

Transport and Works Act 1992

The Network Rail (Felixstowe Branch Line Improvements – Level Crossing Closure) Order

Trimley St Martin Parish Council – Statement of Case

The statement of Case of the Parish Council of Trimley St Martin follows. For ease of reference this is presented under five broad headings covering loss of amenity, safety, the bridge, alternative options and other issues. There are three attachments which form appendices A to C. These are as follows

Appendix A: Summary of findings drawn from an analysis of responses to the questionnaire issued to all households in Trimley St Martin

Appendix B: extract from the Inspector’s Conclusions and Recommendations relating to the Felixstowe Branch Line and Ipswich Yard Improvement Order covering the effects of the permanent closure of footpath crossings of the Felixstowe Branch Line and the suitability of the proposed diversions.

Appendix C: A copy of the questionnaire referred to at A above.

1. Loss of Amenity

- i) The Parish Council has canvassed the views of Trimley St Martin residents on a number of issues relating to the Network Rail proposals by means of a questionnaire*. Almost all (96%) respondents who use the existing crossings said that they would find it an inconvenience to take a diversion to the proposed bridge at Gun Lane. In addition, an overwhelming majority of Trimley St Martin respondents agreed that fewer people would use the footpaths if crossings were closed. The answer to this question together with additional comments added by respondents indicated a strong feeling that the community would be disadvantaged by closure and fewer people would be able to access the AONB.
- ii) The existing arrangements allow users the freedom of choice to choose and vary their routes according to their wishes and many will opt to follow circular routes. The aim of users is not necessarily to get from point A to point B but rather to have an interesting and enjoyable walk or ride, and to experience the countryside and the changing seasons.

*A summary of the findings of this exercise is attached at Appendix A and a copy of the questionnaire issued to resident can be found at Appendix C.

2. Safety

- i) It is apparent that in recent years there has been a marked focus on level crossing safety and it is recognised that Network Rail policy across the country is focussed on a reduction in risk.

- ii) Where a level crossing represents a significant risk which cannot be addressed by any other means there will be good reason to consider whether closure would be appropriate, but it is the Parish Council's view that the six passive crossings which are proposed for closure do not represent a significant risk to users.
- iii) A little over 10 years ago, another public enquiry considered plans for dualling the Felixstowe Branch Line. Within the specific proposals looked at then were the closure of three crossings: Croft Lane, Gun Lane and Grimston Lane. The Inspector at that time formed the view that there were sound reasons, within the context of the dualling of the track and the location of signals as planned at that time, for the closure of the first two of these crossings. But in relation to Grimston Lane the position was different and at paragraph 7.7.15 the Inspector reported:

"By contrast the closure of Grimston Lane crossing is proposed by FDRC solely on grounds of additional noise from the sounding of train horns; it is not claimed that safety is an issue."

At paragraph 7.7.17 he concluded, *"On balance, however, I take the view that no compelling reason has been advanced why the Grimston Lane crossing should be closed, and I propose to recommend that the order be modified to exclude this aspect of the proposals"*

See: The Felixstowe Branch Line and Ipswich Yard Improvement Order. Inspector's Conclusions and Recommendations at Appendix B

- iv) At present the line carries around 30 trains in each 24-hour period; on completion of the loop it is intended that the number should increase to 47. This is less than the capacity which would have arisen from the earlier scheme and thus it is difficult to see why, under the proposals of 2017, the passive crossings should be considered so very much more of a risk than they were back in 2006. By contrast, in the years which have passed since the last public enquiry, road traffic has increased considerably. Some users of these crossing will respond to closure by opting to use the roads instead of the diversions. In this way we can see that closure, intended to improve safety, may have the opposite result.
- v) In relation to the safety of the existing crossings, it is apparent that residents responding to the Parish Council's questionnaire were very aware of the potential dangers, but that the majority felt confident in their own ability and that of other adult users to take adequate care. It is understood that Network Rail already have a commitment to equip all existing passive crossings with automatic warnings by 2039. To ensure early implementation at these passive crossings would serve to reduce the risk to users.

