



Report to the Secretary of State for Transport

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an Inspector appointed by the Secretary of State

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TRANSPORT AND WORKS ACT 1992
TOWN AND COUNTRY PLANNING ACT 1991

**THE NETWORK RAIL (FELIXSTOWE BRANCH LINE IMPROVEMENTS – LEVEL
CROSSINGS CLOSURE) ORDER 201[]**

Inquiry Held on 23 to 26 January 2018

File Ref: DPI/T3535/17/10

CONTENTS

	Page No.
Case details	3
Introduction and Procedural Matters	3
Site and Surroundings	5
Outline of the Order scheme	7
The Case for Network Rail	9
The Case for the Supporters	27
The Case for the Objectors	30
Written Representations	39
Rebuttals by Network Rail	40
Inspector's Conclusions	48
Recommendations	67
Appendix 1: Appearances	68
Appendix 2: Planning Conditions	69
Appendix 3: Document Lists	74

List of abbreviations

AAP	Felixstowe Peninsula Area Action Plan
AONB	Area of Outstanding Natural Beauty
AQS	Air Quality Strategy
CS	Suffolk Coastal District Local Plan Core Strategy and Development Management Policies
CEMP	Construction Environmental Management Plan
Defra	Department for Environment Food & Rural Affairs
DfT	Department for Transport
DMRB	Design Manual for Roads and Bridges
EIA	Environmental Impact Assessment
ES	Environmental Statement
F2N corridor	the Felixstowe to West Midlands and North freight route
JNCC	Joint Nature Conservation Committee
LLAU	Limits of land to be acquired or used
LTP	Suffolk Local Transport Plan 2011-2031
LVIA	landscape and visual impact assessment
km	kilometre
m	metre
MSL	miniature stop light
NCA	Suffolk Coast and Heaths National Character Area
ORR	Office of Rail and Road
PRoW	Public right of way
RAIB	Rail Accident Investigation Branch
SFN	Strategic Freight Network
SM	Scheduled Monument
SPA	Special Protection Area
SROWIP	Suffolk Rights of Way Improvement Plan
the Scheme	Network Rail (Felixstowe Branch Line Improvements – Level Crossings Closure) Scheme
the 1990 Act	Town and Country Planning Act 1990
the 2008 Order	The Felixstowe Branch Line and Ipswich Yard Improvement Order 2008
Trinity	Trinity College
TWA	Transport and Works Act 1992

Footnotes in the Report provide references to documents as well as points of information and clarification.

CASE DETAILS

THE NETWORK RAIL (FELIXSTOWE BRANCH LINE IMPROVEMENTS – LEVEL CROSSINGS CLOSURE) ORDER 201[] and APPLICATION FOR DEEMED PLANNING PERMISSION

- The Order would be made under sections 1 and 5 of, and paragraphs 1 to 5, 7, 8, 10, 11, and 15 to 17 of Schedule 1 to, the Transport and Works Act 1992 (the TWA).
- The deemed planning permission would be granted by a Direction under section 90(2A) of the Town and Country Planning Act 1990 (the 1990 Act).
- The application for the Order and deemed planning permission was made on 6 March 2017.
- The Order and the deemed planning permission would authorise the closure of six pedestrian level crossings (two of which currently can also be used by private farm vehicles) and the construction of a replacement bridleway bridge, the provision of associated environmental mitigation and the carrying out of upgrades and diversions to the local public rights of way network, at a location approximately 2.5 kilometres to the north-west of Felixstowe and 0.5 kilometres west of Trimley, Suffolk.
- There were 10 objections to the Order outstanding at the commencement of the inquiry.

Summary of Recommendation: That the Order be made and that deemed planning permission be granted subject to conditions.

1. INTRODUCTION AND PROCEDURAL MATTERS

- 1.1 The Applicant is Network Rail Infrastructure Limited (hereafter referred to as Network Rail), a regulated statutory undertaker that owns and operates the rail infrastructure network of Great Britain. Network Rail is primarily responsible for the operation, maintenance, repair and renewal of track, stations, signalling and electrical control equipment.
- 1.2 The proposed Order is intended to form part of a wider scheme for dualling the Felixstowe Branch Line. Powers for the dualling already exist, conferred by The Felixstowe Branch Line and Ipswich Yard Improvement Order 2008 (the 2008 Order)¹.
- 1.3 On 8 August 2017 the Department for Transport (DfT) issued a **statement of matters** pursuant to rule 7(6) of the Transport and Works (Inquiries Procedure) Rules 2004². The statement sets out the matters about which the Secretary of State particularly wishes to be informed for the purposes of his consideration of the applications by Network Rail for the Order and deemed planning permission. In summary the matters are:
 - The aims and the need for the proposed Network Rail (Felixstowe Branch Line Improvements – Level Crossings Closure) Scheme (“the scheme”).

¹ CD/2.1

² INQ1

- The main alternative options considered by Network Rail and the reasons for choosing the proposals comprised in the scheme.
- The extent to which the proposals in the TWA Order are consistent with the National Planning Policy Framework, national transport policy and local transport, environmental and development plan policies.
- The adequacy of the Environmental Statement (ES) submitted with the application for the TWA Order and whether the statutory procedural requirements have been complied with.
- The likely impacts of closing the 6 level crossings and the construction of the new bridleway bridge on land owners, local businesses, local residents, the public, equestrian users and statutory undertakers, including any adverse impact on their ability to carry on their business or undertaking.
- The measures proposed by Network Rail to mitigate any adverse impacts of the scheme.
- The conditions proposed to be attached to the deemed planning permission for the scheme, if given and whether these conditions satisfy the six tests referred to in Planning Practice Guidance.
- Whether there is a compelling case in the public interest for conferring on Network Rail powers compulsorily to acquire and use land for the purposes of the scheme.
- Whether the land and rights in land, for which compulsory acquisition powers are sought, are required by Network Rail in order to secure satisfactory implementation of the scheme.
- Network Rail's proposals for funding the scheme.
- Any other matters which may be raised at the inquiry.

1.4 A **pre-inquiry meeting** was held on 6 October 2017 to confirm the purpose and scope of the inquiry and to outline the procedure and programme at the inquiry³. There was no discussion of the merits of the applications or any cases for or against the proposals. A note of the meeting was circulated to all who attended and to all other parties who had made representations, whether of support, objection or general comments⁴.

1.5 The **inquiry** opened at 1000 hours on Tuesday 23 January 2018 at Ipswich Town Football Club, Portman Road, Ipswich and sat for four days to 26 January. Appendix 1 to this Report is the list of Appearances. The accompanied site visit took place on the morning of the last sitting day. The visit included identification of the extent of the site and viewpoints of the proposed bridge. Access into Grimston Hall was made possible. I made additional unaccompanied visits to the linear site and surrounding area to familiarise myself with the level crossings, the public rights of way (PRoW) network and other relevant matters.

³ INQ2

⁴ INQ3

- 1.6 A total of eleven objections to the proposed Order were received by the DfT. Suffolk Coastal District Council withdrew its objection on 31 May 2017. The remaining ten objections were outstanding at the close of the inquiry. An additional written objection was received from a local resident during the course of the inquiry, to which Network Rail responded⁵. The applicant raised no issue with this objection being taken into account by the Secretary of State and I consider that to do so would not cause injustice to any party. Seven parties had expressed support for the scheme and an additional supporter spoke at the inquiry. There were three written representations.
- 1.7 Helen Wilson was appointed as the independent Programme Officer for the inquiry. Her role was to assist with the procedural and administrative aspects of the inquiry, including the programme, under my direction. She helped greatly to ensure that the proceedings ran efficiently and effectively but has played no part in this Report.
- 1.8 Network Rail confirmed that it had complied with all necessary statutory formalities, as detailed in the compliance pack submitted at the inquiry⁶. A separate report summarising the consultations undertaken was submitted⁷. The adequacy of the consultation process was questioned in objections and I will return to this matter later in the Report.
- 1.9 **This Report** briefly describes the application site and surroundings and outlines the key provisions of the proposed Order. It then sets out the gist of the cases for the applicant, the supporters and the objectors and the content of written representations. The main points of the rebuttals of Network Rail are included also. My conclusions and recommendations follow. The statement of matters provides the framework for reporting the applicant's case and my conclusions⁸. Appendices comprise lists of inquiry appearances and documents and a schedule of planning conditions in the event that the Secretary of State directs that deemed planning permission be granted.

2. THE SITE AND SURROUNDINGS⁹

- 2.1 The Felixstowe Branch Line provides a passenger and freight railway link, past Ipswich to Felixstowe in Suffolk. The Branch Line runs between the East Suffolk Line at Westerfield Junction and Felixstowe Town Station. It provides a connection with the Trimley to Felixstowe North Freightliner Terminal Line at Trimley and the Felixstowe Docks Branch at Felixstowe Beach Junction¹⁰.
- 2.2 The line forms part of the route between the Port of Felixstowe and freight terminals in the Midlands and the North of England. The line is formed of a single track between Westerfield Junction and Trimley, except for a passing line at Derby Road Station. The main works site is located to the north east of Trimley Station, to the west of the villages of Trimley St Martin and Trimley St

⁵ BAR/1 and NR/15/1

⁶ NR/10/1

⁷ CD/1.13

⁸ NR/7/1 references Network Rail's documents and evidence to the matters.

⁹ The description is based primarily on CD/1.14.1 paragraphs 3.1.1 to 3.2.6.

¹⁰ CD/1.14.2 Figures 1.1, 3.1

- Mary¹¹. The villages have developed in a linear form along the High Road, extending east towards the A14.
- 2.3 The Trimley area is predominantly rural in nature, with open farmland and pockets of residential properties lying to the south west of the railway line. The area is served by a network of PRow, a number of which intersect the railway. These PRows provide links to the Suffolk Coastal trail that passes along the River Orwell to the west¹². Since the submission of the draft Order, UK Power Networks has constructed a gravel service corridor between Cordy's Lane and Grimston Lane¹³.
- 2.4 There are eight level crossings along the railway line in the Trimley area¹⁴. Six of the crossings – Thorpe Common, Grimston Lane, Trimley, St Martin's, Gun Lane and Keeper's Lane are passive crossings, meaning that it is incumbent on the user to decide whether to cross the railway¹⁵. At Gun Lane and Keeper's Lane level crossings there are also telephones connected to the signal box, where users with vehicles or animals (including equestrians) are instructed by signage to call to check that a train is not approaching before they start to cross.
- 2.5 Part of the Suffolk Coast and Heaths Area of Outstanding Natural Beauty (the AONB) lies to the west and south west of the railway line, extending up to the railway line in the vicinity of Trimley station. The Orwell Estuary is within a wider wetland area of international importance, designated as the Stour and Orwell Estuaries Special Protection Area (SPA), a Ramsar site and a Site of Special Scientific Interest. The designated areas provide habitats for an important assemblage of wetland birds in the non-breeding season and supports internationally important numbers of wintering and passage wildfowl and waders¹⁶.
- 2.6 There are a number of listed buildings within some 500 metres (m) of the site, most of which are situated on or near the High Road in Trimley St Martin and Trimley St Mary. Grimston Hall and Farmbuilding, both Grade II listed, are located off Grimston Lane, to the south west of the railway line. A Scheduled Monument (SM), the Anti-aircraft site at Searson's Farm, is located in the vicinity of Cordy's Lane and is of national importance¹⁷.
- 2.7 The proposed works are located within Flood Zone 1 where there is a low annual probability of river or sea flooding.
- 2.8 The development plan for the area includes the Suffolk Coastal District Local Plan Core Strategy and Development Management Policies (the CS), the Site

¹¹ CD/1.14.2 Figure 3.3

¹² CD/1.14.2 Figure 3.2 shows the location and designation of the PRow network. CD/1.14.3 Appendix A3.1 and NR/4/1 section 2 provide additional details.

¹³ NR/4/1 paragraph 2.4 and Figures 2-7, 2-8, 2-9

¹⁴ CD/1.14.1 Table 3.1 provides a brief description of each level crossing and the connecting PRows.

¹⁵ CD/1.14.1 Figure 4.8

¹⁶ CD/1.14.2 Figure 3.5 shows the extent of the AONB and the nature conservation designations within the area of the works site. CD.1.14.1 Table 7.4 summarises the features of interest and CD/4.13 and CD/4.14 provide detailed information on the designated nature conservation areas.

¹⁷ NR/8/1 Appendix B provides the list entry, including the reasons for designation and history.

Allocations and Area Specific Policies Development Plan Document and the Felixstowe Peninsula Area Action Plan (the AAP).

3. OUTLINE OF THE ORDER SCHEME, THE ORDER and APPLICATION

The Order scheme

- 3.1 The Order scheme comprises several main elements.
- 3.2 The proposal is to permanently close six level crossings along the Branch Line within the Trimley area: Thorpe Common, Grimston Lane, Trimley, St Martin's, Gun Lane and Keeper's Lane.
- 3.3 A bridleway bridge would be constructed at the location of the existing Gun Lane and St Martin's level crossings¹⁸. The specifications for the structure have been based on a review of appropriate standards and guidance¹⁹. The steel bridge, with column supports, would have a main deck span of 15.99 metres (m) a minimum 5.1 m above rail height. The ramps have been designed to slope at a gradient of 1:15, with 2 m long intermediate landings every 333 mm vertical rise, resulting in a total length of 148 m²⁰. The ramps and staircases up to the main deck would be aligned parallel with the track and connect to the PRow network. The proposal is to paint the structure holly green.
- 3.4 A number of permanent diversions are proposed in association with the identified level crossing closures²¹:
 - The Thorpe Common diversion, 300 m in length, would create two new PRowS parallel to the railway line, enabling pedestrians to cross at the level crossing at Thorpe Lane.
 - The Grimston Lane diversion of 270 m would be along existing roads to the level crossing at Thorpe Lane.
 - The Trimley diversion, 1 kilometre (km), would involve the creation of a new PRow along the western side of the railway line to the proposed bridge, with the use of existing PRowS (public footpaths 30 and 33) on the eastern side of the railway line.
 - The St Martin's diversion, 70 m, comprises a crossing over the proposed bridge.
 - The Gun Lane diversion, 300 m, involves the crossing of the proposed bridge.
 - At Keeper's Lane it is proposed to upgrade Footpath 2 to a bridleway to connect to restricted Byway 28 on the northern side of the railway and to create a new bridleway route on the southern side of the railway. These

¹⁸ CD/1.17 paragraph 6.2.1; CD/1.14.1 paragraphs 4.2.6 to 4.2.10; CD/1.16 Planning Direction Drawings Sheet numbers 8, 9 and 10.

¹⁹ CD/1.14.1 paragraph 5.5.2 Table 5.2, NR/1/1 paragraph 12.11

²⁰ CD/1.14.1 paragraph 4.2.7 states the ramps are approximately 170 m long but they scale at 148 m.

²¹ CD/1.14.1 Figure 4.8 and NR/4/1 Figure 3-1; CD/1.15 paragraph 4.1 lists the length of each proposed permanent diversion. These distances have been reconsidered in the evidence on Transportation and Public Rights of Way (NR/4/1).

two bridleways would be connected via the proposed bridge and existing PRowS. The length of the permanent diversion is stated to be 1.7 km.

- 3.5 The scheme also proposes to upgrade Footpath 1 in the Parish of Trimley St Mary from a permissive bridleway to a bridleway to connect to Cordy's Lane and enhance circular routes for bridleway users in the area.
- 3.6 During construction temporary diversions of PRowS would be necessary.
- 3.7 A package of environmental measures has been developed to provide landscape screening on either side of the proposed bridge and the reinstatement of a hedgerow along a field boundary to the east of the Branch Line. The mitigation measures are intended to enhance biodiversity in the area.

The Order²²

- 3.8 The key provisions of the draft Order are:
 - Article 3, providing the power to construct and maintain works, which encompasses the proposed bridge, the provision or upgrading of footpaths and bridleways forming diversions to the local PRow network.
 - Article 5, authorising the closure of the level crossings specified in Schedule 3 and the extinguishment of all rights of way (both public and private) over those level crossings.
 - Article 6 provides for the creation, completion and future maintenance of the new footpaths and bridleways specified in Schedule 3. Twelve months after completion, their future maintenance would be carried out by and at the expense of the highway authority. Network Rail would maintain the bridge structure.
 - Article 7 provides for the two footpaths specified in Schedule 5 to be upgraded to bridleways.
 - Article 9 provides for the temporary stopping up and diversion of streets.
 - Articles 10 to 18 concern the acquisition of land, including the powers to acquire land and new rights, the temporary use of land for construction and the extinction or suspension of private rights of way.
- 3.9 At the inquiry Network Rail confirmed that no modifications are proposed to the draft Order.
- 3.10 No amendments are proposed to the Book of Reference.

Deemed application for planning permission

- 3.11 In connection with the application for the Order, a request is being made for a direction under section 90(2A) of the 1990 Act that planning permission, insofar as it is required, should be deemed to be granted for the development sought to be authorised by the Order²³.

²² CD/1.2, CD/1.3

²³ CD/1.8.4B

- 3.12 The application is accompanied by a set of Planning Direction drawings which show the application boundary and some of the elements of development in detail²⁴. Approval of the details of the proposed landscaping would be secured by way of a planning condition. The application is also accompanied by an ES and a Planning Statement²⁵.
- 3.13 The request explains that where land is being acquired permanently, the effect of the direction would be to change the use of the land within the boundary of the scheduled work to railway use. Such land would become 'operational land' as defined in section 264(3) of the 1990 Act and as provided for in Article 19 of the draft Order.

4. THE CASE FOR NETWORK RAIL

Matter 1: The aims and need for the Order scheme

Background to the Wider Scheme and the Order Scheme

- 4.1 Network Rail and the Port of Felixstowe have been progressing proposals to increase rail freight capacity from the port over the last ten years or so. The Felixstowe Branch Line and Ipswich Yard Improvement Order 2008 (the 2008 Order) included authorisation for the construction of an additional track (approximately 7 km) on a parallel alignment with the Felixstowe Branch Line railway, the alteration of a number of level crossings on the Branch Line and the compulsory acquisition and use of land required to construct the authorised works²⁶.
- 4.2 Deemed planning permission for the additional track and other works were granted by the Secretary of State in connection with the 2008 Order. This permission was subsequently replaced by a planning permission granted in 2010 by the local planning authority Suffolk Coastal District Council²⁷.
- 4.3 The powers of compulsory acquisition and use of land conferred under the 2008 Order expired in October 2013. The Port Company renewed those powers under the Felixstowe Branch Line (Land Acquisition) Order 2014 (the 2014 Order)²⁸. The Network Rail (Felixstowe Branch Line Land Acquisition) (Agreements for Transfer) Order 2017, which came into force in September 2017, enabled the transfer of the land acquisition powers to Network Rail. The 2008 Order already included a power to transfer the works powers from the Port to Network Rail. A transfer agreement was signed with the Port of Felixstowe to transfer the necessary powers under the 2008 and 2014 Orders to Network Rail for the construction of the Trimley loop²⁹.

²⁴ Contained in CD/1.11

²⁵ CD/1.14.1, CD/1.14.2, CD/1.14.3 and CD/1.15

²⁶ CD/2.1 is the 2008 Order. CD/1.17 paragraphs 3.3.1 and 3.3.2 describe the full extent of the works authorised by the 2008 Order.

²⁷ CD/2.5 "Application for replacement planning permission subject to a new time limit (to December 2018) in respect of planning permission for proposed works to dual approximately 7 km of the Ipswich to Felixstowe Branch Line & to carry out improvements to the Ipswich Yard & Westerfield level crossing."

²⁸ CD/2.6

²⁹ NR/1/1 paragraph 4.4, NR/1/3B and NR/8/1 answer to question 9

- 4.4 Therefore Network Rail has the powers to construct and to acquire the necessary land for the second track and to undertake the changes to the rail systems to facilitate operations.
- 4.5 Network Rail's current proposal to enhance the Felixstowe Branch Line, known as the Wider Scheme, has four main elements³⁰:
- i. dualling 1.4 km of the Branch Line at Trimley;
 - ii. upgrading a number of vehicular level crossings and replacing existing single barriers with double barriers to improve safety;
 - iii. the closure of six level crossings located along or in the vicinity of the proposed construction of the second track;
 - iv. the provision of a replacement crossing point in the form of a bridleway bridge at Gun Lane.
- 4.6 The 2008 and 2014 Orders provide the powers for the first and second elements of these works. The further powers required for the additional enhancement works to the Branch Line are being sought through the Order scheme.
- 4.7 The Wider Scheme will increase capacity from 33 to 47 freight trains per day in each direction on the Branch Line and is planned for completion in December 2019. A second track will be installed through the St Martin's, Gun Lane and Keeper's Lane level crossings, with the construction of the turn-out for the second track just past the Trimley footpath level crossing (Felixstowe side)³¹.

Aims and needs related to the Wider Scheme

- 4.8 The Felixstowe Branch Line is of national importance since it connects the Port of Felixstowe to the wider rail network and is the start of the Felixstowe to West Midlands and North freight route (the F2N corridor)³².
- 4.9 Network Rail and the industry are keen to grow rail freight and encourage intermodal shift in view of the compelling benefits of rail freight. The importance to the national economy is demonstrated by key indicators on employment, the value and volume of goods transported and the generation of more than £1.5 billion a year in economic benefits through improved productivity and reduced congestion. Rail freight removes lorries from the road, significantly reducing the number of road casualties. Reductions in road congestion and air and noise pollution, notably in cutting carbon emissions, are additional environmental gains³³.
- 4.10 The aim of the Wider Scheme is to provide enhanced rail infrastructure to allow the Port of Felixstowe to operate a greater number of rail freight services to secure economic, environmental and safety benefits. The Port is the largest container port in the UK, making a vital contribution to employment and the local and national economy. The market for container traffic across the UK is strong and rail freight passing through the Port has shown sustained growth

³⁰ NR/1/1 paragraphs 9.1 to 9.4 and Figure 2

³¹ NR/17/1, CD/1.17 paragraph 5.2.30, NR/1/1 paragraph 11.15

³² NR/1/1 page 10 Figure 1 shows the Felixstowe to West Midlands and North freight route.

³³ NR/1/1 section 5 and NR/1/3C key facts and executive summary

over the past decade as result of continued investment by Network Rail and the Port authority³⁴.

- 4.11 The current rail infrastructure along the Branch Line carries 33 freight trains in each direction per day and an hourly passenger service. The line is operating at full capacity and places a constraint on expansion. Timetable modelling has shown that changes to the operations or infrastructure are needed in order to operate additional freight services to meet the forecasted demand. Reduction or removal of the passenger service is not an acceptable measure for the local community. Therefore enhancements to the Branch Line are the only option to increase rail freight capacity and meet forecasted growth. The scheme is part of a long term freight strategy to increase capacity for the Anglia Route and along the whole F2N corridor³⁵.
- 4.12 The Wider scheme represents very high value for money, having a net present value of £180.5 million and a benefit cost ratio of 7.0, the highest category achievable³⁶.

Need for the Order scheme as part of the Wider scheme and scheme objectives³⁷

To improve safety and efficiency and complement the wider proposals

- 4.13 The undisputed evidence is that the implementation of the dualling will materially increase the risk at the six level crossings concerned³⁸. At all the level crossings an increase in the number of trains will increase risk. The introduction of a second line of rails will more than double the traverse distance at the affected crossings. The estimated measured sighting distances would be below the minimum required, which rules out the ability of these crossings to remain as passive crossings where reliance is placed on a user to make an informed personal decision as to whether it is safe to cross or not³⁹. Undoubtedly there will be times when trains are held at signals and over the level crossings. Obstruction of crossings is contrary to the Office of Rail and Road's (ORR) guidance⁴⁰ and discounts the possibility for the crossings to remain at their current locations.
- 4.14 Other safety issues arise from peoples' perception of approaching trains. Passenger services will operate at higher speeds than freight services and people may anticipate they have more time to cross than they actually do when a passenger service is approaching. The new second track and the existing track will be signalled so that trains can operate in both directions. This bi-directional operation introduces a risk to users of a crossing because they may expect a train to arrive from the other direction to which it does.

³⁴ NR/1/1 section 7 provides more detailed information, with reference to NR/1/3C and NR/1/3D.

