

Suffolk Local Access Forum	
Title:	Agenda
Meeting Date:	23rd January 2020, 2-4pm
Author/Contact:	Anna McGowan
Venue: SALC Offices, Unit 11a, Hill View Business Park, Old Ipswich Road, Claydon IP6 0AJ	

			Paper Number
1.	14:00	Welcome, apologies and housekeeping	
2.	14.05	Minutes of previous meeting	LAF 20/01 - BH
3.	14.10	Declarations of interest	
4.	14.15	SLAF Annual Report	LAF20/02 - BH
5.	14.25	Regional LAF	Verbal BH
6.	14.35	A14 Severance	Verbal BH
7.	14.45	England Coast Path	LAF 20/03 - AW
8.	14.55	Network Rail – Public Rights of Way and Level Crossings	LAF 20/04 LAF 20/04A - SK
9.	15.10	Suffolk Coast Recreational Disturbance Avoidance and Mitigation Strategy (RAMS)	Presentation by Stephanie Walsh
10.	15.30	Agriculture Bill	Verbal - DB
11.	15.40	EA1 & EA2 – Scottish Power	LAF 20/05 LAF 20/05A - AW
12.	15.45	ROWIP Suffolk Green Access Strategy	LAF 20/06 - AW
13.	15.50	Correspondence: insight report 258732, Footpath Access; Regional LAF Meeting 15 th January 2020	LAF 20/07 LAF 20/07A - AW
14.	15:55	Public Question Time	
15.	16:00	AOB & Dates of Next Meeting	

Suffolk Local Access Forum	
Title:	Minutes of Meeting
Meeting Date:	24 October 2019
Author/Contact:	Anna McGowan
Venue:	Deben Room, Riduna Park, Station Road, Melton, Woodbridge IP12 1QT

1. Welcome, apologies and housekeeping

Present: Barry Hall (BH) (Chair), David Barker (DB) (Vice Chair), Jane Hatton (JH), Monica Pipe (MP), Roland Wilson (RW), Margaret Hancock (MH), Derek Blake (DBL), Susan Mobbs (SM), Suzanne Bartlett (SB), Clare Phillips (CP), Cllr James Mallinder (JM)

SCC Officers Present: Anna McGowan (Minutes), Andrew Woodin (AW), David Falk (DF)

Guest Speaker: Ben Woolnough (BW), Major Sites and Infrastructure Manager, East Suffolk Council (ESC)

Apologies:

Cllr Jane Storey (JS), Gordon Merfield (GM), John Wayman (JW), Anthony Wright (AWR)

Members of the Public: Ken & Katherine Hawkins

There were round table introductions and BH welcomed new appointed SLAF member Cllr James Mallinder (Deben Ward), and Ben Woolnough - thanking both for attending.

2. Minutes of previous meeting (LAF19/22)

The minutes of the meeting held on 25 July 2019 were reviewed with the following amendments:

5. Stage 4 Consultation EDF - Environmental **mitigation** will be carried out as instructed by Environment Agency.

11. AOB Waterfront question from MH – the two entries were confusing as the Northern Quays answer was not relevant to the question.

MH has not walked the ESL routes.

The commercial contract for ADP is for lorries of 150 tonnes per year.

Action: AW to contact MH to discuss further

3. Declaration of interest

There were no declarations of interest.

4. Annual Report

DF distributed copies and summarised the Annual Report to members, stating that it was not a public document as yet. The Annual Report has been seen by Informal Cabinet and BH will present to Formal Cabinet on 5 November 2019.

5. PRow in the planning process – presentation by East Suffolk Council (ESC)

BW thanked the group for the invite. BW gave a detailed presentation and overview on the planning process and Public Rights of Way in ESC. BW explained his role in looking after major infrastructure developments and illustrated the different funding types: CILs and Section 106 and Section 278 Agreements, to apply on major infrastructure projects, e.g. Brightwell Lakes. The Government has dropped CIL 123 Lists – permitting 'double-dipping'. PRow improvements need to be raised at all planning stages and BW noted site at Halesworth where possible Section 106 should have been used, and that this is a learning curve for planners.

Questions were asked about what affected the decision-making process in terms of PRow to which end BW said using various parameters i.e. where PRow touched upon a site or were within the site were key factors. This raised awareness about PRow and Access and BW illustrated how engagement is essential throughout the planning process using the example of the Orwell Green planning application for 2700 dwellings to illustrate the key public benefits with adequate provisions for PRow connections with Ipswich and beyond. BW will bring this back to SLAF if it is resubmitted.

BW said there are some concerns about the late responses of consultations to planning applications, and the subsequent long list of improvements that need to be made which compete with other infrastructure. Such responses are sometimes overlooked when the standard PRow responses are followed or integrated within the Highways response. There is also a lack of attention by the developers to PRow.

BW highlighted the importance of PRow in the decision-making, and how despite being time consuming due to their complexity - are given considerable consideration in the planning process.

Suffolk expected to build 66,000 new homes before 2032, 19,000 of which will be in East Suffolk. ESC is looking at a cycle strategy to include pedestrians, together with sustainable transport, and BW noted developments must take regard to Habitat Regulations, community cohesion and landscaping. BW was pleased to see the reference made to the planning processes 'improving our approach together' in the Green Access Strategy and said that ESC is in discussion with SCC on PRow training within ESC.

It was noted the Bell Lane Kesgrave development inquiry outcome highlighted the importance of PRow links from and within sites.

BH thanked BW for the presentation and said SLAF will focus on such issues in order to get legacies to enable better public access.

JM said that the Head of ESC will push PRow as the environment is seen as important.

DBL requested LPA presentations from Suffolk's other Planning Authorities.

**Actions: BW to email the presentation to AM who will distribute it to the group
AM to invite Stephanie Walsh, Ecology Team, SCC to January 2020 meeting
DF to invite a Mid Suffolk planner to a future meeting**

6. Next Regional Access Forum Meeting

The next RLAF meeting will be held on 15th January 2020. DB and BH to attend.

Action: AM advise co-ordinator

7. Sizewell C Stage 4 Consultation

BH thanked the working group for compiling responses to the Stage 4 Consultation. AW thanked SLAF for this work and explained the ongoing discussions between SCC and ESC towards the DCO and Section 106 submissions.

8. A14 Severance

AW presented a brief paper. There was a meeting on the same day (24th October) between SCC and Highways England (HE) to discuss the impact of severance on access and officers are awaiting the outcome of that meeting. AW explained the problems and the responsibilities and said that the same priority should be given to the severance of PRoW on roads as on railways. Whilst HE, so far, have not done much about severance, there is a need for safer public crossings with more people using bikes and crossing trunk roads i.e. Ipswich A14.

There is a need to review what happened when Orders were made and what can still be done further. This would be a big project and a budget will be needed for it.

BH said that SLAF will write a letter after AW reports back to SLAF at the January 2020 meeting with further findings.

Action: AW to provide further updates at next meeting.

9. Sunnica Solar Farm

AW updated members on the background to Sunnica Solar Farm proposals to build the largest solar farm in Europe in West Suffolk bordering Cambridgeshire. AW reported that a Management Meeting has been held recently to agree on ecology and access requirements regarding Sunnica's plans. SCC will be looking at mitigating the impact on access.

AW said that SCC, CCC, WSC and ESC will work on a joint approach. SLAF may invite Sunnica to next meeting depending on any further updates.

If there are no further updates by January on the Sunnica plans, then this item will be taken off the SLAF agenda.

Action: AW to contact Sunnica for update

10. The England Coast Path

AW explained the development of the ECP in full for JM's benefit.

AW said the new Cabinet Member for Highways, Cllr Andrew Reid (ESC) will be briefed next week in a meeting with Natural England on the ECP.

AW reported that the report for the first stretch is likely to be published in November and there will be a press release to announce this via Natural England and SCC.

There will be 2-3 more reports published in the next few months, but the 2020 deadline for Natural England to complete all the stretches will be missed.

Like SLAF SCC has always sought an estuarine route for the ECP, and NE has the expertise to ensure this is done with full regard to conservation. The Orwell Bridge has been a contentious point of the Orwell stretch.

AW said that Norfolk, Suffolk and Essex are working to discuss managing a regional trail together.

KH commented that the Norfolk Coast Path has generated £17m return in income per year. AW noted the South West Coast Path estimated a return of £400m/year.

11. Network Rail – Public Rights of Way and Level Crossings

Needham Market Gipsy Lane and FP6 Needham Market

AW updated JM on background to Gipsy Lane.

The Inquiry is now concluded after reconvening on 24th September 2019. All parties are awaiting the Inspector's Report, which could take up to 3 months to be released, whereupon SCC may need to make a new Order if the Inspector modifies it.

BH related his experience attending and giving evidence at the Inquiry.

The Felixstowe Branch Line Improvements – Transport and Works Act Order (TWAO)

This is running much more smoothly. SCC have supported the closure of 5 PRoW crossings.

Footpath 12 Barham (Broomfields)

There has been another request from Network Rail to close Footpath 12 at Barham. This is not a priority for SCC, but it is for Network Rail. Network Rail have an appeal process to the Secretary of State if not done in 6 months.

General/Countywide

There are no further updates.

12. ROWIP

DF delivered paper LAF19/28 and explained how the 11-week ROWIP consultation had been managed and how feedback had been analysed. DF explained that the ROWIP was presented to informal cabinet on 14th October 2019. There had been discussion over the title of the Strategy and members discussed this and the importance of retaining the form of words consulted upon.

13. Public Question Time

There were no public questions.

There were public comments from KH regarding NLAF regarding the NCC ROWIP and equestrian lobby, seminars by NLAF for Parish Councils on PRoW and a more regional approach to trunk road severance.

14. Any Other Business

CP mentioned a report on Radio Suffolk that morning about horse riders in Pakefield being forced to ride on the A12 to reach the beach because their previous access to the beach had been eroded away. SCC had given the reporter a statement which (paraphrased) said 'it is not as simple as putting bridleways where we want to, but we will bring this to the

attention of the PRow Team.' CP asked if SCC could contact the rider (via Radio Suffolk) to advise on alternatives that might be available to them such as permissive paths. AW explained the various options including permissive and licensed paths that might be possible before establishing a new bridleway and the rights of way team said they would look out for the rider's correspondence. It was suggested that CP via her Radio Suffolk contacts could speak to the rider to find out a little more about the situation. SCC will respond to this issue when it is passed to the PRow Team.

MH noted that there has been an increase in the use of East Suffolk Lines through their new guidebook, which has been entered for a national award.

The question about using rambler gates on the ECP received mixed views in the group, but the overall consensus of opinion was that rambler gates were acceptable as they were better than ordinary stiles if gaps or gates cannot be used instead.

Actions: AW to feedback to NE about rambler gates for the ECP.

15. Dates for Meetings in 2020

23 January - venue to be confirmed

30 April

23 July

29 October

END

Suffolk Local Access Forum
Title: SLAF Annual Report 2018-2019
Meeting: 23rd January 2020
Author/Contact: David Falk
Venue: SALC Offices, Unit 11a Hill View Business Park - Old Ipswich Road, Claydon, Ipswich - IP6 0AJ

The SLAF Annual Report was presented to Cabinet on November 5th by SLAF Chair with minutes of that meeting as below:

Suffolk Local Access Forum Annual Report 2018/19

A report at Agenda Item 7 by the Executive Director of Growth, Highways and Infrastructure invited the Cabinet to consider the Local Access Forum's (SLAF) annual report setting out its activities and highlighting its priorities and recommendations.

The Chairman welcomed Barry Hall, Chair, SLAF to the meeting and invited him to present the report.

Decision: The Cabinet accepted the 2018/19 Annual Report of the SLAF and noted the report's recommendations and the action that the Council was taking to address the recommendations.

Reason for decision: SLAF was required by the Countryside and Rights of Way Act 2000 to submit an annual report on rights of way and access matters to the Council. The Secretary of State for the Department for Environment, Food and Rural Affairs guidance stated: "We would expect the authority to respond positively to the forum's annual report and to say what actions they have taken on the advice and recommendations of the forum."

Comments by other councillors: The Cabinet Member for Highways, Transport and Rural Affairs agreed to provide a written response to a councillor's queries regarding the significantly lower funding Suffolk received in comparison to neighbouring counties.

In response to a councillor's comments regarding a stronger response to Sizewell C when it came to looking at Stage 4 of the consultation process, the Chair of SLAF explained that SLAF had no remit to talk about whether it is the right place, the impact on environment or Areas of Outstanding National Beauty (AONB) and that its only role was to look at access issues and if Sizewell C were to go ahead, how access issues could be mitigated by EDF.

A councillor urged the Chair of SLAF to make progress in gaining awareness of the planning process and suggested that, when planning applications came forward, SLAF work with the Council as soon as possible on access issues. In response to the councillor's query on access issues for off road drivers and use of byways, the Chair of the SLAF advised that access was for everyone including off road motorists, but the user had to make their own decision on whether it was safe.

Alternative options: None considered.

Declarations of interest: None declared.

Dispensations: None reported.

The SLAF Annual Report is as below:



Agenda Item 7

Cabinet

Report Title:	Suffolk Local Access Forum Annual Report 2018/19
Meeting Date:	5 November 2019
Lead Councillor(s):	Councillor Andrew Reid
Local Councillor(s):	All Councillors
Director:	Mark Ash, Executive Director of Growth Highways and Infrastructure
Assistant Director or Head of Service:	Mark Stevens, Assistant Director Operational Highways
Author:	David Falk, Green Access Manager

Brief summary of report

1. It is a requirement of the Local Access Forum (England) Regulations 2002 to submit an Annual Report of the Suffolk Local Access Forum (SLAF) to the highway authority. This is the sixteenth SLAF Annual Report to be presented to Suffolk County Council. SLAF is an independent body that advises the Council on matters relating to rights of way and countryside access. It is also a statutory consultee for Natural England on mapping of open access land and plans and policies produced by a wide range of organisations. This report is a summary of SLAF activities between July 2018 and August 2019.

What is Cabinet being asked to decide?

2. The Cabinet is asked to accept the 2018/19 Annual Report of the Suffolk Local Access Forum (Appendix B) and to note the report's recommendations and the action that the Council is taking to address these recommendations.