3. The Bridge

- i) The location proposed for the bridleway bridge is in a quiet rural location on the border of an area of outstanding natural beauty, but the design of the bridge is one which would be likely to meet opposition even in a heavily industrialised, urban setting. 80% of respondents to the Parish Council questionnaire strongly agreed with the statement that the design was not appropriate for a rural setting with only 4% disagreeing with the statement.

- ii) Network Rail appear confident that the bridge can be adequately screened by the planting of trees which, over the course of time, may grow sufficiently to obscure the bridge from view. The fact that consideration has had to be given to the screening of the bridge would appear to be a tacit admission of its unsuitability. Its appearance does not sit comfortably within the landscape and will never do so. Screening with trees may be possible, although it would take many years for this to be achieved, but the bridge is intended to be used, not just viewed from afar, and it can never be screened from those who cross it.
- iii) The bridge is designed with the intention of reflecting the needs of equestrians, cyclists and wheelchair users as well as walkers. These aims are laudable and it is acknowledged that Network Rail have taken account of advice which they have received from the British Horse Society. Nevertheless, a design intended to meet the needs of all users does not achieve that aim simply by meeting specific predetermined criteria. Only 6% of respondents to the Parish Council's questionnaire thought that equestrians and wheelchair users would use the bridge and none of these were equestrians or wheelchair users. The equestrian users of the crossings were unanimous in their view that neither they nor other equestrians would use the bridge. This is supported by anecdotal evidence which suggests that the bridge in Thurston, which is of similar design, is not used by equestrians. It is difficult to avoid the conclusion that the bridge is destined to be a little used monument to box ticking.

4. Alternative Options

- i) The Parish Council's preferred crossing option would be an underpass. 72% of respondents to the Parish Council's questionnaire strongly or slightly agreed with the statement that an underpass would be a better solution than the bridleway bridge.
- ii) The option of an underpass has been considered by Network Rail, who commissioned a further report on the matter. The authors point to the additional costs of construction and identify potential ongoing costs associated with the need to construct and maintain a pumping station. They also acknowledge that further monitoring and consideration of groundwater would be required in any detailed design for an underpass. It seems therefore that the need for a pumping station has been assumed for the purposes of the exercise rather than demonstrated by a full analysis of the situation on the ground. While it is acknowledged that the costs of creating an underpass would be greater than those associated with the bridge, it may well be that further investigation would reveal the option to be less expensive than is suggested by the report. Whatever arrangement is finally decided upon local people will have to live with it for many years to come. Although regard must be had to the proper use of public money, it would be quite wrong for the decision to rest on cost alone.
- iii) Given the concern that had been expressed locally about the size and appearance of the bridleway bridge, the Parish Council's questionnaire asked whether the option of a smaller pedestrian bridge should be considered. Views were divided on this with 43% agreeing that a pedestrian bridge should be considered and 38% disagreeing, but the option was, unsurprisingly, very unpopular with equestrian users.
- iv) Bidwells, acting for Trinity College, propose a bridge of traditional design, but they have suggested that it would be better located at Keeper's Lane instead of Gun Lane. This

idea was explored in the Trimley St Martin questionnaire. The idea of a traditional design was attractive to respondents, but the prospect of an even lengthier diversion to reach the crossing was less well received although a still significant 37% of respondents strongly agreeing that it would be worth travelling the extra distance were that the only way to secure a bridge of more attractive design.

5. Other Issues

- i) The proposed location of the single passing place will have an impact on local residents who will be severely affected by noise and air pollution associated with trains idling in the loop for lengthy periods. Although the loop is intended to be dynamic, a disrupted timetable could easily lead to trains dwelling in the loop. If this occurs regularly it will result in a significant nuisance to those living near to the line. The Parish Council would prefer to see the passing place located further along the line towards Ipswich where it might be achieved with a greatly diminished impact on residents and leisure users.

