail.co.uk/running-the-railway/our-routes/anglia/anglia-level-crossings/>.

## **S21 Abbots**

We note that you appreciate the need for the changes to the Abbots level crossing (S21) as proposed by Network Rail. You say that you will continue to object to the extinguishment of your historic rights of access across the railway until Network Rail confirms an appropriate level of compensation for its loss.

We confirm that article 15 (*Closure of level crossings*) of the draft Order (which can be found at Tab NR2 Folder 01 of the Application documents dated March 2017)



provides for compensation to any person who suffers loss by the suspension or extinguishment of any private right of way under that article. If there is a dispute as to the amount of compensation, the matter is determined by the Upper Tribunal (Lands Chamber) in accordance with the provisions of the Land Compensation Act 1961.

You say that it is unclear and would appear unnecessary for Network Rail to acquire new and permanent rights in plot 7. In our letter dated 28 November we advised that we will put forward an amendment to the Order to remove the power to take rights over plot 7 and will rely on the powers in the Order to gain access from the east side of the railway.

Network Rail will retain the use of plot 4 on the west side of the railway as a temporary worksite during the removal of the crossing, with works comprising of removal of the level crossing deck and installing fencing.

We hope that in light of this you can confirm that your objection to this provision in the Order can be withdrawn.

Thank you for your comments regarding the description '*in respect of common land rights*' against the names of Mr and Mrs Cadman in relation to plot 6. We have checked this with the land referencing agents who agree that for consistency the description should be '*in respect of crossing rights*', as you point out. We will amend the Book of Reference before it is certified as being the correct document to accompany the Order when it is made by the Secretary of State. The rights of Mr and Mrs Cadman are not affected.

Thank you for drawing our attention to the fact that Order plan 26 shows Beecroft level crossing twice. The reference at the bottom of the plan should of course read 'Rectory Road Level Crossing (to remain open)'.

### **S18 Cowpasture Lane**

We note you do not object to the downgrading of crossing S18 Cowpasture Lane. You say that it is unclear how Network Rail intends to gain access to this crossing for the provision of the proposed additional bridleway structure as there is no public right of access to Cowpasture Lane across Mellis Common. You say that it is not possible to gain vehicular access to the crossing from Chapel Farm Lane.

Network Rail's proposals will see the portion of BOAT across the railway redesignated as a public bridleway. We do not envisage that significant works will be required at the level crossing, which is already of a type appropriate for a public bridleway, but we are looking to make some minor enhancements, such as squaring up the level crossing across the tracks, and providing mounting blocks to make it easier for horseriders to mount and dismount when crossing the railway. On occasions when vehicular access is necessary (say for delivery of the mounting

blocks), we note that the Traffic Regulation Order makes provision for vehicular use of the BOAT for purposes of 'the maintenance, improvement or reconstruction of [...] the byway'. This means that Network Rail has a right of access to maintain the crossing from Chapel Farm Lane, albeit that the byway is not maintained to an appropriate standard. It is acknowledged that access across Mellis Green is not possible and so the mounting blocks for the western side of the railway would be delivered to the eastern side and then carried across the line.

Network Rail is seeking powers to temporarily use Plots 1 and 3 shown on Sheet 25 of the Order plans for the purpose of installing the mounting blocks on each side of the railway.

The public rights of way references on drawings MMD-367516-S18-GEN-005 and MMD-367516-S21-GEN-005 in the Design Guide NR12 incorrectly refer to Burgate rather than Mellis as you have stated. These plans have been amended and submitted within Network Rail's Statement of Case (core document NR26). We attach the correct plans for quick reference. The footpath references are correct on the submitted TWAO plans and accompanying Order Schedules which are the legal documents.

We hope that our response has provided sufficient clarity on the points made in your objection, and has addressed your concerns about these level crossings. If so we would be grateful if you would kindly let the Department for Transport know by withdrawing your objection. We look forward to learning your position.