Reason for recommendation

3. SLAF is required by the Countryside and Rights of Way Act 2000 to submit an annual report on rights of way and access matters to the Council. The Secretary of State for the Department for Environment, Food and Rural Affairs guidance states: "We would expect the authority to respond positively to the forum's annual report and to say what actions they have taken on the advice and recommendations of the forum."

What are the key issues to consider?

4. The key issues raised by the Suffolk Local Access Forum 2018/19 report are as follows:

- a) **Investment:** The forum stresses that rights of way and access offer a highly efficient and low-cost service and delivers value for money schemes. However, the service receives significantly lower funding relative to some other neighbouring counties and the forum considers that the Council should provide more effective levels of funding for rights of way and access maintenance, improvement and promotion.

Response: The Council recognises the contribution the green access network makes to healthy and sustainable communities and the benefits to the rural economy. The Council will endeavour to maintain appropriate levels of funding to rights of way and access to support front line use of this service.

- b) **Sizewell C:** The forum is concerned over the disruption long construction will have on the public rights of way network and promoted routes in a very popular area for walking, cycling and riding. The forum is concerned over conclusions EDF are making on the current and future use of the rights of way network and their proposals for changes to the network. The forum expects a legacy of Sizewell C to be a positive green access network and are requesting any closed routes during construction to be re-instated, any new routes built to a high standard, permissive routes formalised as public rights of way and significant funding contributions made to develop and maintain the green access network.

Response: The Council recognises the impact Sizewell C will have in many areas and supports the forum's request that any development manages the green access network effectively and efficiently and leaves a strong legacy for green access in the wider area.

- c) **Network Rail:** SLAF has noted difficulties delivering the Trimley Transport and Works Act Order (TWAO) but welcomes the improved dialogue and working practices between Network Rail and the highway authority in early discussion on implementing the county-wide TWAO. The forum is keen to see positive conclusions for the public on the county-wide TWAO and the Gypsy Lane public inquiries.

Response: The Council welcomes SLAF's involvement in the public inquiries and their support to challenge proposed closures of rights of way crossings of the rail network and gain an enhance green access network.

- d) **Rights of Way Improvement Plan "Suffolk Green Access Strategy":** The forum sees great importance in protecting and maintaining the public rights of way network and enhancing green access to meet the needs of all users. As such, the forum welcomes the new ROWIP and support the aims and objectives to improve access on the rights of way network, open access sites, permissive routes, and cycle tracks.

Response: The Council thanks the forum for their strong role in developing the new ROWIP and support the development of Suffolk first Green Access Strategy.

What are the resource and risk implications?

5. The Suffolk Local Access Forum recognises that there are severe budget pressures for the Council and understands that rights of way and access are experiencing budget constraints.
6. However, the forum stress that rights of way and access offer a highly efficient and low-cost service and delivers value for money schemes yet receives significantly lower funding relative to neighbouring counties. Rights of way and access has a significant impact on sustainable travel options, the local rural and tourism economy, and on the health and wellbeing of communities across Suffolk. The forum considers that the Council should provide more effective levels of funding for rights of way and access maintenance, improvement and promotion.
7. The Executive Director for Growth Highways and Infrastructure will consider and discuss with the Cabinet Member for Highways, Transport and Rural Affairs the appropriate level of Suffolk County Council funding for the public rights of way and access network in looking at the priorities for Council revenue and capital budgets, recognising the contribution to healthy and sustainable communities and the benefits to the rural economy that these can provide.

An Equality Impact Assessment (EIA) is not required for the SLAF Annual Report, as advised by Lead for Equalities and Inclusion.

What are the timescales associated with this decision?

8. Not applicable.

Alternative options

9. Cabinet could change the responses given by Suffolk County Council to the recommendations from the Suffolk Local Access Forum or could suggest additional issues that it would like the forum to explore over the coming year.

Who will be affected by this decision?

10. Officers acting on these recommendations and potentially users of public rights of way, land managers and communities within Suffolk.

Main body of report

The Work of SLAF

11. The forum met at quarterly intervals as follows:
 - 25th October 2018 – The Pykerrell Inn, Ixworth
 - 24th January 2019 – Suffolk Association of Local Councils, Claydon
 - 25th April 2019 – Mildenhall Cricket Club, Mildenhall
 - 25th July 2019 – The Riverside Centre, Stratford St Andrew
12. Meetings are open to members of the public who exercise the right to raise items or comment on the issues discussed or related to countryside access. Members of the public have been present at 3 of the 4 meetings.

13. Four new members were recruited to SLAF and attended their first meeting on 25 October 2018. One member stepped down in May 2019. A full list of members is in Appendix A.

Administering SLAF

14. SLAF is an independent body with its own letter heading, an independent email address and a dedicated page on the Suffolk Public Rights of Way One Suffolk website; <http://www.suffolkpublicrightsofway.org.uk/suffolk-local-access-forum/>
15. Suffolk County Council's Rights of Way and Access team administers the Forum. The cost of administering SLAF during 2018-19 was approximately £1,500. This includes secretariat services, hire of meeting rooms, site visits and expenses, member's travel expenses and the recruitment of new members to the forum.

SLAF Activities in 2018/19

a) Sizewell C

16. SLAF has been involved in Stage 3 and more recently Stage 4 Consultations on Sizewell C proposals. The forum is specifically interested in public access and the disruption that the long construction phase will have on public rights of way and promoted routes in the area.
17. The forum is concerned over changes to the road network and the impact increased road traffic will have on the rights of way network and they seek assurances that any new road crossings are safely designed.
18. The forum is also concerned over the impact proposed diversions and closures of rights of way rail crossings of the East Suffolk Line will have, and question conclusions EDF are making on current and future use of the rights of way network.
19. The forum has questioned EDF about sustainable travel modes by their workforce during construction and have asked them to create a network of cycle routes that all can use.
20. The forum expects clear communication from EDF during construction. SLAF have real concerns over the disruption to the rights of way network and closures of rights of way which will lead to lengthy detours for walking, cycling and horse riding. The forum has also questioned how coastal access and the England Coast Path will be maintained during this period.
21. The forum expects a legacy of Sizewell C to be a better green access network. The forum is requesting any closed routes during construction to be re-instated, any new routes built to a high standard, permissive routes formalised as public rights of way and significant funding contributions made to the future maintenance and improvement of the green access network.

b) Network Rail

22. SLAF has noted difficulties delivering the Trimley Transport and Works Act Order (TWAO) but welcome the improved dialogue and working practices between Network Rail and the highway authority in early discussion on implementing the county-wide TWAO. The forum is keen to see positive

conclusions for the public on the county-wide TWAO and the Gipsy Lane public inquiries

23. The forum was due to participate in the public inquiry on Needham Market public footpath 6, Gipsy Lane on 4 June 2019, which on day 1 was postponed to 24 September 2019.

Rights of Way Improvement Plan (ROWIP) – Suffolk Green Access Strategy

24. SLAF was heavily involved in developing Suffolk first ROWIP “In Step With Suffolk” which was published in 2006. The Forum has been closely involved in the development of Suffolk’s second ROWIP, titled “Suffolk Green Access Strategy”.
25. The forum welcomed the new ROWIP and support the aims and objectives to improve access on the rights of way network, open access sites, permissive routes, and cycle tracks.
26. The forum sees great importance in protecting and maintaining the public rights of way network and enhancing green access to meet the needs of all users. The Forum is very concerned that budget pressures across the Council may impact disproportionate on the rights of way and access service to the detriment of green access and community’s health and wellbeing.

The Agricultural Bill

27. SLAF discussed opportunities under the Agricultural Bill to emphasise the importance of public rights of way and green access for the health and wellbeing of communities and for the local economy in a post-Brexit UK. The Forum’s Vice Chairman met with an MP and the DEFRA Minister to emphasise these points and raise issues with the end of Stewardship Schemes. He subsequently wrote to all Suffolk MPs and members of the House of Lords to emphasise the importance of permissive access in complementing public rights of access across Suffolk.
28. Lord Gardiner and Jo Churchill MP both responded and acknowledged the benefits of the natural environment to people’s health, and the opportunities for the agricultural system to deliver wider benefits.

The England Coast Path

29. SLAF is keen to see the England Coast Path delivered in Suffolk and to see enhanced access along Suffolk’s coastline. SLAF also wants a continuous route, with no gaps at estuaries nor a reliance on ferry services which could be seasonal or subject to last minute cancellations.
30. The forum wrote to Natural England to express this concern and press the point that the path will be an asset for Suffolk. The forum emphasised that access along all of Suffolk’s estuaries to the first permanent crossing point will ensure a continuous route, allow easier access to public transport links, and enable access to overnight accommodation and refreshment opportunities, thus boosting the local tourism economy.

Walberswick Bailey Bridge

31. SLAF welcomed the speed at which the Council was able to re-open the Bailey Bridge after inspectors advised closure, but note the repairs are temporary and the full refurbishment will be expensive.

2019 Suffolk Walking Festival

32. SLAF congratulated officers in delivering the 12th annual Suffolk Walking Festival, now established as one of the largest and longest running walking festivals on Britain.
33. The forum was impressed with the scale and impact of the event which had an estimated economic impact of over £218,000 on Suffolk's economy, delivered 123 walks and events across the county, attracted over 2,000 participants and draws overnight tourists into Suffolk.
34. The forum is pleased to see that the event is a pan-Suffolk partnership of all authorities, many community volunteers and has assistance from health organisations, conservation bodies and organisations, drawing in expertise, sponsorship and support from across the county.

SLAF Recruitment and Working Groups

35. Membership of a local access forum can vary between 10 and 22. At the start of this period SLAF had 11 members triggering a recruitment process by SCC officers. The recruitment process resulted in 5 interviews and 4 appointments. The new appointees bring strong experience of tourism, long distance walking associations, disabilities, horse riding and sports, broadening the breadth of knowledge and skills within the forum.
36. SLAF also set up 7 working groups to address issues that arise between meetings where more in-depth discussions are required or where timelier responses are needed.
37. In addition, SLAF gained representation on the East Suffolk Line Rail Community Partnership.

Presentations

- 25 October 2018 – Sizewell C, presented by EDF.
- 25 July 2019 – Stage 4 Consultation Sizewell C, presented by EDF.

Consultations

- Sizewell C Stage 3 Consultation
- Elveden Estate/SSSI Heathland Restoration Project

Training

- 25 April 2019 – Induction and refresher training for all members on rights of way and access, Mildenhall, delivered by rights of way and access team.

Conferences and Meetings

- 16 January 2019 – Local Access Forum Regional Meeting, Cambridge, attended by David Barker.
- 4 March 2019 – East Suffolk Line Community Rail Partnership, attended by Margaret Hancock representing SLAF on the East Suffolk Lines Community Rail Partnership, South Group (Ipswich-Darsham).
- 4 June 2019 – Network Rail Public Inquiry on proposed closure of Gipsy Lane footpath level crossing, attended by Barry Hall.
- 10 July 2019 – Local Access Forum Regional Meeting, Peterborough, attended by Barry Hall and David Barker.

Working Groups:

38. The forum has 7 working groups who meet in-between meetings to discuss key issues, address tight deadlines or attend other meetings:

Topic	Membership
Network Rail	Barry Hall, Clare Philips, Roley Wilson, Margaret Hancock
Sizewell C	Suzanne Bartlett, Barry Hall, Roley Wilson, Anthony Wright
Open Access	Barry Hall, Gordon Merfield
ROWIP	Derek Blake, Jane Hatton, Monica Pipe, Roley Wilson
Coastal Erosion and Access	Barry Hall, Roley Wilson, Susan Mobbs
Planning and Development	Jane Hatton, Jane Storey, Anthony Wright
Agri-Environment Access Schemes	David Barker, John Wayman

Looking Ahead

39. Priorities for SLAF over the coming year include:
- Investment in Public Rights of Way** – to see a level of investment that ensures the public rights of way network meets the needs of its users.
 - Sizewell C** – to contribute to stage 4 consultation and press for a high quality, long-lasting legacy from the development.
 - Network Rail** – to attend public inquiries to represent the needs of users to ensure the rights of way network provides effective sustainable travel options and easy access to the countryside.
 - Rights of Way Improvement Plan** – to see the publication of the ROWIP and support its aims and objectives.

- e. **Development** – to gain awareness by the planning process and identify opportunities for the forum to influence design of new developments.
- f. **The England Coast Path** – to see progress of the delivery of a new coastal path with effective access along Suffolk’s estuaries.

Barry Hall

Chair of Suffolk Local Access Forum

David Barker

Vice Chair of Suffolk Local Access Forum

September 2019

Sources of further information

a) Suffolk Local Access Forum web pages:

<http://www.suffolkpublicrightsofway.org.uk/suffolk-local-access-forum/>

b) The Suffolk Rights of Way Improvement Plan:

<http://www.suffolkpublicrightsofway.org.uk/home/rights-of-way-improvement-plan/>

c) Local Access Forums:

<https://www.gov.uk/guidance/local-access-forums-participate-in-decisions-on-public-access>

Appendix A

Suffolk Local Access Forum – Members Details

SLAF Membership October 2019

The forum had up to 15 members during the period covered by this report. Four new members were recruited at the start of the period with one member stepping down. The period of this report ends with 14 members. (*LAFs can have between 10 and 22 members*).