Caroline Ley

Parish Clerk of Trimley St Martin

Local Opinion – Questionnaire

A copy of a questionnaire was delivered by the Parish Council to every household in Trimley St Martin in early June. Respondents were asked some factual questions about the extent and nature of their use of the six crossings: Thorpe Common, Grimston Lane, Trimley, St Martins, Gun Lane and Keeper's Lane. They were then asked to consider a number of statements and indicate, via the use of a matrix, the extent to which they agreed or disagreed with each. A copy of the questionnaire is attached at Appendix B.

Findings

125 responses were received in total, 5 of these were from people living outside the parish who were keen to contribute to the consultation. The responses of those resident outside Trimly St Martin are recorded separately in the analysis which follows.

1. Breakdown of usage

117 out of the 125 households which responded said they had used the crossings. 112 of these were Trimley St Martin residents. The following breakdown shows the ways in which Trimley St Martin households use the crossings. Note that for this breakdown only, individuals may fall into more than one category reflecting the fact that many people use the crossings in more than one way as, for example, both walkers and cyclists.

Walkers: 93%

Equestrians: 12%

Cyclists: 26%

Wheelchair users: 4%

Of the five respondents living outside the Parish all were walkers, four were also equestrians and one was also a cyclist.

76% of Trimley St Martin respondents reported used one of the six crossings at least once a month. Within this group were a significant number who used the crossings very regularly indeed, with 26% of the users reporting that they used at least one of the crossings once or more each day. Of those living outside Trimley St Martin one was a daily user, two used the crossings weekly and two reported monthly use.

2. Loss of Amenity

a) How inconvenient would you find it to take a diversion to Gun Lane?

Very Inconvenient: 67%

Slightly Inconvenient: 29%

Not inconvenient: 3%

The breakdown above shows that the majority of the Trimley St Martin respondents would find the diversion very inconvenient. Of the five respondents living outside the Parish four said that they would find it very inconvenient and the fifth would find it fairly inconvenient.

b) 'Fewer people will use the footpaths if the crossings are closed'

Strongly Agree: 77%

Slightly Agree: 12.5%

Neither Agree nor Disagree: 7.5%

Slightly Disagree: 0%

Strongly Disagree: 2%

No Answer: 2%

An overwhelming majority of Trimley St Martin respondents agreed that fewer people would use the footpaths if crossings were closed. The answer to this question together with additional comments added by respondents indicated a strong feeling that the community would be disadvantaged by closure and fewer people would be able to access the AONB.

3. Safety

a) 'The open crossings are dangerous, I would not let unsupervised children use paths that cross the line'

Strongly Agree: 34%

Slightly Agree: 16%

Neither Agree nor Disagree: 27%

Slightly Disagree: 9%

Strongly Disagree: 12%

No Answer: 2%

b) 'The crossings are not dangerous, people just have to be careful'

Strongly Agree: 57%

Slightly Agree: 24%

Neither Agree nor Disagree: 8%

Slightly Disagree: 2%

Strongly Disagree: 7%

No Answer: 2%

81% of residents thought the existing crossings were reasonably safe for adult users, although 51% either strongly or slightly agreed that they would not allow children to use them unsupervised. Four comments suggested that it would be more appropriate to use warning lights at the crossings. In addition, many residents were of the opinion that the

proposed bridge would be a danger to equestrians should their horse be alarmed by a train passing underneath.

As a group, the equestrian users had a particularly high level of confidence in the safety of the existing crossing, with all regular users strongly agreeing or slightly agreeing that the crossings were safe for careful riders.

The majority of respondents (58%) strongly or slightly disagreed with the premise that the crossings would be more dangerous if the branch line carried more trains, but respondents also saw danger arising from the knock-on effects of the closure of the crossings. Concern was expressed that people who currently use the pathways might opt to walk or ride on the roads rather than follow the diversions with the result that there would be an increased risk of road traffic accidents.