Meanwhile, if you require further information please do not hesitate to contact me on the address above or by email to [ALCross@networkrail.co.uk](mailto:ALCross@networkrail.co.uk) , quoting the reference number provided.

Yours sincerely



Bridgit Choo-Bennett

Anglia Level Crossing Reduction Team, Network Rail

Encl.

S18 level crossing, Appendix F Design Guide Drawings, Network Rail Statement of Case

S21 level crossing, Appendix F Design Guide Drawings, Network Rail Statement of Case

Prohibition of Motor and Horse Drawn Vehicles Order



Matthew and Joyce Spence

Network Rail  
James Forbes House  
27 Great Suffolk St  
London  
SE1 0NS

13 December 2017

**Ref: Obj/55/SUFF/R001**

Dear Mr and Mrs Spence

**The Network Rail (Suffolk Level Crossing Reduction) Order**  
**Level crossing S21 Abbotts**  
**Freehold interest : plots 4 and 7**

The Department for Transport has passed to us your letter of objection to the proposed Order dated 6 May 2017, which has been allocated the reference OBJ/55.

We note your concerns and, in the following paragraphs, we respond to the points you raise. In the following table, we set out the current and proposed status of the level crossing referred to in your objection.

Level Crossing	Current Status	Proposed Status
S21 Abbotts	Private footpath	Closed. Users diverted to Mellis Road level crossing to the north.

First, we set out below the strategic context and background against which the Order is brought forward.

Network Rail is responsible for the management and safe and efficient operation of the railway network. It operates under and is bound by the terms of its licence under the Railways Act 1993. It is regulated by the Office of Rail and Road (ORR).

In accordance with the terms of its licence and the strategic aims and policies of the ORR, Network Rail has a duty to ensure the safety of users of the railway and to promote improvements in railway services by cost effective and efficient management of the network. It is also legally responsible for safety on and around the railway, including at level crossings, not only for those using the railway, but

members of the public who may otherwise come into contact with it. Network Rail is thus obliged to protect the public from the dangers of the railway so far as reasonably practicable.

As is recognised by the ORR in its Level Crossings Policy, the removal of level crossings is the most effective way to achieve this objective, removing the interface between trains and highway users entirely.

ORR's strategy for health and safety regulation of level crossings makes clear that it will encourage crossing closure, and ensure that all risk assessments consider this first, in line with the principles of prevention.

In accordance with that objective, Network Rail has established a long term strategy of reducing level crossing risk (see *Transforming Level Crossings 2015-2040*). Closure of level crossings is the most effective way of removing the risk from the network. Reducing the number of level crossings will also remove constraints on the railway to enable enhancement of capacity and improvement of line speed (in association with other schemes) and to secure operation and maintenance of the network in a timely, efficient and economical manner in accordance with Network Rail's statutory duties and licence.

For further information about Network Rail's strategic aims please refer to Network Rail's Statement of Case. The Statement can be found at:

<https://www.networkrail.co.uk/running-the-railway/our-routes/anglia/anglia-level-crossings/>.

Alternatively you can inspect a copy at one of the locations in the attached list.

Turning to the specific points in your letter:

In your objection, you say that if this foot crossing at is closed, pedestrians will have to take a long detour to cross at the less busy road crossing, or a slightly shorter detour to cross at a much busier main road crossing, which does not have a footway. You also say that once closed the facility and amenity will be lost forever and will change the nature of the freedom of the open access common for negligible improvement to the rail service but increased danger to pedestrians.

First it should be noted that there are no existing public rights of way to cross the railway at S21 Abbotts level crossing. Under Network Rail's proposals the existing private rights will be extinguished and these users will be diverted to cross the railway at the Mellis automatic half barrier road level, which is approximately 280 metres north east of the Abbotts crossing. We attach a design plan to show our proposals. During development of our proposals, Network Rail carried out a nine-day Camera census in July 2016 to gather information on the nature and scale of usage which recorded a total of 26 pedestrians using the level crossing with 6 pedestrians

using it on the busiest day.