³⁵ NR/1/1 section 8 outlines the long term strategy and future planned projects to meet forecast demand. CD/6.20, pages 40-44, is specific to the Anglia Route.

³⁶ NR/1/1 section 10

³⁷ CD/1.4 paragraph 11 and NR/1/1 paragraph 9.6

³⁸ NR/2/1 provides the detailed assessments at each level crossing, explains the factors leading to increased risk and considers options to reduce or mitigate the risks.

³⁹ NR/2/4 has a table attached which details sighting distances.

⁴⁰ NR/11/2

- 4.15 Network Rail's focus on level crossings is materially different to the position in 2008 when the works to dual the track were authorised. Level crossing safety now is addressed both generally and in the context of other network enhancements, reflecting a step change in the approach to level crossing risk since 2010⁴¹.
- 4.16 Network Rail's policy is to close level crossings where possible, being the most effective way to reduce risk on the network and to eliminate risk at individual level crossings⁴². This policy is in line with ORR's strategy to encourage crossing closure and to ensure Network Rail works to achieve the highest risk reduction possible⁴³.
- 4.17 Network Rail's current proposals seek to improve safety in line with Network Rail and ORR policy and to deal with the passive level crossings comprehensively as part of the Wider scheme to deliver a more coherent and acceptable solution for the PRoW network. Without the Order scheme, it would be necessary for safety reasons either not to construct or operate the dual track, thereby denying the Port and the wider economy the substantial benefits of doing so, or to take other steps to close the affected crossings, without the replacement bridge, under other powers.
- 4.18 The evidence clearly shows that closure of the level crossings is necessary to manage the undisputed increased risk⁴⁴. As a result a key plank of the Parish Council's case, and of Mr Knight, that the undisputed increased risk at the level crossings could be managed without closure, effectively fell away.
- 4.19 Adding a warning system to each crossing by means of a miniature stop light (MSL) system would involve disproportionate costs and, with the exception of Thorpe Common, would not be technically feasible⁴⁵. Trimley St Martin Parish Council accepted technical impediments existed for four crossings in the Parish - Grimston Lane, Trimley, St Martin's and Gun Lane⁴⁶. The logic applies equally to Keeper's Lane, outside the Parish.
- 4.20 Even if MSLs were technically feasible four of the crossings could not remain because there would be times when trains would be held at signals and be stationary over the crossing. This situation would be contrary to ORR guidance.
- 4.21 Technology might be deployed at Thorpe Common, although at cost and without provision of sufficient risk reduction. This crossing is very close to Thorpe Lane, a fully automated crossing which is to be upgraded to a full barrier under the 2008 Order scheme. The best and only option is closure and a diversion to Thorpe Lane crossing⁴⁷.
- 4.22 In addition to improving safety, the closure of the level crossings in conjunction with the dualling of the track will improve efficiency and performance of the

⁴¹ NR/16/1 paragraphs 6 to 15 set out the case in detail.

⁴² NR/1/3H and CD/6.14

⁴³ CD/6.15

⁴⁴ NR/2/1 sections 2.6, 3.6, 4.6, 5.6, 6.6, 7.6, 8.6, 9.6, 10.6 give detailed consideration to the possible options including closure via diversion, addition of a warning system, gate to gate enhancement.

⁴⁵ NR/2/1 paragraphs 12.1.3, 12.1.4 briefly explains the MSL systems and technical issues.

⁴⁶ NR/16/1 paragraph 17

⁴⁷ NR/2/1 paragraphs 2.6.1 to 2.8.2 and 12.1.6

Branch Line. This objective will be achieved by timetable resilience and reduced operational disruption to the railway⁴⁸.

Need for an alternative crossing of the railway: to maintain connectivity for non-motorised users

- 4.23 The TWA requires that in circumstances where rights of way are to be stopped up, if an alternative route is found to be required, it should be provided (section 5(6)). Network Rail, taking into account survey information⁴⁹, recognises that the closure of six level crossings would impact on the users of the PRoW network and that a new crossing of the railway should be provided.
- 4.24 The proposed replacement crossing point is in the form of a bridleway bridge at Gun Lane. The bridge location was established by minimising the constraints identified in an audit of the existing PRoWs, level crossing conditions and current amenities. Matters considered included constraints to crossing structures (such as overhead lines), proximity to residential properties and distance of diversion routes⁵⁰. The bridge would be in a central location taking the closed crossings cumulatively. In addition, upgrades and enhancement are proposed to a number of existing PRoW routes, creating circular routes for bridleway users⁵¹.
- 4.25 The general location of the bridge is not the subject of sustained dispute. Even though Mr Knight observed the busiest crossing is at Keeper's Lane, he accepted in response to questions that taking the closed crossings cumulatively, the proposed location was appropriate.

Mitigation of environmental impact and environmental enhancement

- 4.26 Network Rail is committed to ensuring its development enhances the environment and recognises that the development is in a rural area, on the fringe of Trimley and close to the AONB. The proposed tree and hedge planting will screen the bridge and contribute to biodiversity and ecological connectivity⁵².

Matter 2: Main Alternative Options

No alternative crossing

- 4.27 In considering whether it would be possible to close the level crossings without a replacement crossing the lengths of potential diversions and associated journey times were considered. In consultation with Suffolk County Council it was deemed that the no crossing option would be unacceptable because of the impact on leisure walkers and on access to local amenities for residents of the properties to the west of the railway. Permeability to all users was prioritised over reducing diversion distances because the majority of users of the level crossings are leisure users⁵³.

⁴⁸ NR/1/1 paragraphs 9.7 to 9.10

⁴⁹ NR/4/1 sections 2.5 to 2.7 provide further information of the survey data.

⁵⁰ CD/1.14.1 paragraph 5.3.2, CD/1.14.3 Appendix A5.1, NR/6/1 paragraph 3.2.9

⁵¹ NR/1/1 section 13

⁵² CD/1.4 paragraphs 27 and 28

⁵³ NR1/1 paragraphs 12.2, 12.3; NR/6/1 paragraph 3.2.10; CD/1.14.1 paragraph 5.3.1

Alternative crossings: general approach

- 4.28 Consideration of alternatives must be approached in a manner that is realistic. If the Order is not made, it does not follow that Network Rail will pursue any alternative new crossing in a new Order or that an alternative promoted by any party will in fact be achieved. Further and in any event, alternatives are generally only relevant where there is a firm planning objection to the proposal.

Type of crossing: overbridge or underpass

- 4.29 In response to public consultation, further consideration was given to an underpass⁵⁴. The option considered was a reinforced concrete box underpass 20 m long below the railway, a minimum of 3.7 m headroom, an internal width of 5.5 m and with 1 in 15 gradient ramps. The structure would require a full lighting design and associated power supply to be installed. The total depth of construction would be 7.15 m below track level and below the water table. The structure could be designed to address issues of water egress and may require a pumping station and connected water storage system to accommodate flood waters.
- 4.30 This option was ruled out due to the cost and complexity of the structure and construction, and the increased environmental effects from excavation, construction, land take requirements and loss of habitat. The costs would be at least double, and potentially triple, the costs of bridging over the railway, with additional ongoing higher maintenance costs.
- 4.31 Network Rail concluded that an underpass would not be a practical or cost effective solution and the option was discounted.

Alternative bridge location and form

- 4.32 In response to a proposal by Trinity College a technical assessment was carried out for a bridge providing for vehicles as well as pedestrians and equestrians, located further to the south towards Keeper's Lane⁵⁵. Compared to the proposed bridge at Gun Lane, this option would require more land take and hence result in greater loss of habitat, biodiversity and agricultural land. The need for greater import of fill and materials would increase construction duration and impacts. As a result overall costs would be greater. The bridge would be located in the AONB. The landscape and visual effects would not be significant by Year 15 and hence broadly comparable to the scheme proposal in effect. The structure would be higher and closer to residential properties, increasing the risk of users overlooking the homes⁵⁶.
- 4.33 Network Rail concluded that the vehicular bridge would not represent a practical or cost effective solution and it was discounted as an option⁵⁷.

⁵⁴ CD/7.4; CD/1.14.1 paragraphs 5.5.12-5.5.16; CD/1.14.3 Appendix A5.1 section 6.6 has details of the first feasibility study of an underpass; NR/3/1 paragraphs 2.8.1 to 2.8.8.

⁵⁵ CD/7.5

⁵⁶ NR/3/1 paragraphs 2.7.1 to 2.7.5, NR/6/1 paragraph 3.2.13

⁵⁷ NR/1/1 paragraph 12.12

Alternative bridge types Gun Lane location

- 4.34 A number of alternative options to the proposed Gun Lane bridge were considered by means of an optioneering process⁵⁸. Different construction types for the main deck and ramps were considered. The bridge type options included a bridge with traditional earth embankment approach ramps, reinforced earth embankments with concrete side panels and reinforced earth embankments with reinforced earth side slopes.
- 4.35 The option evaluation exercise showed that the proposed option is the most suitable solution for the location and intended function. A steel deck structure in comparison to the alternatives is relatively slim-line, relatively quicker to construct involving less land take and earthworks and with limited impact on train services. It has less impact on ecology and biodiversity, less visual impact and no material impact on heritage assets⁵⁹.
- 4.36 Inevitably the proposals will result in visual and landscape impacts that are opposed by some. However, the resistance is not universal, less than half of those consulted at the engagement event objected to the bridge as proposed⁶⁰. The bridge has been designed to meet the detailed guidance of the British Horse Society and the evidence of the Users of Trackside was difficult to understand. The impact of moving trains on horses would arise with existing level crossings and it was unclear as to the extent the objectors use the crossings proposed for closure. If they do not, the bridge is an irrelevance to them. At least one local equestrian user of the existing network supports the proposal⁶¹.

Conclusion

- 4.37 The proposed solution was selected on the basis that it is practical and minimises the environmental effects of the proposed works⁶².

Matter 3: Consistency with Policy⁶³

Principle of development

- 4.38 The objectives of the proposed works align with the core planning principles set out in paragraph 17 of the National Planning Policy Framework (the Framework) to the extent that the proposed works will support local strategies to improve health and well-being for all and actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling. In the context of the Wider scheme the works will support the proactive drive and sustainable economic development of the surrounding area by enabling the growth and development of the Port of Felixstowe.
- 4.39 The proposed works will support the achievement of Objectives 1, 4, 7 and 8 of the CS which aim to deliver sustainable communities, support the growth and

⁵⁸ CD/1.14.1 paragraphs 5.5.4 to 5.5.11 and table 5.3; CD/1.14.3 Appendix 5.1 Chapter 6; NR/3.1 paragraphs 2.6.1 to 2.6.21

⁵⁹ NR/1/1 paragraph 12.15

⁶⁰ CD/1.13 page 6

⁶¹ NR/3/4 paragraph 2.1.6

⁶² NR/6/1 paragraph 3.2.5

⁶³ CD/1.15 section 6; the principal references in the evidence of Network Rail's witnesses are NR/4/1 section 5 and NR/5/1 paragraphs 2.1.1 to 2.1.10, NR/6/1 paragraphs 4.1.3 to 4.1.30.

regeneration of the local economy, enhance the vitality and viability of Felixstowe and the market towns and enhance the transport network across the district. Section 3.123 of the CS acknowledges that Felixstowe railway line is an important freight route requiring a number of improvements as part of the port expansion works. Furthermore the shift of more freight to the railway will help to limit the amount of container traffic on the A14.

- 4.40 In conjunction with the Wider scheme the proposed works will directly align with CS Policy SP10 and Policy FPP9 of the AAP which seeks management of transport links on the A14 and railway line to ensure the Port of Felixstowe continues to operate efficiently as a major contributor to the local and national economies.

Transport Infrastructure and Connectivity

- 4.41 In general terms the proposed works are aligned with the Framework's policy in paragraphs 29 to 41 of promoting sustainable transport modes for the movement of goods and people, including the creation of safe and secure layouts which minimise conflicts between traffic and cyclists or pedestrians. In response to paragraphs 69 and 75 of the Framework the proposed bridge and upgrade of PRowS protect and enhance access to the countryside, including for future users from the proposed development in the Trimley villages identified in the AAP. By these measures the proposals also accord with AAP aspirations set out at paragraph 7.22 and Policies FPP6 and FPP7.
- 4.42 Safety and accessibility, two key transport issues for consideration identified by the National Planning Practice Guidance, will be enhanced by the elimination of unsafe uncontrolled crossings and the provision of a bridge crossing that is fully accessible to all active modes of travel.
- 4.43 As required by legislation⁶⁴ the closure of the PRow crossings is supported by diversions and enhancements that ensure the routes are re-connected to minimise any impact on convenience and enjoyment of the routes.
- 4.44 The Suffolk Local Transport Plan 2011-2031 (LTP) promotes the improvement of the Felixstowe to Nuneaton route for freight services. Lorries on rural roads are highlighted as a key transport issue in the region. An aim of the Order scheme is to maintain PRow connectivity, facilitate an increase in walking and cycling and reduce the number of casualties on the transport network. This aim is consistent with the LTP, which seeks to provide safe, healthy and inclusive communities.
- 4.45 Existing PRow crossings are insufficiently designed for all users with gates and stiles. A segregated crossing with ramps will enable those with mobility problems to access the countryside and ensure the local rights of way meet the present and future needs of the public, as detailed in the Suffolk Rights of Way Improvement Plan (the Suffolk ROWIP).
- 4.46 CS Strategic Policy SP11 aims to maximise opportunities for local journeys to be made by means other than the private car, which in relation to foot and cycle provision will mean securing safe and easy access to local facilities. The policy

⁶⁴ NR/4/1 paragraph 5.1.8 refers to NR/4/3C Countryside and Rights of Way Act Schedule 6 Part 1 specifically sections 10(1) and 12(7)

also encourages the transfer of freight from road to rail. To promote health, community cohesion and understanding of the environment, Strategic Policy SP17 seeks to ensure communities have well managed access to green space in the countryside, which is centrally proffered by the Order scheme.

- 4.47 The Suffolk Coast & Heaths AONB Management Plan (2013-2018)⁶⁵ has objectives for maintaining and enhancing PRoWs and wider access networks across the AONB. Two of the associated actions are to develop off-road cycle/horse routes and to encourage greater access from a diverse range of people. The Order scheme includes enhancement to access for all users and associated PRoW upgrades and in particular an increase in permeability in terms of cycle/equestrian routes.

Design, landscaping

- 4.48 The policy context is set out in paragraphs 56 and 115 of the Framework and Policies SP15, SP29, DM21 and DM22 of the CS. Network Rail recognises that works are due to take place in a rural setting. The impact of the proposed development will be limited through the design of the bridge structure, its layout, colour and the planting of vegetation and screening where necessary. The project achieves its functional requirements to accord with CS Policy DM22.

AONB

- 4.49 The effect on the AONB would be negligible to minor adverse. The site is not within the AONB and accordingly the Framework policy prescriptions in respect of the AONB itself (including the presumption against major development within it) do not apply to the proposals before the inquiry. The sole issue is the effect on the setting of the AONB⁶⁶. The magnitude of the change is limited and the special qualities are not reduced. The wider setting of the AONB, including the high cranes at the Port should also be taken into account.

Ecology

- 4.50 The site restoration and landscaping scheme and specific ecological mitigation will in the long term improve the conservation status of habitats within the site, improve habitat connectivity and provide visual screening. As a result the proposed works align with paragraphs 9 and 109 of the Framework, Objective 11 and Policies SP14, DM21 and DM27 of the CS.

Historic Environment

- 4.51 A programme of archaeological mitigation is incorporated into the delivery of the proposed works. The upgrading of the Footpath 1 to a bridleway would have a neutral effect on the SM. Therefore the proposals align with paragraphs 126 and 134 of the Framework and Objective 11 of the CS.

Amenity Impacts and Construction

- 4.52 The proposed works have been planned with the aim of maintaining safe access arrangements and connectivity to the PRoW network across the railway. Mitigation measures during construction, as well as those measures

⁶⁵ CD/4.15

⁶⁶ NR/16/1 paragraph 26 (a)

incorporated into the design, will minimise disturbance, pollution and overlooking in accordance with Policy DM23 of the CS.

- 4.53 A draft Construction Environmental Management Plan (CEMP) has been prepared. The final plan will be submitted to Suffolk Coastal District Council before the commencement of works in order to comply with Policy DM24 of the CS.

Matter 4: Adequacy of the ES⁶⁷

- 4.54 The ES was completed in accordance with the 2006 TWA Rules. It covers all the topics and issues specified in the Secretary of State's scoping opinion⁶⁸. The topic assessments have been undertaken in accordance with the methodologies set out in the scoping opinion and as agreed with relevant statutory bodies. The technical environmental assessment for each topic was undertaken in accordance with the relevant Government, professional institution or best practice guidelines as referenced in the relevant technical chapters.
- 4.55 The ES was subject to external legal review by Network Rail's legal advisor prior to the submission of the application for the Order scheme.
- 4.56 The ES is fully compliant with the Application Rules and statutory procedural requirements.

Matter 5: Likely impacts of closing the 6 level crossings and the construction of new bridleway bridge

Noise and vibration⁶⁹

- 4.57 The assessment of noise and vibration impacts was scoped out of the Environmental Impact Assessment (EIA) due to the large distance between the main bridge construction area and the nearest receptors and the minimal work required at the level crossings. The bridge works would be conducted during core working hours and the activities to remove the crossings will be of very short scale duration. During operation there will be a minor improvement associated with the removal of the level crossings as trains will not be required to sound whistles through the crossings. Therefore the nature of the proposed works is such that no significant operational noise or vibration effects will be expected.

Air quality⁷⁰

- 4.58 Monitoring data and background mapped data provided by Defra and Suffolk Coastal District Council indicate air pollution concentrations at the proposed works locations are likely to be below Air Quality Strategy (AQS) objectives. During construction potential impacts as a result of dust and emissions would be avoided and minimised by specification of best practice measures. Once operational the proposed works will not directly release any emission to air and

⁶⁷ NR/6/1 paragraphs 2.4.1 to 2.4.4

⁶⁸ CD/1.14.3 Appendix A1.3 sets out a response and outcome to the Scoping Opinion and Consultee comments on the Scoping Report.

⁶⁹ NR/6/1 paragraphs 4.1.33 to 4.1.38

⁷⁰ NR/6/1 paragraphs 4.1.39 to 4.1.42

are unlikely to generate vehicle activity. Therefore air quality impacts are not expected.

*Landscape and visual amenity, AONB and appearance*⁷¹

- 4.59 The proposed works would introduce new built infrastructure in the form of a bridleway bridge across the railway within a semi-rural and agricultural setting.

Baseline conditions

- 4.60 The proposed works would be located within the Suffolk Coast and Heaths National Character Area (NCA) – a mainly flat or gently rolling landscape, often open but with few commanding viewpoints and with an intimate mosaic of wildlife habitats and landscape features near the coast. At local level the Plateau Estates Farmland landscape character type is described as a very simple landscape.
- 4.61 The AONB covers some 403 square kilometres and extends from the Stour Estuary in the south to Kessingland in the north. It is a low lying coastal landscape with a wide variety of landscape character types, including saltmarsh and intertidal flats, coastal levels, seascape, valley meadowlands and open coastal and wooded fens. The AONB lies within the study area and the AONB character type of most relevance is 'Estate Farmlands'. This character type is described as having arable crop production with mainly medium sized farms which cluster the landscape. The pattern of fields is characterised by large scale arable blocks divided into rectilinear fields. In many places the landscape is quite open with extensive views across the estuaries. Woodlands can be a strong feature and in some places views of the Port of Felixstowe can be very prominent. Due to the designated status of the AONB and its landscape characteristics it is judged to have a high sensitivity to change.
- 4.62 Residential properties that have views towards the site of the proposed works have been documented and include the community facility Reeves Lodge, a residential care centre on High Road. The closest residential properties to the railway line and level crossing closures are at Grimston Lane, Keeper's Lane and Stennets Close where they are directly adjacent to the railway line. The closest properties to the proposed scheme are approximately 250 m away on Grimston Lane. A recently completed residential development, Cavendish Grove, is located adjacent to the main access point, and works site, from the roundabout on High Road.

Design

- 4.63 Potential impacts to landscape character and visual effects have been minimised through the design of the bridge structure, its layout, colour and planting of vegetation and screening⁷². A lightweight appearance would be achieved through the use of circular hollow section piers. Use of a matt holly green colour would prevent the bridge standing out as a purely engineered feature and be a similar colour to the proposed woodland planting adjacent to it.

⁷¹ CD/1.14.1 Chapter 10, NR/5/1 and NR/6/1 paragraphs 3.3.22 to 3.3.24

⁷² NR/3/1 section 2.4

Summary of effects during construction

- 4.64 The construction phase would result in a noticeable change to the local landscape. The nature and extent of the works would lead to some vegetation loss of small woodlands and sparse hedgerows creating a noticeable break in the backdrop vegetation and opening up longer views towards the container port. The appearance of open fields would be broken up by solid hoardings, as well as machinery and cranes when the bridge is under construction. As far as possible woodland and vegetation loss will be minimised in the vicinity of the Order scheme and realistically retained vegetation has been identified⁷³. The level of intimacy between the scale of the works in relation to the scale of the local landscape means that the magnitude of the change is likely to be high adverse with the significance of the effect classified as being minor/moderate adverse.
- 4.65 There would be a small scale indirect but negative effect on the characteristics of the AONB, the overall significance being classified as minor. Due to local topography, existing vegetation and buildings, the bridge will only affect the local landscape character within the Zone of Visual Influence⁷⁴ and will not be of great enough magnitude to affect the NCA as a whole or the Plateau Estates Farmland landscape character type.
- 4.66 The proposed works and construction activities would change the context of views in the rural surroundings. The removal of vegetation would open views towards the railway line, from the south east and Port of Felixstowe, from the west and north from the villages in the Trimley area. There would be a significant effect on views of residents and visitors to the area.

Summary of operational effects

- 4.67 Once the construction work has been completed, the proposed bridleway bridge erected and mitigation planting installed, the scheme would have a lasting legacy on the area which would change and evolve over time as a result of maturing mitigation planting. The effects of planting are illustrated by a series of photomontages for the landscape in its existing state, just after completion and 5 and 15 years after completion⁷⁵.
- 4.68 The most noticeable impact of the works on the local landscape character would be just after completion of construction in Year 0. The severity of the change due to the removal of woodlands and hedgerows would result in an overall significant effect. By Year 15 the mitigation planting would provide effective screening, reducing the magnitude of change so that the overall effect would not be significant.
- 4.69 During Year 0 the bridge would be a highly visible component of the wider setting from localised areas of the AONB due to the loss of vegetation and the presence of the bridge structure, resulting in a negative effect. The magnitude of the change should be judged on the works' relationship to the entirety of the AONB. In that context the change would not affect the integrity of the AONB as

⁷³ NR/5/3B Figure 10.39 (on sheet of Figure 10.38); CD/1.14.2 Figure 4.6 shows the extent of vegetation loss from the dualling of the track.

⁷⁴ CD/1/14.2 Figures 10.1 and 10.2; see also NR/8/1 response to question 4

⁷⁵ CD/1.14.2 Figures 10.3 to 10.8, NR/5/3B Figures 10.20 to 10.38

a whole and the minor adverse effect would not be significant. During Year 15, mitigation planting would provide effective screening. There may be some residual views, more so in winter. However, the setting of the AONB would be largely the same as the baseline condition and the magnitude of change would be reduced to very low adverse, which is not significant.

- 4.70 In terms of visual receptors, views towards the bridge would be open and unscreened where vegetation had been removed. As the restoration planting becomes more established by Year 15 the views would be obscured and this would reinstate the original woodland character of the views surrounding the railway.