4. The Bridge

a) 'The design is not appropriate for a rural setting'

Strongly Agree: 80%

Slightly Agree: 7.5%

Neither Agree nor Disagree: 7.5%

Slightly Disagree: 2%

Strongly Disagree: 2%

No Answer: 2%

b) 'A traditional design of bridge would be better suited to the location even if it did cost a lot more'

Strongly Agree: 51%

Slightly Agree: 19%

Neither Agree nor Disagree: 14%

Slightly Disagree: 2%

Strongly Disagree: 11%

No Answer: 3%

Trimley St Martin residents are clearly strongly opposed to the proposed design for the bridge, with only 4% of respondents believing the design to be appropriate for a rural setting. 70% thought that the bridge ought to be of a traditional design

c) 'Equestrians and wheelchair users will not use a bridleway bridge like this'

Strongly Agree: 61%

Slightly Agree: 13%

Neither Agree nor Disagree: 17%

Slightly Disagree: 3%

Strongly Disagree: 3%

No Answer: 3%

Only 6% thought that equestrians and wheelchair users would use the bridge and none of these were equestrians. The equestrian users of the crossings were unanimous in their view that neither they nor other equestrians would use the bridge. Many of the comments made by equestrians expressed safety concerns, with several saying that they feared being thrown onto the track should their horse spook. It was also reported that the bridge in Thurston was very unpopular with equestrians, and that many horses and riders refused to use it. In addition, one comment expressed concern that the bridge may be too steep for wheelchair users. Of the 5 wheelchair users, 3 strongly agreed that the bridge would not be used and 2 neither agreed nor disagreed.

5. Alternative Options

a) **'The bridge should be built of a traditional design in the same location as planned for the metal one'**

Strongly Agree: 47%

Slightly Agree: 15%

Neither Agree nor Disagree: 22%

Slightly Disagree: 1%

Strongly Disagree 8%

No Answer: 8%

b) **'An underpass would be a better solution, even if it did cost a lot more'**

Strongly Agree: 60%

Slightly Agree: 12%

Neither Agree nor Disagree: 12.5%

Slightly Disagree: 2.5%

Strongly Disagree: 12.5%

No Answer: 1%

72% of Trimley St Martin respondents thought that an underpass would be preferable to the bridge. This is slightly more popular than a bridge of traditional design (70%, see above). In addition, several comments were made to the effect that an underpass would be more appropriate for equestrians.

c) **'The metal bridge is so out of keeping with the environment that it would be better to put up with a longer diversion if that was the only way to be sure of getting a traditional bridge'**

Strongly Agree: 36%

Slightly Agree: 17%

Neither Agree nor Disagree: 18%

Slightly Disagree: 5%

Strongly Disagree: 19%

No Answer: 6%

d) 'Easy access to the bridge is more important than the way it looks'

Strongly Agree: 16%

Slightly Agree: 9%

Neither Agree nor Disagree: 22%

Slightly Disagree: 12%

Strongly Disagree: 38%

No Answer: 4%

Opinion was mixed as to whether a longer diversion to Keeper's Lane was worth the benefit of a traditional design, although 53% overall thought that it would be. In addition, only 25% thought that access to the bridge was more important than appearance.

e) 'The option of a smaller, pedestrian only bridge should be considered'

Strongly Agree: 21%

Slightly Agree: 22%

Neither Agree nor Disagree: 15%

Slightly Disagree: 8%

Strongly Disagree: 30%

No Answer: 5%

There was no clear consensus on whether a pedestrian bridge should be considered as an alternative option, with 43% agreeing and 38% disagreeing.

6. Economy

a) 'The metal bridge is a good choice as it is an economical use of public money'

Strongly Agree: 2%

Slightly Agree: 6%

Neither Agree nor Disagree: 17%

Slightly Disagree: 18%

Strongly Disagree: 55%

No Answer: 4%

b) 'The metal bridge is a good choice because it could be built quickly and limit disruption to the railway'

Strongly Agree: 7%

Slightly Agree: 3%

Neither Agree nor Disagree: 24%

Slightly Disagree: 13%

Strongly Disagree: 49%

No Answer: 4%

Only 8% of Trimley residents thought that the economical design of the bridge justified its having been chosen. 10% thought that the bridge was a good choice due to the fact its construction would be faster and less disruptive.

footways [6.8.1], which in my view again go some way toward mitigating the adverse impacts of the scheme by reason of longer barrier down times.