Network Rail notes that while the length of the diversion varies on the users' origin, some users will be undertaking longer diversions than others. We estimate a typical diversion for the majority of households south of the railway walking from the junction is approximately 1km (0.6 of a mile). As an indication this equates to 15 minutes based on an average walking speed of 1.115m/s (or 2.5mph) which is provided in guidance issued by the Ramblers (source: <http://www.ramblers.org.uk/advice/navigation/calculating-walking-pace.aspx>).

The roads which form the diversion route are existing adopted roads, maintained by the relevant local highway authorities. Users of local footpaths and those accessing land to either side of the crossing would be using these existing roads at present. A Road Safety Audit (undertaken by specialists who are independent of the design team) was undertaken in August 2016 and did not highlight any issues with the proposed diversion route.

Network Rail acknowledges that the closure of Abbotts crossing may impact the freedom and open access you currently experience across the common. However we hope that our strategic case, outlined above, explains why closure of this crossing is in the public interest. Under the Order, Network Rail is diverting users to Mellis Road level crossing which is an automatic half barrier (AHB) crossing and is therefore a safer crossing point of the railway.

We hope that our response has provided sufficient clarity on the points made in your objection, and has addressed your concerns about this level crossing. If so we would be grateful if you would kindly let the Department for Transport know by withdrawing your objection. We look forward to learning your position.

Meanwhile, if you require further information please do not hesitate to contact me on the address above or by email to [AngliaLevelCrossings@networkrail.co.uk](mailto:AngliaLevelCrossings@networkrail.co.uk), quoting the reference number provided.

Yours sincerely



Bridgit Choo-Bennett

Anglia Level Crossing Reduction Team  
Network Rail

Encl. List of Deposit Locations  
S21 level crossing, Appendix F Design Guide Drawings, Network Rail Statement of Case







Charles Loyd  
Partner  
Eastern Land Management Department  
Strutt & Parker LLP

Network Rail  
James Forbes House  
27 Great Suffolk St  
London  
SE1 0NS

18 December 2017

**Ref: Obj/42/SUFF/R001**

Dear Mr Loyd

**The Network Rail (Suffolk Level Crossing Reduction) Order  
Level crossing S24 Higham Ground Frame  
Parish of Higham plots 5, 6, 7, 11, 12, 15, 16, 17, 18, 21, 22, 23, 24, 25 and 26  
Your clients : trustees and owners Mairi Jean Johnston and Alistair Fish**

The Department for Transport has passed to us your clients' letter of objection to the proposed Order dated 26 April 2017, which has been allocated the reference OBJ/42. Following your clients' objection, we have had a meeting with Nick Johnston on the 9 May and also received your clients' Statement of Case.

In the following table, we set out the current and proposed status of the level crossing referred to in the objection and briefly explain Network Rail's proposals.

Level Crossing	Current Status	Proposed Status
S24 Higham Ground Frame	Public footpath	Closed. Users diverted to adjacent Higham Road bridge to the west or the Needles Eye underbridge to the east.

Firstly, it may be helpful to explain the strategic context and background against which the Order is brought forward.

Network Rail is responsible for the management and safe and efficient operation of the railway network. It operates under and is bound by the terms of its licence under

the Railways Act 1993. It is regulated by the Office of Rail and Road (ORR).

In accordance with the terms of its licence and the strategic aims and policies of the ORR, Network Rail has a duty to ensure the safety of users of the railway and to promote improvements in railway services by cost effective and efficient management of the network. It is also legally responsible for safety on and around the railway, including at level crossings, not only for those using the railway, but members of the public who may otherwise come into contact with it. Network Rail is thus obliged to protect the public from the dangers of the railway so far as reasonably practicable.