Barry Hall (Chair) – Barry is a retired local government officer with experience of working on countryside and rights of way projects. Barry retains an interest in countryside access as a member of the RSPB, Suffolk Wildlife Trust and National Trust. *Barry has been a member of SLAF since October 2007 and Chair since January 2016.*

David Barker MBE (Vice Chair) – With his wide experience within the NFU, CLA and as a former Countryside Agency commissioner, David seeks to work to balance all interests in countryside access. David was also Chair of Creating the Greenest County. *David has been a member of SLAF since July 2003 and Vice Chair since April 2010.*

Suzanne Bartlett – Having been brought up on a farm near Framlingham, Suzanne has spent most of her life living and working in Suffolk. Since retiring from her profession as a Librarian, she has dedicated more time to walking and cycling in the countryside, whilst continuing as a self-employed writer and researcher. She is particularly concerned with promoting the benefits of outdoor activities for both physical health and mental well-being. *Suzanne has been a member of SLAF since October 2018.*

Derek Blake MBE – Chairman of Clare Walkers and the Activity Planning Trustee at Clare Castle Country Park, Derek has a keen interest in all aspects of leisure walking, as well as issues related to access, health & well-being and tourism. *Derek has been a member of SLAF since October 2018.*

Margaret Hancock – A Blue Badge Tourist Guide particularly interested in promoting sustainable tourism. Keen to encourage visitors to explore Suffolk by public transport, walking and cycling to benefit the local economy and preserve the peace and tranquillity of the county. Experience of supporting children and young people with disabilities, enabling them to access leisure facilities. *Margaret has been a member of SLAF since April 2010.*

Jane Hatton – Jane was born and has always lived in Suffolk enjoying the countryside as both a horse rider and dog walker. Jane has a background in Sales and Marketing and has previously been the Sudbury Town Centre Manager. She continues to work to improve access for the community into the countryside with an interest in promoting

the benefits to health and tourism. She has introduced new walks for both the Suffolk Walking Festival and Walking for Health. *Jane has been a member of SLAF since October 2013.*

Cllr Diana Kearsley – With a keen interest in wildlife and preserving Suffolk, Diana has specific responsibilities for community issues and is also a member of the 'Development Control' committee for Mid Suffolk District Council. *Cllr Diana Kearsley has been a member of SLAF since October 2013 and stepped down in May 2019.*

Gordon Merfield – With a background in agriculture, since the 1980's Gordon has been active in participating and coaching field sports events as well as being interested in the wider countryside and walking in foreign countries. *Gordon has been a member of SLAF since September 2004.*

Susan Mobbs - Sue is a walker and a cyclist mainly because of the opportunities they give for exploring landscape, history and nature at close hand. She is a volunteer with the Suffolk Wildlife Trust, doing practical work on local reserves. She is a member of the Long Distance Walkers Association. Sue's professional background is in social care and social and community development and she is keen to see improved access to the countryside and outdoor activities for people of all ages and abilities. *Susan has been a member of SLAF since October 2018.*

Clare Phillips – With a background in journalism, Clare has worked on the BBC's 'Farming Today' programme and presented countryside documentaries for BBC Radio Suffolk. Clare enjoys off-road running and walking in the Suffolk countryside, organises several Trail Races, and runs each year for her running club. She is a horse-rider and a Trustee of Ipswich Riding for the Disabled Group. Clare also chairs the footpaths sub-committee of Brantham Parish Council. *Clare has been a member of SLAF since October 2018.*

Monica Pipe – Monica farms just north of Ipswich and has many well-used footpaths on her land including the promoted Fynn Valley Walk. *Monica has been a member of SLAF since July 2003.*

Councillor Jane Storey – SCC Councillor for Thedwastre North, Jane's interests include walking, dog-walking, off-road driving and, being a farmer's daughter, a strong view that along with rights come responsibilities. Jane believes that we should preserve our rights of way, including byways and bridleways, but not at the expense of common sense. These are an important part of presenting Suffolk as the Greenest County, useful for getting from A to B, but also for getting people who do not normally exercise out and about at little or no expense. *Cllr Jane Storey has been a member of SLAF since October 2009.*

John Wayman – A former district council member farming in the Stour Valley, John now contributes to the wider rural picture. *John has been a member of SLAF since July 2003.*

Roley Wilson – Roley is actively involved in the promotion of the health benefits of walking for all. He has a lifelong interest in nature and open-air pursuits. During a 33-year police career one of his many postings involved being the Wildlife Liaison Officer for Suffolk. He is a member of the Ramblers and since retirement has spent an increasing amount of time in volunteer activities for that organisation. A keen bird watcher and member of the RSPB and Suffolk Wildlife Trust he has a passion for ensuring that everyone has free and responsible access to the countryside. *Roley has been a member of SLAF since October 2013.*

Anthony Wright – A long-term cyclist and walker, Anthony has worked with several local authorities and publishers on the production of cycling and walking guides. For 15 years before retiring Anthony worked part-time for the national sustainable transport charity Sustrans as its Area Manager for Norfolk and Suffolk, while also working part-time as a Suffolk County Council Cycling Officer. He maintains an active interest in developing cycle routes and advises the Highways Agency and Norfolk & Suffolk Highways of their responsibilities for non-motorist users (NMU) safety on the highway. *Anthony has been a member of SLAF since July 2003.*

Suffolk Local Access Forum
Title: The England Coast Path
Meeting Date: 23rd January 2020
Author/Contact: Andrew Woodin
Venue: SALC offices, Unit 11a, Hill View Business Park, Old Ipswich Road, Claydon IP6 0AJ

1. Progress on Establishing The England Coast Path (ECP)

The general election in December last year meant the postponement of the publication of the first two reports in Suffolk. The revised publication dates are:

Harwich to Shotley Gate – 22nd January 2020
Hopton on Sea to Aldeburgh – 29th January 2020

The Shotley Gate to Felixstowe Ferry section was published on 15th January.

Sally Fishwick, Senior Adviser England Coast Path Delivery and Darren Braine from Natural England met Cllr Reid (the new Cabinet Member for Highways, Transport and Rural Affairs) and county council officers on 30th October 2019 to brief them on publishing the first reports and outline the proposals. The Natural England officers reiterated Natural England is exercising its estuary discretion and the briefing covered spreading room, which can exclude salt marsh and mud flat; maintenance; roll back; the establishment of a partnership with Essex and Norfolk to manage a regional trail; and costs. The Stour stretch will cost £138,000 to establish, which equates to £2k to £3k per km. Figures were not given for the Aldeburgh to Hopton section.

The publication of the first reports will be accompanied by joint comms by Natural England and the county council, highlighting the benefits of the new coast path. The reports will be available to members online.

A Boxing Day press release from Natural England on the England Coast Path featured the health and economic benefits of walking on England's coastal paths and estimated 29.1 million walking trips were made to coastal paths over a six-month period in 2017, with 97% of people feeling refreshed and revitalised as a result of their visit. The data also revealed that visits boosted the economy by £350 million, with day-trippers spending on average £8.65 per day in coastal shops and overnight visitors spending on average £36.73. This supported more than 5,900 full-time equivalent jobs along the English coast. The press release and report can be found [here](#), and the disparity in the low visitor numbers to the east of England is notable, at only 4% of the overall total in England.

The latest information from Natural England's (NE) on its progress for the ECP in Suffolk and Norfolk is shown on their website. The website progress overview map was last updated on 19th December 2019.

Stretch name	Progress
Harwich to Shotley Gate	Stage 2 and 3: Develop and Propose
Shotley Gate to Felixstowe Ferry	Stage 2 and 3: Develop and Propose
Felixstowe Ferry to Bawdsey	Stage 2 and 3: Develop and Propose
Bawdsey to Aldeburgh	Stage 2 and 3: Develop and Propose
Aldeburgh to Hopton-on-Sea	Stage 2 and 3: Develop and Propose
Hopton-on-Sea to Sea Palling	Open to the public

The stages to establish Coastal Access are as follows:

Stage 1: Prepare

Initial preparations will begin for the implementation of a new stretch. Natural England will:

- define the extent of the stretch
- ask key organisations about their ideas or concerns about the stretch
- consider the current public access use and the options for the route

Stage 2: Develop

At this stage, Natural England will:

- speak with local landowners and other legal interests on land that may be affected to:
 - ask for views on where they think the route should go
 - offer to 'walk the course' and explain initial ideas
 - discuss any local issues that might need to be addressed
- speak with relevant organisations to make sure that any important sensitive features are protected

Stage 3: Propose

Natural England will finalise proposals for the England Coast Path on this stretch and publish them in a report to the Secretary of State for the Environment, Food and Rural Affairs.

Stage 4: Determine

After the report has been published, there's an opportunity to comment on the proposals. At this time:

- anyone who wishes to comment can make a representation on the report
- owners or occupiers can submit an objection relating to particular aspects of the proposals

See the guidance about how to comment for more information.

Once the period to comment on the proposals has ended, the Secretary of State will decide whether to approve the proposals in Natural England's report. When making a decision, any representations or objections that have been submitted will be considered along with the recommendations from the Planning Inspectorate.

Stage 5: Open

The Secretary of State approves the route of the England Coast Path on this stretch.

Preparations are then made on the ground and the necessary legal paperwork is completed. Once complete, the new public rights of access will come into force on the stretch.

Further information on the England Coast Path can be found [here](#).

2. The Stretches in More Detail

Natural England has provided the following updates around the Suffolk coast stretches. Expected publication dates have been highlighted in yellow, and as reported at SLAF's July meeting this bunching may put county council officers under pressure when it comes to responding to the reports, and implementing the new routes once confirmed.

The Ramsholt to Bawdsey section on the Deben continues to exercise Natural England officers, and county council officers have stressed again the county council sees the route around the Deben as fundamental to the integrity of the England Coast Path in Suffolk, and hopes Natural England will be able to propose a continuous route.

Natural England has provided the following updates around the Suffolk coast stretches. Expected publication dates have been highlighted in **yellow**, and as reported previously this bunching may put county council officers under pressure when it comes to responding to the reports, and implementing the new routes once confirmed.

Work is progressing well on the England Coast Path - a new National Trail around all of England's coast.

A European court judgement in April 2018 affected how Natural England should assess the impact of England Coast Path proposals on environmentally protected sites. Progress slowed as a result. However, we have now adjusted our approach to ensure compliance with this judgement, and are working hard to ensure as much of the England Coast Path as possible is open by 2020.

Suffolk Stretches

Harwich to Shotley Gate - Kim Thirlby & Sally Fishwick. Last updated 08.01.20

- Stage 3 (Propose)
- The Habitat Regulations Assessment (HRA) for the stretch has been signed off.
- The Nature Conservation Assessment (NCA), which deals with nature conservation and geological sites not covered by European legislation, has also been signed off.
- The Overview, and the compendium of six separate reports (covering individual lengths of coast within the stretch) have been finalised.
- **We expect to publish our proposals on 22 January 2020.** This will commence the 8 week period for public comment.

Shotley Gate to Felixstowe Ferry – Araminta Adams & Darren Braine. Last updated 10.01.2020

- Stage 3 (Propose)
- **We are publishing our proposals on 15th January 2020.** This will commence the 8 week period for public comment.

Felixstowe Ferry to Bawdsey – Araminta Adams, Giles Merritt & Sally Fishwick. Last updated 09.01.20

- Stage 2 (Develop) and Stage 3 (Propose)
- We are now drafting the Coastal Access reports and overview.
- We are liaising with nature conservation colleagues as well as gathering external advice and opinion to help inform route alignment in terms of nature conservation features. The HRA and NCA are now underway and scheduled for completion by early February 2020.
- **We expect to publish our proposals in late February/ March 2020.**

Bawdsey to Aldeburgh – David Waldram, Fiona Taylor, Jonathan Clarke & James Lamb. Last updated 09.01.20

- Stage 2 (Develop) and Stage 3 (Propose)
- We are investigating issues and potential alignments arising from Walking The Course.
- 90% of the route has been mapped using a GPS device.
- We have started to send out letters and maps to owner/occupiers and relevant Parish Councils of our initial proposals for some of the route and asking for their comments.
- We have contacted relevant owner/occupiers and Parish Councils where we propose to exclude new coastal access rights on areas of salt marsh/mudflat asking for their comments.
- The HRA and NCA are underway.
- **We expect to publish our proposals in Spring 2020.**

Aldeburgh to Hopton-on-Sea – Fiona Taylor, David Waldram & Sally Fishwick. Last updated 07.01.20

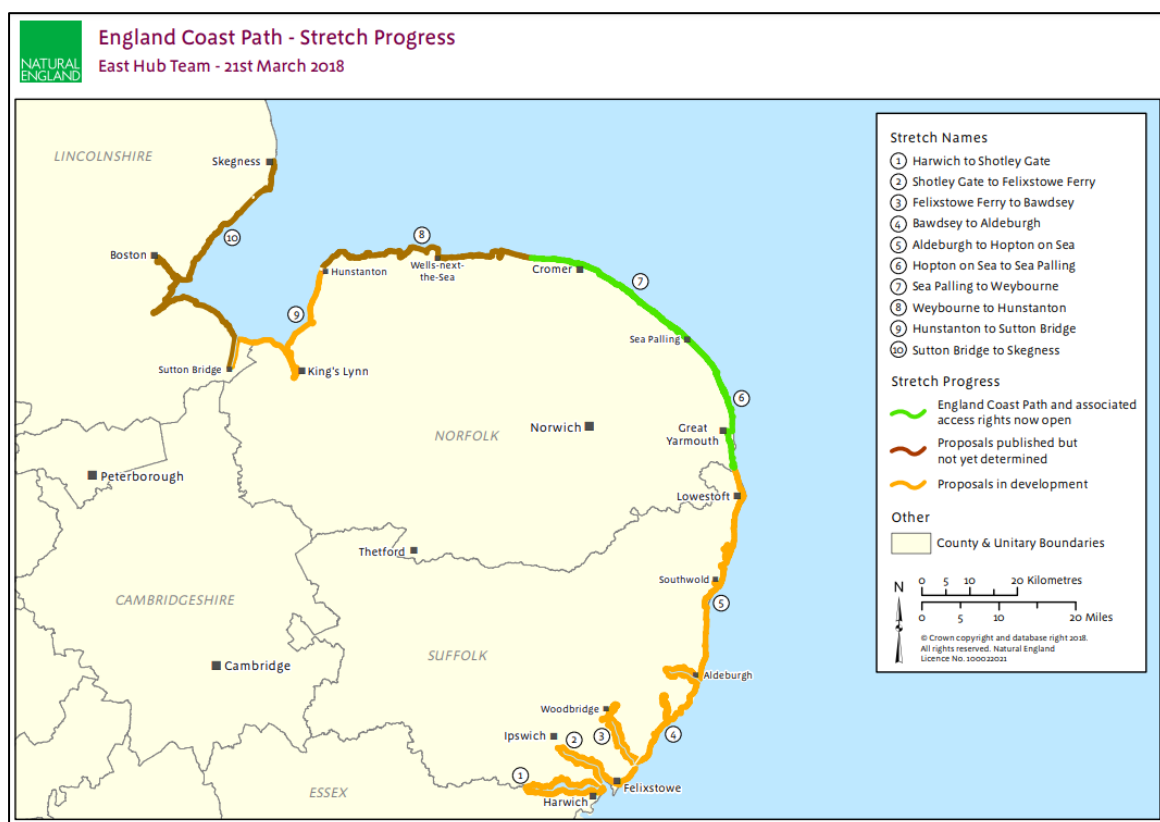
- Stage 2 (Develop) and Stage 3 (Propose)
- The Overview and Report chapters of our proposals have been drafted and reviewed by national Coastal Access colleagues.
- Legal restrictions, exclusions and dedications have been finalised.
- The HRA has been signed off.
- The NCAs have been signed off.
- **We expect to publish our proposals on 29th January 2020.** This will commence the 8 week period for public comment.