- 7.7.6 The longer barrier down times would remain comfortably within HM Inspectorate guidance, and it is my view that, judged both against this criterion and generally, the additional delay and inconvenience experienced by road users would be acceptable and proportionate to the benefits resulting from the scheme. These include a small but significant reduction in the amount of additional local lorry traffic generated by implementation of the FSR.
- (c) the effects of the permanent closure of footpath crossings of the Felixstowe Branch Line and the suitability of the proposed diversions.**
- 7.7.7 The proposal permanently to close three rights of way crossings of the branch line gave rise to objections sustained orally at the inquiry and also to written objections. The three crossings are described in section 3.11. They are the Croft footpath crossing, Grimston Lane crossing and the Gun Lane crossing.
- 7.7.8 I turn first to the proposed closure of the Croft and Gun Lane crossings, in relation to which the reasons for closure advanced by FDRC are similar [3.11.4 and 3.11.11], namely that the necessary location of signals, taken with the extended length of trains, would place members of the public at risk of death or injury either in the path of a train on the second track or under the wheels of the train held at signals if they sought to avoid delay by crossing to the rear of or underneath a standing train. The risk is in the view of FDRC exacerbated by the proposed bi-directional use of the section of track proposed to be dualled [6.1.4].
- 7.7.9 These are crossings which on the evidence before me are very little used; there is no cogent evidence from objectors to challenge FDRC's evidence in this respect [3.11.19]. This evidence is to some extent confirmed by that of Mr Hart, who lives in the vicinity, but uses the Croft crossing only some four times each year [5.10.1]. I can attach little weight to the photograph relied on by Mr Leverett [5.4.1] without any form of supporting evidence, for example from surveys or individual walkers, as to user of the crossing.
- 7.7.10 There are or are proposed what appear to me satisfactory diversions in respect of both crossings. I have had regard to the concerns of objectors about sharing use of the Stratton Hall Drift with vehicular traffic, but this sharing already takes place, and as pointed out by FDRC is a common experience on country roads. Objectors' concerns about using the Drift sit uneasily with their apparent preparedness to cross the A14 [6.10.1] whether on existing routes or on a route put forward in substitution for the Croft crossing [5.10.2].
- 7.7.11 As to Gun Lane, having regard to the view of SCC as rights of way authority that the diversion would create improved links for the circular walk associated with it [6.1.8], I can find no reason to accept that the diversion would be inconvenient or that a different, effectively reciprocal form of closure and diversion would be better [5.4.2]. There is no objection to the closure and diversion except from walkers, so that the replacement of a byway crossing by

the lower status bridleway crossing proposed does not appear to give rise to any additional concern in this regard.

7.7.12 Objectors suggest that any crossing which is to be closed should be replaced with a footbridge [5.13.5], and/or that Thorpe Common crossing, though not to be closed as a result of the scheme, ought nevertheless to be replaced by a footbridge [5.4.3]. I do not accept that the cost and visual intrusion of footbridges is warranted by the level of user. Given the generally flat nature of the landscape and the need for any footbridge to be disablement compliant, it would also to my mind have a significant adverse visual impact [6.1.7].

7.7.13 I have also had regard to the improvements to the remaining 9 at-grade crossings (on average 1 every 800 metres or so) which would remain open along the section of line proposed to be dualled, if the Croft and Gun Lane crossings (and the Grimston Lane crossing) were closed. These improvements are described in section 3.11, and are a clear benefit arising from the scheme and provided at the expense of the promoters. They include better surfacing, the replacement of some stiles by gates, opening routes to the disabled, and the straightening of crossings on safety grounds. They would in part mitigate the loss of those crossings which would be closed if the scheme is implemented as proposed.