*Ecology and archaeology*⁷⁶

- 4.71 The majority of habitat loss and impact on ecological features would be realised as a result of the Wider scheme. Therefore the ecological assessment has considered the combined impacts of the Order and Wider schemes and delivered a combined mitigation strategy. The protected species surveys showed that particular consideration needs to be given to bats and badgers. A separate Habitats Regulations Assessment Stage 1 Screening Report identified that the proposed works either alone or in combination with any other scheme would not result in any likely significant effects on the conservation objectives of the qualifying features of the Stour and Orwell Estuaries SPA and Ramsar sites. This conclusion has been accepted by Suffolk County Council and Natural England⁷⁷.
- 4.72 Overall during construction the residual effect on the ecological features is assessed as minor adverse as a result of the habitat loss and potential disturbance from construction works. Long term, the biodiversity enhancement associated with species rich diversity of plants in the restoration planting will result in a minor beneficial effect to the conservation status of habitats within the site.
- 4.73 Extensive buried archaeological remains have been identified in the desk-based assessment of the study area⁷⁸. Potential impacts to archaeological features have been avoided and minimised, where possible, by embedding mitigation measures in the design and construction planning, such as building up ground levels and no dig solutions where practicable. Groundwork activity during the construction phase would give rise to limited effects on a small number of archaeological assets⁷⁹. The works will be completed under an approved Written Scheme of Investigation as informed by a suitable archaeological investigation, including trial trenching in areas related to the proposed works.
- 4.74 The zone of visual influence for the construction works and the operational phase of the proposed works do not extend to the site of the SM. There will be a negligible effect on the SM and its setting because it is screened from the bridge by the woodland area to the south of the railway line and the hedgerow adjacent to Keeper's Lane. These landscape features are to remain. The closest

⁷⁶ NR/6/1 paragraphs 3.3.5 to 3.3.13, 3.3.17 to 3.3.21, 4.1.47 to 4.1.53; CD/1.14.1 sections 7.4-7.6, 9.6

⁷⁷ NR/6/3G and CD/7.1

⁷⁸ CD/1.14.1 section 9.4

⁷⁹ These include Romano-British coaxial field system and a series of undated ditches – see CD/1.14.1 paragraphs 9.10.1 to 9.10.4

proposed works to the SM is the upgrade of the status of Footpath 1 but as this is a farm track works will be limited⁸⁰.

- 4.75 The 15 listed buildings (including Grimston Hall) and the SM identified within 500 m of the proposed limits of land to be acquired or used (LLAU) will not be subject to any change⁸¹.

Safety

- 4.76 Level crossings are the highest public risk area for Network Rail and the statutory undertaker is seeking to close crossings where possible. The impact on safety through the closure of the 6 level crossings has been considered in explaining the objectives of the Order scheme. The simple point on safety is that without the Order scheme the implementation of the dualling would increase the risk at each of the six level crossings, contrary to Network Rail and ORR policy. The level crossings would become unsuitable and unsafe with longer traversing distances and sighting distances that do not meet standards.
- 4.77 The level crossing risk assessments undertaken by Network Rail show that the closure of the six crossing points is the safest way to ensure the public's interaction with the operational railway is kept to a minimum and to protect lives⁸².

Impacts on users, including private vehicular rights⁸³

- 4.78 The assessment topic people and communities considered the effects on the amenity of local residents, the impact on local agricultural businesses as a result of temporary land take and potential operational impacts due to level crossing closures, and impacts in respect of PRow closures and diversions⁸⁴. Assessment of the socio-economic impacts was scoped out due to the small scale temporary and localised nature of the works.
- 4.79 Mitigation measures will be incorporated into the works. The existing TWA Order includes provision for temporary diversion of PRows to accommodate the temporary level crossing closures and the proposed compound. Subject to the new TWA Order being granted these temporary diversion routes will be redirected to accommodate the combined extent of the works site. The new TWA Order will provide for permanent diversions, upgrades and new routes as well as the new bridleway bridge. During construction the CEMP will reduce disruption to PRow users and residential receptors within the vicinity of the proposed works.

⁸⁰ NR/8.1, answer to question 3, is the source for this assessment.

⁸¹ The effect on the Grimston Hall heritage asset is further considered by Network Rail in response to OBJ/11 – see paragraphs 8.42-8.44 below.

⁸² NR/2/1 provides details of the assessments. NR/2/1 paragraphs 4.4.1 to 4.4.4 reports the two fatalities at Grimston Lane in 2016. The first was an accident investigated by the Rail Accident Investigation Branch (RAIB) (CD/6.10). The second was a deliberate act of a person taking their own life and was not investigated by the RAIB.

⁸³ NR/4/1 section 6; CD/1.17 section 9

⁸⁴ CD/1.14.1 Chapter 11

PRoW users

- 4.80 The Order scheme will result in the removal of three stile crossings and two user worked crossings, provision of a new bridge with associated PRoW diversions and improvements. The proposals for new footpath and bridleway links were developed in consultation with Suffolk County Council, the British Horse Society and landowners⁸⁵.
- 4.81 The changes in crossing availability by user type is summarised as:
- Unrestricted all-user crossing points will remain unchanged at a total of two;
 - Crossing points available to farm vehicles will reduce from four to two;
 - Pedestrian (non-reduced mobility) crossing points will reduce from eight to three;
 - Reduced mobility crossing points will reduce from five to three; and
 - Equestrian and cycle crossing points will reduce from four to three.
- 4.82 There is a comprehensive PRoW network within the local area, including a number of routes advertised for visitors. The wider routes include a main circular route which is promoted on site and on line and only interacts with the rail line at Station Road, which will be retained as part of the Order scheme⁸⁶. Therefore the proposed closures of level crossings are unlikely to impact on visitor walk routes.
- 4.83 There are currently eight crossing points to the countryside south of the rail line for pedestrians from Trimley villages⁸⁷. Three of these are accessed using stiles and therefore are not fully accessible to all. For many users the safety fear of crossing a live railway uncontrolled is prohibitive and therefore all six crossings are in reality inaccessible to many prospective users. The closure of the passive level crossings will improve safety and the bridleway bridge, by removing the risks associated with crossing a railway at grade, will result in an inherent significant beneficial effect.
- 4.84 Access from High Road to the countryside north of the railway line will be unaffected by the Order scheme. Although the number of locations to cross the rail line will reduce, access to the wider countryside will remain possible for all identified access points from High Road⁸⁸.

Equestrian users

- 4.85 There are currently two legal circular routes which interact with the rail line, both of which include on-road sections and which utilise the crossings at Gun Lane and Keeper's Lane⁸⁹. The Gun Lane crossing will be closed as permitted within the existing 2008 Order for the Wider scheme. The Order scheme will

⁸⁵ NR/6/1 paragraph 3.4.3; NR/3/3B

⁸⁶ NR/4/3K

⁸⁷ NR/4/1 Figure 6.1

⁸⁸ NR/4/1 Figure 6.2

⁸⁹ NR/4/1 Figure 6.3

improve the bridleway network, including the provision of a new bridleway link, the upgrade of the 'permissive' bridleway to a formal bridleway link and the construction of a new bridleway bridge south of the Gun Lane crossing. As a result there will be a net increase of two circular routes, with a total of four becoming available⁹⁰. It is clear that equestrian users will have a greater route choice as bridleways form an interlinked network, offer a wider variety of available route lengths and greater permeability of the countryside south of the rail line.

Farm vehicle users

- 4.86 There are currently two points of restricted vehicle access to farmland to the south of the rail line, at Gun Lane and Keeper's Lane. The Gun Lane user worked crossing will be closed as permitted within the existing 2008 Order, the closure of Keeper's Lane forming part of the Order scheme. Potential routes across the rail line have been identified⁹¹.
- 4.87 In the south, access to the Trimley estate via Station Road is shorter than via Keeper's Lane/Grimston Lane. In the north, viable alternative access is available via the retained Thorpe Lane road level crossing. The retention of Thorpe Lane and Station Road barrier controlled crossings, which are already used by farm traffic, will provide reasonable access for all farm vehicles. The existing user worked crossings are underutilised and the closure of the Keeper's Lane crossing is not considered to have a significant effect on agricultural business. Any negligible impact on farming operations is significantly outweighed by the safety and economic benefits of the Order scheme.

Matter 6: Mitigation Measures

*Code of Construction Practice*⁹²

- 4.88 It is a contractual requirement for all Network Rail projects that the contractor prepares and implements a CEMP. A draft CEMP was submitted with the Order application, which will serve as a Code of Construction Practice⁹³.
- 4.89 To discharge condition 20 for the Wider scheme, a CEMP was submitted to the local planning authority⁹⁴. This CEMP will be delivered as a combined management plan for all works, for the 2008 Order and the Order scheme and will be managed as a live document.
- 4.90 Additional mitigation measures for the Order scheme include a landscape restoration plan, a suite of control measures for ecological receptors and conditions of the deemed planning permission, which will be adopted in delivering the proposed works⁹⁵.

⁹⁰ NR/4/1 Figure 6.4

⁹¹ NR/4/1 Figure 6.5

⁹² NR/6/1 paragraphs 3.2.22 to 3.2.28, NR/3/1 paragraphs 3.4.1, 3.4.2

⁹³ CD/1.14.3 Appendix A4.1

⁹⁴ NR/6/3A

⁹⁵ NR/6/1 paragraphs 3.2.29 to 3.2.49

Measures to avoid, reduce or remedy any major or significant adverse impacts

- 4.91 The economic benefits of the Order scheme have been considered in addressing the need for the scheme.
- 4.92 The proposed design of the bridge has been selected to reduce the environmental impact, as explained in the ES, the landscape and visual impact assessment (LVIA) and in consideration of the engineering aspects.
- 4.93 Vegetation loss will occur as a result of the Wider scheme and the construction of the bridge. As mitigation a landscape plan will be developed prior to construction, combining habitat management practices with details of landscape works to create a green corridor. The aim is that vegetation lost will be replaced with similar species⁹⁶.
- 4.94 The impacts of the Order scheme on the highway network, including roads and other PRow, and on accessibility have been considered in the related proof of evidence, which supports the assessment presented in the ES. The conclusion is that the associated revision to level crossings will in the cumulative provide a complementary enhancement to safety without having an unreasonable impact on accessibility. The proposed bridge and associated amendments to the PRow network represent reasonable alternatives to maintain access to the countryside for recreational use. There will be negligible impact for the vast majority of users. A negligible impact has been identified on existing farming operations, the public highway and on PRow users in general and as such is significantly outweighed by the safety and economic benefits of the Order scheme.

Impacts remaining after proposed mitigation⁹⁷

- 4.95 The environmental effects likely to arise from the proposed works during its construction and operational phases are reported in the ES. In summary, with the proposed control measures and mitigation strategy, the residual environmental effects that are assessed as significant have been minimised to temporary disturbance and impacts as a result of construction and the short term adverse effects until the landscape restoration planting establishes.
- 4.96 During construction the temporary moderate and major adverse effects resulting from the combined construction period of the 2008 Order works and Order scheme of works, are identified as:
- Noticeable change and disturbance to the local landscape, residents and users of the PRow due to loss of vegetation and direct oblique views of the construction worksite and activities;
 - Potential loss, settlement or compaction to archaeological assets as a result of construction activities; and
 - Temporary closures of footpaths and diversions which would result in a change in amenity and severance.
- 4.97 In the short term and initial stage of the operational phase, the introduction of a new bridge over the railway will have a moderate adverse effect on the local

⁹⁶ NR/5/1 paragraphs 3.1.5 to 3.1.22; CD/1.14/3 Appendix A4.3

⁹⁷ NR/6/1 section 3.3 and NR/6/2 paragraphs 3.1.5 to 3.1.9; NR/6/4 paragraph 2.1.3

landscape character and visual amenity of residents and users of the PRow network. There will be a minor adverse effect on the amenity of PRow users until the proposed restoration planting has established. Under the combined mitigation strategy vegetation that is removed along the railway corridor will be replanted. Once planting has established this will screen the diversion PRow routes from the railway line, thus minimising the impact to the amenity and aesthetics of the area.

- 4.98 In the longer term minor beneficial effects of the scheme will include betterment of ground conditions, enhancement of biodiversity and landscape restoration. Overall the scheme will provide long term beneficial effects to the local area, providing safe pedestrian, cyclist and equestrian access and connectivity across the railway. The Order scheme would give rise to no permanent long term significant adverse effects.

Statutory undertakers

- 4.99 No protective provisions are proposed for inclusion in the draft TWA Order or other measures to safeguard the operations of statutory undertakers⁹⁸.

Matter 7: Proposed Conditions⁹⁹

- 4.100 The statement of proposed planning conditions submitted in support of the application subsequently was updated with regard to the comments received from stakeholders. The updated list was amended further. The proposed conditions have been discussed and agreed with Suffolk Coastal District Council¹⁰⁰.
- 4.101 The conditions would impose a time limit to commence the development and require development to be in accordance with the approved plans and documents. A landscaping scheme and maintenance of landscaping and ecological enhancement is required. Conditions to protect amenity during construction require an approved CEMP and impose controls on core working hours, noise, dust and lighting. Risks from land contamination are addressed. Measures are required to ensure species protection and to avoid a negative impact on historic features. Details of the hard surfacing of the bridge will be subject to approval from the relevant authorities.

Matter 8: Case for compulsory acquisition powers

- 4.102 The land required permanently or temporarily for the construction of the Order scheme is defined on the Land Plans, Works Plans and Public Rights of Way Plans. The reasons for requiring the extent of land identified centre on use for construction work sites and access, site compounds, welfare facilities and lay down area, rights of access for maintenance works, environmental mitigation, temporary diversions of PRows, permanent upgrade and alterations to the PRow network. The 4 plots covering the site for the proposed bridge fall within the Limits of Deviation¹⁰¹.

⁹⁸ NR/3/1 paragraph 5.1.1

⁹⁹ CD/1.8.4B represents the final draft list

¹⁰⁰ CD/1.8.4.1

¹⁰¹ NR/3/1 section 3.5 details the reasons for requiring the extent of land identified.

4.103 All areas of land and property rights which are sought in the draft Order are necessary for the proposed scheme. No land will be acquired unless essential for the construction, operation and maintenance of the Order scheme. Network Rail seeks to acquire the necessary land and rights by negotiation with the owners and compulsory powers will be used only where it is not possible to reach agreement.

Matter 9: Funding

4.104 The Wider scheme works have an anticipated cost of £58 million, the costs associated with the Order scheme being a smaller sum of approximately £4.7 million within the total figure¹⁰².

4.105 The project (capital cost inclusive of any compensation) will be fully funded through Network Rail's Strategic Freight Network (SFN) Fund and a contribution from the Port of Felixstowe. The SFN is a ring fenced fund within Network Rail and the fund's key aim is to improve the rail network for the rail freight industry. The funding is secure¹⁰³.

Conclusion

4.106 The Order scheme strikes the right balance between the needs and interest of the local community and the wider public interest in a safe and efficient railway that is capable of meeting the country's economic and social needs. This is an important stretch of railway which will become all the more important through the delivery of the Wider scheme. The Wider scheme should be delivered as a modern railway without passive level crossings but with proper provision for the community to cross the line. That is where the 2008 Order falls short and where this Order meets the challenge.

5. CASE FOR THE SUPPORTERS

Supporters appearing at the inquiry

Hutchison Ports (UK) Limited (SUPP/2)¹⁰⁴

5.1 Hutchison Ports (UK) Limited supports the Order scheme and is committed to the Wider scheme, which is needed to enable the Port of Felixstowe to increase rail modal share and meet its customers' requirements. Rail freight has a key part to play in meeting Government economic and environmental targets.

5.2 The Port of Felixstowe is the largest container port in the UK, accounting for 40% of all UK container trade and is the largest generator of intermodal rail freight in the UK. Substantial investment has been made in the rail terminal facilities. Rail throughput at the port continues to grow and the ability of the Port to facilitate the movement of containers by rail is a key component of the services that it must offer to its customers. Felixstowe's importance to the local and the national economy cannot be understated and underlines the case for the Wider scheme in the strongest possible terms.

¹⁰² CD/1.6 paragraph 2, CD/1.7; NR/1/1 paragraphs 15.1, 15.2; NR/11/2

¹⁰³ CD/1.6 paragraphs 1 and 3, NR/1/1 section 16; Mr McAleer in his oral evidence confirmed that the funding is secure.

¹⁰⁴ HP/1, HP/1a, HP/2

- 5.3 The existing Branch Line is a single track and is operating at capacity. As a result the scope for disruption caused by any incident or delay is higher. The proposed improvements to increase capacity from 33 to 47 trains per day are urgently required to meet pent up demand from shipping line customers.
- 5.4 The Wider scheme and the Order scheme represent part of a more extensive set of works required to increase capacity and enable the Port of Felixstowe to serve customers in its hinterland, especially those in the Golden Triangle in the Midlands and in the North of England.
- 5.5 The risk described by Network Rail, that if the Order scheme is not authorised there would be a significant impediment to the Wider scheme, is of great concern. It is important that the Wider scheme works are carried out and that they are effective from first availability. The Port of Felixstowe supports the certainty in terms of availability of capacity and its safe and efficient operation that the schemes will deliver.
- 5.6 The weight that should be ascribed to the Order scheme in providing certainty for the Wider scheme and the ongoing development of port rail services is of the very highest order.

Councillor Graham Newman¹⁰⁵

- 5.7 The entire Wider scheme is urgently required to provide additional capacity for container trains to and from the Port of Felixstowe and to increase the reliability of the passenger service between Ipswich to Felixstowe.
- 5.8 The additional capacity is of key importance to the Town in view of the importance of the Port to employment locally and in the County – for example, 54% of households in Felixstowe and the Trimley villages are dependent in some way on the Port for one or more occupants' employment. Any adverse change to the fortunes of the Port would have immediate and potentially catastrophic consequences for the economic fortunes of the Town. The Port has invested and made outstanding efforts to develop its rail facilities. It is essential that the competitive position of the Port is maintained and augmented. The implications of not proceeding with the level crossing closures and footpath diversion proposals would have a significant effect on the Wider scheme.
- 5.9 The passenger train service at present has a poor reputation for reliability but Greater Anglia intends to deploy new trains and improvements within the next 18 months. The benefits cannot be delivered without the Wider scheme. With the proposed increase in new homes in the area there is a growing need for a more reliable train service.
- 5.10 The proposed new bridge will be intrusive on the skyline, particularly in the early years. However, this assessment should be set against the background of 46 m high cranes at the Trinity Terminal dominating the vista for many miles around. The bridge structure will be in the interests of public safety and the security and optimum operation of the railway network.
- 5.11 With funding approved, the opportunity to proceed with the scheme should not be lost. The disadvantage of some rural walks being longer and less rural is far

¹⁰⁵ NEW/1

outweighed by the benefit of the Wider scheme to the economic health and well-being of all the area's residents.

Written representations in support of the Order scheme¹⁰⁶

The Suffolk Chamber of Commerce (SUPP/1)

- 5.12 The improvements to the Felixstowe Branch Line are considered essential to increase capacity to support greater rail volumes that will help drive economic and business growth for both Suffolk and the UK.

Freightliner (SUPP/3)

- 5.13 Freightliner is the second largest rail freight operator in the UK. Rail freight is vital to the competitiveness of the UK economy and the movement of goods by rail has many wider benefits to society. The rail freight market has opportunities for growth.

- 5.14 The proposed investment through the Wider scheme is vital in meeting capacity demand on an already constrained network, as well as offering productivity benefits to the rail freight operators and customers. By closing a number of level crossings on the Branch Line, train operations will be made easier and safety risks reduced.

Hamburg Sud (SUPP/4)

- 5.15 The proposed improvements to the Felixstowe Branch Line and the expected increase in the number of daily intermodal services will enable the company to move more containers from road to rail, helping to reduce road congestion and carbon emissions.

GB Railfreight Limited (SUPP/5)

- 5.16 The building of a long loop at Trimley, with the associated rights of way closures, will give the most operational benefit in unlocking capacity for new rail traffic out of the Port. The length of the new loop and the additional flexibility to hold and route long container trains will give operators the ability to put more freight services into the railway timetable.

New Anglia Local Enterprise Partnership for Norfolk and Suffolk (SUPP/6)

- 5.17 The additional track is essential to address the capacity shortfall and is one of the Partnership's key short-term priorities for freight. The scheme will help support the resilience of the passenger service and relieve pressure on the strategic road network.

Mediterranean Shipping Company (UK) Limited (SUPP/7)

- 5.18 As one of the largest users of the Port of Felixstowe, the proposed increase in capacity on the Branch Line is wholeheartedly supported. The rail operation is currently constrained, with a cost impact on import and export operations. The investment in the project is an important step in increasing freight capacity across the wider F2N route. The development will support the growth of the UK

¹⁰⁶ SUPP/1, SUPP/3-SUPP/7

market and competitiveness of UK exports with regard to the cost of moving containers between Felixstowe and the UK regions.

6. CASE FOR THE OBJECTORS

The main points of Objectors appearing at the inquiry

Trimley St Martin Parish Council (OBJ/2)¹⁰⁷

- 6.1 The Parish Council is not seeking to obstruct or delay the work associated with dualling a section of the line but this work does not depend on the closure of level crossings as proposed. A national initiative to reduce the number of footpath level crossings is a separate issue.

Loss of amenity

- 6.2 The crossings threatened with closure form part of a network of paths. Residents of Grimston Lane and Thorpe Lane can follow Footpath 33 across Trimley crossing to reach the facilities in the village, a quicker and safer route than any other. In reverse the path also is used by people living in the busier parts of the village to reach the river. Without the Trimley crossing people will use the road to reach these destinations.
- 6.3 The greatest value of the footpath and crossing network is to make it easy to walk in the countryside, which has physical, mental and social benefits. The crossing closures would reduce the choice of a variety of walks. If the bridge is constructed as proposed some will find they cannot manage the climb, others will be uncomfortable crossing at such a height. The indication from canvassing views of residents is that the community would be disadvantaged by closure and fewer people would be able to access the AONB¹⁰⁸.

Safety, future risk and crossing closure

- 6.4 To evaluate the impact on health and safety one needs to look at far more than the number of accidents on the railway. Crossing closure will result in people who now use footpaths choosing to walk by road. There are real dangers in doing so, especially where the walk involves roads without pavements like Thorpe Lane, Grimston Lane and part of High Road. The reduction in the number of available routes reduces the attraction of countryside walks so fewer people benefit from the considerable health advantages of walking.
- 6.5 Following the fatal accident at the Grimston Lane level crossing in February 2016 Network Rail replaced the skewed crossing with a straight deck. It follows that the crossing should now be safer and better equipped for the changes to the line which are to come.
- 6.6 Residents are very aware that they have to take adequate care at the crossings. The potential danger will increase with the creation of the loop and increase in rail traffic to 47 freight trains per day but it is not accepted that the level of risk will be so great that it can only be addressed by closing the crossings.

¹⁰⁷ TPC/1, SOC2, TPC/3. The comments in NR3 do not necessarily represent the final position of the Parish Council, in particular regarding level crossing closures.

¹⁰⁸ SOC2 section 1 and Appendix A local opinion questionnaire

6.7 The Parish Council would like to see all the crossings retained but if this is not possible, a safe and satisfactory outcome should be possible with fewer closures than currently planned¹⁰⁹. Thorpe Lane¹¹⁰ in particular is a reasonable distance from the turn out of the dualled track and is one of the few crossings where miniature warning lights are a possibility. The crossing could be retained with additional safety measures. The proposed diversion is short but requires users to walk along the road, which is a very unwelcome experience for many, especially if they must share the road with farm traffic.

The Bridge

6.8 The location for the bridge is in a quiet rural location on the border of the AONB¹¹¹. The sheer enormity of the structure – as high a house and with ramps the length of a football pitch – tells the Parish Council and residents that the bridge will be wholly out of place. A bridge of similar design at Thurston has been designed for utility and economy¹¹². It has no place in Trimley St Martin. Adequate weight must be given to the impact the structure would have on resident's daily experience of the countryside. The impact on those who cross the bridge or pass within the immediate vicinity will be repeated on every occasion that they make the crossing or walk in that direction.

6.9 The Framework requires great weight to be given to conserving landscape and scenic beauty in AONBs. The installation of the proposed bridge, which can never be screened from those walking nearby, offends against the intention of that principle. The proposed bridge will give rise to landscape and visual impacts which cannot be fully mitigated unless a design is selected that sits comfortably in the landscape. The impact needs to be considered in the context of the railway, the cranes at the Port of Felixstowe and the heights of other buildings in the vicinity of the railway. Every effort should be made to ensure that views are not further damaged by a bridge of unsympathetic design.