3. Future Management of the England Coast Path in the East of England

Officers from Suffolk, Norfolk and Essex met in September and compared notes on progress of the England Coast Path in their respective counties. As at previous meetings it was felt it was too early to commence work on managing and promoting a regional route.

4. England Coast Path – Progress Map for the East

The latest regional map shows a date of March 2018, but the national map is dated October 2019 and shows the same state of progress for Suffolk.



END
AW/SCC January 2020

Suffolk Local Access Forum
Title: Network Rail – Public Rights of Way Level Crossings
Meeting: 23rd January 2020
Author/Contact: Steve Kerr
Venue: SALC Offices, Unit 11a Hill View Business Park - Old Ipswich Road, Claydon, Ipswich - IP6 0AJ

Introduction

This paper updates the Forum on the main level crossings being addressed by Network Rail (NR) and Suffolk County Council ('the Council' or 'SCC'), and progress on their Transport and Works Act proposals.

Needham Market Gipsy Lane and FP6 Needham Market



Further to the update provided at the Forum's meeting on 24 October 2019, on 12 November 2019 the appointed Inspector confirmed both the rail crossing diversion and rail crossing extinguishment orders (including a minor modification on the Gipsy lane diversion order). His report can be found at Appendix 1.

The confirmed orders were advertised on 6 December 2019. Both the extinguishment order and the Gipsy Lane diversion order came into operation on 7 January 2020. As the Gipsy Lane diversionary route is physically unavailable, the county council has erected advisory signing and introduced a Temporary Traffic Regulation Order (based on safety grounds) to close the route, that will be in force for up to 6 months, to allow the works to take place. This period can be extended. Works include the construction of the culvert and ramped approaches, together with surfacing works to the section of path south of the culvert and the improvements to the footway alongside Stowmarket Road. The works are to be delivered by way of a section 278 agreement and are likely to take some time to complete. Until such a time as these are fully completed and signed off by the highway authority, the Gipsy Lane crossing will remain open to the public.

Officers met with Network Rail on Monday 13th January to discuss next steps. The discussion covered current status of the path orders, as described above, compensation, recent flooding and the need to design the works to be as resilient as possible to increasing flood events, site access and comms. Network Rail assured the county council they will keep local people, the town council and councillors updated on progress.

All county council officer costs relating to the path orders are in the process of being recharged to Network Rail, which will also bear future officer costs relating to the public path orders.

Felixstowe Branch Line Improvements – Transport and Works Act Order (TWAO)



NR and SCC will continue monitoring the condition of the new routes and if there are any defects to address, these will be undertaken by NR during the 12-month maintenance period, which is due to terminate in early September 2020. After this time the maintenance responsibility will be transferred to the highway authority in perpetuity.

Footpath 12 Barham (Broomfields)



The council is unaware of any further progress on the request to divert FP12 Barham and is still to receive an update from the railway operator confirming how it intends to proceed.

General/Countywide

NR's Suffolk Level Crossing Reduction Strategy - Transport and Works Act Order

Further to the Forum's last update, the county council has still not received any communication advising when a decision is likely to be forthcoming. However, in preparation of the decision being issued in early 2020, NR and SCC officers met on site on 15 November to agree and capture all the works required for those level crossing sites which are not conditional on an alternative being provided and are to be extinguished on the date the Secretary of State for Transport (SoSfT) issues his decision. These level crossings, referred to by NR as 'Day 1' crossings, are listed below:

- FP 12 Haughley/FP6 Old Newton (S11 Leggetts)
- FP 19 Bacton (S12 Gooderhams)
- Byway 11 Mellis (S18 Cowpasture Lane)
- S22 Weatherby
- FP 1 Higham (S23 Higham)

Note that if the S18 proposal is confirmed, the status of Cowpasture Lane will be downgraded from a byway open to all traffic to a bridleway. In essence, there will be no material change for current users at this level crossing, as the route is already currently subject to a traffic regulation order restricting vehicular use.

Officers are holding an internal meeting on 14/01/20 to discuss the way forward with those remaining level crossing proposals that will require alternatives to be constructed or traffic management measures to be introduced.

It is, of course, possible that the SoSfT may agree to uphold SCC's objections and confirm the Suffolk TWAO with modifications but officers will only know this once the decision is issued.

END – SK/SCC January 2020

Appendix A (Gipsy Lane Inspector's report)



NR update paper
Appendix 1.pdf

Suffolk Local Access Forum
Title: Network Rail – Public Rights of Way Level Crossings
Meeting: 23rd January 2020
Author/Contact: Steve Kerr
Venue: SALC Offices, Unit 11a Hill View Business Park - Old Ipswich Road, Claydon, Ipswich - IP6 0AJ

Appendix A



Order Decisions

Inquiry Opened on 4 June 2019

Site visit made on 26 September 2019

by Alan Beckett BA MSc MIPROW

an Inspector appointed by the Secretary of State for Environment, Food and Rural Affairs

Decision date: 12 November 2019

Order Ref: ROW/3207788 ('Order A')

- This Order is made under Section 119A of the Highways Act 1980 (the 1980 Act) and is known as the Suffolk County Council (Parishes of Creeting St Mary and Needham Market) (Creeting St Mary Footpath 39 (Part) (Gypsy Lane Crossing) Rail crossing Diversion Order 2018.
- The Order is dated 4 April 2018 and proposes to divert the public right of way shown on the Order plan as A – B – C and described in the Schedule to a new route shown in the order plan as C – D – E – F – G – H – I – J – K – L – M and described in the Schedule.
- There were 14 objections and one representation in support outstanding at the commencement of the inquiry.

Summary of Decision: The Order is confirmed subject to the modifications set out in the Formal Decision.

Procedural Matters

1. The inquiry opened on 4 June 2019 but was adjourned as proofs of evidence and accompanying appendices submitted by Network Rail had not been sent to the objectors. The inquiry resumed on 24 September 2019 (the earliest date which was suitable for all parties) and sat until 26 September 2019.
2. I made an unaccompanied inspection of the routes at issue on the evening of 3rd June and a final inspection on the afternoon of 26 September in the company of the parties or their representatives.
3. At the inquiry, Suffolk County Council ('the Council') requested a minor modification to Order A in relation to part 2 of the schedule and the reference to a 'staggered barrier' which was proposed to be erected at point C. The Council and Network Rail understood that the affected landowners required the erection of a fence or other barrier to the north-east of the proposed footpath to protect their land and livestock from trespass. The erection of a fence would mean that there would be no need for a staggered barrier within the hedge at point C as livestock would be retained within the field by a fence. Consequently, the Council requested that the schedule be amended to record a gap at point C.
4. At the inquiry, Mr & Mrs Fayers questioned the need for a gap at point C as they considered it a means by which livestock could stray from the field. Given that there was confusion as to whether a fence would or would not be required by the landowners, an amended modification was sought to record a kissing gate at point C which would be the least restrictive stock-proof of barrier which would maintain access for as wide a group of users as possible. If I conclude that Order A should be confirmed, I will modify part 2 of the schedule as requested.
5. During the adjournment, attempts had been made to strike an agreement between the parties regarding the location of the proposed footpath. One possible option advanced was that the diverted path should emerge from the south-eastern portal of the culvert and run adjacent to the Network Rail boundary fence. Whilst this was said to address most of the concerns of the objectors as to the impact the footpath would have upon their land, it had not been possible to reach such an agreement. I have therefore considered Order A in relation to the statutory tests found in s119A of the 1980 Act. Only if I find that the proposal in Order A is not satisfied will I consider whether a footpath in an alternative location would satisfy those tests.
6. Mr and Mrs Fayers submitted that the description of the paths at issue in the Orders as being in the parish of Creting St Mary is erroneous as the parish boundary with Needham Market has been at the River Gipping for many years; it is contended that the path description in the Orders could have given rise to confusion. In a similar vein, the objectors also considered the sequential description (Footpaths 1 – 7) in the proofs of evidence submitted by Network Rail's consulting engineers (WSP) also gave rise to confusion.

7. It is evident that the definitive map and statement is behind the times in that it does not acknowledge that the parish boundary between Creting St Mary and Needham Market has moved north from the railway. Whilst acknowledging the potential for parties to be confused as to which path was being referred to, the purpose of the Orders is self-evident and those reading them would be under no illusion as to what the Orders seek to achieve. Knowledge of the finer points of local administrative boundaries or definitive map procedures is not a pre-requisite to the understanding of what Network Rail seeks to achieve by these Orders.
8. Similarly, the numbering system used by WSP in their documentation is internally consistent. It is evident when reading those documents and referring to the accompanying plans which paths are being described. Whilst WSPs documentation could have referred to the footpaths at issue in accordance with the definitive map and statement instead of using its own numbering system, it is plain from that documentation that WSP were referring to the Order routes at all material times.
9. Mr and Mrs Fayers also submitted that the statutory notices of the order had been posted at heights inappropriately low, and that a notice had not been posted at point M. Schedule 6 of the 1980 Act does not prescribe the height at which notices have to be posted, and there is no requirement under schedule 6 to post a notice of the making of the Order other than at the ends of the path which is proposed to be diverted. The evidence submitted by the Council on this matter demonstrates that the notices were posted in accordance with the requirements of Schedule 6 and would have been legible for anyone who cared to read them. Mr Kerr had seen a notice of the inquiry at point M and I saw that the notices at point M had been present in June and remained in place in September.
10. Consequently, I do not consider that the Orders or the documents generated in relation to them are likely to have given rise to confusion as to their purpose and intent.

The Main Issues

11. If I am to confirm the Orders, I need to be satisfied that it is expedient to divert part of footpath 39 and to extinguish footpaths 6 and 36, having regard to all the circumstances, and in particular to:
 - a) whether it is reasonably practicable to make the crossings safe for use by the public; and
 - b) what arrangements have been made for ensuring that, if the Order is confirmed, any appropriate barriers and signs are erected and maintained.
12. I consider that the salient points under these heads include the following issues:
 - a) the current safety of the pedestrian railway crossings for the public;
 - b) the safety of the alternative routes in comparison;
 - c) the convenience and enjoyment of the alternative routes for pedestrians in comparison;

- d) whether any improvements to the pedestrian crossings, so as to make them safe, are reasonably practicable; and
- e) whether, if the Order is confirmed, adequate arrangements have been made to secure the redundant crossings.

13. In addition, matters raised which can be taken into account under the heading 'all the circumstances', include the impacts upon adjacent landowners in terms of agricultural activity; the impacts upon the landowners of flooding; the impacts upon the efficient operation of the railway; other proposals considered as an alternative to the closure of Gipsy Lane crossing and the impacts upon general amenity.

Reasons

Background

14. The railway running through Needham Market was constructed under the provisions of the Ipswich and Bury St Edmunds Railway Act 1845 which incorporated the provisions of the Railway Clauses Consolidation Act 1845. The railway currently forms part of the main line between London Liverpool Street and Norwich and carries passenger and freight trains at line speeds of up to 100mph.
15. The deposited plans for the enabling Act of 1845 show that the crossings at Willow Walk and Gipsy Lane pre-dated the construction of the railway. Willow Walk is recorded in the book of reference as a public footpath in the ownership of the Surveyor of Highways and Gipsy Lane is recorded as a 'Highway or Occupation Road' in the ownership of the Surveyor of Highways or the Earl of Ashburnham. The private vehicular rights over Gipsy Lane crossing were surrendered in around 2006, with the crossing being re-configured for pedestrian use only. It is not disputed that only a public right of way on foot subsists over the crossing at Gipsy Lane.
16. Section 61 of the Railway Clauses Consolidation Act 1845 required the railway company to make and maintain convenient ascents and descents and gates or stiles on either side of the railway being constructed. The height of the railway above ground at Willow Walk resulted in it being provided with stiles and steps on either side of the railway. To accommodate the private vehicular right of way at Gipsy Lane, raised approaches to the railway were constructed with wicket gates being provided for use by the public when crossing the railway.

Orders A and B

Assessment of risk at level crossings

17. Network Rail uses a system known as the All Level Crossing Risk Model (ALCRM) as part of its risk assessment and mitigation strategy, the main purpose of which is to provide a consistent method of assessing risk at level crossings to crossing users, train passengers and railway staff. It is acknowledged that risk will vary according to the characteristics of any given crossing, the extent of use of that crossing and the frequency, volume and speed of trains passing over the crossing; such factors are considered as part of the risk assessment.