As is recognised by the ORR in its Level Crossings Policy, the removal of level crossings is the most effective way to achieve this objective, removing the interface between trains and highway users entirely.

ORR's strategy for health and safety regulation of level crossings makes clear that it will encourage crossing closure, and ensure that all risk assessments consider this first, in line with the principles of prevention.

In accordance with that objective, Network Rail has established a long term strategy of reducing level crossing risk (see *Transforming Level Crossings 2015-2040*). Closure of level crossings is the most effective way of removing the risk from the network. Reducing the number of level crossings will also remove constraints on the railway to enable enhancement of capacity and improvement of line speed (in association with other schemes) and to secure operation and maintenance of the network in a timely, efficient and economical manner in accordance with Network Rail's statutory duties and licence.

For further information about Network Rail's strategic aims please refer to Network Rail's Statement of Case. The Statement can be found at:

<https://www.networkrail.co.uk/running-the-railway/our-routes/anglia/anglia-level-crossings/>.

Alternatively you can inspect a copy at one of the locations in the attached list.

We note that your clients do not object to the closing of the crossing on the basis that it is not used and its closure will not affect the overall public rights of way in the area.

Your clients object to the proposed alternative bridleway route as shown in the Order on the grounds that it will have a significant effect on their business activities and will cause a significant financial loss of income.

In this letter we address the points made in the objection letter and in the Statement of Case.

Network Rail is under an obligation under the Transport & Works Act 1992 to provide an alternative route unless it can satisfy the Secretary of State that no alternative

route is required. This has resulted in finding a solution to continue to offer connectivity for the rights of way network. This was noted at the meeting with your client. Network Rail considers that the proposed alternative route is suitable and convenient for existing users. In view of the longer distances that will be travelled, and with regard to Suffolk County Council's desire to increase the network available for cycling, it was decided that part of the diversionary route would be created as a bridleway.

You say your clients use the land in the vicinity of the crossing for clay shooting and testing rifles and shotguns. They will therefore be aware of the risk to pedestrians who currently access or travel past the land, as well as to the users of the railway, and take appropriate precautions.

The creation of the proposed bridleway between points B and C was discussed at the meeting on the basis of your clients' pending planning application (DC/17/0465) for the purpose of caravan and storage. Network Rail was prepared not to seek powers to create the proposed bridleway in view of its apparent incompatibility with your intended use of the land. However, we understand that the planning application has been withdrawn and no further application has been made.

We note that you are agreeable to the proposed footpaths between points A-B and points A-G-F on your plan. This also accords with Suffolk County Council's aspiration to create an access corridor from Higham to Risby.

You say that the footpath between points D-E on your plan replicates points A-B. This is also stated as point 1 in your letter of objection in connection with Notice No. 81.

The submitted proposals for level crossings S23 Higham and S24 Higham Ground Frame have been developed through two rounds of public consultation and we have taken your clients' concerns into consideration. However, we are also required to consider other stakeholders such as Suffolk County Council and users of the rights of way network in the design of the route. The closure of the two level crossings causes a loss of north-south Public Rights of Way. By improving east-west links to make reaching the available crossings of the railway and A14 easier, options for local circular routes and longer distance walks are improved.

The Public Rights of Way network in this area is a mixture of off-road paths connected by sections of road. Therefore the fact that the eastern end of the proposed bridleway finishes at New Road is not considered to present a problem. This should also address your point that 'the proposed diversion route does not lead anywhere and therefore adds no benefit to the bridleway network'. There are onward footpaths and bridleways to the north of the A14 (FP9 Risby), and to the south (BR18 and BR19 Barrow).

You were advised by Jonathan Boulton, our Property Surveyor on 7 July 2017 that following discussions with Suffolk County Council, who initially requested the bridleway, Network Rail was not able to agree to the removal of the proposed

bridleway between points B-C, as previously discussed in the meeting held on the 9 May 2017.