7.7.14 I do not doubt that the majority of rights of way users are responsible people capable of taking reasonable care when crossing a railway line. Nevertheless, the safety of the public should in my view be paramount. There is evidence that accidents of the kind feared by FDRC do occur [6.1.4]; there is clearly an enhanced risk of being run down by a train where the second track of a dual railway line, obscured by the presence of a halted train on the first track, is in bi-directional use. For these reasons, I take the view that the Croft and Gun Lane crossings should be closed as proposed.

7.7.15 By contrast, the closure of the Grimston Lane crossing is proposed by FDRC solely on grounds of additional noise from the sounding of train horns; it is not claimed that safety is an issue [3.11.8]. I accept that the absence of the Grimston Lane crossing from the Definitive Map and Statement does not preclude its being a right of way [5.8.4]. There is, however, no cogent evidence to support objectors' claims that the crossing is in frequent use [5.1.5].

7.7.16 Nevertheless, it is for FDRC to establish that there is good reason for closing the crossing, and it is my view, for the reasons set out below, that FDRC has failed to satisfy this burden. My reasons are:

- The placing of whistle boards is discretionary [3.10.20]; no boards have to date been thought necessary in relation to the Grimston Lane crossing, which has been open to the public for many years and probably since the railway was constructed [5.8.4]. There is a cluster of other boards relating to other nearby crossings which give warning of the approach of trains [3.11.8].
- The train horn sounding regime has recently been reviewed and relaxed, and appears likely further to be amended in the imminent future. I consider it

unlikely in all these circumstances that whistle boards would be installed at the Grimston Lane crossing if it remained open.

- I have had regard to the petition presented by Mrs Gitsham [5.8.2], though the weight to be attached to this is reduced by the fact that it provides no opportunity for residents and members of the public to express the opposite view. There are a number of subsisting objections relating to the noise impact of train horns. I also recognise that there is an alternative crossing nearby which, though vehicular, is to be improved for pedestrian use [3.11.7 and 3.11.8].

7.7.17 On balance, however, I take the view that no compelling reason has been advanced why the Grimston Lane crossing should be closed and I propose to recommend that the Order be modified to exclude this aspect of the proposals. I conclude that the Croft and Gun Lane crossings should be closed on safety grounds as proposed by FDRC.

7.8 The likely impacts of the scheme on train operating companies and other businesses, including:

(a) the effect of FDRC's proposals on the operations of English, Welsh & Scottish Railway Limited and Freightliner Limited at the Ipswich Marshalling Yard and the closure of access to the Lower Yard

7.8.1 EWS and FLR (as well as GB Freight Limited [4.1.1]), as FOCs, are in-principle supporters of expansion of the capacity of the Port of Felixstowe to handle rail freight. The objections of EWS and FLR related to the compulsory acquisition of their leasehold interests in Ipswich Yard and the feared impact of the scheme on their operations there. During the two long adjournments of the inquiry, these two objections have been compromised and unconditionally withdrawn, as have the objections of NR [1.5] and London Eastern Railway Limited (the correspondence confirming all four withdrawals is to be found in Document D2). The agreement reached between EWS, FLR and FDRC has not been published or made an inquiry document [3.3.5].

7.8.2 As I was able to observe in the course of my site visits, the connection to the Lower Yard has not been in use for some years [3.3.5]. No party now suggests that there is any likelihood of its being brought back into use. No user of the Yard now objects to severance of the connection. Without acquisition of non-railway land, the reconfiguration of the (Upper) Yard can only provide sidings of sufficient length if land over which the Lower Yard connection currently runs is used. In the circumstances, I consider that closure of the rail access to the Lower Yard is an acceptable and necessary concomitant of putting the scheme in place.

7.8.3 With the scheme in place, the controlling hand behind the operations of the Yard would be that of FDRC [3.3.6]. Open access to all Yard users would be maintained on an equal footing so as to ensure that none suffers a commercial disadvantage.

7.8.4 As with statutory undertakers (see (b) below), I take the view that it is EWS and FLR who are in the best position to judge the impact of the scheme on their own operations. I conclude that there would be no unacceptable