

Network Rail (Suffolk Level Crossing Reduction) Order

Note on removal of plots

Network Rail agreed, following the need to serve a number of late notices, to remove certain powers in the draft Order to enable the Public Inquiry to proceed and submitted a revised Order and plans on 13 February 2018.

In Mr Billingsley's Proof of Evidence (NR29 -1) paragraph 5.19 he explains that "Network Rail considers it important to minimise the land required in the TWAO and the engineering design and consultation processes have been undertaken to ensure the land identified for both temporary and permanent acquisition is that which is required for the successful development of the Scheme."

The inspector asked on day 7 in light of this statement for further information relating to the removal of certain plots from the Order.

Mr Billingsley also explains in paragraph 3.5 of NR29-1 that "Network Rail has however limited the extent of the acquisition to only what is reasonably needed in order to construct the Scheme."

In putting together the Order scheme and the land needed to carry out the works proposed, Network Rail had to be satisfied that it had a compelling case in the public interest for the compulsory acquisition of land and rights in land for the Scheme. Network Rail therefore necessarily limited the extent and use of land or rights in land to that reasonably necessary for the purposes of the scheme. That does not mean that Network Rail has taken the absolute minimum amount of land or rights in land so as to severely constrain the way in which the works could be constructed, but permits acquisition of an amount that would allow some degree of flexibility to take access and construct in a cost-effective, efficient and practicable way for the works intended.

Following service of the late notices, Network Rail carefully considered the land affected and whether it was still practicable to construct the works if it withdrew affected plots of land rather than entire level crossings from the Scheme. In the case of crossing S05 Pannington Hall it concluded that it was not possible to implement the necessary diversionary works and closure of the crossing without the use of the affected plots. In all other cases, Network Rail considered that whilst the loss of certain plots would affect the efficient and practicable way the works could be implemented – and result in more constrained working or access space – it was still possible for the works to be carried out without use of those plots, and thus decided it could remove those plots from the Order as opposed to removing the entire crossing in each case.

The position in relation to each affected plot is as follows:

S16 Gislingham

Network Rail has withdrawn the proposed powers over plot 5 in the Parish of Finningham. Plot 5 was required for access and a turning area for maintenance once the level crossing is closed. It would be preferable to have retained plot 5 to provide a wider turning area, and not to restrict the size of vehicles that could be used. However, following the removal of plot 5 Network Rail is satisfied that it could manage without access over that plot, although this will constrain the way that the works are implemented, and in particular will limit the size and type of construction vehicles used for maintenance at this location.

S17 Paynes

Network Rail has reduced the extent of the proposed powers over plot 2 in the Parish of Gislingham, to mean that it is only seeking a right of access over the extent of Coldham Lane that is not publically maintainable by the Highway Authority. The extent of plot 2 which is publically maintainable has been clarified and includes a greater length than included on the Order plans at application.

S21 Abbotts

Network Rail has withdrawn Plot 7 in the Parish of Mellis, which it was originally proposing to use as access to a worksite. It will rely on the powers in the Order to gain access from the east of the railway and the use of Plot 4 as a temporary worksite during the removal of the crossing will be retained. Although it would have been preferable to have gained access over plot 7 on the west of the railway to allow working space on both sides of the railway to efficiently remove of crossing infrastructure and necessary fencing works, Network Rail is satisfied that it can carry out the necessary works without taking access over that plot, although this will constrain the way that the works are implemented.

S30 Lords No. 29

Network Rail has withdrawn the proposed powers over plot 26 in the Parish of Elmswell. Plot 26 was intended to be used temporarily as a worksite/construction compound relating to the removal of the level crossing and associated fencing works and construction of the new public right of way between points P044 and P045 to the north of the railway. Plot 34, to the south of the railway, and plot 14, to the west are also to be used as worksites for construction of the new public rights of way. Whilst the retention of plot 26 would have provided Network Rail with greater flexibility in the way and the time in which the works could be carried out, it was considered that it could carry out the works using the reduced worksites (including plot 27 as a small working area adjacent to the land forming plot 26), albeit this imposes greater constraints on how the works can be carried out (and will potentially increase the time required to undertake the works).