You state in the letter that 'the intended diversion route will border the boundary of an existing clay pigeon shooting school... The direction of shot will need to be severely restricted.' However, the proposed bridleway is separated from the active shooting area east of Needle's Eye by the live railway, and so the shooting activities should have no bearing on users of the proposed bridleway.

### **Impact on your clients' land**

We note that your clients operate the well-established Barrow Heath Shooting Ground which is used for competition and recreational shooting activities. You say that the facility is subject to significant investment including a new clubhouse building. We understand the building and development are expected to take three years and shooting activities will be temporarily relocated to the site currently used for rifle and shotgun testing (B-C route on your plan).

If the Order is made Network Rail would be happy to talk with your clients to agree suitable working arrangements to carry out its works within the land hatched 'black' shown on your plan.

We note that the area hatched 'green' on your plan denotes commercial game shoot. Network Rail appreciates your concerns and would be happy to discuss them with your clients in more detail to see if they can be allayed, including whether any reasonable mitigation measures might be appropriate.

The Order also contains compensation provisions for loss or damage as a result of the Order. Insofar as Network Rail's proposals may affect the value of your clients' property, they may be entitled to compensation in line with the compensation code. The Government has issued guidance on compulsory purchase, which is available from Government publications on the following link (<https://www.gov.uk/government/publications/compulsory-purchase-and-compensation-booklet-1-procedure>). Article 16 of the Order incorporates the provisions of s. 28 Highways Act 1981 for compensation for loss as if the new public right of way was created by a Public Path Creation Order.

Point 2 of the meeting notes says that your clients' land may be earmarked for shooting activities permanently. Network Rail have identified planning permission (DC/15/2524/FUL) granted on 23 June 2016. The permission is for the area south east of the Needle's Eye. Network Rail's proposed routes are from the south west of the Needle's Eye continuing north east from the underbridge. If this is the land your clients refer to, we do not believe our proposed route will affect your clients' development.

Network Rail would be happy to discuss with your clients any further concerns they may have.

We are also appending the latest Design Freeze drawing, which Nick Johnston had requested through Persona.

We hope that our response had provided sufficient clarity on each of the points made in your objection, and has addressed your concerns about this level crossing. If so we would be grateful if you would kindly let the Department for Transport know by withdrawing your objection. We look forward to learning your position.

Meanwhile, if you require further information please do not hesitate to contact me on the address above or by email to [ALCross@networkrail.co.uk](mailto:ALCross@networkrail.co.uk) , quoting the reference number provided.

Yours sincerely



Bridgit Choo-Bennett

Anglia Level Crossing Reduction Team  
Network Rail

Enc.

List of Deposit Locations

Design Freeze Proposal MMD-367516-S24-GEN-005







Martin Feavearyear  
c/o Bacton United '89 Football Club

Network Rail  
James Forbes House  
27 Great Suffolk St  
London  
SE1 0NS

18 December 2017

Ref: Obj/05/SUFF/R001

Dear Mr Feavearyear

**The Network Rail (Suffolk Level Crossing Reduction) Order  
Level crossing S69 Bacton**

The Department for Transport has passed to us your letter of objection to the proposed Order dated 31 March 2017, which has been allocated the reference OBJ/05.

We set out the current and proposed status of the level crossing referred to in your objection and briefly explain Network Rail's proposals.

Level Crossing	Current Status	Proposed Status
S69 Bacton	Public footpath	Closed. Users diverted to adjacent Pound Hill underbridge to the north.

First, it may be helpful to set out the strategic context and background against which the Order is brought forward.

Network Rail is responsible for the management and safe and efficient operation of the railway network. It operates under and is bound by the terms of its licence under the Railways Act 1993. It is regulated by the Office of Rail and Road (ORR).