6.10 Local equestrians are not comfortable with the bridge, even though designed with regard to guidance published by the British Horse Society. They worry that their horses would be spooked if a train passes below. If the bridge is perceived to be unsafe it will not be used.

Alternative Options, Underpass

6.11 None of the other bridge designs considered by Network Rail for the Gun Lane location is appropriate to the setting¹¹³. If the crossings cannot remain open the Parish Council's preference is for an underpass.

6.12 The underpass considered by Network Rail was rejected on grounds of cost but a narrower underpass would be acceptable in a rural setting¹¹⁴ and could be

¹⁰⁹ TPC/1 paragraph 11 – the position of the Parish Council on the potential use of MSL was revised in light of evidence presented by Network Rail at the inquiry.

¹¹⁰ TPC/3 states Thorpe Lane but probably should state Thorpe Common.

¹¹¹ NR3 under 'bridge location' the Parish Council agree that the proposed crossing point is in a location which is well served by the highways network and roughly equidistant between Cordy's Lane and Thorpe Lane.

¹¹² TPC/1 Appendix 1 provides photographs of the bridge at Thurston.

¹¹³ CD/1.17 Appendix B

¹¹⁴ Reference was made to TPC/2 to support this view.

achieved at a lower cost than the figure put forward by Network Rail. The fact that an underpass may cost more than a bridge should not rule it out. Value for money should never be at the expense of the despoilment of the landscape. If additional cost has to be incurred to arrive at a result that protects our landscape for many years to come then it will be money well spent. Dealing with arrangements to keep water out of the underpass should not present an insurmountable challenge.

Conclusions

- 6.13 All the proposed closures are unnecessary¹¹⁵. The design of the proposed bridge is unacceptable and an underpass would be a more suitable alternative.

Ramblers' Association Ipswich Group (OBJ/6)¹¹⁶

Procedures

- 6.14 Network Rail has not followed the procedures for advising the walking public of the proposed changes to the PRoW network. The notices posted did not have a map showing the crossings affected and the replacement routes proposed. Notices were not posted on all fingerposts leading to the proposed changes. The posting of notices by Network Rail is not neutral. Informing the people of Trimley is not enough and walkers coming from further afield should be made aware of the proposals. At a public information event in November 2016 questions on the options were not formulated in a sufficiently neutral way. Most people were not in favour of the proposals yet the response appears not to have been heeded.

Value of the path network

- 6.15 Walkers and path users are a large and diverse group. Walking is good for health and well-being. Social interaction is valuable. The scenery, hedgerows, trees and ecology all enrich the experience of walking. A wide and varied network of paths is needed as walking is a real pleasure.
- 6.16 The network is weakened by any loss of a footpath or bridleway. It reduces the options for a walk, the ability to vary the walk as weather changes, especially for those of limited fitness and mobility for whom a short walk will always be the option. Reasons for change are expected to be sufficient and that what is offered in compensation will be broadly equivalent. If the alternative path offered is close to traffic, lacks a view or involves an unattractive detour it alters and diminishes the experience. The proposed closure of 6 level crossings does not serve the interests of walkers.

Proposed level crossing closures

- 6.17 In the original objection the Footpath Sub Committee, whilst not pleased, agreed by a majority to accept the closure of the Thorpe Common, Grimston Lane and Gun Lane crossings, taking into account the proposed alternative routes. Objection was made to the closure of Trimley as it adds a detour of a

¹¹⁵ TPC/1 paragraph 18: the Parish Council accepted at the inquiry that technical impediments existed to the installation of additional safety measures at St Martin's, Gun Lane, Grimston Lane and Trimley crossings. No opinion was expressed about Keeper's Lane, which is outside the parish.

¹¹⁶ OBJ/6, SOC4, RAI/5

kilometre to the direct route from just east of the roundabout to Goslings Farm, Trimley St Martin. The main part of the detour adds a section adjacent to the railway and of little interest. Strong objection was made to the closure of the Keeper's Lane crossing. The alternative adds 1.7 km to the route. The existing route is popular and much used to connect to the footpaths leading to the Stour and Orwell Walk and is particularly good for birds and wildlife.

6.18 Subsequent additional points are:

- The offered diversion from Thorpe Common on the Stour and Orwell path would involve 150 m parallel to the railway, a road section and a further 150 m to return to the original route.
- Re the proposed closure of Keeper's Lane, the greater part of the population of Trimley St Mary lives within 1,000 m of this crossing. Those wishing to avoid the detour would have to use Station Road and Cordy's Lane, a much less acceptable route. What is offered is not equivalent in distance or in its location.
- Gun Lane is a byway open to all traffic and rights of other vehicles would be lost.

6.19 In summary these alterations would involve a significant extra distance, often remaining close to the track for much of their length, not a route many would find acceptable or peaceful. The only 'new' path that is an improvement is that from Keeper's Lane, at the current crossing west north west to Grimston Lane. The 'new' path offered from Keeper's Lane to Gun Lane already exists as Trimley St Mary FP2.

6.20 Mr Knight (the Secretary of the Footpath Sub Committee) personally objected to the closure of the Thorpe Common, Keeper's Lane and Trimley crossings but he did not object to the closure of the Grimston Lane, Gun Lane and St Martin's crossings (because of the bridge)¹¹⁷.

Need for closures

6.21 Network Rail has not made a strong enough case for closure or for not taking such other measures that would improve safety at crossings. The UK railways have one of the best safety records in the European Union. Whilst risk is significant the probability of an accident occurring is small. Care needs to be taken in crossing a railway as in crossing a road.

6.22 If a decision is made to go ahead with all the closures, there might be further possible improvements to the network of paths.

Bridge, underpass

6.23 The drainage problems and the costs for the underpass may have been overestimated by Network Rail, no independent costings have been provided. An underpass of 3.5 m width has been shown to be more economical and once constructed would have no effect on the operation of the railway. A considerable advantage is that it would be used. It is very likely a bridleway bridge would be

¹¹⁷ Mr Knight confirmed the position in his oral evidence to the inquiry.

virtually ignored by riders and its height would deter its use by the elderly and less mobile.

*Written statements in support of the Ramblers' Association's case*¹¹⁸

6.24 A leader of health walks explains that these have to be short walks of no more than 90 minutes duration. The closure of the rail crossings will reduce the paths that can be used because the diversions will add too great a distance to the walks. Particular objection is raised to:

- Thorpe Common, part of a recognised long distance path. The proposed diversion would reduce the aesthetic value of the path.
- Trimley, a crossing that links several paths which lead to views of the Orwell River in the AONB.
- Keeper's Lane, a crossing that provides a good circular route in conjunction with the other crossings. The proposed diversion is long and pointless.
- The bridge will be a large intrusion on the attractive Orwell River area.
- The closures are not necessary because of safety issues – reasonable sightlines enable walkers to cross safely.

6.25 Mrs Knock considers the closing and re-routing will restrict or alter the variety of walks she currently enjoys. Keeper's Lane is said to be the worst closure because it would mean walking more on the road and cut the community of Trimley St Mary into two. Mr Knock highlights the closure of Trimley St Martin because it is a vital link to other paths creating a variety of circular walks in Trimley and Falkenham.

Residents and Users of Trackside Park – Cordy's Lane (OBJ/1)¹¹⁹

6.26 By way of introduction, the Orwell Riding Association has 80 members and the Trackside Livery Yard will have 10 horses and riders by summer 2018.

6.27 The health and safety of the users of the bridge, and in particular the riders and horses, have not been fully considered. The British Horse Society is able to set a standard for the construction of an equestrian bridge but they are unable to guarantee the health and safety of the rider and horse. A horse is a flight animal, with monocular vision, so that when faced with danger it will react and run. It is unrealistic to think that a horse will be able to cope with crossing a bridge over 7 m above ground level with moving trains beneath. No horse rider has attempted to cross a bridle bridge built at Thurston. The proposed bridge also will be a monument of failure and will not be cost effective if it is not fit for purpose.

6.28 There are over 100 horses in the area that generate local revenue for a number of businesses. Several local horse riders work with the police to help rural crime. Roads are not a safe place for horses. 28 extra trains a day will

¹¹⁸ RAI/1, RAI/2, RAI/3

¹¹⁹ UTP/1 provides detail of the presentation given at the inquiry and expands upon the original objection OBJ/1. Mrs Barker preferred not to answer questions after her presentation.

massively impact on the noise and pollution of the area. The increase in waiting times at the crossing on Cordy's Lane will impact on residents and local businesses. The maintenance of the bridge, including a winter gritting programme, will lead to ongoing costs to tax payers.

- 6.29 There will always be a potential safety hazard when a horse and rider share access and use of the proposed bridge with a range of other potential users. Getting help when an accident occurs would require quick assistance and access. Safe access to a safe riding area is vital. Animals are extended family and no horse and rider would consider a bridge as a safe option. An underpass would be a safer approach. A request was made that a visit be made to see the underpass below the railway on the bridleway to the east of Cordy's Lane.

Main points made in written objections

Suffolk Coast and Heaths AONB staff team (OBJ/9)¹²⁰

- 6.30 The location of the proposed bridge is within the setting of the AONB. The proposal does not meet the requirements of national and local policies to ensure the AONB is conserved and enhanced.
- 6.31 With reference to the LVIA, the magnitude of change and impact on the AONB is disputed. The development would introduce an incongruous feature within the setting of the AONB, the impact being exacerbated by the poor design of the structure. The photomontage at Year 15¹²¹ is not considered to be a realistic representation of the success of planting in this location – the planting is minimal, 5 years is too minimal a time for maintenance and 15 years an over-optimistic estimate for the maturity of planting. The proposed mitigation would not be effective and there is likely to be an unacceptable impact over a longer period of time. The proposed planning condition on landscaping should require replacement planting over a ten year period¹²².
- 6.32 The design of the bridge does not take account of the nationally designated landscape within which it will sit. There are more appropriate construction designs, which may also be more pleasant for users and result in a good level of use. The long ramps will result in riders being alongside the railway for some significant distance. For example, earth ramps would lend themselves more readily to landscaping and horse riders would have a limited view of the railway.
- 6.33 Public rights of way to the AONB should be maintained and enhanced. On this basis a replacement crossing point should be provided. Alternative routes for a number of paths are less convenient for users.

Trinity College (OBJ/11)¹²³

- 6.34 Trinity College (Trinity) is the landowner of the Trimley Estate, a mixed property estate. The agricultural element extends to approximately 887 hectares (2,193 acres) and the majority of the land is farmed by Trinity's farming company

¹²⁰ OBJ/9, SOC3, NR5

¹²¹ CD/1.14.2 Figures 10.7, 10.8: Viewpoint 3 is taken to be the likely view of the proposed bridge from within the AONB.

¹²² NR5 page 7

¹²³ OBJ/11, NR7

Walton Farms Limited. Trinity supports Network Rail's proposals to improve and increase capacity on the Felixstowe Branch Line and to improve safety. The principle of the closure of the level crossings and their replacement with a bridge is not opposed. However, the solution proposed is ill-considered and unsatisfactory. The grounds of objection are based on the following matters.

Loss of private vehicular crossing rights

- 6.35 Trinity currently benefits from private rights to use the vehicular crossings at Keeper's Lane and Gun Lane. This is important to the agricultural operations ensuring connectivity between various parts of the Trimley Estate and access to farm buildings. Without these vehicular crossings the large scale farm machinery will be routed on public roads through residential areas, which will increase operational costs, decrease farming efficiency and adversely affect those residential areas. Although Network Rail has suggested that the use of the crossings has diminished over recent years this is a reflection of the retirement of the tenanted farmer. Walton Farms Limited has taken over the land either side of the two vehicular crossings and is a large agri-business. There has been significant investment in infrastructure to optimise the cropping potential of the Estate and which will result in a significant increase in farm traffic crossing the railway line.
- 6.36 Network Rail has focused on the agricultural crossing rights. The proposed equestrian bridge removes Trinity's ability to use the general vehicular crossing rights without provision of an adequate alternative.
- 6.37 The provision of a vehicular bridge, as proposed by Trinity, would address these concerns.

Inappropriate bridge location

- 6.38 Gun Lane is not the most suitable location for the bridge, even though being at the approximate centre point of the closed crossings. A proper survey of the Keeper's Lane crossing was not possible under Network Rail's restricted timescales. The survey conducted is unreliable for several reasons and does not accurately reflect actual use¹²⁴. The bridge proposed by Trinity between Keeper's Lane and Gun Lane crossings would be closer to a larger population and maintain the shorter circular routes that it is believed people generally favour.

Visual impact of proposed bridge

- 6.39 The urban design of the bridge proposed by the Order scheme would not reflect the rural character of the area. The positioning and incline of the ramps would create a structure out of all proportion to the area, heightened as a result of the siting of the bridge on a slight embankment and increasing its visibility from the AONB. The retro-fitting of lighting and a mesh cage would be unacceptable.
- 6.40 The loss of trees from the landscape will exacerbate the impact of the bridge. Network Rail has not adequately considered the timescales for mitigation planting to be effective. The existing tree planting was carried out some 30 years plus ago. The poor and free draining soils in the area means trees grow

¹²⁴ OBJ/11 paragraph 2.2 and NR7 table 3 provide details of Trinity's comments on the survey.

more slowly than may be expected. The bridge would fail to conserve and enhance the setting and thereby the natural beauty of the AONB.

- 6.41 Grimston Hall will be in the direct sight line of the proposed equestrian bridge and the urban steel structure will have a significant negative impact on the views and setting of the property.
- 6.42 The vehicular bridge proposed on behalf of Trinity would better reflect the rural character of the area, being of a more traditional red brick design with earth embankments. Its location in a slight cutting would make better use of the existing topography and would not require the removal of existing tree planting that was designed to mitigate the impact of the Port of Felixstowe.

Unsuitability of bridge for proposed users

- 6.43 The rising approach running adjacent and parallel to the railway tracks is inappropriate for equine users and could potentially discourage users due to safety concerns and the unpredictability of horses faced with noisy and lengthy trains. The proposed bridge would be enclosed and overlook the railway line, preventing users benefitting from the views of the surrounding countryside. Trinity's proposal would offer a better user experience through its design.

Lack of meaningful consultation

- 6.44 Throughout discussions with Network Rail there has been a lack of willingness to consider alternative bridge designs and proposals. By the time consultation with Trinity commenced in August 2016 it appears Network Rail had already determined the key factors and the preferred bridge option and location.
- 6.45 Network Rail has not provided sufficient information regarding the land take (both temporary and permanent) required by the scheme. For instance there is a lack of clarity as to whether ownership of the new track side paths is part of the permanent land take. Such information is required to allow arrangements to be made and to understand the various impacts of the scheme. Trinity's primary concern is to ensure that the most appropriate scheme is built, not necessarily the scheme which minimises land take at all costs.

Y Smart, S Smart and E D'arville (OBJ/3)

- 6.46 They object to the building of such a large bridge on the edge of the AONB. The proposal does not address the needs of equestrian users as only the most docile of horses will be able to use it. The closure of a very popular footpath Keeper's Lane and the alternative route of 1.7 km are of great concern to many users. The low key publicity about the proposal was frustrating.

M Markham-Smith (OBJ/8)

- 6.47 The principle of the need to increase capacity on the Branch Line and to provide a safe means for users of PROWs to cross the railway is agreed. The plans in their present form will reduce or deny access to the countryside.
- 6.48 The public consultation process carried out by Network Rail was unfair because consultation was not extended beyond the Trimley villages, very little detail was released before an information event, the timescale for feedback was too short and the information about the bridge was improperly represented to the public.

- 6.49 By comparison with other bridges in the area, the proposed bridge is very elaborate and excessive in size. Access could be limited due to inclement weather, repairs and maintenance requirements. Network Rail's assessment of an alternative proposal for an underpass was inadequate. A properly considered underpass proposal would better satisfy key objectives for the project.
- 6.50 The Network Rail proposals do not indicate how new PRowS or the upgrading of existing PRowS will be created. The need is for physically suitable wide ground surfaces and regular maintenance to ensure accessibility for all.
- 6.51 Some form of access at the Keeper's Lane crossing should be maintained because of the relatively high level of usage, its proximity and accessibility to residential areas and the alternative of a long diversion. At the very least a stepped footbridge crossing should be considered.
- 6.52 During the construction phase no provision is made to mitigate against the loss of access to existing rights of way across the railway and land in the vicinity commandeered for the construction works area.
- 6.53 **R Wilding (OBJ/4)** has many concerns over the design of the bridge, especially from the point of taking a horse over it. **R Clench (OBJ/5)** believes the value of his property will be devalued by the construction of the second track and asked what financial compensation will be made.
- 6.54 **K Ledger (OBJ/10)** considers six closures is excessive, making a quality circular walk impossible and discouraging people from walking in the countryside. The proposed bridge is not visually appealing and in keeping with its natural surroundings. As an enclosed area, the bridge would be a place for anti-social activity. The need for a dual rail system is difficult to believe.
- 6.55 **S Barnes**¹²⁵ states that the Thorpe Common footpath crossing closure should be reconsidered for a number of reasons. These include: the rail line will be single track, no reported incidents have occurred, the crossing is well used and has good visibility. Reasons are given as to why the proposed Thorpe Common diversion would be potentially unsafe.

Withdrawn objection: Suffolk Coastal District Council (OBJ/7)

- 6.56 The holding objection made by the District Council was withdrawn following a resolution of the Full Council on 25 May 2017. In doing so the District Council asked that the Secretary of State gives due consideration to the Council's resolution which raised three matters.
- 6.57 Full support is given to the dualling of the rail line, recognised as critical to the ongoing operation of the Port of Felixstowe in an increasingly competitive environment. The necessity for closure of a number of local level crossings is supported to ensure the efficient use of the potential capacity increases made available by the project and hence the need for the most appropriate alternative crossing facility to be provided. The Council also recognised the need to avoid undue delay in implementation of the scheme within the current budget and time constraints available to Network Rail.

¹²⁵ BAR/1 is the late written objection referred to in paragraph 1.6 above.

- 6.58 Serious concern was expressed at the potential severe impact of the current proposal on the amenity of the AONB, an iconic element of the environment of the area.
- 6.59 The Council wished to seek urgent discussions with Network Rail and the landowners to fully investigate significant mitigation to the visual intrusion of the bridge on the AONB. In particular it was requested that the coppice be excluded from the laydown as currently proposed and that there is removal of only the smallest possible area, essential to the siting and construction of the bridge.

7. WRITTEN REPRESENTATIONS

Suffolk County Council (REP/2)¹²⁶

- 7.1 The County Council strongly supports Network Rail's intentions to increase capacity on the Felixstowe Branch Line. This improvement will increase the resilience of the freight and passenger services, engender confidence in the rail network, relieve pressure on the strategic road network and help grow the regional economy.
- 7.2 The package of level crossing changes was agreed through consultation. Attention is drawn to the need to agree surface treatments and standards for the new routes in advance of works and the need for adequate warning of temporary diversions. Minor amendments are suggested to the Order Schedules.
- 7.3 The necessary archaeological work can be secured through the use of appropriate planning conditions. A modification is requested to the draft condition related to archaeological investigation.
- 7.4 It is not envisaged that the closure of the rail crossings will lead to significant road safety concerns nor be of significant detriment to the functionality of the highway. The closure of the level crossings will lead to increased journey times for some but it will improve safety, with safe connectivity maintained through the proposed bridleway bridge. The details of the bridge design, mitigation planting and assessment of landscape and visual impact are matters for Suffolk Coastal District Council.

Historic England (REP/3)

- 7.5 No objection is raised on heritage grounds. The closure and diversion of the footpaths and the installation of a new footbridge would have a low impact on the setting of the nearby SM and would not result in harm to its significance.

Mrs Bennet (REP/1)

- 7.6 Mrs Bennet has no objection to the required improvements of the railway line but for health reasons does not wish to have a waiting or ticking over area directly behind her property.

¹²⁶ SOC1 is taken to represent the up to date position of the County Council, rather than REP/2.

8. REBUTTALS BY NETWORK RAIL

8.1 Each proof of evidence by the witnesses for Network Rail addresses issues raised by objectors. A separate rebuttal has been produced in response to the late objection¹²⁷. The evidence relied on by Network Rail, as set out in section 4 of this Report, is not repeated here. Responses to objections that concern works authorised by the 2008 Order also are not included. A detailed response was made by Network Rail to the landscape and visual impact objection of Suffolk Coastal District Council (under cover of letter dated 10 April 2017). This rebuttal¹²⁸ is not specifically reported because the objection was withdrawn. The landscape related matters raised are dealt with generally through the applicant's case and the reported responses to other objectors. Therefore this section sets out the main additional points made in rebuttal by Network Rail, referenced back to the relevant proof and objectors.

*Consultation*¹²⁹

- 8.2 Network Rail has consulted on the Order scheme, including formal notification, in accordance with the Transport and Works (Applications and Objections Procedure) (England and Wales) Rules 2006 (OBJ/3, OBJ/11).
- 8.3 Network Rail met Trinity's representatives seven times between August 2016 and September 2017 and has continued to work with Trinity to try and address outstanding issues (OBJ/11)¹³⁰.
- 8.4 Following a review of comments received during consultation Network Rail prepared and published in January 2017 additional information explaining why the underpass option had been discounted. The parties that responded during the consultation period were written to and advised this additional information had been made available (OBJ/8).
- 8.5 Suffolk Coastal District Council has been consulted, including during the pre-application phase.