18. ALCRM considers two levels of risk; the collective risk and individual risk for any given crossing. Collective risk (the overall risk to the network and all those using it) is expressed in a simplified numeric form ranked from 1 to 13 where 1 represents the highest risk and 13 represents nil risk. Individual risk (the risk of fatality to one individual using the crossing regularly in one year) is expressed as a letter, ranked A to M where A represents the highest risk and M nil risk. A qualitative risk assessment of each crossing is carried out by individual Level Crossing Managers which feeds into the ALCRM model and allows for the identification of features or characteristics at crossings with the same ALCRM score and informs the optioneering exercise undertaken to eliminate or mitigate the risk identified
19. The most recent risk assessment of Gipsy Lane crossing was undertaken in April 2019 with the ALCRM score being recorded as C3. Willow Walk crossing has been closed under temporary traffic regulation orders since 2011 and currently has an ALCRM score of M13; the last assessment undertaken when the crossing was available for use had resulted in an ALCRM score of C4.
20. Factors in determining risk to pedestrians at a level crossing are the 'crossing time' and 'warning time'. The estimated time taken to cross the railway (the crossing time) is calculated as the time required to walk between 'decision points'. Decision points are found on either side of the line and are the points at which guidance on crossing safely is visible and at which a decision to wait or cross in safety can be made. It is at these points that notices bearing the legend '*Stop Look Listen Beware of Trains*' are situated. For line speeds of up to 100mph, the decision point is taken to be 2 metres from the nearest running rail.
21. The walking speed of an able-bodied adult crossing the railway where crossing boards are provided is calculated as 1.2 metres per second. In calculating the crossing time, an allowance of 50% additional time is added to allow 'vulnerable' users (such as the elderly, those with mobility impairments or encumbered users such as dog walkers) sufficient time to cross the railway.
22. The critical figure in relation to the crossing time is the warning time. The warning time is calculated as the shortest possible time for trains to travel the distance to the crossing from the point at which they can first be seen by a pedestrian standing at the relevant decision point (the sighting distance). Warning times are calculated using the maximum permitted travelling speed on the line.
23. The generally accepted principle regarding at-grade crossings is that for a crossing to be deemed 'safe' (notwithstanding that there will always be an element of risk involving in crossing any live railway), the warning time should be greater than the crossing time. It was the Council's and Network Rail's case that Gipsy Lane and Willow Walk crossings did not provide users with adequate warning of the approach of trains running at line speeds.
24. Both Gipsy Lane and Willow Walk crossings are 'passive' crossings in that the public are required to 'stop, look and listen' for the approach of trains.

25. The calculations as to crossing times, warning times and sighting distances submitted by Network Rail were not contested by the objectors.

The current safety of the pedestrian railway crossing for the public

Gipsy Lane

26. A 9-day camera census of use in April 2019 demonstrated an average use of 58 pedestrians and 1 cyclist per day during the survey period including use by 'vulnerable' users and use during the hours of darkness. Gipsy Lane has a traverse distance of 9.2 metres between decision points; an able-bodied user would normally cross the railway in 7.7 seconds, however a 50% uplift to allow for vulnerable users sets the crossing time at 11.61 seconds.
27. The sighting distance required to allow enough warning time of the approach of a train at line speed would be 519 metres. For a pedestrian standing at the decision point on the up (eastern) side of the line looking towards a down direction (northbound) train there is insufficient sighting (328 metres) due to the curvature of the line. For a pedestrian standing at the down side (western) decision point looking towards a down direction (northbound) train there is also insufficient sighting (322 metres) due to the curvature of the line.
28. At current permissible line speeds, there is insufficient time for a vulnerable pedestrian to cross the rails safely from the eastern and western sides when a northbound train first comes into view. I am satisfied that the warning time for pedestrians for a train running at the maximum permissible line speed would not satisfy the current safety criteria.
29. In August 2011 an accidental fatality at Gipsy Lane led to Network Rail being convicted of breaches of health and safety regulations. One of the recommendations made by the Rail Accident Investigation Branch (RAIB) was for Network Rail to seek the closure of the crossing or if permission was not granted for the closure by the Council, then Network Rail *"should take appropriate risk-reduction measures so that pedestrians have sufficient time to cross safely and are adequately warned of the approach of trains"*.
30. The risk to the public is currently mitigated at Gipsy Lane by whistle boards and by the imposition of a temporary speed restriction (TSR) of 50mph on the down line. The whistle boards are in positions to provide an audible warning of approaching trains although such warnings are not sounded during the night time quiet period (NTQP) between 23:59 and 06:00. The April 2019 census demonstrates that there was some use of the crossing during the NTQP.
31. Network Rail do not consider the imposition of a 50mph TSR to be suitable mitigation to address the RAIB's recommendation as the TSR conflicts with its licence conditions and its franchise commitment to Greater Anglia trains for a regular service between London and Norwich in 90 minutes. Network Rail submit that around £100,000 is being paid in compensation for service delays caused by the TSR.

32. Based on the current permissible line speed on the northbound line, Gipsy Lane crossing exposes users to a considerable risk of accident as the crossing time from either side of the line exceeds the warning time of the approach of a northbound train. Whilst the mitigation measures imposed since the fatal accident in 2011 have reduced the risk to the public, the reduction in line speed on the down line does not provide a permanent solution to the mitigation of that risk. I therefore accept that the crossing presents a risk of danger to the public.

Willow Walk

33. The footpath which crosses the line at Willow Walk runs between Stowmarket Road and footpaths 35 and 38 with the junction being approximately 230 metres north-west of Valley House. Footpath 36 has been the subject of successive Temporary Road Traffic Regulation Order (TTRO) closures with the first of those TTROs being granted in 2011. The crossing has not been available for the public to use for around 8 years and the infrastructure (steps, stiles, decking boards etc) necessary to facilitate use has also been removed.
34. Due to the prolonged unavailability of the crossing, there is no current usage data for Willow Walk. The last census of use was carried out in 2011 and was based on observations of use by Network Rail staff during their time on site at the crossing; the 2011 census led to an estimated 41 uses per day. Earlier censuses had produced varying estimates of use of between 1 and 108 uses per day with these results being dependent upon the observed use during a given 40-minute period. It is not disputed that when Willow Walk crossing was open it had been used by the public as a means of access to and from the Gipping valley.
35. Willow Walk had been approached by a flight of steps on either side of the railway with stiles in the railway boundary fence. The topography of the site prevented the creation of a platform of some kind at the top of the steps on which pedestrians could wait whilst determining whether to cross the railway. The 'decision point' at Willow Walk was therefore two steps below the top of the flight on either side of the railway and below the level of the nearest running rail. In calculating the time required for an able-bodied user to cross the railway, Network rail have allowed additional time of 1 second per step for users to be able to travel between the decision points either side of the railway.
36. The crossing distance of Willow Walk was 9.9 metres with a crossing time of 12.3 seconds. At a line speed of 100mph, users would require 553 metres of sighting distance in order to have enough time to negotiate the crossing. The measured sighting distances was deficient in both directions for a pedestrian wishing to cross from the down (western) side of the railway and deficient in viewing a down-direction (northbound) train from the up (eastern) side of the railway.

37. The 50mph TSR on the down line does not provide any mitigation of the lack of sighting of a down-direction train for a pedestrian seeking to cross the railway from the up side. To provide enough advance warning, a whistle board on the up line would have to be located 485 metres from the crossing. Whistle boards located more than 420 metres from a crossing are not considered to be effective.
38. Based on the current permissible line speed, Willow Walk crossing cannot be considered safe for pedestrians as the crossing time from either side of the line exceeds the warning time of the approach of a down direction train and is deficient in relation to a down direction train when viewed from the up line. Although whistle boards had been installed prior to the closure, their positioning did not provide mitigation of the risk to pedestrians seeking to cross from the up side of the railway. I therefore accept that if Willow Walk were currently available for use, the crossing would present a risk of danger to the public.

The safety and suitability of the proposed alternative routes in comparison to the existing crossings

Gipsy Lane

39. Network Rail's initial proposal to address the problems at Gipsy Lane was to construct a stepped footbridge in the vicinity of the existing crossing. This proposal was not progressed due to a hostile reaction from local residents. Consequently, a Design Panel was instigated comprising representatives of Network Rail, WSP, Needham Market Town Council, Creeting St Mary Parish Council, Mid-Suffolk DC, Suffolk CC and local residents. The Design Panel considered a number of alternatives; the construction of new infrastructure in the form of ramped footbridges, ramped underpasses and the use of existing infrastructure such as the underbridge at Hawks Mill Street, the overbridge at Badley and the culverts to the north of Gipsy Lane crossing.
40. Seven different options were considered by the Design Panel which were put forward at public consultation events held in November 2015 at which responses were invited to the various options being considered. Miss Cuthbertson's evidence was that the responses received following the public consultation events expressed a preference for an alternative footpath utilising the culverts to the north of the crossing. It was acknowledged that the culvert option had viability issues such as periodic closure due to flooding, restrictions on headroom restrictions and the length of the diversion.
41. The proposed alternative utilises the existing footway alongside Stowmarket Road which serves as a shared footway and cycleway. To reduce the length of the diversion, the proposal initially consulted on has been modified to utilise the southern of the two portals and to place a section of the diverted path in the edge of the field to the south of the River Bat.

42. It is proposed to improve the footway alongside Stowmarket Road to provide a shared surface footway and cycleway 3 metres in width which will be separated from the main carriageway by a 1.5 metre grass verge. The section of footway onto which pedestrians will be diverted remains within the posted 30mph limit; automated traffic count data showed that on this section of Stowmarket Road the 85th percentile speed of traffic heading southbound into Needham Market was 31.2 mph. Given that most of the traffic passing the proposed diversion is slowing down on the entry to the town, and that pedestrians would have a 1.5 metre separation zone between them and moving traffic, the proposal is unlikely to expose pedestrians to unacceptable risk.
43. From point M on Stowmarket Road, the proposed footpath will follow a headland and reach the culvert by means of a ramped access at a gradient of 1:20, with the new path leaving the eastern end of the culvert to reach point E via a further ramped access at the same gradient. From point E to point C the footpath would follow an existing hard surfaced track. The approaches to the culvert have been designed to be suitable for use for as wide a body of users as possible.
44. In terms of accessibility for both the able-bodied and those with physical impairments, the proposed route offers a step-free means of crossing the railway. In this respect, at gradients of 1:20, the proposed alternative path would be more accessible as the approach to Gipsy Lane crossing from the south has a gradient of 1:15. The proposed alternative also removes the risk from crossing the live rails.
45. There is an issue with available headroom in the culvert which was identified early in the development of the proposal, and an issue with periodic flooding of the footpath. In normal weather conditions, the Bat flows through one portal with the second carrying water at times of high rainfall. It is accepted by all parties that on occasion, the proposed footpath will be covered by the Bat. The proposal has been designed to maximise the available headroom within the culvert whilst minimising the frequency and duration of those occasions when the new footpath will be covered by water.
46. It is proposed to engineer a footway within the southern portal which will provide 2 metres of headroom within it. Whilst this is sub-optimal compared with the height which would be required within a new-build underpass¹, a balance has been sought between maximising available headroom whilst seeking to minimise the frequency of those occasions when the footpath would be subject to flooding.
47. Greater headroom could be achieved by lowering the footpath within the culvert, but this is likely to increase the incidence of flooding. Raising the level of the footpath would have the opposite effect in terms of flooding but would

¹ Design Manual for Roads and Bridges TD36/93 requires a 'narrow' subway to have a minimum headroom of 2.3 metres

reduce the available headroom. However, headroom of 2 metres is likely to be suitable for the majority of those who may seek to use the alternative footpath.

48. A river level monitoring survey of the Bat was undertaken between April 2016 and January 2017 with the results being correlated with rainfall data for the same period. The monitored water level in the river during the initial assessment period of April to July 2016 coincided with the four largest rainfall events recorded over the whole 9 month monitoring period. Between April and July 2016, the river level rose higher than the proposed footpath on 3 occasions; two of these occasions being associated with the same storm event which was estimated to be a 1 in 5-year storm.
49. From the evidence gathered at the Bat during the summer of 2016 and an analysis of the predicted annual flow rate of the river without the extreme events observed in the summer of 2016, Mr Smith concluded that the proposed footpath would not be flooded in most years as a flood event which would overtop the footpath is predicted to occur with a frequency of less than 1 event each year. Mr Smith had calculated the average annual flood duration of the Bat and concluded that in an average year, the footpath was likely to be flooded for approximately 5.7 hours.
50. It was acknowledged that at times of extreme weather events the duration of flooding arising from each event would be greater than the predicted average, but such extreme events were not expected to occur every year, and, in some years, there would be no flooding of the path.
51. I acknowledge the predicted outcomes of the model developed by WSP for Network Rail is dependent upon the data entered into the model, and that modelling based on data collected in 2016-2017 may not reflect rainfall and localised flooding events in more recent years and that if summer and winter storms increase in frequency and severity over time, the incidence of flooding and duration of flooding may increase accordingly.
52. However, the data on which the WSP model is built did capture some severe rainfall events which give an indication of what the effect of periods of extreme rain may be on the proposed footpath. The model therefore had some extreme rainfall and river level data within it and greater confidence can be attached to the predictions made than if the model was based simply on normal flows and normal rainfall.
53. The periodic and temporary inundation of the proposed footpath may inconvenience those who may wish to use the new footpath, although such inconvenience is predicted to be of short duration and infrequent in the average year. Furthermore, in times of extreme rainfall leading to the Bat being in flood, it is highly likely that the onward paths adjacent to the Gipping would also be flooded which would similarly inconvenience recreational users of the local path network.
54. The proposed footpath would emerge from the culvert on the north-eastern side of the railway and run to the residual part of footpath 39 over a hard-surfaced track which provides access to Mr Fayers fields. The adjacent fields are used to produce a hay crop with the various process involved being undertaken by an agricultural contractor. Mr Fayers gave evidence regarding the size of machinery involved in the cultivation of the land and expressed concerns about the danger such machinery would pose to uses of the footpath.