In accordance with the terms of its licence and the strategic aims and policies of the ORR, Network Rail has a duty to ensure the safety of users of the railway and to promote improvements in railway services by cost effective and efficient management of the network. It is also legally responsible for safety on and around the railway, including at level crossings, not only for those using the railway, but members of the public who may otherwise come into contact with it. Network Rail is

thus obliged to protect the public from the dangers of the railway so far as reasonably practicable.

As is recognised by the ORR in its Level Crossings Policy, the removal of level crossings is the most effective way to achieve this objective, removing the interface between trains and highway users entirely.

ORR's strategy for health and safety regulation of level crossings makes clear that it will encourage crossing closure, and ensure that all risk assessments consider this first, in line with the principles of prevention.

In accordance with that objective, Network Rail has established a long term strategy of reducing level crossing risk (see *Transforming Level Crossings 2015-2040*). Closure of level crossings is the most effective way of removing the risk from the network. Reducing the number of level crossings will also remove constraints on the railway to enable enhancement of capacity and improvement of line speed (in association with other schemes) and to secure operation and maintenance of the network in a timely, efficient and economical manner in accordance with Network Rail's statutory duties and licence.

For further information about Network Rail's strategic aims please refer to Network Rail's Statement of Case. The Statement can be found at:

<https://www.networkrail.co.uk/running-the-railway/our-routes/anglia/anglia-level-crossings/>.

Alternatively you can inspect a copy at one of the locations in the attached list.

We note that you do not object to the closure of the crossing. You say that previous works to upgrade the crossing and to clear vegetation in the last few years were carried out using existing access points which are shown coloured pink on the plan submitted with your letter. Therefore your objection is on the grounds that the work which is required to be carried out to close the crossing S69 "can be achieved using existing access points". If the works are carried out, you would like to know what guarantees are available to the Club that the property will be handed back in the same condition that it was handed over and that Network Rail will meet any costs of repair or renewal.

We address the points you raise in turn.

The area coloured pink you had referred to was identified as a potential route on 5<sup>th</sup> September 2016. However, upon investigating the site, the land appear to be far too steep in certain sections to create a footpath route and requires the clearance of deep vegetation. The route was, therefore, discounted due to the unsuitable topography of the land to be used as a public footpath.



Figure 1 : view from the north adjacent to Pound Hill

You state that access through the Club's property is locked in places marked blue on the plan submitted with your letter when not in use, for security reasons as local sports clubs in the area are constant target for vandalism and burglary. One of the blue marked areas is on plot 20 leading to plot 21 on Sheet 20 of the Order plans.

The new public right of way (which does affect the Club's land) must be approved by the Highway Authority before works to remove the level crossing can be carried out. The removal of the level crossing will be programmed in line with operational requirements. This may mean that Network Rail will require access periodically over a period of months. Network Rail will consult with the Club as the programme of works is developed to seek to reduce the impact on the Club's land, where reasonably practicable.

Plots 20, 21 and 22 are required for access for removal of level crossing and creation of the new public right of way (which does not affect the Club's land). We note your comment that "there is an error in the land marked 20 on the map as the route currently shown (circled in black pen) would go over a raised bank planted with saplings as required by our planning permission".

Article 22 of the draft Order requires Network Rail to restore the land of which temporary possession has been taken to the reasonable satisfaction of the owners and to pay compensation for any loss or damage arising from its exercise of the Order powers.

With regard to Plot 20 we would be happy to discuss this and consider if an alternative solution could be found.

We hope that our response had provided sufficient clarity on each of the points made in your objection, and has addressed your concerns about the powers sought by Network Rail in the Order. If so we would be grateful if you would kindly let the

Department for Transport know by withdrawing your objection. We look forward to learning your position.

Meanwhile, if you require further information please do not hesitate to contact me on the address above or by email to [ALCross@networkrail.co.uk](mailto:ALCross@networkrail.co.uk) , quoting the reference number provided.

Yours sincerely



Bridgit Choo-Bennett

Anglia Level Crossing Reduction Team  
Network Rail

Encl: List of Deposit Locations