*Objectives*¹³¹

- 8.6 The need for the dualling of the track is fully explained in Network Rail's evidence on the business case for the Wider scheme. The evidence on the Order scheme fully explains the need for the bridleyway bridge. (OBJ/1, OBJ/2, OBJ/3)

*Safety*¹³²

- 8.7 The minor short term improvements to the Grimston Lane footpath crossing do not take into account the increase in numbers and frequency of rail traffic that will arise from the new double track project. The proximity of a fully protected road crossing, with audible and visual warnings and a physical barrier, provides a far safer means for pedestrians to cross the railway. The current passive

¹²⁷ NR/15/1 in response to BAR/1

¹²⁸ NR/5/1 paragraphs 6.1.52 to 6.1.68

¹²⁹ NR/1/1 paragraphs 17.1 to 17.10, 19.4 to 19.18, 19.23 to 19.25 and CD/1.13

¹³⁰ NR7, a statement of common ground, sets out position reached with Trinity as of 22 January 2018

¹³¹ NR/1/1 paragraphs 19.19 to 19.22, 19.26 to 19.29

¹³² NR/2/1 paragraph 11.1.1 and NR/15/1

crossing has none of these safety measures and already suffers from a poor safety record¹³³. (OBJ/2)

- 8.8 The construction of the second loop track increases the risks at both Keeper's Lane and Trimley, justifying their proposed closure. (OBJ/6)
- 8.9 The safety assessment of Thorpe Common has factored in the future implementation of the Wider scheme including the effect of the close proximity of the double track, additional evidence at national level on near misses and sighting distance requirements. The closure of this crossing is appropriate. The safety benefit of a gate to gate enhancement has been assessed as disproportionate to the safety benefit received. (BAR/1)

*Engineering issues*¹³⁴

- 8.10 The proposed bridge has been designed in accordance with the relevant Network Rail and Highways England standards applicable to bridges for equestrian users, with additional features incorporated as per guidance published by the British Horse Society. Solid infill panels are specified along the trackside approach ramps and main deck to obscure the view of rail traffic to the horses using the bridge. The sides facing the open countryside would be formed of an open fence arrangement. The 3.5 m width of the ramps and deck is in accordance with the relevant design standards to allow for mixed equestrian and pedestrian use. No segregation lanes are proposed to avoid risks associated with pedestrians becoming trapped in a constrained area with a horse. The height of the structure is dictated by the required headroom over rail level and by the required parapet height. Current design standards for equestrian bridges do not impose limits on the heights of equestrian bridges and a number of similar structures are in existence on the national rail and highway network. Only passive provision for anti-vandal cages is made in the design and lighting is not part of the Order scheme. Planning permission for any such provision would be required in the future. No telephone system is proposed because there is no need for additional safety devices. (OBJ/1, OBJ/2, OBJ/3, OBJ/4/ OBJ/10, OBJ/11)
- 8.11 The circumstances surrounding the construction of the bridge at Thurston, the features of the site and the historic usage of the level crossing it replaced are different to the Gun Lane level crossing and should be taken into account when making comparisons with the proposed bridge. The Thurston bridge has a number of design features, notably the doubling back of the ramp, that mean its appearance is different to the proposed bridge design. To date no mitigation planting has been carried out at Thurston, whereas in the Order scheme the bridge and mitigation planting should be considered together as one design¹³⁵. (OBJ/1, RAI/1)
- 8.12 The concerns raised by the Parish Council and Users of Trackside about the suitability of the structure for equestrian use do not appear to be shared by all horse riders in the vicinity, as indicated by a response received during the consultation period. (OBJ/1, OBJ/2)

¹³³ NR/2/4 section 2

¹³⁴ NR/3/1 section 4, NR/3/4, NR/5/1 paragraph 6.1.36

¹³⁵ NR/5/4 section 3

- 8.13 The size of the footbridge and its footprint is dictated by the design criteria and the need to provide future provision for overhead line electrification clearances. The bridge will incorporate a tactile non-slip surfacing and Network Rail does not undertake de-icing of non-station footbridges. The construction of ramps aligned with the existing approaches to the crossing would potentially reduce the overall lengths of the ramps to 89 m and 52 m but would increase permanent land take requirements. (OBJ/8)
- 8.14 The six crossings would be closed at the start of the construction phase to allow for worksites and haul routes. Once closed they would be removed and stopped up. Temporary diversions would be put in place¹³⁶. In addition, Thorpe Lane and Trimley Station level crossings would remain open during the construction phase, with only a short closure of Thorpe Lane to carry out upgrade works. On completion of the works the proposed bridge will be opened to provide a new permanent crossing point at Gun Lane. (OBJ/8)
- Accessibility and Route Choice*¹³⁷ (OBJ/2, OBJ/3, OBJ/6, OBJ/8, OBJ/10, OBJ/11, BAR/1)
- 8.15 The substantial safety benefits to be gained from the level crossing closures will far outweigh any minor inconvenience caused to existing route choice to access the countryside south of the railway. A scheme with no diversions and no bridge crossing would give rise to unacceptable impacts.
- 8.16 The proposals to divert PRowS were based on 3 principles – to reduce the lengths of diversions where possible, keep diversions in a rural setting and avoid unnecessary impact on existing landowners and farm operations. The proposals relate to the loss of level crossings, not the loss of footpaths and bridleways or a restriction on access to the PRow network. The ability to pass north and south of the rail line will be retained for all PRow users. The proposals represent an enhancement for all users because although there will be fewer crossing points they will be safer, more accessible for future user groups and offer improved circular provision for equestrians.
- 8.17 Connectivity to the Trimley villages for residents is protected with the retention of the full barrier crossings and the proposed bridleway bridge. Residential properties south of the rail line are accessed from Thorpe Lane, a paved road and the most direct and arguably the most suitable route to access the services and facilities in the village. Thorpe Lane has been identified, on average, as the most heavily used of all eight level crossings by pedestrians and therefore is already considered a valid route for many users¹³⁸. The change in distance and walk time has been shown to be small¹³⁹.
- 8.18 For recreational use the impact on amenity should be considered in terms of the implications on wider route and associated pleasantness of journey, rather than simplistically a length of diversion. The proposed location of the bridge is aligned with multiple PRowS which are accessible from both Trimley St Martin and Trimley St Mary and therefore is optimal for connectivity. There are

¹³⁶ NR/3/1 paragraph 4.6.9 provides the details; NR/3/1 sections 3.2 and 3.3 provide an overview of the construction process and programme

¹³⁷ NR/4/1 paragraphs 7.3.1 to 7.3.22, NR/4/4

¹³⁸ NR/2/1 Appendix B Table 14.2.1

¹³⁹ NR/4/4 tables 2-1 and 2-2

currently 8 crossing points on a 2.2 km stretch of line through the Trimley villages, an average of 315 m between crossings. This level of provision is excessive and not all crossing points are deemed safe or fully accessible to all users. The Order scheme will provide for reasonable alternatives that are proportionate to the level of impacts identified.

- 8.19 There will no increase in conflict between farm vehicles and recreational users of the PRow network because existing footpaths criss-cross active farm land, where the presence of farm vehicles is expected. Accessibility maps show that changes in walking accessibility are minimal following the proposals. It is not accepted the closure of Keeper's Lane or Trimley crossings will lead to long diversions¹⁴⁰. The Thorpe Common diversion measures an additional 375 m, an additional journey time of only 5 minutes. No safety issues have been identified from survey data about the use of Thorpe Lane crossing and, by logic, Grimston Lane. Both Grimston Lane and Thorpe Lane are signed as no through roads, are subject to a 30 mph speed limit and provide access to farm land and buildings and residential properties. There are no records of any incidents to indicate the routes are unsafe for pedestrians.
- 8.20 South of the rail line Thorpe Lane and Grimston Lane are quiet rural lanes, where a mix of users sharing the space would be expected and is currently experienced. There is no record of incidents on these roads to consider them unsafe for pedestrians.
- 8.21 During design development and consultation with the landowner and Suffolk County Council the Thorpe Common diversion was amended to an alignment adjacent to the railway boundary to avoid severing a field. This amendment also served to increase the length of the route maintaining the existing Footpath 1 alignment that is characterised by a tree lined route¹⁴¹. (OBJ/6, RAI/1)

*Health benefits and route choice*¹⁴²

- 8.22 The health benefits of walking in the countryside are accepted but the proposals would not materially affect accessibility to the countryside due to the alternatives of the bridge and/or road crossings. Two health walks offered by Stepping Out would not be affected by the crossing closures and the third circular walk would be able to continue, with alterations as necessary. (OBJ/2, RAI/1)
- 8.23 Circular routes for pedestrians and equestrians will be maintained and enhanced and there will continue to be route choice. Existing walking patterns will be altered as a consequence of the closures but it does not follow that recreational walking in the area is necessarily diminished. (OBJ/2, RAI/3)
- 8.24 Thorpe Common crossing is on Public Footpath 1 which forms part of the inland route connecting to the Stour and Orwell Walk but it is not part of the long distance path. (RAI/1)

¹⁴⁰ NR/4/1 paragraph 7.3.16 gives a diversion length of 645m via the new proposed PRow adjacent to the railway line and refers to the low level of usage of the Trimley crossing, 75 crossings across the week or 7% of the total across all 6 surveyed crossings.

¹⁴¹ NR/6/4 paragraphs 2.1.4 to 2.1.6

¹⁴² NR/4/4 section 2.2

8.25 The closure of Keeper's Lane will alter routes but the proposals retain circular route options. Diversionary routes are predominantly in a rural setting and are not considered of detrimental value to the experience of users. (RAI/2, RAI/3)

*Accessibility and severance*¹⁴³

8.26 The bridge will be accessible for all users. All newly created footpaths and bridleways will be constructed with a sub-base and proprietary surfacing material improving the accessibility to crossings for all users, including the less able. The ramped design presents a more accessible crossing to the less able than the stile crossings at Thorpe Common, Trimley and St Martin's. Users who may not feel comfortable crossing at height will have alternative road crossings. Any discomfort in height significantly off-sets the safety fear of crossing an uncontrolled live rail. (OBJ/2)

8.27 The rail line is a cause of any severance experienced by properties on Cordy's Lane. A pedestrian footbridge exists at Trimley station. The proposed bridge will provide a second crossing point to the west of the village, enabling circular walks without conflict with the rail transport system. (RAI/2, RAI/3)

*Impact on Road Network*¹⁴⁴

8.28 Trimley villages are rural in nature and already populated by farm traffic. South of the barrier controlled crossings, Cordy's Lane and Thorpe Lane/Grimston Lane are rural lanes. They are no-through roads and provide access to the Trimley Estate, with farm traffic already being a notable characteristic of these roads. The increased usage, as indicated by data from the last five years, will be minimal. The retained routes are entirely suitable for use by the type of vehicles and volume of traffic. The opportunity for diversification in farming is not compromised by the proposed reduction in crossings from four to two and the highway network capacity would not be impacted by this. (OBJ/11)

*Validity of survey data*¹⁴⁵

8.29 For verification purposes further surveys of level crossing use were commissioned over the August Bank Holiday in 2017. A comparison with the survey data from September 2016 indicates a minimal difference in average daily total users. The greatest difference of additional users recorded at Thorpe Common could have been due to the closure of Trimley level crossing at this time. (OBJ/11)

8.30 Call log data was provided by Network Rail over a five year period from 2012 to date in order to understand the usage of the restricted vehicle level crossings at Gun Lane and Keeper's Lane. Some limitations of the data are acknowledged but it is the best available source of information. No farm vehicles were recorded at the Gun Lane crossing, although there were three occasions when the request was not specified. Data for Keeper's Lane indicates 12 farm vehicle related requests since 2012. (OBJ/11)

¹⁴³ NR/4/4 section 2.3

¹⁴⁴ NR/4/1 paragraphs 7.3.23 to 7.3.29

¹⁴⁵ NR/4/1 paragraphs 2.5.1 to 2.7.3, paragraphs 7.3.30 to 7.3.38; NR/15/1

8.31 The recorded level of usage at Thorpe Common would not justify its retention when account is taken of the realisation of the proposed diversionary routes, alternative crossing closures and the economic and safety benefits of the Order scheme. (BAR/1)

Other accessibility matters¹⁴⁶

8.32 The conclusion of Trimley St Martin Parish Council, that to take a diversion to the proposed bridge would be an inconvenience, is based on misleading evidence. Furthermore, there will continue to be circular routes and access to the AONB will be retained. (OBJ/2)

Setting of AONB¹⁴⁷

8.33 The overall significance of effect in relation to the natural beauty and special qualities of the AONB has been assessed as minor adverse during construction and negligible/minor adverse in Year 15 of operation. These effects are not significant.

8.34 In the context of the AONB and due to the small scale of the development there would only be localised effects to visual amenity for those looking out of the AONB. These would be most obviously felt during the construction phase and would reduce over time to Year 15. Therefore it is clear that when judged against the AONB Position Statement the proposed scheme is not harmful.

8.35 The Order scheme is not within the AONB designation and hence paragraphs 115 and 116 of the Framework do not apply. The limited extent of effects at local level cannot be seen to unduly affect this national AONB status. (OBJ/9)

Landscape and visual impact¹⁴⁸

8.36 With established mitigation planting there will be no alteration to the defining characteristics of the AONB, as described by the Estate Farmlands landscape character type. Large scale arable farmland and rectilinear field shapes will remain, as will the open landscape character with extensive views. Strong woodland elements will be replanted, where vegetation has to be removed, with dense new woodland planting. Hedgerow enclosure will be reinforced. Views towards the Port of Felixstowe will remain. The design of the bridge minimises the footprint of the structure and the compact arrangement will limit its potential impact to a well defined area around Gun Lane. An alternative earth embankment would be heavier and bulkier in appearance and potentially more prominent from local views within the AONB. (OBJ/9, OBJ/3)

8.37 The ES accepts that adverse effects, both in landscape and visual terms, would occur during the construction and earlier years of the operational phase but they would be localised and mitigated with woodland and hedgerow planting. The bridge would not be visible from the Orwell River area because of the nature of the landform and presence of strong linear blocks of planting to the

¹⁴⁶ NR/4/1 section 8 responds to matters raised by Trimley St Martin Parish Council in its statement of case.

¹⁴⁷ NR/5/1 paragraphs 6.1.1 to 6.1.8, NR/5/4 paragraph 2.1.2

¹⁴⁸ NR/5/1 paragraphs 6.1.9 to 6.1.20, 6.1.46 to 6.1.47, 6.1.50 to 6.1.51, NR/5/4

south and west of the proposed bridge. By Year 15 there would be minimal views of the bridge structure. (OBJ/2, OBJ/10, RAI/1)

*Growth rates of mitigation planting*¹⁴⁹

- 8.38 The approach is to minimise tree and vegetation loss in the first instance, which is set out in the draft CEMP. The growth rates applied to the new planting provide a reasonable indicator even allowing for variation as a result of soil conditions, microclimate and maintenance standards and are comparable to growth rates used in the High Speed 2 Phase 1 project. There is a commitment to agree a landscaping scheme covering design, specification of plant species, management and replacement planting in the proposed planning conditions. It is reasonable to assume that dense woodland planting close to the bridge structure will effectively screen it by Year 15. (OBJ/9, OBJ/11)

*Alternative vehicular bridge proposals*¹⁵⁰

- 8.39 The total footprint and hence scale of the proposed structure including the earth embankments would be approximately 3,904 sq m with a track to the top of parapet measurement of 8.04 m, compared to a footprint of 1,430 sq m and a height of 7.35 m for the Order scheme. On these grounds alone the alternative proposal is not preferable to the Order scheme. As a result of the earth embankments the alternative bridge would appear bulkier and as an impermeable man-made feature in the landscape, compared to the lightweight Order scheme design.
- 8.40 All matters considered, it is clear there would not be a lower visual impact for this alternative. Based on location, partly within the AONB, the alternative would have a greater landscape impact within a similar level of significance. (OBJ/11)

*Alternative underpass proposal*¹⁵¹

- 8.41 Whilst an underpass would potentially have a lower landscape and visual effect (greater land take with less above ground features), the Order scheme proposal is not judged to result in significant landscape and visual effects by Year 15. (OBJ/1, OBJ/8)

*Heritage*¹⁵²

- 8.42 Grimston Hall is an early 18th century house possibly with an earlier core dating back to the 16th century. The two storey structure is timber framed with a plain tiled roof, brick stacks to gable returns and dormers to the east roof slope. The significant features of this Grade II listed building are its age and typical form. The building is located 340 m to the south west of the proposed bridleway bridge within an active semi-isolated rural agricultural setting. The field pattern and network of paths between fields and villages remain largely unchanged since the construction of the railway in 1877. The direct line of sight from Grimston Hall to the proposed works is obscured by trees and shrubs along the

¹⁴⁹ NR/5/1 paragraphs 6.1.21 to 6.1.28, 6.1.33 to 6.1.35

¹⁵⁰ NR/5/1 paragraphs 6.1.38 to 6.1.45

¹⁵¹ NR/5/1 paragraph 6.1.49

¹⁵² NR/5/1 paragraph 6.1.37, NR/6/1 paragraphs 5.1.13 to 5.1.18

driveway to the property, which have the effect of strongly filtering views towards the bridge location.

8.43 The impacts to the semi-tranquil nature of the area during construction will be temporary and minimised by control measures in the CEMP. Due to the distance, as well as the nature of the setting, the works are not considered to affect elements of the setting that contribute to the significance of the heritage asset.

8.44 The visual effects on receptors on Grimston Lane are illustrated by the photomontages. The direct line of sight from Viewpoint 3 is in line with the views from Grimston Hall. However, vegetation along the access to the Hall obscures the direct line of sight to the proposed works. The ES was assessed on a worst case scenario assuming vegetation clearance within the whole boundary of the LLAU. A review of vegetation clearance has been undertaken and woodland that can be realistically retained has been identified. The revised visualisations illustrate that the retained vegetation further obscures the direct line of sight to the proposed works, particularly the highest point of the structure. (OBJ/11)

*Land take*¹⁵³

8.45 The extent of the land taken is shown on the land and works plans submitted in support of the application and its use is described in the Order. (OBJ/11)

¹⁵³ NR/7 Network Rail comments in Table 6

9. INSPECTOR'S CONCLUSIONS

References to earlier paragraphs in this Report are in square brackets []

- 9.1 The proposed TWA Order and the application for deemed planning permission are very much interlinked and therefore I will deal with them jointly in addressing the matters about which the Secretary of State particularly wishes to be informed. A preliminary matter concerns the adequacy of the consultation procedures carried out by Network Rail on the Order scheme.

Consultation procedures

- 9.2 In summary, matters have been raised about the public information event(s) preceding the submission of the application, the procedure for advising the public of the proposed changes to the PRow network and the failure of Network Rail to engage in meaningful consultation. The representations were not supported by any specific reference to statutory requirements or to the report summarising the consultations undertaken that was submitted by Network Rail in accordance with Rule 10(2)(d) of the TWA Rules 2006. [1.8, 6.14, 6.44, 6.46, 6.48]
- 9.3 DfT guidance encourages consultation before a TWA application is made. The form and scope of the consultation is to a large extent advisory. Because this proposal involves the stopping up or diversion of PRows there is a requirement by Rule 10 (2)(d) to consult parish councils and specific organisations and societies. The documentary evidence and details of the pre-application consultation submitted by Network Rail confirm that all such requirements were met. In addition formal and informal consultation with statutory consultees, landowners and stakeholders was carried out over a period of nine months. On the particular point raised, over 2,250 residents were informed of the public information event and wider publicity would have been achieved through the involvement of interest groups. A response to feedback was published subsequently. [1.8, 8.2, 8.4, 8.5]
- 9.4 Rule 14 of the TWA Rules 2006 sets out the publicity requirements for an application and Schedule 2 provides the form of notice required to be displayed when an application would affect a PRow. Network Rail has confirmed and provided evidence that the notices were displayed as required. [1.8, 8.2]
- 9.5 Dialogue has taken place between Network Rail and the representatives of Trinity. The statement of common ground identifies matters that remain unresolved, which is to be expected given the differing objectives and priorities. Alternative bridge designs were considered by Network Rail and the vehicular bridge was the subject of a technical note that included consideration of site constraints, visual impact, engineering requirements and construction methodology. [4.32, 4.33, 6.44, 8.3]
- 9.6 All the available evidence indicates that Network Rail has complied with all necessary statutory requirements, no prejudice has been caused and that the procedural matters raised by objectors are not well founded.

The proposed Order and the application for deemed planning permission

Matter 1: the aims and need for the proposed Order scheme

- 9.7 This matter has to be set within the context of the Wider scheme. The Felixstowe Branch Line serves the Port of Felixstowe, the largest container port in the UK. The existing rail infrastructure constraints are restricting growth in rail freight through the Port. The construction of a second track on the Branch Line at Trimley, and the upgrading of a number of vehicle crossings, will result in a much needed increase in the capacity for the operation of freight trains. The necessary powers are in place to enable the dualling to take place. [4.1-4.8, 4.11, 5.2-5.3]
- 9.8 The Wider scheme is one element of a longer term strategy to increase freight capacity for the Anglia Route and the F2N corridor. Strengthening the competitive position of the Port is very important to the local and regional economy. The employment and hence social implications are particularly significant for the town of Felixstowe and the surrounding area. The environmental benefits of transporting goods by rail rather than by road are well recognised and encouragement of intermodal shift is a means of easing pressure on the strategic road network. [4.8-4.10, 5.2, 5.4, 5.7, 5.8]
- 9.9 Increased capacity will also enable improvements to and greater reliability of the passenger service between Ipswich and Felixstowe, which in turn may reasonably be expected to secure economic, environmental and social benefits. [4.22, 5.9, 7.1]
- 9.10 The proposed enhanced rail capacity has very strong support from the holding company for the Port, rail freight operators, the local authorities Suffolk County Council and Suffolk Coastal District Council, the Suffolk Chamber of Commerce, the New Anglia Local Enterprise Partnership and County Councillors for Felixstowe and Trimley villages. Objectors to the Order scheme, with one exception, made clear their support for the proposals to increase capacity of the Branch Line. [5.1, 5.5, 5.6, 5.11, 5.12-5.18, 6.1, 6.34, 6.47, 6.54, 6.57, 7.1, 7.6]
- 9.11 For all these reasons there is a pressing need to upgrade and deliver the proposed additional capacity on the Branch Line.
- 9.12 In order for this conclusion to carry full weight the Order scheme has to be shown to be an integral part of the Wider scheme. The decisive factor is whether the closure of the six level crossings is essential on grounds of safety. [4.5, 4.17, 6.1]
- 9.13 The six level crossings at issue are all passive crossings where the onus is placed on the user to decide when it is safe to cross. As a result of the dualling work the conditions affecting such a decision would change significantly, with regard to number and frequency of train movements, speed, traverse distance, bi-directional operation, potential for obstruction and visibility. Personal risk would increase at each crossing, as demonstrated by the detailed risk assessments presented by Network Rail, which were carried out using an accepted methodology that provides consistency in approach. [2.4, 4.13, 4.14, 8.7-8.9]
- 9.14 In general terms a range of potential measures exist to eliminate, reduce, mitigate or manage risk. The Parish Council's original position that the proposed

closures were unnecessary relied on the installation of additional safety measures to overcome the additional dangers. In relation to five of the level crossings (Keeper's Lane, Gun Lane, Trimley, St Martin's and Grimston Lane) convincing evidence was produced by Network Rail to show that the installation of warning systems would incur a disproportionate cost but more importantly would not be technically feasible. Obstruction of a level crossing by a stationary train, which cannot be ruled out even with the enhanced capacity from the proposed loop, is unacceptable and hence is an additional determining factor in favour of closure. [4.13, 4.14, 4.18-4.20, 6.5-6.7, 6.13, 6.21]

- 9.15 This evidence was not challenged at the inquiry by the Parish Council or the Ramblers' Association. It is notable that the Ramblers' Association initially had focussed on the acceptability of proposed diversionary routes, rather than safety aspects, in assessing which if any of the level crossing closures would be acceptable. By the end of the inquiry sustained objection to closure of these five level crossings on safety grounds had largely fallen away. [4.18, 6.13, 6.17-6.20]
- 9.16 The position at the Thorpe Common footpath level crossing is somewhat different. The dualling works would not extend as far north as this crossing, which would remain over a single track line. The addition of an overlay MSL system would be technically possible and gate to gate enhancement would be another option. However, a safe crossing and elimination of risk is only able to be achieved by closure. Adoption of such an approach is required in order to be consistent with the standard that would be achieved at the other five crossings. The case for closure on the safety argument alone is extremely strong. [4.7, 4.13, 4.19, 4.21, 6.7, 6.20, 6.55, 8.9]
- 9.17 The policy and decision-making environment has developed since the 2008 Order and fully supports this element of the proposal. A requirement of the ORR is for level crossing risk to be managed effectively and the encouragement of level crossing closure is part of ORR's strategy for regulating level crossing safety. My conclusion is that for safety reasons closure of all six level crossings is fully justified and is the best way to ensure the scheme objective of improving safety is met. Given that the adverse change in conditions and hence risk at the crossings would be a direct result of the dualling of the track, the Order scheme has been shown to be an integral part of the Wider scheme. [4.15-4.17]
- 9.18 A direct operational benefit from the Order scheme would be a reduction in service disruption due to incidents on the railway and increased confidence in the reliability of the freight and passenger train services. The ability to better manage rail services and re-establish timetable resilience would be derived primarily from the increased capacity from dualling the track. Therefore an improvement in efficiency could reasonably be expected, the greatest efficiency gains resulting from the Wider scheme. [4.22, 5.3, 5.9, 5.14, 5.16, 6.57, 7.1]
- 9.19 In view of the enhanced safety and operational benefits that would be secured, I am satisfied that the Order scheme would meet the objective of complementing the wider proposals to improve the Branch Line. Furthermore, having identified the increased risks to safety that would result from the construction of a second track, it would very difficult for Network Rail to proceed with that project without the level crossing closures. In turn, the failure to secure the Order scheme would potentially delay or jeopardise the capacity enhancement and the related substantial improvements the scheme would facilitate. [4.5, 4.17, 5.5, 5.6, 5.8, 6.57]

- 9.20 Network Rail's objective of maintaining connectivity for non-motorised users was not challenged and there was overall support for the provision of an alternative crossing with related upgrades and diversions of PRoWs. I found that the railway line forms a physical barrier between the villages and the wider countryside. Therefore enabling the line to be crossed without reliance on the existing road crossings is necessary and to be welcomed. The proposed location and form of crossing will be considered in the matters regarding alternatives and impacts. [4.23, 4.25, 6.11, 6.33, 6.34, 6.47, 6.57, 7.4, 8.27]
- 9.21 Similarly the proposed mitigation of environmental impacts and environmental enhancements is a necessary element of the proposed scheme in order to meet statutory requirements and deliver sustainable development. [4.26, 4.48, 4.50]
- 9.22 Overall, a need for the Order scheme has been demonstrated convincingly. The stated objectives – to improve safety and efficiency, to complement the wider proposals to upgrade the Branch Line, to maintain connectivity for non-motorised users and to mitigate environmental impacts – are sound. In principle the main elements of the proposed scheme would meet the objectives.