55. The track is unfenced, and it is unclear whether Mr Fayers would require a fence to be erected to the north of the track if the Order were to be confirmed. With regard to the potential for conflict between pedestrians and agricultural machinery, it would be reasonable to expect a degree of 'give and take' in any such situation, with pedestrians being required to be aware of activities taking place on the track, and vehicular users of the track being aware of the likelihood of pedestrians being present. If a pedestrian came across agricultural machinery parked or travelling along the track, it would be a simple matter to stand to one side or walk around any temporary obstruction encountered.
56. In any event, the extent of the agricultural operations carried out on the bottom field appear to be quite limited in terms of frequency and duration. Mr Fayers' evidence suggests that he has little involvement in the cultivation of the field with the contractor providing all plant, fertiliser and herbicides required. Mr Fayers was unable to state how many days of the year the agricultural machinery would be present on the track, but from the operations described, it would appear that it would be few.
57. The processes described by Mr Fayers included fertilising the land, spraying, cutting the hay, turning and spreading, rowing up, baling and removal. The video evidence suggested that most of these processes would take place within a day although I acknowledge that many of the processes would be weather dependent. Even making allowance for the weather disrupting some processes, the plant shown in the video evidence would not be found on the track for much more than 7 – 14 days per year.
58. For most of the year it is unlikely that pedestrians would encounter large agricultural machinery on the proposed path. A more likely encounter may be with one of Network Rail's vehicles when access to the railway was required or with one of Mr Fayers domestic vehicles. With regard to his personal use, Mr Fayers could offer no estimate of the frequency with which he used the track. The level of vehicle movements which pedestrians may encounter between points G and C are likely to be no greater than those experienced on footpaths 7 and 38 which run over the main access track to Ravens Farm.
59. Although users of the proposed footpath would be exposed to some risk from agricultural and other vehicles using the access track, on the evidence before me, such usage would be limited both in absolute numbers, frequency and duration and is unlikely to present any greater exposure to risk than a pedestrian would run on other similar footpaths in the vicinity.
60. The proposed alternative footpath would be subject to limitations in terms of headroom at the culvert, temporary flooding of the path in the culvert in extreme weather and possible encounters with agricultural vehicles on the access track. Despite these limitations, the proposed alternative would be suitable for use by the public and would provide users with a safe means of crossing the railway without having to cross the rails at grade.

Willow Walk

61. The crossing at Willow Walk, the whole of footpaths 6 and 36 and any unrecorded rights on the alternative path through the woodland to the rear of

Valley House will be extinguished under Order B; no alternative is proposed as a replacement for the Willow Walk crossing.

62. The crossing has been unavailable for use since 2011, however there is no evidence before me of complaints about the unavailability of the footpath having been made to the Council. The extinguishment of the crossing and associated footpaths would mean that anyone who wished to cross the railway at this point would have to take an alternative route.
63. The available alternatives would be via the footpath to be created by the diversion of Gipsy Lane crossing or to cross under the railway at the underbridge on Hawks Mill Street. Either of these routes would present a means of crossing the railway without having to navigate over the rails.
64. The route along Hawks Mill Street would require a user to negotiate a flight of steps which takes the elevated footway to the road passing under the bridge or to walk along the carriageway avoiding the footway and steps. Hawks Mill Street is narrow and generally has cars parked along its north-western side. The speed of vehicular traffic is regulated by the characteristics of the road and the restricted width of the bridge over the Gipping near Hawks Mill whilst the restricted height of the railway bridge limits the use of the road to light vehicles. I walked along Hawks Mill Street to footpath 7 on several occasions during my time in Needham Market; although there is a degree of risk in walking at the side of a carriageway, the speed at which vehicles passed along the road was not disconcerting. It has to be noted that anyone wishing to walk to footpath 7 from Needham Market via Hawks Mill Street will be accustomed to the conditions along the road.
65. Although the route along Hawks Mill Street presents accessibility issues, this route would be no less accessible than the crossing at Willow Walk which was served by stiles and a flight of steps either side of the railway embankment; any user who could have negotiated the Willow Walk crossing is unlikely to find difficulty in walking along the route along Hawks Mill Street.
66. The routes via Hawks Mill Street and via the Gipsy Lane diversion would provide a means by which those pedestrians can access the public rights of way network in the Gipping valley to the north of the railway. Neither route would expose users to an unacceptable degree of risk and can be considered suitable and safe for use by those who would have used the Willow Walk crossing.

The convenience and enjoyment of the alternative route in comparison to the existing routes

67. The proposed route via the culvert would increase a journey to point C from the southern end of Gipsy Lane by approximately 470 metres. The predominant use of the crossing is for recreational purposes. No evidence was presented which suggested that recreational users would be inconvenienced by this increase in journey distance.
68. The crossing is on the fringe of the built-up part of Needham Market with the onward footpaths crossing undeveloped agricultural land. The diversion would not have any material impact upon the enjoyment to be derived from a walk along the footpath. Views over the surrounding landscape would remain

broadly the same and the opportunity to walk close to a minor river and the wildlife present may add interest to recreational users.

69. Whilst the relocation of the footpath on the farm access track may pose some risk to pedestrians through the movement of vehicles, the evidence I heard was that the track is not subject to extensive or frequent vehicular use. The access track is 3 metres in width and is unenclosed; there would be enough space adjacent to the track to provide refuge for pedestrians if necessary. I consider that the limited risk of conflict with vehicular use of the track is unlikely to inconvenience path users.
70. Periodic flooding of the proposed path is likely to cause some inconvenience as it would render the footpath unavailable. However, the model developed by WSP suggests that in an average year, the proposed path is likely to be flooded for less than 6 hours and there may be some years where the path would not flood. Given that onward paths are likely to be flooded by the Gipping during the same rainfall event, the temporary unavailability of the path within the culvert is unlikely to substantially inconvenience path users. Network Rail propose to install signage at the culvert to inform users of the potential for the path to flood.
71. The provision of a step-free footpath with ramped access at gradients of 1:20 is likely to be as convenient for users of the Gypsy Lane crossing and more convenient for those who could not negotiate the stiles and steps at Willow Walk. I do not consider that the diversion will have a significant negative impact upon the enjoyment which can be derived from a walk along these footpaths.
72. Overall, I consider that the proposed diversion would be reasonably convenient to users of footpaths 39, 6 and 36 and in some respects would add to the enjoyment of those undertaking a walk in the area. The proposed diversion has the benefit of retaining a through route from Stowmarket Road towards the Gipping valley; any minor inconvenience to users of the re-alignment of these footpaths will be countered by the reduction in risk in crossing the railway via the diversion route.

Whether any improvements to the pedestrian crossings, so as to make them safe for use by the public, are reasonably practicable

73. Network Rail's view is that risk to pedestrians posed by the crossing at Gypsy Lane can be best mitigated if that risk is removed altogether by the closure of the at-grade crossing and its replacement by a path passing under the railway via the culvert.
74. Following the accidental fatality at the crossing in 2011 down line speeds have been restricted to 50mph via a TSR to provide enough sighting time for anyone wishing to cross the railway. Network Rail submit that a conversion of this TSR to a permanent speed restriction would be contrary to its operating licence and would be opposed by train operators; the existence of the TSR currently requires Network Rail to provide compensation to train operators for the delay to services caused by the down line trains (both passenger and freight) not being able to run at line speed.
75. Mr Kenning's evidence regarding the introduction of a miniature stop light (MSL) system at Gypsy Lane was that a 'stand-alone' or 'overlay' MSL system

could not be installed due to the proximity of Needham Market station and the need to provide a consistent and uniform warning of the approach of trains irrespective of whether that train had stopped at Needham Market or was a through passenger or freight train.

76. In such circumstances, an MSL system would be required to be integrated with the signalling along the line and which would require the repositioning of some signals and the conversion of some from three aspect to four aspect operation to provide a uniform warning time to pedestrians wishing to cross at Gipsy Lane. Mr Kenning's estimate of the likely cost of this operation was £2.2 million pounds. Although an integrated MSL system would mitigate the risk to the public present at Gipsy Lane, it would not prevent use of the crossing and the risk to the public of accident would remain.
77. Mr Crosby noted that a system of warning lights had been installed at the crossing around 2014 but had since been removed. I heard that this was a system known as 'Wavetrain' which had been trialled and which relied upon the acoustic pattern generated in the rails to trigger the warning of the approach of a train. Wavetrain was found not to be a suitable mitigation at Gipsy Lane due to the proximity of the station, stopping and non-stopping trains and the variable characteristics of goods trains using the line.
78. Whistle boards provide some mitigation to the crossing but are not effective during the NTQP. Covtec would provide a local audible warning during the NTQP but is not failsafe and would not be mitigation enough to justify removing the TSR on the down line.
79. Given that at a maximum permissible train speed of 100mph there would still be an attendant risk to pedestrian safety at Gipsy Lane crossing even if integrated MSLs were installed, I do not consider that the extensive and costly works which would be required for the installation of such a system could be said to be reasonably practicable.
80. Consideration had been given to the provision of a ramped footbridge or a ramped underpass in the vicinity of Gipsy Lane crossing. These proposals were the subject of engagement with the local community as regards the design of a possible alternative to the crossing. The evidence regarding the consultation and engagement exercise shows that the Order proposals were the preferred option of the community within Needham Market. In engineering terms, it would not be impossible to provide a bridge or tunnel in the vicinity of the crossing, but this would not be a reasonably practicable solution in economic terms given the proximity of existing infrastructure that can carry pedestrian traffic.
81. As noted above whistle boards do not provide mitigation at Willow Walk against the approach of line speed trains on the up line as those boards need to be located beyond the permissible distance of 420 metres. The limitations of an integrated MSL system, Wavetrain or Covtec would also be applicable at Willow Walk as they are at Gipsy Lane. Given that there have been no complaints about the unavailability of Willow Walk over the past 8 years, the provision of a footbridge or tunnel at this location would not be a reasonably practicable solution given the lack of demand for the footpath to made available.

82. Overall, I conclude that possible improvements to the either crossing could not be said to be reasonably practicable.

Whether, if the Order is confirmed, adequate arrangements have been made to secure the redundant crossings

83. Access to Willow Walk crossing has been prevented by the removal of the crossing infrastructure and by the erection of a new boundary fence.

84. On the day Order A becomes operative, Network Rail will padlock the kissing gates at Gipsy Lane crossing and securely fence the crossing as soon as possible thereafter to prevent trespass onto the railway. Network Rail has also agreed to erect any signage required by the highway authority in relation to the crossing and other parts of the diverted paths.

85. I have no reason to doubt that adequate arrangements have been made to secure the redundant crossings.

Other matters

86. Both Mr & Mrs Fayers and Mr Crosby raised concerns regarding the impact of the diversion upon agricultural activity on the bottom field and upon a safe escape route from Ravens Farm during flood events on the Bat and Gipping rivers. It was contended by the objectors that the diversion of the footpath to the access track would adversely affect agricultural activity on the bottom field; the erection of a fence to the north of the track would hinder the vehicles used in the cultivation of the hay crop and the turning head modelled by WSP had been based on smaller machinery which the contractor no longer used. Larger machinery would be unable to turn in the area designated; this would prevent the cultivation of the field and the loss of any income generated from it.

87. The model developed by WSP was based on the swept path of machinery of the type in use on the Fayers' land when the planning application was made for the construction of a path within the culvert. The model was also developed on the basis that at that time, a fence to the north of the track was in place which did not appear to impact upon the ability of machinery to access and exit from the field. I understand that the fence had been erected by Network Rail as a protective measure whilst other works in association with the railway were being carried out. As the Fayers' questioned the reason for a gap to be left at point C (as per the Council's original request for a modification) it is by no means certain that a fence along the north side of the track will be required. If no fence is erected, then agricultural machinery (of whatever size) will not have difficulty in accessing the field from the track. If a fence is required for the future protection of the land, it would be possible for the existing model to be recalibrated to account for increased machinery size and the position of access gates and turning heads to be adjusted accordingly.

88. As noted above, the agricultural activity on the bottom field appears to be limited to the cultivation of a hay crop. In his evidence Mr Fayers described with the aid of video taken this year of the various processes involved in the cultivation of that crop, although he could not give an answer as to how long each process would take. The bottom field is of a moderate size and it is unlikely that each of the processes identified would take more than one day to complete if weather conditions were favourable.

89. It does not appear that access to the field would be a problem if the footpath were to run along the access track and the number of days on which pedestrians may encounter the movement of large vehicles would appear to be

few. Mrs Fayers gave evidence that the 'buffer strip' around the field commenced on the north side of the track as the hard-surfaced track could not be part of any buffer strip. The diversion of the footpath onto the track would not therefore have any impact upon that part of the field available for cultivation as the position of the buffer strip would be unaffected. Furthermore, the buffer strip would separate users of the footpath from any herbicides being sprayed within the bottom field and would reduce any risk of drift onto the footpath or the likelihood of the footpath needing to be closed when such operations are undertaken.

90. As regards the other agricultural activities on the field, Mrs Fayers' evidence was that 10 sheep were kept at the property along with two Gloucester Old Spot pigs; none of the livestock were kept for meat and the sheep were not kept for their fleece. From this it would appear that animal husbandry is of a type more akin to a hobby as opposed to a commercial enterprise. Part of the bottom field is also maintained as a football pitch complete with goalposts. The footpath is unlikely to materially impact upon these activities.

91. In such circumstances, it is unlikely that the diversion of the footpath would have any substantial impact upon the ability to gain a hay crop from the bottom field. If a fence is required to the north of the track for the protection of the few animals being kept, it would be possible to incorporate within it suitable access points for the type of machinery brought onto the land by the person involved in the cultivation of the hay crop. Any adverse impact upon the Fayers' landholding would in any case be the basis for a claim for compensation under section 28 of the 1980 Act.

92. The Fayers' contend that the closure of Gipsy Lane crossing would remove the only dry and safe means of exit from Raven's Farm in time of severe flooding. They point out that all other potential exit routes lie within flood zones 2 and 3 and would be flooded to a greater or lesser extent depending on the intensity and duration of the flood event. It was essential for a dry and safe means of escape to be maintained; the proposed footpath would not serve that purpose as it would not be dry year-round.

93. Mr Crosby submitted that in 2012 during a 1 in 30-year flood event, the connecting paths from Ravens Farm to the Gipping valley were flooded as was part of the vehicular access to Hawks Mill Street; the only route leading from Ravens Farm which did not flood was the crossing at Gipsy Lane.

94. The analysis of the published data from the Environment Agency shows that Raven's Farm does not lie within flood zones 2 or 3; Network Rail's conclusion was that in a 1 in 100 year flood event, Ravens Farm would not flood – in such an event the farm would be a place of safety and it would be possible for residents to stay put. It was acknowledged that in most flood events, the proposed footpath through the culvert would flood, however, there were four potential escape routes for residents which had been analysed in relation to the Environment Agency's flood zone mapping and the 1 in 100-year flood event predictions for the Bat.