Matter 2: Main alternative options considered and the reasons for choosing the proposals comprised in the scheme

- 9.23 At various stages in the design process Network Rail carried out what is termed an 'optioneering' process. Having concluded that there was no alternative to closing the six level crossings for reasons of safety, cost benefit and operational efficiency, Network Rail, mindful of section 5(6) of the TWA, decided that a new crossing should be provided to address the impact on users of the PRoW network. There is no dissension from this conclusion that a replacement crossing should be provided – the objection is to the location and more especially to the type of crossing. [4.27, 6.11, 6.29, 6.33, 6.34, 6.47, 6.57, 7.4, 8.15]
- 9.24 A range of matters, including identified constraints, were taken into account in determining the location of a new railway crossing. The work included consideration of enhancements to the PRoW network. Options were developed through consultation, primarily with Suffolk County Council. Through the process the emphasis changed to seeking to encompass the demands of all users, rather than having a sole focus on pedestrians and a reduction in distances. Principles were established to guide and assess proposals to divert PRoWs. The September 2016 survey data of level crossing use has since been validated and shown to be adequate for its purpose. [4.24, 4.27, 6.38, 8.16, 8.29]
- 9.25 An important advantage weighing very much in favour of the Gun Lane location is its central position relative to the multiple PRoWs that are accessible from Trimley St Martin and Trimley St Mary. Whilst not addressing the objections of all, this benefit over the more frequently used Keeper's Lane was acknowledged by the Ramblers' Association at the inquiry and was not challenged by Trimley St Martin Parish Council. [4.24, 4.25, 6.38, 6.51]
- 9.26 An optioneering process also was applied to assess and decide on the proposed design of the bridge that would be expected to accommodate the safe combined usage of people on foot and less abled persons, cyclists and equestrians. In addition to this basic requirement a set of criteria was established by reference to the relevant standards and guidance, including those relating to construction, access, dimensions and clearance of rail. The pros and cons for each bridge

option were identified and account taken of implications for maintenance and durability, land take and construction sequence. Different forms of deck construction also were considered, explicitly setting out the advantages and drawbacks of each deck option. The rigorous and objective comparative evaluation process demonstrated that the steel bridge is the best solution and the reasons for its selection. [4.34, 4.35, 4.37, 8.10]

- 9.27 A reinforced concrete subway was discounted in the August 2016 feasibility study due to the likely significant increase in cost and complexity of construction compared to the bridge options. Higher running costs and liability to flooding were additional disadvantages. An underpass was revisited following the support for this option through public consultation and its potentially lower landscape and visual effect. The specification and design was subject to revisions, notably in terms of the position of the ramps and the increased width to allow for segregated pedestrian and equestrian use. This solution was again rejected on grounds of cost, the complexity of the structure and construction and the adverse environmental effects. [4.29-4.31, 8.41]
- 9.28 Trimley St Martin Parish Council and the Ramblers' Association disputed the cost and the width specification. However, the British Horse Society in its guidance for underpasses gives 5 m as the desirable width, 3 m being a minimum width¹⁵⁴. The DMRB guidance, referred to by the Parish Council, is not confined to trunk roads and sets out a range of widths to assist in the design process. The use of a 5 m width is not contrary to the available guidance. Moreover, the initial design, with a 3.5 m width, was found to be significantly more costly than the bridge option. Adoption of a reduced width would be unlikely to affect the complexity of the structure and construction, the importance of which should not be underestimated. In my view there is no fundamental error or omission in the exercise. The cost of delay to the scheme also has to be taken into account, which would add considerably to the cost differential between a bridge and an underpass. [6.12, 6.23, 6.49]
- 9.29 The analysis undertaken demonstrates the importance of site conditions to the evaluation process. Reference to how a bridleway negotiates a railway line elsewhere provides little assistance to the consideration of the underpass option at Gun Lane. Attention was drawn to a bridge at Thurston as another comparator. The different site characteristics, accessibility and design features indicate that such a comparison should be treated with caution in evaluating the proposed bridge at Gun Lane. [6.8, 6.27, 6.29, 8.11]
- 9.30 A bridge allowing for vehicular use was not amongst the options considered as part of the EIA. This option, located in the AONB near to Keeper's Lane, was in direct response to the objection by Trinity. The technical study was in a sufficient level of detail to assess whether this option would meet the objectives of the scheme and took account of its comparative impact on the environment and adjoining owners and comparative costs. A wider range of relevant factors were considered in comparison to those cited by Trinity. The decision to discount this option was substantiated and reasonable. [4.32, 4.33, 6.37, 6.42, 6.43, 8.39, 8.40]

¹⁵⁴ CD/5.6

Conclusion

9.31 The applicant has given proper consideration to alternatives in developing the design of the scheme and during the application process in response to objections. Clear reasons have been given as to why the proposals comprised in the scheme have been chosen. The steel bridge, in association with the proposals for the PRow network, performs best against the evaluation criteria.

Matter 3: The extent to which the proposals are consistent with policy

9.32 The Order scheme, properly considered as an integral element of the Wider scheme, is fully supported by national policy in the Framework that is directed at promoting economic growth and the delivery of the necessary enabling infrastructure. The important contribution that would be made to the regeneration and growth of the local economy through the development of the Port of Felixstowe is fully supported by development plan policy. The CS confirms Felixstowe Port as an employment area of regional significance, which is identified by Strategic Policy SP5 as a key economic driver for the Haven Gateway. The Felixstowe Branch Line double tracking is identified as necessary to the Core Strategy for the delivery of strategic employment linked to Felixstowe Port¹⁵⁵. [4.38-4.40]

9.33 The ability to shift more freight from road to rail would accord with national policy in this regard and also would address key LTP and development plan policies to improve efficiency and capacity of strategic rail (Felixstowe to Nuneaton) and road routes (A14). The CS links the increase in rail capacity on the Branch Line to delivery of strategic residential and employment development utilising the A14. [4.40-4.41, 4.44, 4.46]

9.34 The delivery of an improvement to safety on the Branch Line and a bridge that is designed to be accessible to all non-motorised users would meet national and local policy objectives and requirements. Compliance with development management policies in the CS on amenity, ecology and archaeological heritage assets would be achieved by measures incorporated into the scheme design and by measures secured through an approved CEMP and planning conditions. The countryside location of the development is dictated by the railway line, resulting in no conflict with Strategic Policy SP29. [4.42, 4.46-4.48, 4.50-4.53, 7.3, 7.5]

9.35 The policy support at all levels on these economic, social and environmental benefits of the Order scheme has not been challenged. Acceptance of Network Rail's case on the appearance and design of the bridge, landscape and visual mitigation and the proposals for changes to the PRow network would result in very strong policy support on all relevant environmental and social considerations, in addition to the undoubted consistency with policy related to the economy. The overall weight of the policy support for the scheme would be substantial. [4.47-4.49]

9.36 However, Network Rail's assessment of policy compliance across the full spectrum of relevant environmental and social policies is not accepted by all. Objectors have claimed the proposed bridge fails to comply with policies in place to protect the AONB and the designated heritage asset Grimston Hall. Objectors

¹⁵⁵ CD/4.2 Table 6.1 page 124

also maintain the bridge and proposed changes to the PRoWs would not enhance accessibility and promote the health and well-being of the local community. Concerns about the effect of the bridge on visual amenity and whether the structure would be safe and functional implicitly relate to policies requiring high standards of design. For the reasons set out more fully under Matters 5 and 6 below I come to the following conclusions on policy compliance. [6.2-6.4, 6.8, 6.9, 6.16, 6.24, 6.27, 6.30, 6.32, 6.33, 6.40, 6.41, 6.46, 6.49, 6.53, 6.54, 6.58]

- 9.37 In the event the impact on setting is found to cause harm to the significance of a designated heritage asset, considerable importance and weight needs to be given to the desirability of preserving the setting of a listed building when carrying out the balancing exercise in decision making. My assessment is that there would be no harmful impact. Therefore the proposal is in accordance with policy in the Framework to conserve the historic environment and Objective 11 of the CS. In the alternative, a finding that the proposal would lead to less than substantial harm should then be weighed against the public benefits of the proposal, giving considerable weight that preservation is desirable. The objector failed to carry out this policy balance required by paragraph 134 of the Framework. [4.51, 6.41]
- 9.38 The Framework supports the statutory purpose of conserving and enhancing the natural beauty of the AONB by affording the highest status of policy protection to its landscape and scenic beauty. The new bridge would be located very close to but not within the designated area. I agree with the applicant that paragraph 116 of the Framework does not apply. National Planning Practice Guidance advises that the duty to have regard to AONB purposes is relevant in considering development proposals that are situated outside the boundaries of the AONB but which might have an impact on the setting of, and implementation of, the statutory purposes of the protected area. The objections are based more on the ability to see the bridge from the AONB, rather than an analysis of how the development would affect the special qualities of the AONB. Having carried out such an assessment, I find no harm to the AONB's special qualities as described in the AONB Management Plan 2013-2018. There is no conflict with national or development plan policy (CS Strategic Policy SP15) to protect the AONB. [4.49, 4.61, 6.9, 6.31, 6.32, 6.39, 6.40, 8.35]
- 9.39 Having regard to the Framework's expectations of good design, the proposed bridge would not reach the expected high standard aesthetically or reinforce local distinctiveness but it would be inclusive, address the connections between people and places and be integrated with the historic environment. The use of soft landscaping to help integrate the bridge into the local environment has been considered from the outset, in accordance with the Planning Practice Guidance on design. Turning to the CS, the development initially would not protect landscape character, resulting in a conflict with Strategic Policy SP15. In attaching weight to this conflict the CS advises that the objective of landscape enhancement has to be integrated with the need to accommodate change in order to address social or economic objectives. The proposed bridge would not achieve compliance with all the relevant criteria of Development Management Policy DM21 – Design: Aesthetics. The criteria of functional requirements of design, set out in Policy DM22, are met. [4.48]
- 9.40 A consistent theme through all levels and areas of relevant policy is to protect and enhance PRoWs and access to the countryside as a means of encouraging

healthy lifestyles and social interaction. The observations of Trimley St Martin Parish Council and the Ramblers' Association confirm the value of the PRow network west of the Trimley villages in those respects, especially as a recreational resource. The closure of the six level crossings to overcome unacceptable increased risk, the new crossing provided by the bridge and the associated diversions and enhancements to the PRow network would meet the policy objective, even though existing favoured and direct routes would need to be varied. Access to the AONB by use of the PRow network would be maintained and no conflict with the AONB Management Plan 2013-2018 would result. [4.41-4.47, 6.2, 6.3, 6.15, 6.16, 6.24, 6.33, 6.46, 6.54]

- 9.41 Overall the proposals are fully in accordance with policy on sustainable economic development and promoting sustainable transport. There is a good level of consistency with national and development plan policy to conserve the historic environment and aspects of the natural environment, most notably the AONB and ecology. There is less consistency regarding design, more particularly in relation to appearance, local distinctiveness and visual amenity. The proposed landscape mitigation is critical in this respect. Ensuring public safety through the closure of the six level crossings is the overriding consideration in seeking a positive improvement in people's quality of life. A good level of accessibility to the countryside would be maintained. An acceptable level of consistency with policies to promote the social dimension of sustainable development is achieved.
- 9.42 I conclude that the Order scheme would be in accordance with the development plan when read as a whole. All matters considered the scheme would promote a sustainable form of development and is consistent with the Framework. Consistency is achieved with the LTP. No conflict arises with the AONB Management Plan is so far as relevant to the scheme.

Matter 4: Adequacy of the Environmental Statement

- 9.43 A thorough scoping exercise was undertaken. The additional matters raised in the Scoping Opinion and consultee comments were addressed adequately. No objector or statutory consultee has questioned the scope and methodologies of the submitted ES or suggested any failure to comply with the necessary procedures. I have no reason to doubt Network Rail's confirmation that the ES is fully compliant with the 2006 TWA Rules and statutory procedural requirements. [4.54-4.56]

Matter 5: Likely impacts of closing the six level crossings and construction of the new bridleway bridge on land owners, local businesses, local residents, the public, equestrian users and statutory undertakers

Noise and air pollution

- 9.44 Construction of the bridge would be the only aspect of the work to potentially result in noisy activities. The effect would be for a temporary period. As agreed through the scoping opinion, no assessment on the likely levels of noise has been made because of the remote location of the works site relative to noise sensitive receptors. On completion of the works a long term benefit for residents near the railway line would be the absence of the sound of train whistles when passing through the level crossings. [4.57]

9.45 Air quality impacts would be limited to dust during the construction phase. [4.58]

Ecology and archaeology

9.46 The Habitats Regulations Assessment screening report explains why no likely significant effects on the integrity of the SPA and Ramsar site are anticipated as a result of the proposed works, either alone or in combination with any other plan or project. Having taken account of the comments of Natural England and Suffolk County Council, I am satisfied that the report is a reliable assessment, based on appropriate survey work and consideration of relevant factors. I agree with the report's conclusion that no Appropriate Assessment is required. [2.5, 4.71]

9.47 Construction of the bridge would result in the loss of habitat and potential disturbance to species. The adverse impact on ecology would be capable of being minimised through adoption of safeguards, best practice and appropriate mitigation. The proposed restoration planting and hedgerow enhancement would offer the prospect of securing a long term biodiversity gain. With all these considerations in mind the impact on ecology would be acceptable. [4.72]

9.48 The site is in an area of high archaeological interest. The SM is a designated heritage asset of the highest significance. The location for the bridge and the works site are a reasonable distance from the SM, with the beneficial effect of separation distance increased by the presence of woodland and hedgerow planting. Bearing in mind the scale of the bridge works and the minor physical changes to the PRoW network I agree with Historic England that the proposed bridge would have a low impact on the setting of the SM and would not harm its significance. [4.74, 7.5]

9.49 In view of the presence of extensive buried archaeological remains there is the potential for the proposal to have varied degrees of direct or construction related impacts. Appropriate measures are incorporated within the design and construction planning to address this potential harm and to reduce adverse impacts. The stated intention to gather further information, develop a written scheme of investigation and continued dialogue is supported by Suffolk County Council. On this understanding the proposed approach should ensure the impact on archaeology is minimised and be acceptable. [4.73, 7.3]

9.50 In the locality of the site the historic environment is enhanced by a number of designated historic assets, including Grimston Hall. With the benefit of the site visit my conclusion is that the trees along the front driveway together with the retained vegetation and woodland would be sufficient to prevent the bridge having a negative impact on the views and setting of the property. Permanent lighting forms no part of the proposal and hence a negative impact would not arise from such a source. There would be no harmful impact on the significance of this designated historic asset. For good reason the listed buildings to the east of the Branch Line in the villages were scoped out of further consideration. [2.6, 4.75, 6.41, 8.10, 8.42-8.44]

Landscape and visual amenity

9.51 The essential characteristics of the landscape have been identified in the various landscape studies. The built up areas of the villages enjoy a rural setting to the west where the gently rolling farmland is dominant. In the countryside the settlement is confined to scattered farmsteads and pockets of residential

development and is small scale and of domestic character. The narrow rural lanes and the PRoW network linking the farms and villages form part of the history of the landscape. Small woodlands are strong landscape features, the boundary hedgerows, streams and ponds adding further diversity and interest. The openness and the topography allow extensive and wide ranging views. Further to the west the landforms and water of the estuary area have a special quality. By contrast, to the south west the cranes at the Port of Felixstowe catch the eye and are a reminder of the proximity and importance of the docks. Views from near the railway line looking to the east increasingly feature the edge and built form of the villages, including a prominent water tower. [4.60-4.61, 8.42]

- 9.52 The closure of the level crossings and the associated removal of the stiles, gates and so on, would have a limited effect on the landscape in so much as there would be the removal of traditional routes of movement that form an element in the landscape and social history of the area. There would be no effect on visual amenity. [8.42]
- 9.53 The element of the proposed works that has attracted strong objection is the bridge. The applicant has made a fair assessment of the impact during construction, when the site compounds and building works would have a negative impact on landscape character and visual amenity. The permanent impact on completion of the work and subsequently is the focus of attention in objections because this would be the lasting legacy to the area. [4.64-4.67]
- 9.54 In terms of the impact on landscape character, the construction of the bridge would directly lead to a loss of woodland and the introduction of a prominent, discordant, man-made steel structure into an open countryside area. The size of the bridge and its rigid form with long sloping ramps would not reflect built features in the rural area and it would be a sharp, unwelcome contrast to soft landscape assets and farmland. The high cranes at the Port of Felixstowe are in the distance, not within the rural, relatively unspoilt setting to the villages and do not offer any form of justification. [4.64, 4.68, 5.10, 6.8, 6.9, 6.39, 6.46, 6.49]
- 9.55 Once works are complete, the harmful impact would be localised, as indicated by the zone of visual influence. Essential landscape characteristics reflecting land use, field patterns and settlement would remain unchanged. The choice of location, where accessibility is prioritised, is not able to be achieved without vegetation removal. Efforts have been made to design a lightweight structure, minimise land take, vegetation loss and encroachment into open land, all factors that would reduce the degree of harm. [4.64, 8.36, 8.38]
- 9.56 Balancing all the various factors I conclude that the bridleway bridge would not protect landscape character but that the impact would be localised.
- 9.57 The area is enjoyed by many residents and the wider public for leisure and recreational walking. These receptor groups are identified in the ES as having high sensitivity to adverse change in the visual amenity of the countryside. Trimley St Martin Parish Council, speaking for the local community, made clear the bridge has no place in the parish. In my judgement the bridge would be highly visible in the years immediately following its construction in views from the edge of the village and from well used PRoWs. Its location on the skyline, in a rural spot away from main areas of development and the lack of visual harmony with its surrounding natural environment would result in serious harm to visual amenity. [4.36, 4.70, 5.10, 6.8, 6.39, 6.46, 8.37]

Setting of the AONB

- 9.58 The new bridge would be located close to the designated area, within its setting. Following on from my conclusions in respect of landscape character and visual amenity, the bridge would not enhance or conserve the setting of the AONB. It would detract from views out of the AONB. The impact would occur during and after construction. However, a key consideration is the contribution of the setting to the natural beauty and special qualities of the AONB and how the development impacts on any such contribution. [2.5, 4.61, 6.8, 6.30-6.32, 6.39, 8.33-8.34 8.36]
- 9.59 The new bridge would not impact on the special qualities associated with the field pattern and arable farmlands, topography or ancient woodlands. By reason of its location, surrounding topography and landscape features, the structure would not interrupt the open views down across the estuary. Therefore whilst the bridge would result in a noticeable and negative change within the setting, the impact would be negligible in relation to the special qualities of the AONB. [4.61, 4.65, 4.69]

Appearance and design of proposed new crossing

- 9.60 The aim was to produce a slim-line, lightweight structure, painted in a colour to blend in with its surroundings. However, the steel bridge would appear as a relatively large, engineered structure, more suited to an urban environment rather than a countryside setting. The ramps, because of their undue length, final height and part enclosure, would be the most visually dominant element. The bridge would not be of an attractive appearance and would appear intrusive in the locality. The reliance on new planting to screen the structure lends support to that conclusion. There is little to indicate that it would be valued by the local community for its appearance. [3.3, 4.36, 4.63, 6.8, 6.9, 6.54, 8.10]
- 9.61 The opportunity for soft landscaping to restore the vegetation loss but also to help integrate the bridge successfully into the wider environment is an important consideration. There is no doubt that the new planting would have an essential role in softening the appearance of the bridge and be a key element in the overall design of the scheme. I will address this aspect in more detail as part of the proposals for mitigation (Matter 6). [4.26, 8.36, 8.37]
- 9.62 Design is not solely concerned with aesthetics. The basic purpose of the bridge is to enable all intended user groups get from one side of the railway to the other safely. Detailed attention has been given to ensuring the bridge meets all relevant standards to ensure it is functional for all and meets operational requirements for the railway. Potential deterrents are the height of the bridge and the length and siting of the ramps. [3.3, 4.23, 6.3, 6.23, 6.27, 6.46, 8.10]
- 9.63 Those people capable of doing so would in all probability use the steps as the shortest and direct route. Use of the gently sloping ramps would involve a relatively long crossing. A disadvantage for users, particularly equestrians, would be the close proximity to the railway for a longer time. Their length is in part due to ensuring the gradient allows for use by all and also is in response to the topography of the site and the essential need to achieve the required height of the structure to provide sufficient clearance over the track. Their proposed alignment with the track would replicate the linear form of the railway, reduce land take and confine the extent of encroachment out into the farmland.

Continuous ramps, without changes in direction, would be of assistance to users. Without ramps of a suitable gradient the bridge would not be inclusive or offer choice. Having due regard to the public sector equality duty a new non-vehicular crossing that excludes use by some members of the community would not be acceptable. [6.27, 6.32, 6.39, 6.53, 8.10, 8.13, 8.26]

- 9.64 In allowing for shared use by those on foot and equestrians the deck would have a high degree of enclosure. An effect of this element of the design would be the loss of views from the bridge over the countryside and a less pleasant experience of the crossing. Anti-social behaviour was not of general concern. [6.3, 6.8, 6.43, 6.54, 8.10]
- 9.65 In conclusion, the appearance of the bridge would not be visually attractive or reflect the identity of the local surroundings. Its physical presence would be a permanent addition to locality. On wider considerations, the proposed structure has been developed through a rigorous design process that has balanced a number of sometimes conflicting requirements and site constraints. This is an instance where the proposed landscape plan would be a means of achieving a degree of harmony with the surroundings. On the given parameters, a reasonable design outcome has been achieved.

Safety

- 9.66 Convincing evidence has been produced by Network Rail to demonstrate that the closure of the level crossings would result in a much safer environment along the railway line, reducing risk to all users of the PRow network as well as benefitting the safety of those operating and using the railway. The fatal accident at Grimston Lane level crossing in 2016 serves as a reminder of the dangers involved. [4.76, 4.77, 5.10, 6.5, 6.6, 6.21, 8.7, 8.9]
- 9.67 Trimley St Martin Parish Council was concerned that safety would be reduced by an increase in people choosing to walk along the roads. Whilst recognising the local knowledge of the Parish Council, this objection was not substantiated. Shared use of the rural lanes would be a continuation of common practice, which has not been shown to be unsafe. Suffolk County Council, the authority responsible for PRowS and highways, made no objection or adverse comment and considered safety would be improved. I conclude that the proposed diversions would provide safe alternative routes. [6.4, 6.25, 7.4, 8.20, 8.28]
- 9.68 The presentation of the Residents and Users of Trackside Park – Cordy’s Lane was aimed at highlighting the potential frightening experience of horse and rider using the proposed bridge. The bridge was considered not to be a safe option. This opinion was shared and supported by others, with only one positive comment from an equestrian reported. [6.10, 6.23, 6.27, 6.29, 6.43, 6.46, 6.53, 8.12]
- 9.69 There is a distinction between a perception over safety and the bridge actually being unsafe. The proposed bridge has been designed to comply with the standards and guidance to enable safe use by all, including equestrians. The advice of the British Horse Society recognises that horses will be alarmed by traffic passing beneath them, whether a navigable river, road or railway. The recommended solution is to obscure their view by solid infill parapets, a feature which has been incorporated into the design. The national body representing equestrian users, and who is required to be served with a copy of the application, could reasonably be expected to identify any shortcomings in

safety. No objection was made by the British Horse Society, whose local members were involved during the consultation process and in developing the design of the bridge. The objectors' concern is not universally held by all equestrians in the area. [4.36, 6.27]

- 9.70 The weight of the evidence leads me to conclude that the proposed bridleway bridge has been designed to be safe for equestrians. For residents and walkers the bridge would offer a safe option to cross the railway and address the needs of those who currently do not wish to use a passive crossing because of safety fears. Overall the scheme would result in a substantial improvement in safety. [4.83, 8.26]

Impacts on private vehicular crossing rights at Gun Lane and Keeper's Lane

- 9.71 The Gun Lane and Keeper's Lane vehicular crossings serve agricultural land on both sides of the railway. The 2008 Order already provides the powers to close the Gun Lane crossing. There is common ground between Network Rail and Trinity that the removal of vehicular rights across the railway would result in agricultural traffic using public highways to access farmland. [4.81, 4.86, 4.87, 6.34, 6.35]
- 9.72 The surveys on use relied on by Network Rail pre-date a recent change in agricultural tenancy. The previous low level of use may not be representative of future traffic associated with a more cropping intensive farming operation. Trinity describes the increase in traffic crossing the rail line as significant but has provided no detailed information on the forecast numbers of vehicles or likely patterns of movement in terms of route, times and seasonality. There is nothing to show whether or not alternative routes within the farm holding exist or have been investigated. The impact on the efficiency and operational costs of the farming operation or on the local road network has not been substantiated. [4.87, 6.35, 8.28-8.30]
- 9.73 Network Rail and Trinity have confirmed that the vehicular crossing rights are general and not solely related to agricultural vehicles. The proposed bridleway bridge would not provide an alternative. The available data shows that general vehicle usage over both crossings over a five year period since 2012 was very low. Network Rail's assessments and development of alternative routes has centred on providing for non-motorised use. Alternative vehicular routes would have to utilise the crossings at Thorpe Lane and at Trimley Station on Cordy's Lane, which may be less convenient and time effective. Nevertheless in the absence of any contrary evidence there would be little if any material impact on the ability of landowners or tenants to carry on their business as a result of the loss of private vehicular crossing rights. [4.78, 4.87, 6.18, 6.36, 8.30]

Impact on users of PRow network

- 9.74 The closure of the six level crossings would result in the loss of six direct, short links to get across the railway. An important consequence would be the removal of risk to personal safety of those using the crossings. [4.80]
- 9.75 The evidence is that the primary function of the PRow network is for recreation and enjoyment of the countryside, where time and distance may not be so sensitive to small changes and variations. Even so there are concerns about future inability to take short health walks, less attractive and inconvenient routes and severance of the community. Initially there was an expressed

preference for all crossings to remain open but specific objections do not apply to all six. There is no clear objection to the closure of Grimston Lane, St Martin's or Gun Lane (which is able to be closed under the 2008 Order) based on a loss of accessibility to the countryside. With reference to the detailed analysis by Network Rail, I consider the impact of the closure of these three level crossings would be neutral at the least and very much an improvement when linked to the safety benefits secured. [4.82-4.85, 6.2, 6.7, 6.17-6.20]

- 9.76 Most of the objection is directed at the closure of Keeper's Lane, Thorpe Common and Trimley. The focus of objection from equestrians is the safety and usability of the proposed bridge, rather than any specific objection to the loss of permeability or to the proposed enhancements to bridleways. My consideration of the impact of the proposed closures takes into account the bridge and related changes to the PRow network as integral elements of the Order scheme. [3.4, 4.27, 4.79, 6.2, 6.7, 6.17-6.20, 6.24, 6.25, 6.27, 6.46, 6.51, 6.55]
- 9.77 Thorpe Common level crossing is on Footpath 1, which is not as a matter of fact part of the Stour and Orwell Walk. The footpath provides a local link to it and probably is used primarily for recreational purposes. In this context the proposed diversion is short and for the most part off the road, along the edge of farmland. The experience should not be notably less pleasant, even though mainly parallel to the railway. Easy and safe access to the AONB and to other more local walks would be facilitated and the impact on walkers would be slight. [6.7, 6.18, 6.24, 6.55, 8.24, 8.31]
- 9.78 Trimley is the crossing that is most likely to be used by residents on Grimston Lane and Thorpe Lane, west of the railway, to reach local facilities in the village. The proposals would allow for choice of future routes and Network Rail's analysis of changes in distance and time demonstrate that there would be little change in this respect. A paved route, over the controlled level crossings, would not change and is probably the most used and appropriate way for getting to the village. In the reverse, access to countryside walks from the village would be less direct because of the length of diversion to use the bridge. There would be scope to adapt walks, influenced by the starting point within the village. [6.2, 6.17, 6.24, 8.17, 8.19]
- 9.79 Keeper's Lane is somewhat divorced from the main group of crossings to the north. The crossing, which has no stiles, is able to be used by pedestrians, cyclists and equestrians, as well as restricted vehicles. The crossing is well used and it forms a link along the Gaymers Lane/Keeper's Lane bridleway. The route offers a pleasant means of access to the countryside and Stour and Orwell Walk for residents from the High Road, avoiding the highway Cordy's Lane. The proposed diversion is to the new bridge, which would give access to various PRow's on both sides of the railway. The length of diversion may well deter and restrict route choice for those on foot, especially for circular walks. For equestrians, provided that they feel able to use the new bridge, there is the potential for enhanced choice in view of the proposed upgrades to bridleways. [4.84, 4.85, 6.17-6.19, 6.24, 6.25, 6.46, 6.51, 8.23, 8.25]
- 9.80 The closure of Keeper's Lane crossing is very unlikely to cause any degree of severance to the community of Trimley St Mary because the main residential area is located to the north of the railway line, with linear development extending along Cordy's Lane. Movement within the residential area and along High Road is not affected by the ability to use the Keeper's Lane level crossing.

Visitors to the area would not be affected unduly, bearing in mind that the advertised circular walk round Trimley Marshes does not involve any crossing of the railway. The most direct route to the walk, or other local walks, from Trimley Station, the bus stop on the High Road and the car park on Cordy's Lane would be along Cordy's Lane and not Gaymers Lane/Keeper's Lane. [4.82, 6.25, 8.27]

- 9.81 In summary, the most noticeable adverse impact for users of the PRow network would be for regular pedestrian users of the Keeper's Lane crossing. I also recognise that some people, including equestrians, may choose not to use the bridleway bridge, which would lessen their choice of recreational walks or rides.

Matter 6: Mitigation Measures

Code of Construction Practice

- 9.82 During the construction phase a degree of disturbance and change to the local environment would be unavoidable. The CEMP would be essential to ensuring appropriate mitigation measures are adopted and best practice followed to minimise adverse impacts. The CEMP documents submitted as evidence encourage confidence that a comprehensive document would be put in place, covering all relevant matters. [4.88-4.90]

Measures to avoid, reduce or remedy any major or significant adverse impacts

- 9.83 Network Rail has endeavoured to incorporate mitigation into the design, wherever possible, in order that permanent adverse impacts to accessibility through closure of the level crossings would be remedied by the bridge and changes to the PRow network. No specific measures are proposed in response to loss of vehicular rights in view of the very limited impact identified. [3.4, 4.43, 4.79, 4.94]
- 9.84 Temporary PRow diversions are proposed over the period between the closure of the crossings and the construction of the bridge. Suffolk County Council has not raised any issues in that connection. The limited extent of the diversions is appropriate in view of the presence of construction activities, the availability of the crossings at Thorpe Lane and Cordy's Lane and the PRow's in the wider surrounding area. [6.52, 8.14]
- 9.85 In relation to potential environmental impacts, again mitigation has been embedded into the design of the bridge and a commitment to a landscape scheme. Replacement woodland planting and hedgerow reinforcement is proposed to mitigate harm resulting from the new bridge to landscape character, visual amenity and the setting of the AONB. Minimisation of vegetation loss at the outset, as now proposed, would be important. The bridge would gradually become less intrusive as the new woodland planting becomes fully established and grows. The applicant anticipates effective screening would be achieved within 15 years. Taking account of the evidence of local conditions this period probably is the minimum. Whilst 15 years may sound a long time, this benchmark is standard in assessment of visual impact. [4.48, 4.67-4.70, 4.93, 6.31, 6.40, 8.36-8.38]
- 9.86 There is a good prospect of a strong landscape feature being restored and the identified minor harm to landscape character being reduced and over time largely remedied by the woodland planting and hedgerow reinforcement. The

beneficial effects may take some 10 years or more to really take hold. Care in the detail of the planting specifications and after care, secured through planning condition, would be a very relevant factor. Even after 15 years or so the planting, indicated to be primarily deciduous native species, is unlikely to totally screen the bridge throughout the year and a degree of visual harm would remain. [4.69, 4.70, 4.93]

- 9.87 Overall, the proposed mitigation measures are reasonable and well considered given the location of the bridge, the principles underlying the proposed PRow diversions and the necessity for an inclusive bridge design. [8.16]

Extent of any adverse impact remaining after mitigation

- 9.88 The remaining significant adverse effects likely to arise on a temporary basis during construction, identified through the ES, would be unavoidable with a project of this nature. [4.96]
- 9.89 The appearance of the bridge from within its immediate surroundings would not change and the harm to visual amenity would be permanent. After completion of the landscaping scheme the harm to landscape character and to visual amenity in local views would gradually lessen. By around Year 15 or slightly later minimal harm would remain to the landscape character. The planting should have become sufficiently established to ensure the bridge would not be unduly prominent. The likelihood is that during the winter period there would be filtered views of the structure. To that extent there would be permanent visual harm. [4.97, 6.8]
- 9.90 Some local residents or visitors to the area may be slightly inconvenienced or experience reduced amenity as a result of adjustments to favoured walking routes, more particularly those that incorporated the Keeper's Lane crossing. [4.98]
- 9.91 Equestrians who feel unable to use the bridleway bridge would have a restricted choice of circular routes but would enjoy increased accessibility south of the railway line.
- 9.92 There may be a slight loss of efficiency to agricultural operations as a result of the loss of vehicular rights over Keeper's Lane and Gun Lane level crossings.
- 9.93 In conclusion, adverse environmental, social and to a lesser extent any economic impacts through closure of the level crossings (including loss of recreational opportunities and community severance) have been largely addressed satisfactorily through the proposed mitigation. [4.95]

Statutory undertakers

- 9.94 Network Rail has confirmed that protective provisions to safeguard the operations of statutory undertakers are not proposed within the application. [4.99]
- 9.95 I note that Schedule 4 of the draft Order (*Apparatus and rights of statutory undertakers etc in stopped up highways*) makes provision in respect of any apparatus belonging to a statutory utility in highways which may be stopped up under the provision of article 5 of the Order.

Matter 7: Planning conditions

- 9.96 The initial list of planning conditions was revised in light of comments, including those from the Local Planning Authority and Suffolk County Council. The conditions were further amended in light of the discussion at the inquiry. In the absence of any contrary indication, the final draft list¹⁵⁶ is understood to be acceptable to the Local Planning Authority. On further reflection, I draw attention to the following points. [4.100]
- 9.97 In condition 1 the time period of five years for the commencement of development is longer than the standard three year period. The period stated is not contrary to the provisions of section 91 of the 1990 Act and is consistent with the normal time limit for the exercise of compulsory purchase powers. Therefore I consider no amendment is required.
- 9.98 The use of the tailpiece 'unless otherwise agreed in writing by the Local Planning Authority' appears in conditions 2, 4 and 5. Unless carefully drafted 'tailpieces' introduce uncertainty, may allow for amendments that have not been previously assessed as part of the EIA and may affect enforceability. It seems to me that in conditions 2 and 5 an alternative phrase 'or any amendments thereto as may be approved in writing by the Local Planning Authority' is more precise. As to condition 4, the landscape and visual impact assessment has been based on the effect of mitigation planting at Year 0, Year 5 and Year 15. A reasonable expectation is that care would be taken in the landscape specification to be approved under condition 3. Any delay in the initial planting and in seeking approval for replacement planting should be avoided. I see no justification for the tailpieces and they should be omitted.
- 9.99 Condition 3, landscaping scheme, should be more precisely worded to prevent commencement of development until the scheme has been approved by the Local Planning Authority. I consider this pre-commencement condition approach is essential because of the importance of the landscape scheme and its early implementation to the acceptability of the design of the bridge. As to the condition's reference to proposed structures, Network Rail in response to objections stated that lighting forms no part of the Order scheme. I consider inclusion of street furniture would be inappropriate in this rural setting. In my view the provision should be deleted and replaced by details of any proposed boundary treatment and fencing. In condition 4 a five year period is reasonable for replacement planting. [6.31, 8.10]
- 9.100 Condition 5 requires approval of a CEMP, which should provide for measures to mitigate noise and dust. That being the case, condition 7 (noise) and condition 8 (dust) are considered to be unnecessary. Furthermore the wording of these conditions is imprecise and unenforceable (use of the word 'likely'), especially as regards noise which was scoped out of EIA. The two conditions should be omitted.
- 9.101 Condition 9 is specific to lighting during the construction phase. To ensure the condition is enforceable and precise, provision should be made for a timetable for its removal to be approved by the Local Planning Authority. In view of the

¹⁵⁶ CD/1.8.4B

temporary nature of the floodlighting, the final sentence should refer to floodlighting rather than the 'Development'.

- 9.102 Condition 11 requires a slight amendment to include the modification suggested by Suffolk County Council and to make the wording precise and enforceable. Condition 12 should require details of the timescale for provision of the temporary bat corridor to ensure the condition is enforceable. [7.3]
- 9.103 In my view 'in consultation with Natural England', condition 12 and 'in consultation with Suffolk County Council', condition 14, are not necessary and are not enforceable. They should be omitted.
- 9.104 In all conditions where approval is required from the local planning authority, the approval should be in writing.
- 9.105 With these provisos and with minor typographical amendments, I conclude that the conditions would be necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects. Therefore they would accord with the six tests in paragraph 206 of the Framework and referred to in Planning Practice Guidance. The resulting planning conditions and the reasons for them are set out in Appendix 2.

Matter 8: Compulsory purchase powers

Public interest

- 9.106 The pressing need for early implementation of the dualling of the Branch Line has been demonstrated in order to meet pent up demand for additional rail freight capacity and to secure priority policy objectives for transport infrastructure, the economy and employment. The Order scheme is integral to the Wider scheme, in that it is essential for Network Rail to have the powers to close the six level crossings to ensure safety along the Branch Line to the west of the Trimley villages in the changed conditions of operation. [4.8-4.12, 4.17, 4.22, 4.106]
- 9.107 The closure of the level crossings would have unacceptable social consequences for the local and wider community unless a replacement crossing and modifications to the PRoW network are provided. The proposed bridleway bridge, although not of high quality in appearance for its rural setting, is acceptable when all design considerations are weighed in the balance, including those of social inclusion. Adequate and appropriate mitigation would be put in place to minimise any adverse impacts resulting from the scheme. [4.27, 4.97, 4.98, 4.106]
- 9.108 I consider that the benefits of the Order scheme are of a high order, particularly in respect of public safety.

Requirement for land and rights in land to satisfactorily implement the scheme

- 9.109 From the evidence presented, there is justification for land and rights in land to be acquired either temporarily to enable the scheme to be constructed or permanently to provide the bridge, upgrade and make alterations to the PRoW network and to carry out environmental mitigation. [4.102, 4.103]
- 9.110 The matter raised by Trinity centres on a lack of information from Network Rail on land take, rather than a firm objection to the extent of land for which

compulsory acquisition powers are sought. In light of the contact and dialogue between the two parties for well over a year, a lack of clarity on land take is difficult to understand. Trinity chose not to take the opportunity to appear at the inquiry as a way of pursuing its concern. The parcels of land proposed to be subject to powers of acquisition are specified in the draft Order, shown on the land plans and described in the book of reference. In the absence of evidence to the contrary I find that the information on land take is adequate. [6.45, 8.3, 8.45]

9.111 In conclusion, there is a compelling case in the public interest for the compulsory acquisition and use of land for the purposes of the Order scheme. The land and rights specified are required in order to secure satisfactory implementation of the scheme.

Matter 9: Funding

9.112 With reference to the Guide to TWA Procedures¹⁵⁷ the expectation is that the applicant should be able to demonstrate that the proposals are capable of being financed in the way proposed. The concern is to establish that a scheme is reasonably capable of attracting the funds required to implement it, rather than expecting funding to have been secured.

9.113 On the basis of the information from Network Rail and the joint funding partner the Port of Felixstowe, the Order scheme as part of the Wider scheme is a priority and a key element in upgrading a strategic rail freight corridor. In this context and in the absence of any contradictory evidence I conclude that there is a high probability of funds being allocated from the SFN fund to the project and that the test is met. [4.104, 4.105, 5.1, 5.11]

Matter 10: Any additional matters

9.114 No other matter was raised at the inquiry that requires consideration.

Overall Conclusions

9.115 The Order scheme would enable full operational and safety benefits to be secured as part of the Wider scheme to improve the Felixstowe Branch Line. The substantial economic and public safety case weighs heavily in its favour.

9.116 As to environmental considerations, the proposed bridge has attracted much objection from the local community, who would experience its impact the most. In particular I have agreed that its appearance would be out of keeping with its rural setting and detrimental to visual amenity, even in the longer term. Designed to be safe and functional, the evidence indicates that local equestrians are not at all comfortable with the prospect of using it.

9.117 The identified limitations and harms have to be placed within an overall balance involving a number of competing factors. The design process has been rigorous and sought to reconcile a wide range of requirements and constraints – inclusion, land take, ecology, archaeology, energy efficiency, construction techniques, cost and so on. The need for appropriate landscape mitigation was recognised from the outset. I have found certain objections to have little merit. On balance I conclude that the bridge, in conjunction with a high quality

¹⁵⁷ CD/3.4 paragraphs 1.31.to 1.34

landscape scheme, is acceptable, remembering that a new crossing has to be provided and the Gun Lane location has a large measure of support.

9.118 In conjunction with the dualling of the track the case for the closure of the six level crossings is convincing. The identified adverse impacts are limited for users of PRowS or the businesses and users with private vehicular rights in light of the new crossing and the proposed diversions and enhancements to the PRowS. When subject to examination there is not the evidence to show adverse consequences for encouraging healthy lifestyles, social interaction or significant loss of amenity when experiencing countryside walks.

9.119 The Order scheme is consistent with development plan and national planning policy set out in the Framework when considered as a whole. There is support from the LTP and no conflict arises with the AONB Management Plan. There is no policy basis for rejecting the scheme.

9.120 In view of the above findings, the Order scheme is justified on its merits and there is a compelling case in the public interest for making it. Funding is available for the scheme, no impediments to its implementation have been identified and there is a reasonable prospect of it going ahead without delay. Therefore I conclude that the Order should be made.

9.121 For similar reasons, deemed planning permission should be granted for the development that would be authorised by the Order, subject to the conditions set out in Appendix 2.

10. RECOMMENDATIONS

10.1 I recommend that:

- a) The Network Rail (Felixstowe Branch Line Improvements – Level Crossings Closure) Order 201[] be made.
- b) A Direction be made granting deemed planning permission for the works authorised by the Order, subject to the planning conditions set out in Appendix 2.

Diane Lewis
Inspector

APPENDIX 1: APPEARANCES

FOR THE APPLICANT NETWORK RAIL

Richard Turney	Of Counsel, instructed by Eversheds Sutherland (International) LLP
He called	
Paul McAleer MBA BEng EurIng CEng MIEI RPP Accredited NEC3 ECC Project Manager Senior	Senior Sponsor, Anglia Route Team and Sponsor for the Felixstowe Branch Line Improvement Project, Network Rail
Tom Paget	Level Crossing Manager, Anglia Route, Network Rail
Christopher Palmer MEng(Hons) CEng MICE MAPM	Team Leader, Structures Practice, Atkins' Transportation
Christopher Cary BSc(Hons) MSc MCIHT	Practice Manager (South East), Cities Spaces & Development Planning, Atkins' Transportation
Ian Lanchbury BA(Hons) BLandArch CMLI	Associate Landscape Architect, Technical Excellence Team for LVIA, Atkins
Fiona Wilson BSc(Hons) MSc MIEMA Chartered Environmentalist	Principal Environmental Consultant, Atkins

FOR PORT OF FELIXSTOWE, HUTCHISON PORTS (UK) LIMITED

Howard Bassford	Solicitor, DLA Piper UK LLP
He called	
Martin Woor	Senior Commercial Manager, Felixstowe Dock and Railway Company

INTERESTED PARTY:

Councillor Graham Newman	Suffolk County Council Division of Felixstowe Coastal
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FOR TRIMLEY ST MARTIN PARISH COUNCIL

Caroline Ley	Parish Clerk, Trimley St Martin Parish Council
Robert Parker	Vice Chair, Trimley St Martin Parish Council
John Sells	Chair, Trimley St Martin Parish Council

FOR RAMBLERS' ASSOCIATION IPSWICH GROUP FOOTPATH SUB COMMITTEE

Geoff Knight	Local Footpath Secretary
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FOR RESIDENTS AND USERS OF TRACKSIDE PARK- CORDYS LANE

Kay Barker	Representing local horse riders of Trimley
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Sheery Sassoon for the Applicant and Lisa Chandler, Planning Officer, Suffolk Coastal District Council, took part in the discussion on planning conditions.

APPENDIX 2: SUGGESTED CONDITIONS WITH REASONS FOR DEEMED PLANNING PERMISSION

Definitions

"*the Development*" means the works authorised by the Order and this Direction as to deemed planning permission.

"*Geo-Archaeological Watching Brief*" means a brief which the contractor will adhere to, to monitor any excavations or intrusive works.

"*Local Planning Authority*" means Suffolk Coastal District Council.

"*the Site*" means the area on which the Development can be carried out.

"*Woodland Area*" means the land shaded green in Figure 7.1 of the Environmental Statement (ES Volume 2) between Trimley Level Crossing and Keeper's Lane Level Crossing.

"*Written Scheme of Investigation*" means a scheme which outlines the archaeological features and deposits which are (a) known to exist at the date of submission of the scheme, and (b) those that at the date of submission of the scheme are reasonably considered to potentially exist, and proposes a structure for investigating them using appropriate techniques and methods of recording where required.

"*the 2008 Order*" means the Felixstowe Branch Line and Ipswich Yard Improvement Order 2008.

"*the 2010 Planning Permission*" means the planning permission granted by Suffolk Coastal District Council in relation to the 2008 Order and issued on 25 August 2010 (Ref C10/0544).

"*permanent works*" means the proposed bridleway bridge.

Planning conditions

Time Limit to Implement the Permission

1. The Development shall commence before the expiration of 5 years from the date that the Order comes into force.

Reason: *To ensure that the development is commenced within a reasonable period of time and in accordance with section 91 of the Town and Country Planning Act 1990.*

Plans and Drawings

2. The Development shall only be carried out in accordance with the following approved plans and documents, or any amendments thereto as may be approved in writing by the Local Planning Authority.

Sheet No.1 Site Plan

Sheet No.2 Site Plan

Sheet No.3 Site Plan

Sheet No.4 Site Plan

Sheet No.5 Site Plan

Sheet No.6 General Arrangement Drawing (Sheet 1 of 2)

Sheet No.7 General Arrangement Drawing (Sheet 2 of 2)

Sheet No.8 Plan of Proposed Bridge

Sheet No.9 Elevations (Elevation A-A)

Sheet No.10 Elevations (Elevation B-B).

Reason: *For the avoidance of doubt and in the interests of proper planning.*

Landscaping scheme

3. (1) No commencement shall be made on the Development unless and until a landscaping scheme shall have been submitted to and approved in writing by the Local Planning Authority. The scheme shall include:
 - a) Any proposed boundary treatments and fencing;
 - b) Any trees or shrubs to be planted, including the location, number, species, size and planting density;
 - c) A landscape specification setting out planting methods, soil depths and conditions; and
 - d) A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas.

- (2) Paragraph (1) shall not apply in relation to any part of the Site in respect of which development has been undertaken pursuant to the 2008 Order and/or the 2010 Planning Permission.

Reason: *To ensure appropriate landscaping of the Development.*

Implementation and Maintenance of Landscaping and Ecological Enhancement

4. All landscaping works shall be undertaken in accordance with the relevant landscaping scheme approved under Condition 3. Planting shall take place no later than the first available planting season after the completion of the permanent works.

Any tree or shrub planted as part of an approved landscaping scheme that within five years of the date of planting, is removed, dies or becomes in the opinion of the Local Planning Authority, seriously damaged or seriously diseased, shall be replaced in the first available planting season with a specimen of the same species, to a size equivalent to the surrounding healthy specimens that were planted at the same time.