95. Mr Smith's evidence on this matter was that the Environment Agency's published mapping was based on composite data gained from various sources and assumed simultaneous rainfall over the whole of the catchment area; this was considered highly improbable as peak flows in each river course were likely to be reached at different times. Mr Smith's analysis was that the current

vehicular access track to Hawks Mill Street was on the extreme edge of the flood plain and only parts of it would flood in the most extreme events. His conclusion was that the access track would remain accessible if care was used for most of the duration of the flood event. This appears to be supported by Mr Crosby's evidence of having been able to make his way on foot along that part of the track that had flooded in the 1 in 30-year flood event of 2012.

96. Mr Smith also noted that the Environment Agency provided a flood warning service for the Gipping valley and that residents at Ravens Farm would be able to access advance warning of flood events with adequate time to safely evacuate the property if the house was at risk.

97. Consideration was also given to a means of exit along the access track parallel to the railway which runs to bridge 274. The WSP model suggests that the private bridge over the Bat would remain dry in a 1 in 100-year event; in a 1 in 20-year event the private track would not be flooded whereas in a 1 in 50-year event or greater there would be some flooding north of the bridge but that would present a very low hazard. In Mr Smith's analysis, exit from the property via bridge 274 would be possible even in the most extreme events.

98. Although the Fayers can access bridge 274 from their property they do not have a right of way over the track which provides a connection between it and Stowmarket Road. Although it was submitted on behalf of Network Rail that trespass over the track in times of necessity could be justified, the footnote to the cases cited in support states that "*the defence of necessity is not favoured by the courts, especially where the defendant acted to protect a private rather than a public interest*". It would not be appropriate for the Fayers to have to engage in a dispute with the owner of the track about the necessity of trespass at a time when they may be seeking refuge from an extreme flood event.

99. The fact remains however, that according to the current published data, Ravens Farm is outside the predicted flood zones 2 and 3. In such circumstances, it would not appear necessary for the Fayers to be seeking escape via bridge 274 in any case. If the flood warnings provided by the Environment Agency were such that there was a potential risk to the buildings at Ravens Farm, then precautionary steps could be taken to exit via the existing vehicular access to Hawks Mill Street in enough time before flood waters reached the buildings.

100. Whilst Mr and Mrs Fayers submit that the proposed diversion would deprive them of a safe, dry means of exit from their property, they do not benefit from any private right of way over Gipsy Lane crossing, having surrendered such rights some time ago. Although the opportunity to use the public right of way over the railway as a means of emergency egress can be weighed in the balance when considering whether it is expedient to divert footpath 39, the weight to be attached to that matter is lessened by the fact that the vehicular access to Raven's Farm is unaffected by the proposal and by the fact that the buildings at the property are predicted to remain dry even in the most extreme of flood events. Consequently, I attach little weight to this issue.
101. Other matters raised by Mr & Mrs Fayers such as the potential for ongoing maintenance costs associated with any fencing erected to the north of the track, increases in public liability insurance and the possible movement of the mains water stop cock to the north side of the railway are matters which, if realised, would be the basis for a claim for compensation under section 28 of the 1980 Act.
102. Network Rail submit that the existence of the TSR on the down line materially affects the operation of the railway, delaying journey times for passengers between London and Norwich. Freight trains running over the crossing are also subject to the TSR as it is lower than the permissible line speed for such trains. The diversion of footpath 39 and the extinguishment of footpath 36 are likely to result in wider benefits to train operators and the travelling public as trains will be able to run at full line speeds.
103. Although not a principal factor justifying the closure of the crossings, costs savings would accrue to Network Rail in terms of future maintenance of the crossings and any potential upgrades which may be required. The closure of the crossings would also permit the removal of the protective whistle boards and remove a source of noise pollution within the vicinity of Needham Market.
104. Overall, and having regard to all the circumstances associated with the crossings at Gipsy Lane and Willow Walk, I consider that it is expedient to confirm the Orders.

Conclusions

Orders A and B

105. Having regard to these and all other matters raised at the inquiry and in the written representations, I conclude that Order A should be confirmed with modifications that do not require advertisement and that Order B should be confirmed.
106. As noted above, a possible route for the Gipsy Lane diversion adjacent to the railway boundary fence had been a matter of discussion between the parties at a site visit on the 4 June. No agreement was reached as regards that alternative route. I have given consideration to the proposed diversion as set out in Order A, and having concluded that the statutory tests found in section 119A are satisfied in relation to the route set out in the Order, I have not given consideration to whether a route adjacent to the railway fence would or would not satisfy those same tests.

Formal Decision – Order A

107. I confirm the Order subject to the following modifications:

108. (a) in Part 2 of the schedule describing Creting St Mary Footpath 39 at line 2 replace 'staggered barrier' with 'kissing gate'; (b) under Limitations and Conditions replace 'staggered barrier' with 'kissing gate'.

Formal Decision – Order B

109. I confirm the Order

Alan Beckett

Inspector

<https://www.gov.uk/planning-inspectorate>

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Order Decisions: ROW/3207788 and ROW/3207789

APPEARANCES

For Suffolk County Council and Network Rail:

Mr R Turney of Counsel, instructed by Womble Bond Dickinson

Who called:

Mr S Kerr Definitive Map Manager, Suffolk County Council

Mr D Fisk Route Level Crossing Manager (Anglia), Network Rail

Mr A Kenning Senior Project Engineer (Signalling), Network Rail

Miss P Cuthbertson Associate, WSP

Mr A Smith Associate Director, WSP

Mr P Clark Associate (Transport Planning), WSP

Interested party in support:

Mr B Hall Chairman, Suffolk Local Access Forum

In objection:

Mr M Fayers Landowner

Mrs M Fayers Landowner

Mr A Fayers Landowner

Mr G Crosby Local resident

Inquiry documents

1. Errata sheet for Mr Fisk's proof of evidence.
2. Redacted copy of the funding agreement between Network Rail and Suffolk County Council.
3. Un-redacted copy of the funding agreement between Network Rail and Suffolk County Council.
4. Statement made on behalf of Suffolk Local Access Forum by Mr Hall.
5. Copy of email correspondence between Mr Day of Network Rail and Mr M Fayers regarding an alternative route with plans.
6. Errata sheet for Mr Clark's proof of evidence.
7. Errata sheet for Miss Cuthbertson's proof of evidence.
8. Summary data from level crossing traffic census, Gipsy Lane, July 2015.
9. Summary data from level crossing traffic census, Gipsy Lane, December 2016.
10. Email between Environment agency and Mr Fayers dated 23 September 2019.
11. Opening submissions on behalf of Suffolk County Council and Network Rail.
12. Confirmation of posting of statutory notices.
13. Video evidence of hay cultivation process.
14. Closing submissions from Mr Crosby.
15. Closing submissions on behalf of the Fayers family.
16. Closing submissions on behalf of Suffolk County Council and Network Rail.

Suffolk Local Access Forum
Title: Scottish Power Renewables EA1N and EA2
Meeting: 23rd January 2020
Author/Contact: Andrew Woodin
Venue: SALC offices, Unit 11a, Hill View Business Park, Old Ipswich Road, Claydon, Ipswich IP6 0AJ

Introduction

The local access forum has been contacted by Mary Shipman of Substation Action Save East Suffolk, asking if SLAF intend to make representations to the Planning Inspectorate regarding local access issues caused by the EA1N and EA2 projects. She says SASES and local residents would very much appreciate SLAF's support in protecting the amenity of the countryside and rights of way. She notes that responses to SPR's two Development Consent Orders applications are due to be submitted by **27th January 2020**.

Ms Shipman's email is attached as appendix 1. Also included in appendix 1 is a briefing written by Annette Robinson, Area Rights of Way Manager with extracts from the combined SCC and East Suffolk Council response to the Phase 4 consultation of EA1N and EA2 made in April 2019.

Comments Made By Rights of Way & Access on The DCOs

In her response to the DCO consultation, Annette Robinson made the following substantive comments, which may be of interest to members:

1. The onshore works associated with the cable route will affect 26 public rights of way in the locality during construction, whilst the substation works will also require the permanent stopping up of a section of public right of way to the north of the village of Friston.
2. Around the village of Friston the access network will be severely compromised by the construction of the substation site and residents will suffer both temporary disruption and permanent loss of a key public footpath.
3. The Councils therefore want to ensure the disruption to the public rights of way network is minimised and where impacts cannot be avoided, appropriate and timely mitigation needs to be provided.

Amenity and Quality of user experience on PRow affected by the development

4. The impact of the development on the amenity and the quality of the user experience of the public rights of way network has not been adequately addressed in the DCO application. This aspect should be a separate theme within the Environmental Statement in order to address the impact on both the tourism industry and the local communities.

5. The applicant has addressed some of the logistical aspects relating to the closure of the physical infrastructure of PRow with the provision of alternatives, temporary and permanent, through the Outline Public Rights of Way (PRow) Plan, but has not addresses the impact on the amenity value of these PRow.

Cable corridor and landfall site

6. The fact that many PRow along the cable corridor and substation site will only be closed temporarily does not mean that they are preserved as a local amenity when the ability to derive any enjoyment from them is severely reduced. The application does not recognise or mitigate for this loss of amenity.
7. The applicant has failed to recognise that the Sandlings Walk is a tourism asset. It is a long distance route that is promoted nationally (Cicerone publication and shown on OS Explorer Maps,) and that appropriate mitigation should be applied.
8. The applicant has failed to identify that the proposed route of the new National Trail, the England Coast Path, will be affected by the landfall site. This will be the first National Trail in Suffolk and is anticipated to bring economic benefits to the region

Permanent closure of Public footpath at the substation site

9. The permanent stopping up of the public footpath north of Friston village will remove a historic, tranquil and attractive walking route in a rural landscape and replace it with a circuitous route that is not wholly screened from the new industrial landscape, running adjacent to the open road in parts and possibly in a ditch. During construction, there will be physical disruption, noise, a loss of tranquillity and a severe visual impact which will continue following construction. .
10. The plan showing the proposed alternative public footpath is not adequate. The locations for the new alternative routes need to be accurately surveyed and mapped, together with a written description, including width, so that a definitive map and statement can be produced post DCO.
11. The principles for management of the PRow during works has been described in a draft strategy and are broadly acceptable. However, there is inadequate detail provided as to the phasing and duration of closures, particularly where several PRow are close together and the PRow at the substation site. The local authorities are concerned that there could be closures and disruption of a network of PRow all at the same time, leaving local walkers with very limited or no access at all.

Annette will be at the SLAF meeting

END

AW/Suffolk Highways
Jan 20

Suffolk Local Access Forum
Title: Scottish Power Renewables EA1N and EA2
Meeting: 23rd January 2020
Author/Contact: Andrew Woodin
Venue: SALC offices, Unit 11a, Hill View Business Park, Old Ipswich Road, Claydon, Ipswich IP6 0AJ

Appendix A

From: Mary Shipman
Sent: 10 December 2019 13:43
To: Highways SLAF <slaf@suffolkhighways.org>
Cc: Chris Wheeler; Bill Halford; Michael Mahony
Subject: Footpath closures related to Scottish Power Renewables EA1N and EA2 projects

Dear Sirs

No doubt you are aware of Scottish Power's proposals to bring cables ashore at Thorpeness for these two projects and then to construct a cable route/haul road 9km inland to its preferred substation site at Friston. As a result of these proposed work there will be permanent and 'temporary' footpath closures along the whole of the cable route and the substations site.

These closures are shown on the following documents submitted by SPR to the Planning Inspectorate:-

Permanent stopping up of Rights of

Way: <https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/EN010078/EN010078-001043-2.6%20EA2%20Permanent%20Stopping%20up%20of%20PRoW%20Plan.pdf>

Temporary stopping up of Rights of

Way: <https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/EN010078/EN010078-001042-2.5%20EA2%20Temporary%20Stopping%20up%20of%20PRoW%20Plan.pdf>

Also relevant is the Outline Public Rights of Way

Strategy: <https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/EN010078/EN010078-001636-8.4%20EA2%20Outline%20Public%20Rights%20of%20Way%20Strategy.pdf>

Each numbered plan shows the proposed diversions but no details are provided as to how long these diversions are to be in place. The haul road will remain in place during the construction period and it is likely therefore to be a significant period of time, especially as it

is known that National Grid Ventures 'Nautilus' and 'Eurolink' projects are also planned to come ashore at Thorpeness and connect to the same National Grid substation at Friston. This would likely extend the footpath closures for an even longer period of time, perhaps 10 years.

There are 26 PRow's directly affected by these proposals in an area very much favoured by walkers, tourists and the local population. A large part of the construction area is in the AONB and the remainder is within unspoilt countryside with high agricultural value. Access to the countryside is a large part of why people choose to live in this part of East Suffolk or spend holidays or recreation time here. These closures are highly likely to impact the tourist economy detrimentally.

Of particular concern is the permanent stopping up of FP6, which heads north from Church Road in Friston towards Little Moor Farm, due to it passing directly through the proposed substations site. SPR are proposing a far inferior alternative route along the boundary of Grove Road and adjacent to the substations, which would be inconvenient, noisy and unattractive. FP6 is currently enjoyed by Friston residents as it forms part of a tranquil and scenic circular walk from the village. The paths into Friston are well connected and are regularly also used by long-distance walkers, including Duke of Edinburgh Award candidates. FP6 is also of historic importance having been the Parish boundary between Friston and Knodishall, as well as possibly a Hundred boundary and a pilgrims' way.

Relevant responses to SPR's two DCO applications are due to be submitted by 27th January 2020 and we note that SLAF is due to hold one of its quarterly meetings on 23rd January. Do SLAF intend to make representations to the Planning Inspectorate regarding local access issues caused by these projects? If so will these meet the deadline of 27th January? SASES and local residents would very much appreciate SLAF's support in protecting the amenity of our countryside and rights of way.

Kind regards

Mary Shipman Substation Action|Save East Suffolk

Annette Robinson's briefing:

Extracts from the combined SCC and ESCD response to Phase 4 consultation of EA1N and EA2 -April 2019

The County Council supports the principle of offshore wind as a significant contributor to the reduction in carbon emissions and for the economic opportunities that they may bring to the region.

Notwithstanding this position the Council objects to EA2 in relation to the significant effects predicted offshore by SPR on seascape, coastal landscapes, character and qualities of the Area of Outstanding Natural Beauty (AONB) and cumulatively with EA1N.

The EA2 project will result in a significant change to the sea views from key viewpoints on the AONB coast with the horizon cluttered with turbines. An impact which will be continuously experienced along the coastline further exacerbated when viewed in combination with EA1N and other existing wind farm arrays.

The council also has concerns in relation to the effects of EA1N on seascape, landscape and visual effects and objects in relation to the cumulative impacts with EA2

The Council also objects to the overall impact of the onshore substations of EA1N and EA2 individually and cumulatively on the village and environs of Friston, including on archaeological and heritage assets, landscape character, visual effects, noise and residential amenity. The development of the substation site will permanently change the character of the landscape and have significant visual effects with the setting of the village and the relationship between the historic buildings and their farmland setting permanently changed.

The development will also introduce a noise source within an existing tranquil location which at the present noise limit set (35dB) would unacceptably increase the background noise levels;

c) Are of the view the impacts on the cable route are predominantly capable of being mitigated in the long term but the Councils need to discuss with SPR the measures necessary to mitigate impacts during the construction period including the transport impacts.

d) Register concern about both EA1N and EA2 projects in relation to the following matters:

- i) Loss and sterilisation of good quality agricultural land at Friston in order to accommodate the substations for the projects;
- ii) Impact on the Grade II listed building at Aldringham Court and its landscape setting from the cable route.

e) Seek further information from SPR on both EA1N and EA2 projects in relation to the following matters:

- i) Impacts on air quality during the operational and construction phases of the projects, justifications for assessment scope and modelling results and cumulative impacts with Sizewell C;
- ii) Gaps in the information available on flood risk impacts and flood alleviation;
- iii) Noise sources on site including National Grid infrastructure and mitigation;
- iv) Highways modelling assessments and assumptions utilised, highways mitigation proposed and how this would be implemented and secured;
- v) Coastal processes associated with the cable landing point;
- vi) Ground contamination mitigation,
- vii) Ecology mitigation and justification for scope of assessments;
- viii) Archaeological surveys and results;
- ix) Impact of projects on heritage assets including assessment of coastal heritage assets;
- x) Socio-economic assessment assumptions and employment predictions, labour displacement effects, current skills shortages and mitigation strategies

proposed;

xi) Impact on tourism and recreation during the construction and operation phases and mitigation strategies;

xii) National Grid connection infrastructure

xiii) Cumulative impacts of the projects with other projects;

f) Agree to work with SPR to identify the means by which the impact of the proposals can be mitigated and/or compensated if the developments do take place including the opportunity to achieve betterment in flood alleviation in

Friston;

g) Require SPR to work closely with other developers including EDF Energy and National Grid Ventures to consider how mitigation across the schemes can be combined to minimise the impact of the totality of developments in the local area;

h) Seek a wider compensation package from developers and the Government that deals with the broader impacts on community, environment and businesses of this and other energy projects in the area.

The Councils require greater clarity on the PROWs affected by the projects and the duration of the impacts

The Councils also require the submission of details in relation to the management measures, alternative routes and mitigation for the PROW network to the agreed pre-DCO.

PROW & Access Team Role

The PROW & Access Team have given consultation responses and feedback from internal workshops to Scottish Power throughout the process of both applications.

Through the consultation process, we have sought to protect the continuity and safety of the PROW network for users along the cable corridor. We have raised our concerns regarding the unacceptable impact of the substation site on the amenity and quality of experience on the local access network around Friston. We continue to seek improvements to the proposed new access network around the substation site and Friston.

END

Suffolk Local Access Forum
Title: ROWIP Green Access Strategy 2020-2030
Meeting: 23rd January 2020
Author/Contact: David Falk
Venue: SALC Offices, Unit 11a Hill View Business Park - Old Ipswich Road, Claydon, Ipswich - IP6 0AJ

The Rights of Way Improvement Plan (ROWIP – [Suffolk Green Access Strategy](#)) was presented to Cabinet and adopted as corporate policy on 5th November with the following minutes:

Rights of Way Improvement Plan: Suffolk Green Access Strategy 2020-2030

A report at Agenda Item 8 by the Executive Director of Growth, Highways and Infrastructure invited the Cabinet to consider the Suffolk Green Access Strategy, the Council's second Rights of Way Improvement Plan (ROWIP). The first ROWIP "In Step with Suffolk" was dated 2006-2016.

Decision: The Cabinet accepted the Rights of Way Improvement Plan: Suffolk Green Access Strategy.

Reason for decision: Suffolk's public rights of way network made up almost half of the highway network and was an essential asset for health and wellbeing, safe and sustainable travel, leisure activity and economic growth. Improving the quality of the experience on urban and rural rights of way was increasingly important politically and strategically and the Suffolk Green Access Strategy represents a commitment by the Council to make the very most of this asset.

The ROWIP complemented existing Council strategies including the Health and Wellbeing Strategy, the Sustainable Modes of Transport Strategy and the Growth Strategy and built on previous work, specific research and detailed consultation with a wide range of consultees, including the Suffolk Local Access Forum, parish councils, local businesses, landowners, users and non-user groups.

The strategy detailed why green access was so relevant to Suffolk, providing residents, the business community and visitors with an array of different and innovative opportunities to use, enjoy and benefit from the green access network.

The strategy focused on how green access benefited quality of life, helped to grow and manage tourism, and impacted on people's physical and mental wellbeing.

The plan sat alongside Suffolk The Greenest County and Suffolk The Most Active County and complemented a range of other strategies including the Joint Health and Wellbeing Strategy, Local Transport Plan, and Suffolk Nature Strategy. 10

Comments by other councillors: The Cabinet Member for Environment and Public Protection noted that the Plan fed into other plans and initiatives such as the Most Active County and Creating the Greenest County.

A councillor expressed disappointment that there was no mention of the Climate Emergency. The Cabinet Member for Highways, Transport and Rural Affairs stated that the Climate Emergency was part of everything the Council did and agreed that it was worthy of mention. In response to the councillor's further query about Section 106 and CIL monies, the Cabinet Member for Highways, Transport and Rural Affairs advised that there was a need to work with the local planning authorities.

In acknowledging the positive environmental impact of making footpaths out of recycled materials, a number of councillors expressed concern about glass being included in the materials used which made it unsuitable to walk on particularly for young children.

In response to a councillor's query on the regulations got creating cycle paths, the Cabinet Member for Highways, Transport and Rural Affairs clarified that a bridleway could be created which could then be used for cycling.

A councillor raised concern about the Gypsy Lane level crossing and the number of serious incidents over the last few years and asked when this was going to be moved forward with network rail. It was noted that results of a public enquiry held in September were pending.

Alternative options: None considered.

Declarations of interest: None declared.

Dispensations: None reported.

END

Suffolk Local Access Forum
Title: Correspondence: insight report 258732, Footpath Access; Regional LAF Meeting 15th January 2020
Meeting: 23rd January 2020
Author/Contact: Andrew Woodin
Venue: SALC Offices, Unit 11a Hill View Business Park - Old Ipswich Road, Claydon, Ipswich - IP6 0AJ

Correspondence 1 - from insight report 258732, Footpath Access

Correspondence was sent to SLAF on 12th November 2019, from a member of the public regarding access along the Blythe Valley between Halesworth and Blythburgh as follows, and to which SCC responded:

From insight report 258732, Footpath Access:

Dear SLAF

I am writing to ask for your help in making a footpath more accessible.

The right of way from Halesworth to Blythburgh, along the river Blyth, is mostly accessible in reasonable weather, if one is confident of livestock behaviour (not always in my case!) For full, safe and easy access away from livestock a fence would be needed all along the riverbank where the path goes through meadows. There are also stiles that make it difficult for less able walkers to use the route. The field on the east side of Mells road often has sheep in it and so the rather high stile is surrounded by stock fence, of such a gauge that dogs cannot go through it. Is there any way this landowner could be persuaded to put in a kissing gate or other entrance, could Suffolk County be prevailed upon to help financially? Perhaps from its budget for health? Or tourism.

It is a wonderful walk, the very best this part of Suffolk has to offer, and does get promoted regularly in leaflets and other tourist information.

I look forward to hearing from you.

Yours sincerely

SCC Response to report 258732 – 27th November 2019

Unfortunately, there is not the funding to fence the whole of the route from livestock, but if you ever experience issues with aggressive or problematic livestock please do let us know so we can raise this with the landowner. As far as the stiles you mention

are concerned we have replaced 3 with self-closing pedestrian gates and will be replacing the remaining two but are currently chasing the landowner.

We know the path is a promoted route and our new area officer has been trying to improve it for users. This autumn it even had an extra cut which usually only happens twice a year as per our schedule.

Once again thank you for getting in touch and we hope you can enjoy using the rights of way.

Kind regards

Suffolk County Council

Correspondence 2 – Regional LAF Meeting 15th January 2020

Correspondence was sent from NLAf representative to CLAF and BH on 8th January as follows:

Many thanks

Under item 7, may I widen it out somewhat?

Norfolk County Council recently had a meeting with Highways England about such crossings generally, resulting in discussion at Norfolk LAF's PRow subgroup, recorded below. This has yet to go to the full LAF, with the recommendation "That the NLAf sends a letter to Norfolk County Council with their recommendations concerning at grade crossings (where PRow cross trunk roads)", supported by the attached paper.

Highways England (HE) issues

- 1 MSg reported on a recent meeting between NCC and HE about points where PRow crossed the A47 and A11 – see MSg notes Appendix 10. It was noted that HE, in considering safety, wants to avoid at grade crossings on new developments, and had a long term aim remove existing crossings. It was evident that few would result in a bridge or underpass, so diversions would be likely to be proposed. It was noted that this approach was similar to that adopted by Network Rail on rail crossings. The meeting discussed their approach to making these crossings, especially if responsible for walking groups. MSg said that there is the right to cross and due process would have to be followed if access was to be restricted. Long diversions are not a good way forward, but it is

very costly to retrofit bridges or underpasses. There could be opportunities arising through new infrastructure (bypasses or upgrades etc).

- 2 MSg reported a couple of specific concerns regarding clarity over responsibility for (i) signing of PROW and (ii) sightlines for traffic for HE scheme roads – vegetation clearance (will this be NCC's responsibility or HE's?) – she will report back to the NLAf when these areas have been clarified.
- 3 RW will also feed back subsequently on discussions with HE regarding the National Trail Peddars Way crossing of the A11. AM also mentioned this crossing – she does a long detour to go under the road safely when carriage driving, though this detour is not signposted. MSg will email AM.
- 4 KH had drafted a paper (Appendix 11) on a possible stance regarding trunk road crossings. Opinion was divided at the meeting on the wording of an NLAf recommendation to NCC regarding this. It was agreed that KH would revise his draft and SF would review this, acting as a 'critical friend'. It would then be circulated for comment by subgroup members and subsequent presentation to the January NLAf meeting.
- 5 MSg said that Suffolk County Council had also met with HE. KH said the SLAF were also considering their response and had proposed that the matter be discussed at the forthcoming Regional LAF meeting taking place in January, with a view to getting a regional meeting with HE, ideally with Natural England support. It was agreed to recommend that NLAf support for this.

See appendix 20/07A

END

Suffolk Local Access Forum
Title: Correspondence: insight report 258732, Footpath Access; Regional LAF Meeting 15th January 2020
Meeting: 23rd January 2020
Author/Contact: David Falk
Venue: SALC Offices, Unit 11a Hill View Business Park - Old Ipswich Road, Claydon, Ipswich - IP6 0AJ

Appendix A

NLAF Paper December 19

Concerns regarding Highways England's proposals

Many walkers - even experienced ones - are nervous about crossing trunk roads such as the A11 and A47 at grade, ie where there is no bridge or underpass. As these are fast roads where most drivers do not expect to take account of pedestrians, some walkers decline to make such crossings, especially if they are leading a walk, while others feel that making a crossing is perfectly feasible if done with suitable care and patience. The concerns explored by the PRoW subgroup are as set out below.

- It is reported that Highways England intends in the long term to close all at grade crossings and will not in future insert gaps in central reservation barriers, though apparently does not intend to close existing gaps. This position needs to be verified.
- It is reported that Highways England intends in the long term to close all at grade crossings and will not in future insert gaps in central reservation barriers, though apparently does not intend to close existing gaps. This position needs to be verified.
- If a right of way runs up to the edge of any road, and then continues on the other side, people have a right to make use of both parts of the RoW, and also to cross the road itself, being a highway open to public use.
- Ideally, all such crossings over trunk roads should be by bridge or underpass to enable the crossing to be made without potential conflict with road traffic. This should be pressed firmly for all new construction (such as the dualling of the A47) or when works are otherwise needed to existing roads.
- The cost implications of this are recognised, and it is reluctantly accepted that most current at grade crossings will not be replaced by bridges or underpasses. We would however request that particular consideration be actively and urgently given to crossings where the route crossing is a National Trail, or a Norfolk Trail.

- In some locations, some minor diversions could be accepted where this enables a safe crossing to be established without the expense of additional structures. These should be reviewed on a case by case basis.
- In all other cases, noting that some people will use the crossings, as they are legally entitled to do, measures should be undertaken so that there are adequate sight lines to enable them to cross; those sight lines should enable a walker moving at 2mph to be able to see traffic moving at 20% faster than the governing speed limit at a sufficient distance that gives time for them to cross the road safely, with an additional allowance on single carriageway sections of road (because of the additional checking in both directions that is needed). On dual carriageway sections, there should be a well maintained central refuge (usually between barriers) large enough to hold a group of 10 people. In all cases, there should be warnings to road traffic in both directions that pedestrians (or cyclists or horse riders) may be crossing.
- Additional measures are needed where the RoW is of higher than public footpath status; arguably in those cases, there should be greater emphasis placed on constructing a bridge or underpass, or finding a suitable diversion.
- **The PRow subgroup asks the NLAF to endorse these concerns, and (1) request Norfolk County Council to pursue them actively in discussions with Highways England, and (2) discuss them with other LAFs at the January Regional LAFs meeting, with a view to seeking direct engagement with Highways England.**

END