Reason: *To ensure satisfactory implementation of the landscaping and ecological enhancement measures.*

Construction Environmental Management Plan (CEMP)

5. No development shall commence until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall be developed from Appendix A4.1 of the Environmental Statement Volume 3. The CEMP shall detail the adoption and use of best practical means to reduce the effects of noise, vibration, dust, site lighting and shall incorporate a Waste Management Plan. All works shall be

undertaken in accordance with the approved CEMP or any amendments thereto as may be approved in writing by the Local Planning Authority.

Reason: *To protect residents and amenity during construction of the Development.*

Core Working Hours

6. The core working hours for all construction activities and any traffic movements to or from the Site shall be limited to 0800 to 1800 hours Monday to Friday and none on Saturdays, Sundays or Bank Holidays, except:
- Where continuous periods of operation are required, for example during railway possessions and during concrete pouring.
 - For the delivery of abnormal loads to the Site which may cause congestion on the local road network.

Prior notification shall be given to the Local Planning Authority for construction activities and traffic movement where such activities or movements fall within the above exceptions.

Reason: *In the interests of residential amenity.*

Lighting during construction

7. Details of the location, height, design of any activity sensors and the luminance of all floodlighting used during construction, together with a programme for removal of the floodlighting at the end of the construction period, shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the Development. Measures to limit obtrusive glare to nearby residential property and to minimise sky glow shall be incorporated in the design of the floodlighting. The installation, use, operation and removal of the floodlighting shall be in accordance with the approved details.

Reason: *In order to safeguard the amenities of adjoining occupiers.*

Land Contamination

8. Any contamination discovered during the construction phase of the Development shall be remediated in accordance with a remediation plan that has first been submitted to and approved in writing by the Local Planning Authority. The Environmental Protection Team at Suffolk Coastal District Council shall be notified in writing at least seven days prior to any removal or encapsulation of any contaminants.

Reason: *To ensure that risks from land contamination both during the construction phase and to future users of the land and neighbouring land are minimised, together with those to property and ecological systems, and to*

ensure that the Development can be carried out safely without unacceptable risks to workers, neighbours and other off-site receptors.

Phase 1 Ecology Surveys

9. (1) Subject to paragraph 2 below, if the Development has not commenced before 1 January 2019, no development shall commence until a Phase 1 habitat survey of the Site has been undertaken to determine whether any species protected under the Wildlife and Countryside Act 1981 are likely to be present. Details of the survey shall be submitted to and approved in writing by the Local Planning Authority. If any protected species are found to be present no part of the Development that would affect such species shall be commenced until an acceptable mitigation strategy has been submitted to and approved in writing by the Local Planning Authority. Any part of the Development where such species are present shall not be commenced or carried out otherwise than in accordance with the approved strategy.

(2) Paragraph (1) shall not apply in relation to any part of the Site in respect of which development has been undertaken pursuant to the 2008 Order and/or the 2010 Planning Permission.

Reason: *To ensure that any species protected under the Wildlife and Countryside Act 1981 that may enter and use the Site in future are protected from Development.*

Temporary Bat Corridor

10. Works to the Woodland Area to the Trimley (east) side of the railway shall not take place until the details of a temporary artificial bat corridor and timescale for its provision have been submitted to and approved in writing by the Local Planning Authority. The temporary bat corridor shall be provided in accordance with the approved details.

Reason: *To ensure that bat species protected under the Wildlife and Countryside Act 1981 are protected.*

Historic Environment

11. Construction of the bridge component in the Development, including all associated preparatory works, shall not commence until a Written Scheme of Investigation and Geo-Archaeological Watching Brief have been submitted to and approved in writing by the Local Planning Authority. The Written Scheme of Investigation and Geo-Archaeological Watching Brief shall be implemented in accordance with the approval.

Reason: *To ensure that the development is carried out in a manner that does not negatively impact historic features.*

Bridge Surface

12. No works in respect of the bridge shall be commenced until details of the hard surfacing of the bridge have been submitted to and approved in writing by the Local Planning Authority. The hard surfacing shall be carried out as approved.

Reason: *To ensure that the bridge is of an appropriate surface.*

APPENDIX 3: DOCUMENT LISTS**Core Documents**

	1 Order Scheme
CD/1.1	Application
CD/1.2	Network Rail (Felixstowe Branch Line Improvements – Level Crossings Closure) Order 201[x] (Draft Order)
CD/1.3	Explanatory Memorandum (required by Rule 10(2)(b))
CD/1.4	Statement of Aims (required by Rule 10(2)(c))
CD/1.5	List of consents, permissions or licences under other enactments (required by Rule 10(2)(f))
CD/1.6	Funding Statement (required by Rule 10(3)(a))
CD/1.7	Estimate of Costs (required by Rule 10(3)(b)(ii))
CD/1.8	Request for Deemed Planning Permission & Statement of Proposed Planning Conditions March 2017
CD/1.8.2A	Request for Deemed Planning Permission & Statement of Proposed Planning Conditions December 2017 (Tracked changes)
CD/1.8.2B	Request for Deemed Planning Permission & Statement of Proposed Planning Conditions December 2017 (Clean copy)
CD/1.8.3A	Request for Deemed Planning Permission & Statement of Proposed Planning Conditions January 2018 (Tracked changes)
CD/1.8.3B	Request for Deemed Planning Permission & Statement of Proposed Planning Conditions January 2018 (Clean copy)
CD/1.8.4.1	Correspondence with Suffolk Coastal District Council regarding condition on ongoing ecological surveys
CD/1.8.4A	Request for Deemed Planning Permission & Statement of Proposed Planning Conditions January 2018 (Tracked changes)
CD/1.8.4B	Request for Deemed Planning Permission & Statement of Proposed Planning Conditions January 2018 (Clean copy)
CD/1.9	Scoping Opinion
CD/1.10	Land Plans, Works Plans and Public Rights of Way Plans and Sections
CD/1.11	Planning Drawings in support of request for Planning Direction
CD/1.12	Book of Reference
CD/1.13	Report Summarising Consultations Undertaken
CD/1.14.1	Volume 1: Environmental Statement
CD/1.14.2	Volume 2: Environmental Statement Figures
CD/1.14.3	Volume 3: Environmental Statement Appendices
CD/1.14.4	Non-Technical Summary of the Environmental Statement
CD/1.15	Planning Statement
CD/1.16	Plans and Sections including Planning Direction and Combination Drawings
CD/1.17	Statement of Case for the Applicant Network Rail
	2 Wider Scheme
CD/2.1	The Felixstowe Branch Line and Ipswich Yard Improvement Order 2008
CD/2.2	The Felixstowe Branch Line and Ipswich Yard Improvement Order 2008 Land and Works Plans
CD/2.3	The Felixstowe Branch Line and Ipswich Yard Improvement Order 2008 Rights of Way Plans
CD/2.4	The Felixstowe Branch Line and Ipswich Yard Improvement Order 2008 Planning Direction Drawings

CD/2.5	2010 Planning Permission ref. C10/0544 Land at Felixstowe Branch Line and Westerfield Level Crossing
CD/2.6	The Felixstowe Branch Line (Land Acquisition) Order 2014
CD/2.7	The Network Rail (Felixstowe Branch Line Land Acquisition) (Agreements for Transfer) Order 201[x]
CD/2.8	Felixstowe Branch Line Stage 1 Capacity Analysis Report
CD/2.9	Felixstowe Branch Line Stage 2 Capacity Analysis Report
	3 Legislation and Government Circulars
CD/3.1	Transport and Works Act 1992 – Extracts (Part 1 and related provision and Schedule)
CD/3.2	Transport and Works (Applications and Objections Procedure) (England and Wales) Rules 2006
CD/3.3	Transport and Works (Inquiries Procedure) Rules 2004
CD/3.4	Guide to Transport and Works Act Procedures, Department for Transport June 2006
CD/3.5	TWA Good practice tips for applicants, TWA Orders Unit Department for Transport October 2008
CD/3.6	Ancient Monuments and Archaeological Areas Act 1979 - extracts
CD/3.7	Wildlife and Countryside Act 1981 – extracts
CD/3.8	Planning (Listed Buildings and Conservation Areas) Act 1990 - extracts
CD/3.9	Equality Act 2010 - extracts
CD/3.10	Countryside and Rights of Way Act 2000 - extracts
CD/3.11	Planning and Compulsory Purchase Act 2004 – extracts
CD/3.12	Natural Environment and Rural Communities Act 2006 – extracts
CD/3.13	Conservation of Habitats and Species Regulations 2010 – extracts related to protected species
CD/3.14	Environmental Impact Assessment Directive 2011/92/EU
CD/3.15	Guidance on Compulsory Purchase Process and The Criche Down Rules, Department for Communities and Local Government – extract
CD/3.16	Environmental Impact Assessment Directive 2014/52/EU
CD/3.17	Neighbourhood Planning Act 2017 - extract
	4 Regional and Local Policy
CD/4.1	National Planning Policy Framework March 2012
CD/4.2	Suffolk Coastal District Local Plan Core Strategy and Development Management Policies, July 2013
CD/4.3	Suffolk Coastal Local Plan, remaining Saved Policies – January 2017
CD/4.4	Policies Map - Suffolk Coastal District Local Plan adopted January 2017
CD/4.5	Site Allocations and Area Specific Policies January 2017
CD/4.6	Felixstowe Peninsula Area Action Plan January 2017
CD/4.7	Felixstowe Peninsula Area Action Plan – Inset Map
CD/4.8	The Suffolk Coastal Local Plan Supplementary Planning Guidance 5: Nature Conservation September 1998
CD/4.9	Suffolk Coastal Local Plan Supplementary Planning Guidance 6: Historic Parks and Gardens December 1995
CD/4.10	Suffolk Local Transport Plan 2011-2031 <i>Part 1 – Transport Strategy</i>
CD/4.11	Suffolk Local Transport Plan 2011-2031 <i>Part 2 – Implementation Plan</i>
CD/4.12	National Infrastructure Delivery Plan 2016-2021 March 2016 Infrastructure and Projects Authority

CD/4.13	Information Sheet on Ramsar Wetlands (Stour and Orwell Estuaries) produced by JNCC June 2008
CD/4.14	Natura 2000 Standard Data Form Stour and Orwell Estuaries, JNCC 2015
CD/4.15	Suffolk Coast and Heaths Area of Outstanding Natural Beauty Management Plan 2013-2018, Suffolk Coast and Heaths AONB Partnership
CD/4.16	National Character Area Profile 82: Suffolk Coast and Heaths, Natural England
CD/4.17	Agricultural Land Classification Map East Region, Natural England
CD.4.18	In Step with Suffolk, Rights of Way Improvement Plan 2006-2016, Suffolk County Council
CD/4.19	Suffolk Rail Prospectus, Suffolk County Council March 2015
CD/4.20	Development in the setting of the Suffolk Coast and Heaths Area of Outstanding Natural Beauty, Suffolk Coast and Heaths AONB Partnership Position Statement (Endorsed December 2015)
CD/4.21	Suffolk Coast and Heaths Area of Outstanding Natural Beauty: Natural Beauty and Special Qualities Indicators, LDA Design November 2016
	5 British Standards and Other Circulars
CD/5.1	Design Manual for Roads and Bridges, Volume 11, Section 2 Part 5 HA 205/08 Assessment and Management of Environmental Effects
CD/5.2	Design Manual for Roads and Bridges, Volume 2, Section 2 Part 8 BD 29/04 Design Criteria for Footbridges
CD/5.3	Design Manual for Roads and Bridges, Volume 11, Section 3 Part 2 HA 208/07 Cultural Heritage
CD/5.4	Design Manual for Roads and Bridges, Volume 11, Section 3, Part 6 Land Use - Amendment No 1
CD/5.5	Design Manual for Roads and Bridges, Volume 11, Section 3, Part 8 Pedestrians, Cyclists, Equestrians and Community Effects
CD/5.6	Advice on Specifications and Standards recommended for equestrian routes in England and Wales, The British Horse Society
CD/5.7	Specification for New Bridges for Equestrian Use in England and Wales, The British Horse Society
CD/5.8	Photography and photomontage in landscape and visual impact assessment, Landscape Institute Advice Note 01/11
CD/5.9	Interim Advice Note 135/10 Landscape and Visual Effects Assessment (replaces DMRB Volume 11 Section 2 Part 5 for use in England)
CD/5.10	Landscape Character Types: Plateau Estate Farmlands, Landscape East 2011
	6 Office of Road and Rail (ORR) and Network Rail Standards and Strategy
CD/6.1	ORR Railway Guidance Document New Level Crossings
CD/6.2	Network Rail Standard NR/L3/CIV/020 Issue 1 Design of Bridges, 2011
CD/6.3	Network Rail Standard NR/CIV/TUM/400 Rev D July 2015 Technical User Manual for Non-Station Footbridges and Non-Canopy Station Footbridges
CD/6.4	Network Rail Standard NR/L3/TRK/2049 Issue 13 2016 Track Design Handbook
CD/6.5	Network Rail Standard NR/L2/ENV/015 Issue 6 2011 Contract Requirements Environment
CD/6.6	Sustainable Development Strategy 2013-2024, Network Rail

CD/6.7	Our Approach to Managing Level Crossing Safety, Network Rail
CD/6.8	Annual Safety Performance Report 2015/16, Rail Safety and Standards Board Limited
CD/6.9	Felixstowe Expansion Level Crossing Risk Assessment, June 2015, Sotera Risk Solutions Report to Network Rail
CD/6.10	Rail Accident Report Grimston Lane footpath crossing, 2016, Rail Accident Investigation Branch
CD/6.11	Felixstowe Branch Capacity Enhancements Scheme Socio-economic Appraisal Report, 2017
CD/6.12	Client Requirements Document - Felixstowe Branch Capacity Enhancements, 2016
CD/6.13	Client Requirements Document Anglia CP5 Level Crossing Reduction Strategy, 2015
CD/6.14	Transforming Level Crossings 2015-2040
CD/6.15	Strategy for regulation of health and safety risks - 4: level crossings, ORR, 2016
CD/6.16	Keeping the lights on and the traffic moving, Rail Delivery Group
CD/6.17	A better railway for a better Britain, Network Rail
CD/6.18	Network Rail Standard NR/L1/XNG/100 Issue 1 2016 Level crossing asset management policy
CD/6.19	Network Rail Standard NR/L2/SIG/19608 Issue 7 2014 Level crossing asset inspection and implementation of minimum action codes
CD/6.20	Anglia Route Study March 2016 Network Rail
	7 Order Scheme Development
CD/7.1	Proposed Network Rail (Felixstowe Branch Line Improvements – Level Crossings Closure) Order – Information for Habitat Regulations Assessment Stage 1: Screening, May 2017, Atkins
CD/7.2	Felixstowe Branch Capacity Enhancement, Option 4 Grip 3c, Trimley Loop, Ground Investigation Report, June 2016, Atkins
CD/7.3	Felixstowe Branch Capacity Enhancements, Geotechnical Desk Study, June 2015, Atkins
CD/7.4	Felixstowe Branch Capacity Upgrade: Commentary on Bridleway Underpass Proposal, Technical note Rev 02, January 2017, Atkins
CD/7.5	Felixstowe Branch Capacity Upgrade: Commentary on Landowner's Overbridge Proposal, Technical note Rev 03, December 2016, Atkins

Inquiry Documents

Documents in italics are the documents submitted at the inquiry

	Inquiry Documents
INQ1	Statement of Matters, Department for Transport, 8 August 2017
INQ2	Pre Inquiry Meeting 6 October 2017 Agenda
INQ3	Note of Pre-Inquiry Meeting 6 October 2017
INQ4	Inspector's Pre-Inquiry Questions 16 January 2018
	Statements of case
SOC1	Statement of case by Suffolk County Council
SOC2	Statement of case by Trimley St Martin Parish Council
SOC3	Statement of case by Suffolk Coast & Heaths AONB Staff Team
SOC4	Statement of case by the Ramblers' Association (Ipswich and District Branch)

	<i>Statement of case for Network Rail is CD/1.17</i>
	Response to Statements of Case
SUPP/2A	Response by Hutchison Ports UK to the statement of case of Network Rail
	Network Rail Documents
NR1	Ecology surveys update issued 3 November 2017
NR2	Trimley level crossing usage surveys issued 3 November 2017
NR3	Statement of common ground between Network Rail and Parish of Trimley St Martin
NR4	Proposed itinerary for accompanied site visit
NR4a	Site visit plan
NR5	Statement of common ground between Network Rail and Suffolk Coast & Heaths AONB Staff Team
NR6	Statement of common ground between Network Rail and Suffolk Coastal District Council
NR7	Statement of common ground between Network Rail and Trinity College, Cambridge
	Proofs of evidence and related documents
	Network Rail
NR/1/1	Proof of evidence of Paul McAleer: Need for the scheme
NR/1/2	Summary Proof of evidence of Paul McAleer
NR/1/3	Cover and Index to Appendices to proof of evidence of Paul McAleer
NR/1/3A	Network licence granted to Network Rail Infrastructure Limited April 2014
NR/1/3B	The Network Rail (Felixstowe Branch Line Land Acquisition) (Agreements for Transfer) Order 2017
NR/1/3C	Keeping the lights on and the traffic moving, Rail Delivery Group
NR/1/3D	Long Term Planning Process: Freight Market Study October 2013, Network Rail
NR/1/3E	Not used
NR/1/3F	Not used
NR/1/3G	Felixstowe Capacity Enhancement Option Selection Report (VM2) March 2017, Network Rail
NR/1/3H	Level crossing policy, Network Rail
NR/1/3I	Structure Options Estimates
NR/1/4	Rebuttal statement of Paul McAleer
NR/2/1	Proof of evidence of Tom Paget: Level Crossings Safety
NR/2/2	Summary proof of evidence of Tom Paget
NR/2/3	Not used
NR/2/4	Rebuttal statement of Tom Paget
NR/3/1	Proof of evidence of Christopher Palmer: Design and Construction
NR/3/2	Summary proof evidence of Christopher Palmer
NR/3/3	Cover and Index to Appendices to proof of evidence of Christopher Palmer
NR/3/3A	British Horse Society emails (A)
NR/3/3B	British Horse Society emails (B)
NR/3/3C	DMRB Volume 2 Section 2 Part 8 Design criteria for footbridges
NR/3/4	Rebuttal statement of Christopher Palmer

NR/4/1	Proof of evidence of Christopher Cary: Transportation and Public Rights of Way
NR/4/2	Summary proof of evidence of Christopher Cary
NR/4/3	Cover and Index to Appendices to proof of evidence of Christopher Cary
NR/4/3A	DMRB Volume 6 Section 3 Part 5 TA 90/05 The Geometric Design of Pedestrian, Cycle and Equestrian Routes
NR/4/3B	Suffolk Design Guide for Residential Areas (2000)
NR/4/3C	Countryside and Rights of Way Act 2000 Schedule 6
NR/4/3D	Highways Act 1980 Part VIII section 119A
NR/4/3E	The Neighbourhood Planning (General) Regulations 2012 SI 2012 No. 637
NR/4/3F	Guidelines for Providing for Journeys on Foot (2000) Institution of Highways & Transportation
NR/4/3G	Guidance on Transport Assessment (2007) Department for Transport
NR/4/3H	Gun Lane Bridleway Bridge Feasibility Study Addendum October 2016, Atkins
NR/4/3I	Government Response to Consultation Examining the Weight and Speed Limit for Tractors and Trailer Combinations October 2014, Department for Transport
NR/4/3J	Countryside Act 1968 sections 27 to 31
NR/4/3K	Circular Walks Trimley, Suffolk County Council
NR/4/4	Rebuttal statement of Christopher Cary
NR/5/1	Proof of evidence of Ian Lanchbury: Landscape and Visual
NR/5/2	Summary proof of evidence of Ian Lanchbury
NR/5/3	Cover and Index to Appendices to proof of evidence of Ian Lanchbury
NR/5/3A	Methodology used in assessing the impacts on the landscape character and visual amenity
NR/5/3B	Figures 10.20 to 10.39 Viewpoints
NR/5/3C	Suffolk Landscape Character Assessment, Suffolk County Council
NR/5/3D	Guidelines for landscape and visual impact assessment (GLIVIA) (extracts)
NR/5/3E	Tree and shrub plant guide, Buckingham Nurseries
NR/5/3F	Interim Advice Note 135/10 Landscape and Visual Effects Assessment
NR/5/4	Rebuttal statement of Ian Lanchbury
NR/6/1	Proof of evidence of Fiona Wilson: Environment
NR/6/2	Summary proof of evidence of Fiona Wilson
NR/6/3	Cover and Index to Appendices to proof of evidence of Fiona Wilson
NR/6/3A	Construction Environmental Management Plan
NR/6/3B	Precautionary Method of Working October 2017
NR/6/3C	Section 61 of the Control of Pollution Act 1974 – Application for Prior Consent
NR/6/3D	Written Scheme of Investigation for Trenched Evaluation, November 2017, Suffolk Archaeology
NR/6/3E	Brief for a Trenched Archaeological Evaluation
NR/6/3F	End of Ecology Survey Report, September 2017, Atkins
NR/6/3G	Habitats Regulations Assessment consultation response
NR/6/4	Rebuttal statement of Fiona Wilson

NR/7/1	Navigation Document
NR/8/1	<i>Responses to the Inspector's pre-inquiry questions</i>
NR/8/1a	<i>List of policies in response to Inspector's request</i>
NR/9/1	<i>Opening submissions on behalf of Network Rail</i>
NR/10/1	<i>Compliance Pack</i>
NR/11/1	<i>Status of ORR Guidance Note and Cost Estimate (superseded by NR/11/2)</i>
NR/11/2	<i>Status of ORR Guidance Note and Cost Estimate</i>
NR/12/1	<i>Extract from the Rail Safety and Standards Board Safety Performance Review (Level Crossing Steering Group) Presentation, December 2017</i>
NR/13/1	<i>Signalling plan</i>
NR/14/1	<i>Overhead electrification equipment clearances for bridleway bridge</i>
NR/15/1	<i>Response by Network Rail to objection by Mr Barnes</i>
NR/16/1	<i>Closing submissions on behalf of Network Rail</i>
NR/17/1	Confirmation of facts on proposed second track
	Hutchison Ports (UK) Limited
HP/1	Proof of evidence of Martin Woore
HP/1a	Appendix to proof of evidence of Martin Woore
HP/2	<i>Closing statement on behalf of Hutchison Ports (UK) Limited</i>
	Trimley St Martin Parish Council
TPC/1	Proof of evidence of Trimley St Martin Parish Council
TPC/2	<i>DMRB Volume 6 Section 3 Part 1 TD 36/93 extract</i>
TPC/3	<i>Summing up</i>
	Residents and Users of Trackside Park – Cordy's Lane
UTP/1	Evidence of Kay Barker
	Footpath Sub-Committee of the Ramblers' Association, Ipswich
RA1/1	Objection by Helen Howe
RA1/2	Statement by Linda Knock
RA1/3	Statement by John Knock
RA1/4	<i>Extract from Network Rail level crossing events</i>
RA1/5	<i>Closing statement on behalf of the Ramblers' Association</i>
	Councillor Graham Newman
NEW/1	<i>Statement by Councillor Newman</i>
	Written representations of supporters
SUPP/1	Suffolk Chamber of Commerce
SUPP/2	Hutchison Ports (UK) Limited
SUPP/3	Freightliner
SUPP/4	Hamburg Sud UK Branch
SUPP/5	GB Railfreight Limited
SUPP/6	New Anglia Local Enterprise Partnership for Norfolk and Suffolk
SUPP/7	Mediterranean Shipping Company (UK) Limited
	Written representations of objectors
OBJ/1	Residents and Users of Trackside Park – Cordy's Lane
OBJ/2	Trimley St Martin Parish Council
OBJ/3	Yvonne Smart, Stephen Smart, Elizabeth D'arville

OBJ/4	Rachel Wilding
OBJ/5	R B Clench
OBJ/6	Ramblers' Association Ipswich Group Footpath Sub Committee
OBJ/7	Suffolk Coastal District Council - withdrawn by letter dated 26 May 2017
OBJ/8	Matthew Markham-Smith
OBJ/9	Suffolk Coast and Heaths AONB staff team
OBJ/10	Kimberly Ledger
OBJ/11	Trinity College
	Written representations
REP/1	Mrs A Bennett
REP/2	Suffolk County Council
REP/3	Historic England
BAR/1	<i>Mr Barnes</i>